



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 2024, as per legislation enacted by the Indiana General Assembly in 2018.

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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 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.

INTRODUCTION

In 2018, the Indiana General Assembly enacted legislation, codified at Ind. Code § 5-2-6-24 (d) and (e)(3) to (e)(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 these felonies are filed directly into adult court and are referred to as ‘direct file’ cases 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, aged 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 are referred to as ‘waiver’ 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 2024 (July 1, 2023 - June 30, 2024). 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. Data on juveniles in adult court were provided by the Indiana Prosecuting Attorneys Council for all 92 counties, which use the Indiana Prosecutor Case Management System (INPCMS).



¹ Attempted murder, murder, kidnapping, rape, criminal deviate conduct (before its repeal), robbery (armed or results in bodily injury or serious bodily injury), and children and firearm offenses, if charged as a felony, listed under Ind. Code § 35-47-10.

TOTAL JUVENILE CASES UNDER ADULT JURISDICTION

During State Fiscal Year 2024 (SFY24), 302 cases involving juveniles were filed in adult criminal court. Those cases encompass 929 criminal offenses, also referred to as 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. Six youths each had three separate cases, and 19 youths each had two separate cases in adult court.

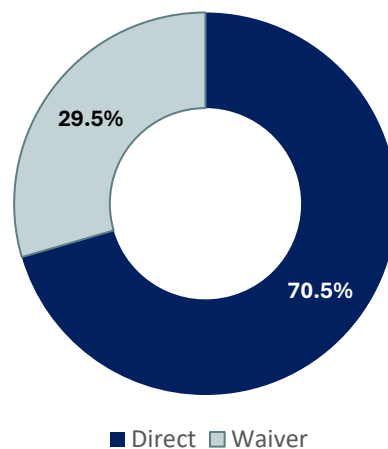
The 302 cases are a 25% increase in the number of cases held in adult court compared to SFY23 and a 120% increase from SFY22. The number of offenses per case ranged from 1 to 18. Most juveniles (75%) were charged with two or more offenses, and 26 juveniles were charged with five or more offenses.

Table 1: Number of Juvenile Cases by State Fiscal Year

SFY	Number of Cases	Number of Charges
2022	137	447
2023	241	694
2024	302	929

A total of 213 (70.5%) cases were direct filed to adult court, while 89 (29.5%) cases were waived. This is consistent with SFY22, where 69% of cases were direct filed and 31% were waived into adult court. In SFY23, 82% of cases were direct filed and 18% were waived to adult court.

FIGURE 1: PERCENT OF JUVENILE CASES BY FILE TYPE



² Cause numbers, also known as case numbers, are the numbers 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 most common, accounting for 40% of direct file cases. Firearm-related crimes include the following offenses: dangerous possession of a firearm, unlawful carrying of a handgun, unlawful possession of a firearm (by a dangerous person or by a serious violent felon), and possession of a machine gun. The second most common offense was armed robbery at 22%, followed by murder, making up 9% of direct file cases. This is the second year in a row that firearm-related charges were the most common offense. Armed robbery and murder were also the second and third most charged offenses in SFY23.

Criminal cases often take several months or even years to reach a disposition; therefore, many cases remain pending when reviewing data within a one-year period. The majority (68%) of direct file cases from SYF24 are still pending disposition as of September 1, 2024. While 31 cases resulted in a conviction, 35 cases have been dismissed, one case is pending (defendant is not competent to stand trial), and one was found not responsible by reason of insanity. When the SFY23 report was published, there were 159 pending cases. As of September 9, 2024, 102 of those cases had been decided, with 30 cases being dismissed and 72 resulting in a conviction. The remaining 57 cases have not yet reached a disposition. Table 2 shows the list of all the most serious offenses and dispositions for SFY24.

Table 2: Most Serious Offense for Direct File to Adult Court by Disposition, SFY24.

Offense Name	Dismissed	Guilty	Not Competent	Not Responsible - Insanity	Pending	Grand Total
Firearm-Related Charges	19	22			44	85
Armed Robbery	9	6			31	46
Murder				1	19	20
Robbery Resulting in Injury	1	2			15	18
Rape	2	1			15	18
Attempted Murder	1		1		11	13
Criminal Recklessness					4	4
Kidnapping	1				1	2
Battery (includes battery with injury)					2	2
Theft					1	1
Resisting Law Enforcement					1	1
Possession of Cocaine	1					1
Intimidation	1					1
Burglary					1	1
TOTAL	35	31	1	1	145	213

Waiver

There were 89 juvenile cases waived to adult court. Murder was the most common offense waived to adult court, making up 12% of the total waived cases. Burglary was the next most common offense consisting of 10% of waivers, followed by resisting law enforcement and drug dealing offenses, each accounting for 9% of waived cases.

Battery was the most common waived offense in SFY23, while murder was the most waived offense in SFY22. Most (64%) of the waiver cases are pending disposition as of September 1, 2024. Twenty cases resulted in a conviction and 12 cases were dismissed. When the SFY23 report was published, there were 27 pending cases that were waived to adult court. As of September 9, 2024, 18 of those cases had been decided, with 9 cases being dismissed and 9 resulting in a conviction. The remaining 9 cases have not yet reached a disposition. Table 3 shows the list of all the charges by the most serious offense and disposition. A complete list of offenses and dispositions can be found in Appendix B.

Table 3: Most Serious Offense for Waiver to Adult Court by Disposition, SFY24.

Offense Name	Dismissed	Guilty	Pending	Grand Total
Murder	1	1	9	11
Burglary	4	5		9
Resisting Law Enforcement	2	4	2	8
Dealing in a Drug or Controlled Substance	1	1	6	8
Firearm-Related Charges	2		5	7
Aggravated Battery			6	6
Battery (includes battery with injury)		2	3	5
Escape			4	4
Theft		2	1	3
Intimidation			3	3
Child Exploitation			3	3
Auto Theft		3		3
Robbery			2	2
Possession of Methamphetamine	1		1	2
Criminal Recklessness		1	1	2
Child Molesting			2	2
Voluntary Manslaughter		1		1
Sexual Battery			1	1
Residential Entry	1			1
Reckless Homicide			1	1
Fraud			1	1
Domestic Battery Resulting in Bodily Injury to a Pregnant Woman			1	1
Dealing in a Controlled Substance Resulting in Death			1	1
Criminal Confinement			1	1
Contributing to the Delinquency of a Minor			1	1
Conspiracy to Commit Murder			1	1
Arson			1	1
TOTAL	12	20	57	89

SENTENCES RECEIVED

A conviction can result in a variety of sentences. For each offense, an individual may be sentenced to jail, prison, community corrections³, probation, or a combination of those sentencing options. During SFY24, 73 cases, with a total of 102 charges, resulted in a conviction. It should be noted that the previous tables depicted dispositions for the most serious offense only. It is possible for the charges to be dismissed for the first offense, or to plead to a lesser offense, and still be found guilty of another offense that is part of the same case. Table 4 displays the breakdown of each type of sentence received for cases with a guilty disposition for at least one of the charged offenses. Thirty-three cases have not yet received a sentence. Of those sentenced, most received a prison sentence combined with probation. Prison sentences, excluding murder convictions, ranged from 1 to 9 years. One murder conviction resulted in a prison sentence of 55 years. Most convictions included probation.

Table 4: Sentences Received

Placement Type	Count
Prison and Probation	23
Jail and Probation	9
Prison only	2
Probation only	5
Jail only	1
Not yet Sentenced	33

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 272 juveniles under adult court jurisdiction represented the 302 cases filed. The demographic information is separated by direct file cases and waiver cases. There were 195 individuals directly filed to adult court and 77 were waived. A majority (73.8%) of the juveniles directly filed to adult court were Black, 17.9% were White, and 5.1% were Hispanic. Asian, Multiracial, and Unknown race each accounted for 1% of the individuals direct filed into court.

For waivers to adult court, Black and White youths were nearly even at 49.4% and 46.8%, respectively. Hispanic youths were 2.6% and Multiracial youths were 1.3% of the total waived into adult court. Juveniles in adult court were predominantly male, comprising 97.4% of direct file cases and 93.5% of waiver cases. In direct file cases, 41% of juveniles were 16 years old, and 59% were 17 years old. The youngest individuals waived to adult court were 13 years old and accounted for two juveniles or 2.6% of the total. Fourteen-year-olds made up 6.5% of individuals waived, 15-year-olds were 11.7%, 16-year-olds accounted for 24.7%, and 17-year-olds accounted for 54.5% of the total. See Table 5 below for more details regarding race, gender, and age.

³ Community Corrections sentencing information was not included in this year's dataset.

Table 5. Demographics Juveniles in Adult Court Direct File vs. Transfer

Demographics	Direct File		Waiver	
	Number	Percent	Number	Percent
Race/Ethnicity				
Black	144	73.8%	38	49.4%
White	35	17.9%	36	46.8%
Hispanic	10	5.1%	2	2.6%
Asian	2	1.0%	0	0.0
Multiracial	0	0.0	1	1.3%
Unknown	2	1.0%	0	0.0
Other	2	1.0%	0	0.0
TOTAL	195	100%	77	100%
Gender				
	Number	Percent	Number	Percent
Male	190	97.4%	72	93.5%
Female	5	2.6%	5	6.5%
TOTAL	195	100%	77	100%
Age				
	Number	Percent	Number	Percent
13	-	-	2	2.6%
14	-	-	5	6.5%
15	-	-	9	11.7%
16	80	41%	19	24.7%
17	115	59%	42	54.5%
TOTAL	195	100%	77	100%

Note - Due to rounding, percentages may not add up to exactly 100%.

CONCLUSION

The data from State Fiscal Year 2024 reveals several important trends regarding juveniles under adult court jurisdiction in Indiana. There was a 25% increase in juvenile cases filed in adult court compared to SFY23, and a 120% increase from SFY22. This upward trend warrants close attention and further analysis to identify and understand the underlying factors. The majority (70.5%) of cases were direct filed to adult court, consistent with previous years. Firearm-related crimes were the most common offenses in direct file cases, followed by armed robbery, and murder, whereas murder was the number one offense for cases waived into adult court. There are notable racial disparities in juvenile cases in adult court, particularly in direct file cases where 73.8% of individuals were Black. A small number of counties, particularly Marion and Lake, account for a large proportion of juvenile cases in adult court. A significant number of cases from SFY24 are still pending, making it difficult to draw firm conclusions about case outcomes. However, of the cases that have reached disposition, many resulted in convictions with sentences often combining prison time and probation.

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APPENDIX A – IND. CODE § 5-2-6-24 (d) and (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 SFY24. It is categorized by the disposition of those charges.

Offense Name	Dismissed	Guilty	Not competent	Not Responsible - Insanity	Pending	Total
Aggravated Battery		1		1	29	31
Alteration of a Firearm's Identifying Marks					1	1
Armed Robbery	13	9			61	83
Arson					2	2
Assisting a Criminal					1	1
Attempted Murder	3		1	1	20	25
Auto Theft	1	5			6	12
Battery				1	1	2
Battery Against a Public Safety Official					2	2
Battery by Bodily Waste		1				1
Battery by Means of a Deadly Weapon	3		1	1	16	21
Battery Resulting in Bodily Injury	1				2	3
Battery Resulting in Bodily Injury to a Public Safety Official					1	1
Battery Resulting in Moderate Bodily Injury		3			3	6
Battery Resulting in Serious Bodily Injury					1	1
Burglary	5	5			1	11
Child Exploitation					12	12
Child Molesting	2				8	10
Conspiracy to Commit Murder					6	6
Contributing to the Delinquency of a Minor					1	1
Counterfeiting					2	2
Criminal Confinement	3				10	13
Criminal Mischief	9	3			6	18
Criminal Organization Activity	1				2	3
Criminal Recklessness	2	6	1		39	48
Criminal Trespass	1					1
Dangerous Possession of a Firearm	40	19	1		95	155
Dealing in a Controlled Substance Resulting in Death					2	2
Dealing in a Narcotic Drug					9	9
Dealing in a Schedule I Controlled Substance					1	1
Dealing in a Schedule IV Controlled Substance					1	1
Dealing in Cocaine					1	1
Dealing in Marijuana	2	1			5	8
Dealing in Methamphetamine	1	1				2
Disregarding Stop Sign	1					1
Dissemination of Matter Harmful to Minors					1	1
Domestic Battery					1	1
Domestic Battery Resulting in Bodily Injury to a Pregnant Woman					1	1
Escape					5	5

False Informing					1	1
False Reporting					1	1
Forgery					1	1
Fraud					1	1
Interference with the Reporting of a Crime					1	1
Intimidation	7				26	33
Kidnapping	2				2	4
Leaving the Scene of an Accident	1				1	2
Maintaining a Common Nuisance - Controlled Substances					1	1
Murder	1	1			34	36
Neglect of a Dependent					2	2
Neglect of a Dependent Resulting in Bodily Injury					1	1
Operating a Loaded Machine Gun					1	1
Operating a Vehicle While Intoxicated Endangering a Person					1	1
Pointing a Firearm	5	3			17	25
Possession of a Controlled Substance	2				5	7
Possession of a Machine Gun	5	4			10	19
Possession of a Narcotic Drug					3	3
Possession of Altered Firearm	1				1	2
Possession of Child Pornography					3	3
Possession of Cocaine	1				2	3
Possession of Firearm on School Property	3	3			5	11
Possession of Marijuana	7				8	15
Possession of Methamphetamine	1				1	2
Rape	6	1			24	31
Reckless Driving	3	1			1	5
Reckless Homicide					1	1
Refusal to Identify Self	1					1
Residential Entry	1	1				2
Resisting Law Enforcement	14	11			29	54
Robbery					9	9
Robbery Resulting in Bodily Injury	2	2			16	20
Robbery Resulting in Serious Bodily Injury		1			17	18
Sexual Battery		1			11	12
Speeding	1					1
Strangulation					4	4
Theft	6	8			23	37
Torturing or Mutilating a Vertebrate Animal				2		2
Trafficking with an Inmate	1					1
Unauthorized Entry of a Motor Vehicle	1					1
Unlawful Carrying of a Handgun	10	9			23	42
Unlawful Possession of a Firearm by a Dangerous Person	1					1
Unlawful Possession of a Firearm by a Serious Violent Felon					2	2

Unlawful Possession or Use of a Legend Drug	1					1
Unlawful Transfer of a Handgun		1				1
Unsafe Lane Movement on Road with Two or More Lanes	1					1
Voluntary Manslaughter		1				1
Total	173	102	4	6	644	929