



JUVENILES UNDER ADULT COURT JURISDICTION

INDIANA CRIMINAL JUSTICE INSTITUTE

This report details the number of juveniles under the jurisdiction of an adult court in State Fiscal Year 2022, as per legislation enacted by the Indiana General Assembly in 2018.





PREPARED BY

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ABOUT US

Guided by a Board of Trustees representing all components of Indiana's criminal and juvenile justice systems, the Indiana Criminal Justice Institute (ICJI) serves as the state's planning agency for criminal justice, juvenile justice, traffic safety, and victim services. The Institute develops long-range strategies for the effective administration of Indiana's criminal and juvenile justice systems and administers federal and state funds to carry out these strategies.

The Indiana Criminal Justice Institute serves as Indiana's Statistical Analysis Center (SAC). The SAC's primary mission is compiling, analyzing, and disseminating data on a variety of criminal justice and public safety-related topics. The information produced by the SAC serves a vital role in effectively managing, planning, and creating policy for Indiana's many public service endeavors.

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INTRODUCTION

In 2018, the Indiana General Assembly enacted legislation, codified at [Ind. Code 5-2-6-24\(e\)\(3\) & \(4\)](#), requiring the Indiana Criminal Justice Institute to complete an annual report detailing the number of juveniles under the jurisdiction of an adult court. The most common ways for a juvenile to be under adult court jurisdiction are lack of jurisdiction and waiver of jurisdiction.

Juveniles with charges filed in an adult court during State Fiscal Year 2022 (July 1, 2021 - June 30, 2022) were included in the data analysis. This report includes the offenses charged, disposition, sentences received, age, race, gender, and county of prosecution of juveniles under adult court jurisdiction. Data on juveniles in adult court was provided by the Indiana Prosecuting Attorneys Council for all counties using the Indiana Prosecutor Case Management System (“INPCMS”)¹.

In addition, the ICJI houses a database called the Log of Juveniles Held, which uses the Quest case management system that documents youth placed in secure facilities. This database was used to supplement data from INPCMS.



The timeframe examined in this report is State Fiscal Year 2022 (July 1, 2021 - June 30, 2022).

¹ As of this publication, Allen County is the only county not utilizing INPCMS.



DIRECT FILE

Juvenile courts lack jurisdiction over individuals aged at least sixteen (16) but less than eighteen (18) years old who have committed certain felonies as listed in Ind. Code 31-30-1-4. Those incidents are filed directly in adult court and will be referred to as direct file in this report.

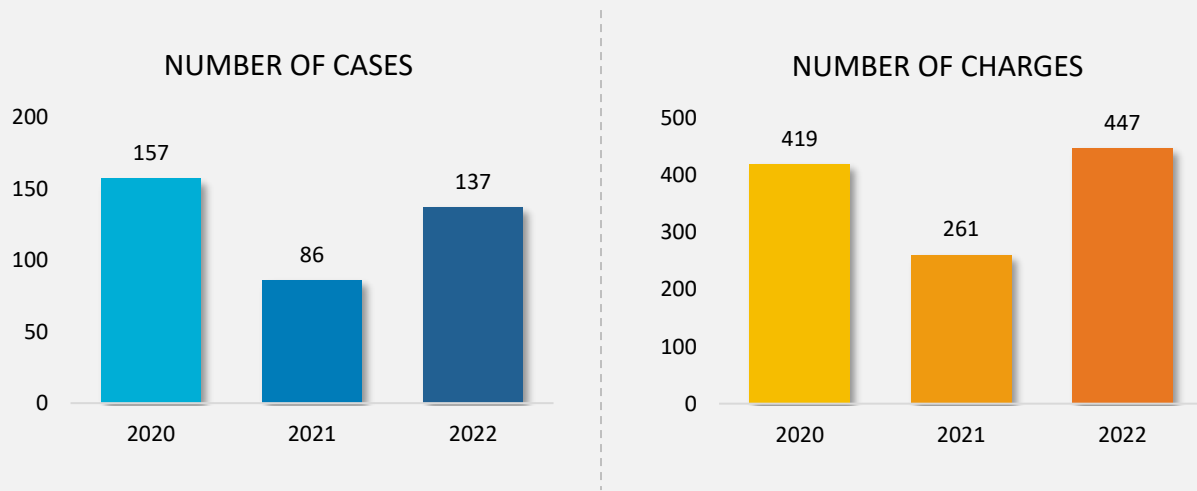
WAIVER

For acts committed under Ind. Code 31-30-3-2 through Ind. Code 31-30-3-6, juveniles at least fourteen (14) years old but less than eighteen (18) years old, or at least twelve (12) years old but less than sixteen (16) years old for murder charges, may be waived to a court that would have jurisdiction if the act had been committed by an adult. Those incidences are filed in juvenile court, with a prosecutor requesting that the judge waive the case to adult court. Those cases will be referred to as waiver of jurisdiction in this report. Juveniles that have been waived to adult court in the past, will be automatically waived to adult court on any new felony charges pursuant to Ind. Code 31-30-1-2.

TOTAL JUVENILE CASES UNDER ADULT JURISDICTION

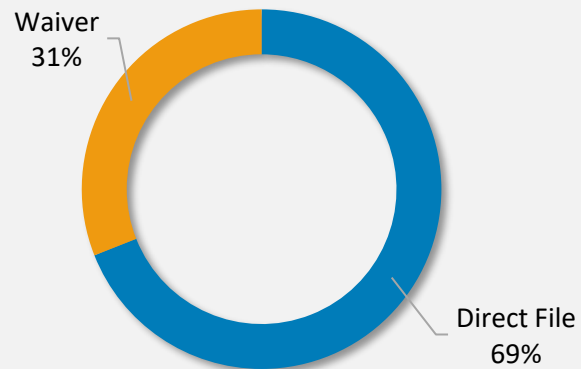
In State Fiscal Year 2022 (SFY22), a total of 137 juvenile cases² were under adult court jurisdiction. Those cases represent 447 offenses or charges. This is a 59% increase in the number of cases compared to SFY21 and a 13% decrease from SFY20. The number of offenses per case ranged from 1 to 11. In the majority of cases (72%), the individual was charged with two or more offenses, and two individuals were charged with 11 offenses.

TABLE 1: NUMBER OF JUVENILE CASES AND CHARGES BY STATE FISCAL YEAR



A total of 95 (69%) cases were direct filed to adult court, while 42 (31%) cases were waived. The number of waivers filed is a 200% increase from the number (14) filed in 2021 and a 122% increase from 2020, whereas direct file cases increased by 32% from 2021 but were still fewer than the 138 direct file cases in 2020.

FIGURE 1: PERCENT OF JUVENILE CASES BY TYPE, SFY22



² Based on cause number assigned by court and not individual. Some individuals have more than one case.

OFFENSES CHARGED AND DISPOSITION

DIRECT FILE

The most common charge resulting in a direct file to adult court was armed robbery, encompassing 39% of all offenses based on the most serious offense or the offense listed as the first count. The second most common offense was murder at 17%, followed by attempted murder and robbery, each making up 8% of direct file cases. Armed robbery has consistently been the most charged offense since ICJI began collecting data for this report in 2018. In SFY21, murder was also the second most common charged offense.

Felony-level cases often take several months or even years to reach an outcome. As a result, the majority (81%) of direct file cases from SYF22 are still pending disposition as of October 1, 2022, while 12 cases resulted in a guilty conviction, and 6 cases were dismissed. When the SFY21 report was published, there were 56 pending cases. As of October 1, 2022, 24 of those cases had been decided. Many of the remaining cases are either awaiting sentencing, pending decisions based on the completion of a diversion program, or pending trials for higher-level felonies, such as robbery or murder. Table 2 shows the list of all the most serious offenses and disposition charges for SFY22.

TABLE 2: MOST SERIOUS OFFENSE FOR DIRECT FILE TO ADULT COURT BY DISPOSITION, SFY22

Offense Type	Dismissed	Guilty	Pending	Total
Armed robbery	3	6	28	37
Attempted murder	2		6	8
Burglary			1	1
Carrying a Handgun without a License	1	1	5	7
Criminal Recklessness			1	1
Dangerous possession of a firearm		2	5	7
Kidnapping			1	1
Murder		1	15	16
Possession of Firearm on School Property		1	2	3
Rape			5	5
Robbery resulting in injury		1	7	8
Theft			1	1
Total	6	12	77	95

WAIVER

There were 42 juvenile cases waived to adult court. Murder was the most common offense waived to adult court, making up 14% of the total. Burglary, battery, and dealing in a narcotic drug were the next most common offenses each accounting for 12% of cases waived. Murder was the most common waived offense in SFY20, while in SFY21 robbery was the most waived offense.

Just under half (48%) of the waiver cases are pending disposition as of October 1, 2022. Twelve cases (29%) resulted in a guilty conviction and 10 cases were dismissed. Table 3 shows the list of all the charges by most serious offense and disposition. A full list of all offenses charged by age of offender can be found in [Appendix B](#).

TABLE 3: MOST SERIOUS OFFENSE FOR WAIVER TO ADULT COURT BY DISPOSITION

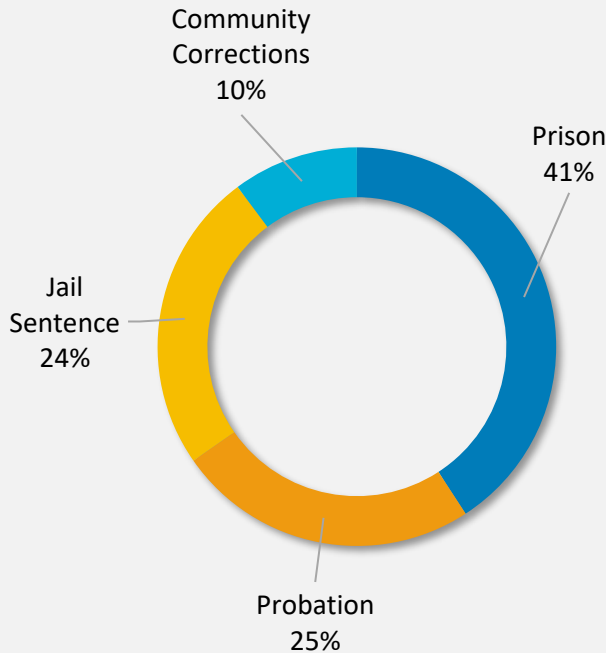
Offense Type	Dismissed	Guilty	Pending	Total
Aggravated Battery			1	1
Armed Robbery		1		1
Attempted Murder		2	1	3
Auto Theft	1	1		2
Battery	2*	2	1	5
Burglary	2	1	2	5
Criminal Mischief		1		1
Dealing in a Narcotic Drug	1		4	5
Dealing in Marijuana	1			1
Dealing in Methamphetamine	2			2
Intimidation		1	1	2
Murder			6	6
Perjury		1		1
Possession of a Machine Gun			1	1
Rape			1	1
Resisting Law Enforcement		1	1	2
Theft		1	1	2
Unlawful Possession of a Firearm by a Dangerous Person	1*			1
Total	10	12	20	42

*One individual with two cases died before disposition, therefore those cases were dismissed

SENTENCES RECEIVED

A guilty conviction can result in a variety of sentences. For each offense, an individual may be sentenced to jail, prison, community corrections, probation, or a combination of those options. Often, an individual will receive a combination of sentences. During State Fiscal Year 2022, 33 individuals were convicted of 51 offenses. Figure 2 displays the percentage of each type of sentence received for those 51 offenses. If an individual received a sentence involving jail and probation, that individual will be counted for both types of sentences. The most common sentence received was a prison sentence. Prison sentences ranged from 1 to 65 years, with an average of 10.8 years. Several individuals also received probation, ranging in length from 1 to 6 years. In approximately 33% of cases, the individuals had a portion of their sentence suspended.

FIGURE 2: SENTENCES RECEIVED



DEMOGRAPHICS

There were 90 individuals directly filed to adult court and 36 were waived. A majority (72.2%) of the juveniles directly filed to adult court were Black, 21.1% were White, 5.6% were Hispanic and 1.1% were Asian. For waivers to adult court, 58.3% were Black, 36.1% were White and 5.6% were Mixed race. Juveniles in adult court were mostly male, making up 97.8% of the total direct files and 94.4% of the waivers. In direct file cases, just over 64% of juveniles were 16 years old, and 35.5% were 17 years old. The youngest individuals waived to adult court were 14 years old, which accounted for three (3) juveniles or 8% of the total. Fifteen-year-olds made up just over 22% of individuals waived, 16-year-olds accounted for just under 39% and 17-year-olds were just under 31% of the total. See the next section for more details.



NOTE

A juvenile may have more than one case that is waived or directly filed in adult court. Therefore, demographics were analyzed by individual rather than by case to avoid duplication of an individual's demographics. A total of 126 juveniles under adult court jurisdiction represented the 137 cases filed. The demographic information is separated by direct file cases and waiver cases

DIRECT FILE

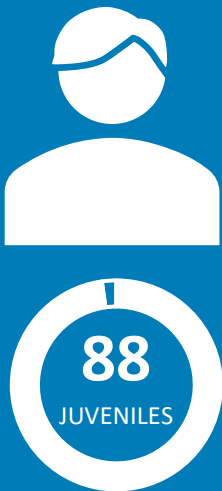
90 INDIVIDUALS

RACE/ETHNICITY

	Juveniles	Percent
Black	65	72.2%
White	19	21.1%
Hispanic	5	5.6%
Asian	1	1.1%
Mixed Race	0	0.0%
Total	90	100

GENDER

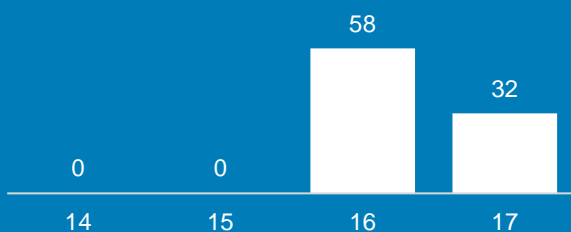
MALE



FEMALE



AGE



WAIVER

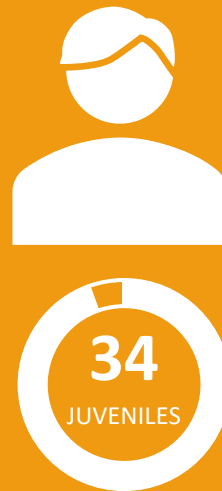
36 INDIVIDUALS

RACE/ETHNICITY

	Juveniles	Percent
Black	21	58.3%
White	13	36.1%
Hispanic	0	0.0%
Asian	0	0.0%
Mixed Race	2	5.6%
Total	36	100

GENDER

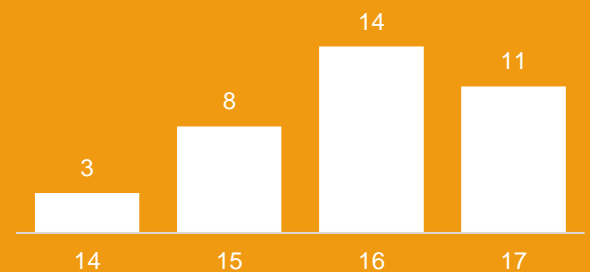
MALE



FEMALE



AGE



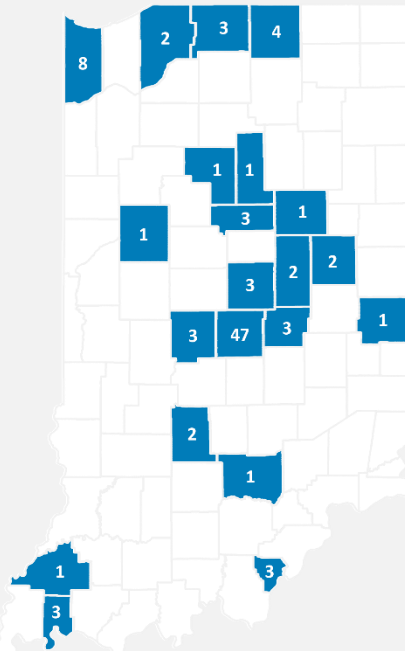
STATISTICS BY COUNTY

A total of 21 counties³ had juveniles direct filed into adult court. The highest number of direct file cases came from Marion County with a total of 47 cases, accounting for nearly 50% of the total direct filings. Lake County had the second highest with 8 cases, followed by Elkhart County with 4 cases. Nineteen counties had juveniles waived into adult court. Marion County had the most with 10 juvenile cases waived into adult court. Vanderburgh County had the second highest with 5 juvenile cases waived to adult court.

DIRECT FILE

County	Direct File
Marion	47
Lake	8
Elkhart	4
Floyd	3
Hamilton	3
Hancock	3
Hendricks	3
Howard	3
St. Joseph	3
Vanderburgh	3
Delaware	2
LaPorte	2
Madison	2
Monroe	2
Cass	1
Gibson	1
Grant	1
Jackson	1
Miami	1
Tippecanoe	1
Wayne	1
Grand Total	95

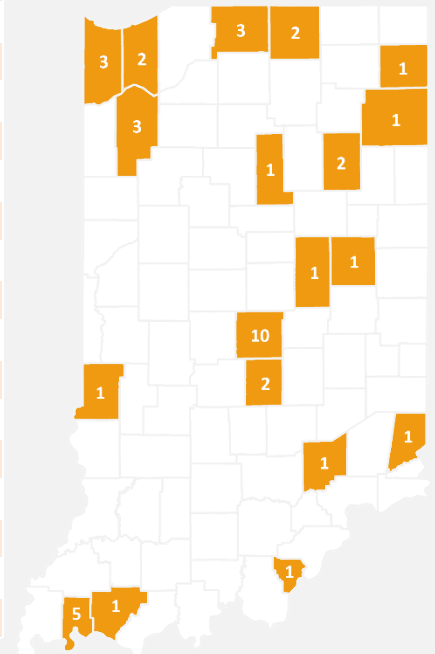
21
counties



WAIVER

County	Waiver
Marion	10
Vanderburgh	5
Jasper	3
Lake	3
St. Joseph	3
Elkhart	2
Huntington	2
Johnson	2
Porter	2
Allen	1
Dearborn	1
DeKalb	1
Delaware	1
Floyd	1
Jennings	1
Madison	1
Miami	1
Vigo	1
Warrick	1
Grand Total	42

19
counties



³ County is where the offense occurred.

IN SUMMARY

During SFY22, a total of 126 juveniles, with 447 charges, were under the jurisdiction of adult court. 95 or 69% of all waiver cases were direct file to adult court. Males make up 97% of all juveniles in adult court and Black juveniles disproportionately comprise most juveniles in adult court at 68%.

Armed robbery and murder are the most common offenses committed by juveniles with cases in adult court. Due to the nature of criminal cases, many SFY22 filings have not yet reached a disposition.

While courts have many options available at sentencing, prison was the most common sentence received for the cases that did reach a disposition during SFY22.



APPENDIX A – INDIANA CODE 5-2-6-24(E)

IC 5-2-6-24 Duty of institute to monitor criminal code reform

(d) The institute shall prepare an annual report, in conjunction with the justice reinvestment advisory council (established by IC 33-38-9.5-2), containing the results of its analysis before December 1 of each year. The report shall be provided to the governor, the chief justice, and the legislative council. The report provided to the legislative council must be in an electronic format under IC 5-14-6.

(e) The report required under this section must:

(3) track, by age and offense, the number of juveniles under the jurisdiction of an adult court due to:

(A) lack of jurisdiction under IC 31-30-1-4; or

(B) waiver of jurisdiction under IC 31-30-3-2 through IC 31-30-3-6;

(4) track the number of juveniles under the jurisdiction of adult court due to a juvenile court not having jurisdiction of the cases in accordance with IC 31-30-1-4, by:

(A) age;

(B) sex;

(C) race;

(D) county of prosecution;

(E) offenses charged;

(F) convictions received; and

(G) sentences received; and

(5) track the number of waivers of juvenile court jurisdiction granted under IC 31-30-3-2 through IC 31-30-3-6 by:

(A) age;

(B) sex;

(C) race;

(D) charges filed in juvenile court in which a waiver was sought;

(E) charges filed in adult court following the waiver of juvenile court jurisdiction;

(F) county of prosecution;

(G) convictions received; and

(H) sentences received.

APPENDIX B – ALL OFFENSES CHARGED BY AGE OF OFFENDER

Offense Name	Age				Total
	14	15	16	17	
Aggravated Battery		1	4	1	6
Armed Robbery	1	3	61	19	84
Assisting a Criminal			2		2
Attempted Murder	1	2	5	4	12
Auto theft		1	10	3	14
Battery			16	3	19
Battery Against a Public Safety Official				4	4
Battery by Means of a Deadly Weapon			2		2
Battery Resulting in Serious Bodily Injury			5		5
Burglary	1	1	6	1	9
Carrying a Handgun Without a License			13	17	30
Child molesting	1		1		2
Confinement			6		6
Counterfeiting			1		1
Criminal confinement			6	4	10
Criminal Mischief				1	1
Criminal Recklessness			8	8	16
Dangerous Possession of a Firearm		1	15	15	31
Dealing in a Narcotic Drug			3	3	6
Dealing in Marijuana				4	4
Dealing in Methamphetamine			1	3	4
Domestic Battery			1		1
Failure to Remain at Scene of Accident Resulting in Death			1		1
False Informing			1		1
Intimidation			5	5	10
Kidnapping			5	1	6
Leaving the Scene of an Accident			1		1
Murder	2	4	17	5	28
Obstruction of Justice				1	1
Operating a Motor Vehicle w/o a License				1	1
Perjury			1		1
Pointing a Firearm			8	4	12
Possession of a Controlled Substance			1	1	2
Possession of a Machine Gun			1	1	2
Possession of a Narcotic Drug			1	1	2
Possession of Firearm on School Property			3	7	10
Possession of Machine Gun			1		1
Possession of Marijuana			2	5	7
Possession of Methamphetamine			2		2
Rape		1	7	1	9
Reckless Driving		1			1
Resisting Law Enforcement		1	10	9	20
Robbery	1	3	2	1	7
Robbery Resulting in Injury			17	6	23
Sexual Battery			2		2
Strangulation			1		1
Theft			18	6	24
Unauthorized Entry of Motor Vehicle				1	1
Unlawful Possession of a Firearm by a Dangerous Person				1	1
Visiting a Common Nuisance			1		1
Grand Total	7	19	274	147	447



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