



JUVENILES UNDER ADULT COURT JURISDICTION 2023 ANNUAL REPORT

This report details the number of juveniles under the jurisdiction of an adult court in State Fiscal Year 2023, as per legislation enacted by the Indiana General Assembly in 2018.



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 ICJI 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 ICJI 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 (ICJI) to complete an annual report detailing the number of juveniles under the jurisdiction of an adult court (see Appendix A for full text).

Juvenile courts lack jurisdiction over individuals aged at least sixteen (16) but less than eighteen (18) years old who are alleged to have committed felonies listed in Ind. Code 31-30-1-4¹. Allegations involving those listed felonies are filed directly into adult court and will be referred to as direct file in this report. Per Ind. Code 31-30-3-2 through Ind. Code 31-30-3-6 alleged acts committed by juveniles ages fourteen (14) years old but less than eighteen (18) years old, or for murder charges, ages twelve (12) years old but less than sixteen (16) years old, 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 or 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.

The timeframe examined in this report is State Fiscal Year 2023 (July 1, 2022 - June 30, 2023). Juveniles with charges filed in an adult court during this timeframe 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. The 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). Allen County does not utilize INPCMS, therefore, the data presented for Allen County was obtained from the Indiana Office of Court Technology. In addition, the ICJI houses a database called the Log of Juveniles Held, which uses the Quest case management system that documents juveniles placed in secure facilities. This database was used to supplement data from INPCMS.

¹ Attempted murder, murder, kidnapping, rape, criminal deviate conduct (before its repeal), robbery (armed or results in injury), unlawful carrying a handgun and offenses listed under Children and Firearms 35-47-10.

TOTAL JUVENILE CASES UNDER ADULT JURISDICTION

During State Fiscal Year 2023 (SFY23), a total of 241 cases involving juveniles were filed in adult criminal court. Those cases encompass 694 criminal offenses or charges. The number of cases is based on unique cause numbers² assigned to a case and does not indicate the number of individuals. Some individuals have more than one case in adult court during the report timeframe. Three youths each had three separate cases and 15 youths each had two separate cases in adult court.

This is a 76% increase in the number of cases compared to SFY22 and a 180% increase from SFY21. The number of offenses per case ranged from 1 to 12. Most juveniles (76%) were charged with two or more offenses, and 32 juveniles were charged with five or more offenses.

A total of 198 (82%) cases were direct filed to adult court, while 43 (18%) cases were waived. This is consistent with SFY21, where 84% of cases were direct filed and 16% were waived into adult court. In SFY22, 69% of cases were direct filed and 31% were waived to adult court.

FIGURE 1: PERCENT OF JUVENILE CASES BY FILE TYPE

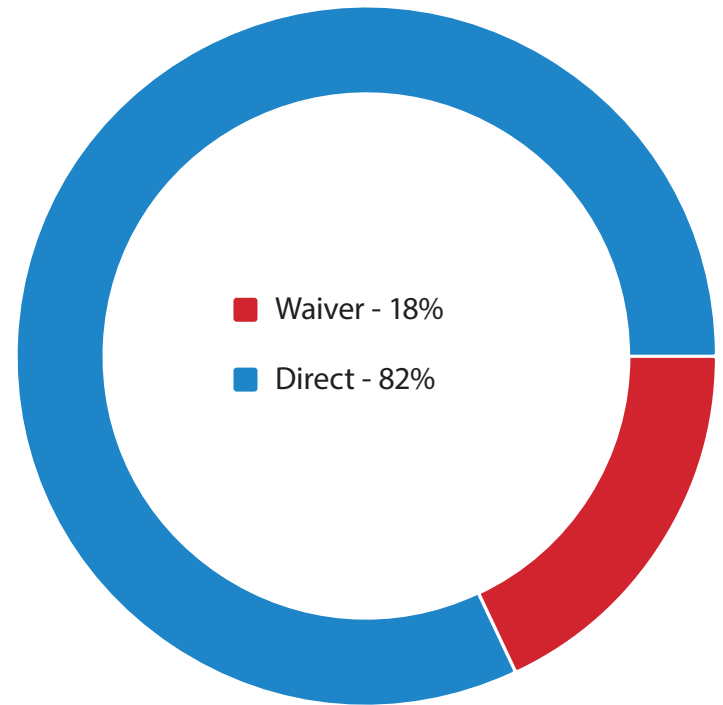


Table 1: Number of Juvenile Cases by State Fiscal Year

SF Year	Number of Cases	Number of Charges
2021	86	261
2022	137	447
2023	241	694

² Cause numbers, also known as case number, is the number assigned by a court to any case that is opened in that particular court.

OFFENSES CHARGED AND DISPOSITION

DIRECT FILE

When looking at the most serious offense, or the first offense listed on the charging document, firearm related crimes were the most common, accounting for 35% of the direct file cases. Firearm related crimes includes the following offenses: carrying a handgun without a license, dangerous possession of a firearm, unlawful carrying of a handgun, unlawful possession of a firearm, pointing a firearm and possession of a machine gun. The second most common offense was armed robbery at 27%, followed by murder making up 12% of direct file cases. For the first time since ICJI began collecting data for this report in 2018, firearm related charges were the most common offense. In prior years, armed robbery has been the most common offense. In SFY21 & SFY22, murder was the second most common offense.

Criminal cases may take several months or even years to reach a disposition; therefore, it is likely to see many pending cases when only reviewing a case within a one-year period. The majority (80%) of direct file cases from SYF23 are still pending disposition as of September 1, 2023, while 19 cases resulted in a conviction, 19 cases were dismissed, and one was resolved via pretrial diversion. When the SFY22 report was published, there were 97 pending cases. As of October 6, 2023, 61 of those cases had been decided, with nine cases being dismissed and 52 resulting in a conviction. The remaining 36 cases have not yet reached a disposition. Table 2 shows the list of all the most serious offenses and dispositions for SFY23.

Offense Type	Dismissed	Guilty	Pending	Pretrial Diversion	Total
Firearm Related Charges	6	10	54	1	71
Armed Robbery	5	4	45		54
Murder	1	2	20		23
Robbery Resulting in Injury	2	2	9		13
Attempted Murder	2		9		11
Rape	1		5		6
Aggravated Battery	1		3		4
Burglary			3		3
Battery (includes battery w/injury)			3		3
Resisting Law Enforcement			2		2
Conspiracy to Commit Murder	1		1		2
Possession of Cocaine			1		1
Possession of a Narcotic Drug			1		1
Kidnapping		1			1
Criminal Recklessness			1		1
Burglary with a Deadly Weapon			1		1
Total	19	19	159	1	198

There were 43 juvenile cases waived to adult court. Battery was the most common offense waived to adult court, making up 16% of the total waived cases. Robbery resulting in injury, murder, dealing in a narcotic drug, and auto theft were the next most common offenses, each accounting for 9% of waived cases. Murder was the most common waived offense in SFY22, while in SFY21 robbery was the most waived offense.

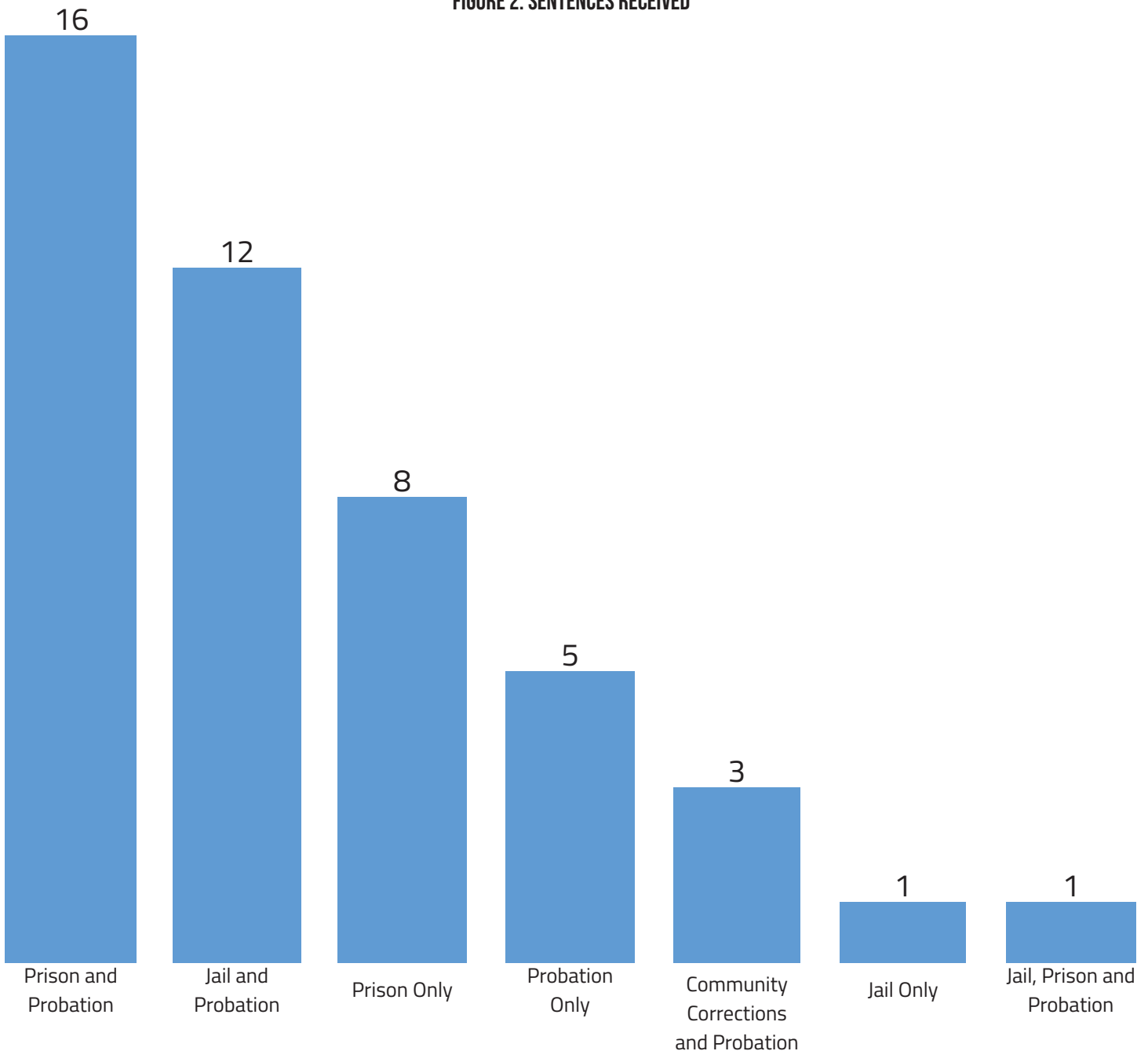
Most (63%) of the waiver cases are pending disposition as of September 1, 2023. Twelve cases (28%) resulted in a conviction and four cases were dismissed. Table 3 shows the list of all the charges by the most serious offense and disposition. A full list of all offenses, and dispositions can be found in Appendix B.

TABLE 3: MOST SERIOUS OFFENSE FOR WAIVER TO ADULT COURT BY DISPOSITION, SFY23				
Offense Type	Dismissed	Guilty	Pending	Total
Battery (includes battery with injury)	1	3	3	7
Robbery with injury		3	1	4
Murder			4	4
Dealing in a Narcotic Drug	2		2	4
Auto Theft		3	1	4
Theft			2	2
Intimidation		1	1	2
Child Molesting			2	2
Burglary		1	1	2
Attempted Murder			2	2
Aggravated Battery			2	2
Robbery			1	1
Resisting Law Enforcement		1		1
Involuntary Manslaughter			1	1
Escape			1	1
Dealing in Marijuana			1	1
Dealing in a Controlled Substance Resulting in Death			1	1
Criminal Recklessness	1			1
Firearm Related Charges			1	1
Total	4	12	27	43

SENTENCES RECEIVED

A 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 sentences. Often, an individual will receive a combination of sentencing options. During State Fiscal Year 2023, 46 cases resulted in a conviction. Figure 2 displays the break-down of each type of sentence received for those cases. Most received a prison sentence combined with probation. However, 54% of the convictions overall, resulted in a prison sentence. Prison sentences, excluding murder convictions, received on an average a 6-year sentence, with a range from 1 to 21 years. Murder convictions received 60 or more years in prison. The majority of convictions included probation, ranging in length of supervision from 6 months to 6 years.

FIGURE 2: SENTENCES RECEIVED



DEMOGRAPHICS

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 220 juveniles under adult court jurisdiction represented the 241 cases filed. The demographic information is separated by direct file cases and waiver cases. There were 186 individuals directly filed to adult court and 34 were waived. A majority (76.3%) of the juveniles directly filed to adult court were Black, 15.1% were White, 4.3% were Hispanic, 2.2% were Asian and 1.6% were Multiracial. For waivers to adult court, 35.3% were Black, 38.2% were White, 17.6% were Hispanic, 5.9% were Asian, and 2.9% were Multiracial. Juveniles in adult court were mostly male, making up 96.2% of the total direct files and 82.4% of the waivers. In direct file cases, 52% of juveniles were 16 years old, and 48% were 17 years old. The youngest individuals waived to adult court were 14 years old, which accounted for two juveniles or 5.9% of the total. Fifteen-year-olds made up 26.5% of individuals waived, 16-year-olds accounted for just under 15% and 17-year-olds accounted for 52.9% of the total. See Table 4 below for more details regarding race, gender, and age.

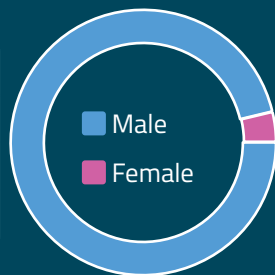
DIRECT FILE

186 Individuals

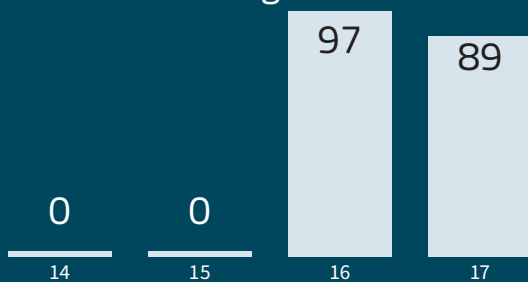
Race/Ethnicity	Juveniles	Percent
Black	142	76.3%
White	28	15.1%
Hispanic	8	4.3%
Asian	4	2.2%
Multiracial	3	1.6%
Other	1	.5%
Total	186	100%

Gender

Gender	Number	Percent
Male	179	96.2%
Female	7	3.8%
Total	186	100%



Age



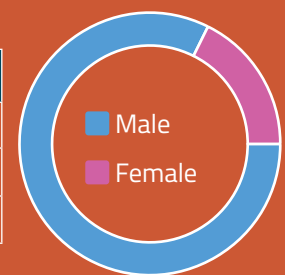
WAIVER

34 Individuals

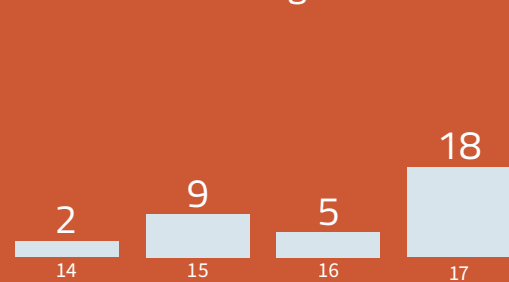
Race/Ethnicity	Juveniles	Percent
Black	12	35.3%
White	13	38.2%
Hispanic	6	17.6%
Asian	2	5.9%
Multiracial	1	2.9%
Other	0	0%
Total	34	100%

Gender

Gender	Number	Percent
Male	28	82.4%
Female	6	17.6%
Total	34	100%



Age

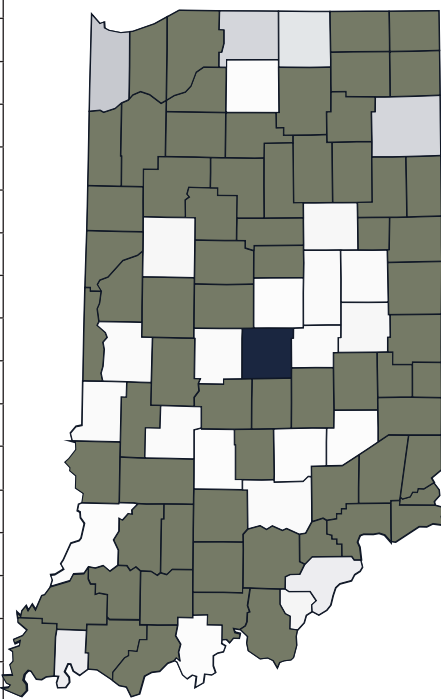


STATISTICS BY COUNTY

A total of 26 counties³ had juveniles direct filed into adult court. The highest number of direct file cases came from Marion County with a total of 85 cases, accounting for nearly 43% of the total direct filings. Lake County had the second highest with 21 cases, followed by St. Joseph and Allen counties each with 16 cases. Twenty counties had juveniles waived into adult court. Elkhart County had the most with seven juvenile cases waived into adult court. Marion and Allen counties had the second highest each with 5 juvenile cases waived to adult court. See Table 5 below for more information.

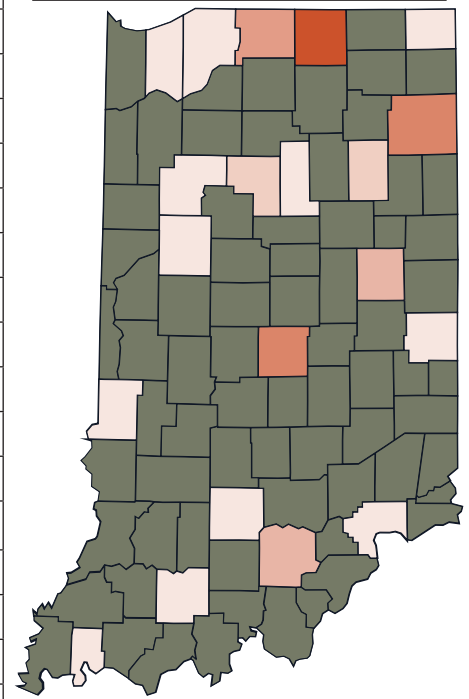
County	Direct File
Marion	85
Lake	21
St. Joseph	16
Allen	16
Elkhart	10
Vanderburgh	7
Clark	7
Floyd	4
Tippecanoe	3
Henry	3
Grant	3
Vigo	2
Parke	2
Owen	2
Madison	2
Jackson	2
Hendricks	2
Hancock	2
Delaware	2
Perry	1
Monroe	1
Marshall	1
Knox	1
Hamilton	1
Decatur	1
Bartholomew	1
Total	198

FIGURE 3: DIRECT FILE CASES BY COUNTY



County	Waiver
Elkhart	7
Marion	5
Allen	5
St. Joseph	4
Washington	3
Delaware	3
Huntington	2
Cass	2
White	1
Wayne	1
Vigo	1
Vanderburgh	1
Tippecanoe	1
Steuben	1
Steuben	1
Porter	1
Miami	1
Lawrence	1
LaPorte	1
Jefferson	1
Dubois	1
Total	43

FIGURE 4: WAIVER CASES BY COUNTY



³ The county is where the offense occurred

CONCLUSION

During State Fiscal Year 2023, a total of 220 juveniles were under the jurisdiction of adult court, consisting of 241 cases. This is a 76% increase in filings compared to the previous year. Most cases (82%) were direct file to adult court. Males make up 94% of all juveniles in adult court and Black juveniles disproportionately comprise most juveniles in adult court at 70%, with the disparity mainly seen with direct file cases. Black juveniles comprise 76% of all direct file cases compared to just 15% that are White juveniles. Firearm related offenses and armed robbery are the most common offenses committed by juveniles with cases in adult court. Many cases in SFY23 have not yet reached a disposition. For cases that have been decided, prison was the most common sentence received.

APPENDIX A

IND. 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 WITH DISPOSITION

The table below lists all offenses that juveniles were charged with during SFY23. It is categorized by the disposition of those charges.

Offense Name	Dismissed	Guilty	Guilty verdicts merged	Pending	Pretrial Diversion	Total
Aggravated Battery	2	1		19		22
Armed Robbery	7	4		77		88
Assisting a Criminal		1		1		2
Attempted Murder	3			15		18
Auto Theft	3	4		14		21
Battery against a Public Safety Official		4				4
Battery by Meeans of a Deadly Weapon	2			8		10
Battery resulting in Bodily Injury	2			5		7
Battery Resulting in Bodily Injury to a Public Safety Official		1		2		3
Battery Resulting in Moderate Bodily Injury		4		1		5
Battery Resulting in Serious Bodily Injury				2		2
Burglary	1	1		6		8
Burglary with a Deadly Weapon				1		1
Carrying a Handgun Without a License				3		3
Child Molesting		1		8		9
Conspiracy to Commit Murder	2			5		7
Criminal Confinement				4		4
Criminal Confinement While Armed				1		1
Criminal Gang Enhancement				1		1
Criminal Mischief	3			3		6
Criminal Organization Activity				1		1
Criminal Recklessness	4	2		16		22
Dangerous Possession of a Firearm	6	9		75	1	91
Dealing in a Controlled Substance Resulting in Death				1		1
Dealing in a Narcotic Drug	5	1		3		9
Dealing in Marijuana				2		2
Dissemination of Matter Harmful to Minors				1		1
Domestic Battery		1				1
Escape		1		2		3
False Informing				1		1
Firearm Used in Commission of Offense				2		2
Indecent Display by a Youth				1		1
Intimidation	3	2		15		20

Offense Name	Dismissed	Guilty	Guilty Verdicts Merged	Pending	Pretrial Diversion	Total
Invasion of Privacy				1		1
Involuntary Manslaughter				1		1
Kidnapping		2		5		7
Leaving the Scene of an Accident	1			2		3
Minor Consuming Alcohol				1		1
Murder	1	2		32		35
Neglect of a Dependent Resulting in Serious Bodily Injury				1		1
Obstruction of Justice				2		2
Operating a Motor Vehicle Without Ever Recieving a License				4	1	5
Organized Theft				2		2
Pointing a Firearm	3	1		19		23
Possession of a Knife on School Property				1		1
Possession of a Machine Gun		1		3		4
Possession of a Narcotic Drug				3		3
Possession of Altered Firearm				1		1
Possession of Child Pornography				2		2
Possession of Cocaine				3		3
Possession of Firearm on School Property	1	1		8		10
Possession of Marijuana	4			18		22
Providing Firearm to Ineligible Person				1		1
Rape	1			5		6
Reckless Homicide				1		1
Residential Entry	1					1
Resisting Law Enforcement	6	5		29		40
Robbery				13		13
Robbery Resulting in Bodily Injury	3	4		8		15
Robbery Resulting in Serious Bodily Injury		3	1	14		18
Sexual Battery				2		2
Strangulation				1		1
Theft	2	1		21		24
Theft of a Firearm	1					1
Unauthorized Entry of a Motor Vehicle				3		3
Unlawful Carrying of a Handgun	6	4		47		57
Unlawful Possession of a Firearm	1			1		2
Unlawful Possession of a Firearm by a Dangerous Person	1			3		4
Unlawful Possession of a Firearm by a Serious Violent Felon				1		1
Total	75	61	1	555	2	694



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