

Juvenile or Adult Court: Research on Future Offending

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As North Carolina considers a change in the age at which individuals should be tried in juvenile versus adult court, research helps explain how juvenile crime rates respond to changes in punishment laws. This brief reviews research that addresses “specific deterrence” and “general deterrence,” as well as the impact of confinement on future offending.

The Effect of Punishment on Future Offending

Research shows that punishment may impact crime in at least two ways. The first concerns whether the application of harsh punishment on adolescent offenders reduces their motivation to commit further crimes. This is referred to as specific deterrence.

The second, general deterrence, concerns whether potential juvenile offenders are deterred by the threat of being punished as an adult. The notion is that juveniles have little incentive not to commit crime if the only consequence of doing so is that they will end up in a juvenile court that is “soft” and lenient. Perhaps the prospect of more certain “adult punishments” will give youth pause before they act on the impulse to commit a crime.

Studies of Specific Deterrence

A number of studies have compared recidivism rates of youth who are tried in criminal court with youth who are retained in the juvenile system. Two studies approached the question from different perspectives, yet came to the same basic conclusion: youth subjected to the more punitive adult court system showed higher rates of recidivism and reoffended more quickly than comparable youth in the juvenile system. Other studies have reached the same conclusion.^{1,2}

A Florida study examined recidivism among 2,738 adolescent offenders. It compared adolescents who had been transferred to criminal court for a wide variety of mid-range offenses (e.g., robbery, aggravated assault, auto theft, burglary) with a matched sample of offenders who were retained in the juvenile system. To ensure the groups were comparable, they were matched in terms of offense, number of charges, prior record, age, race, and sex.^{3,4}

In the short-term, youth who were tried and punished in the adult system were more likely to be rearrested (30 vs. 19 percent), rearrested more quickly (135 days vs. 227 days), or rearrested more often for a serious felony offense (93 vs. 85 percent) than offenders processed in juvenile court. After seven years of follow-up, although the two groups no longer differed in the overall rate of rearrest, analyses

focusing on the *type* of offense indicated that in five of the seven offense types, those who had been in the adult system continued to reoffend at higher rates and to reoffend more quickly than those in the juvenile system.

Two studies compared 16- and 17-year-old offenders from New York City and similar youths from cities in New Jersey. These youth lived in the same general metropolitan area but as offenders, they were treated differently in the two states. New York treats all 17-year-olds as adults, and 16-year-olds charged with certain offenses are automatically tried as adults under the state's legislative exclusion statute. New Jersey maintains 16- and 17-year-olds in the juvenile system.^{5,6,7}

The first study focused on young offenders in the early 1980s, and examined 400 first degree burglary offenders and 400 first and second degree robbery offenders. In New York these youths were tried in the adult system. In New Jersey they were not. Compared to young offenders in New Jersey's juvenile system, adolescent offenders prosecuted in New York's adult system showed higher rearrest rates (76 vs. 67 percent), higher rates of reincarceration (56 vs. 41 percent), and a shorter time period to rearrest (457 days vs. 553 days).

In a second investigation of the same locales in the early 1990s, over 2,000 youths charged with robbery, burglary, and assault were followed over a seven-year period. Comparable youth in the New York adult court were 85 percent more likely to be rearrested for violent crimes and 44 percent more likely to be rearrested for felony property crimes. However, youth prosecuted in the juvenile courts for drug offenses were more likely to be rearrested than youth processed in the adult courts, a finding that is inconsistent with the general pattern.

Studies of General Deterrence

The theory of general deterrence assumes that the rate of crime will decrease when the probability of punishment increases.⁸ One set of studies analyzed

crime rates before and after changes in laws making it easier to move juveniles to adult court where the probability of punishment was greater. One 2006 study compared monthly violent arrest rates for juveniles in 22 states for the five years prior to and after the laws were enacted.⁹ The analysis did not show a reduction in the overall rate of violent juvenile crime following enactment. In 20 of 22 states, there was no decline in arrest rates following the law change. One state (Maine) showed an overall decline in arrests for violent crime, while Wisconsin showed only a temporary decline. Results from other studies of legal changes have shown similar patterns.^{10, 11, 12}

Another study of general deterrence used national data to see how the probability of being punished affected future crime rates among juveniles and adults.¹³ It found that increasing the probability of punishment lead to decreases in crime. The greater the difference between the stricter adult systems and the more lenient juvenile systems, the more the crime rate declined. In the few states where the probability of punishment was greater in the juvenile system than in the adult system, crime increased when juveniles moved into the adult system. These findings support the idea that for young offenders, when there is less likelihood of punishment there is more crime, and when there is more likelihood of punishment there is less crime.

A study of Florida crime records found very different results than the national study.¹⁴ This study analyzed the impact of moving from a more lenient juvenile system to a more punitive adult system on the rate at which adolescents committed crime. Deterrence theory predicts that being subject to the more punitive sentencing of the adult system should lead to a decline in crime as juveniles turn 18. However, an analysis of Florida arrest records showed a large increase in the rate at which juveniles were arrested and punished when they turned 18, and no corresponding decline in criminal behavior.

Studies of the Effects of Confinement on Future Offending

Several studies have focused on how the circumstances of confinement influence the nature of crimes committed by adolescent offenders after their release. One study found that exposing younger, incarcerated offenders to more serious offenders in adult prison exacerbates the seriousness, as well as the duration of their criminal careers.¹⁵

In another study focusing on different kinds of institutions, youth incarcerated in smaller, decentralized units usually associated with the juvenile justice system, had lower recidivism rates than comparable youth held in larger, centralized units common in adult facilities. Using cost-benefit analyses, the study found that since reoffending rates are so high among young offenders, the more expensive, small institutions are worth the additional costs because of their impact on reducing recidivism. This finding held true even without factoring in costs to crime victims. Because of the high costs of incarceration, most studies that look at cost-benefit ratios find clear savings from investments in programs that effectively reduce future criminal activity of young offenders.¹⁶

Summary

This brief reviews how prosecuting adolescent offenders in either juvenile or adult courts may influence future offending. Overall, the studies of specific deterrence are consistent in showing that when young offenders are prosecuted in the adult court system, they are more likely to reoffend and to reoffend more quickly. Consistent with these conclusions are studies showing that incarceration in smaller, more decentralized units and incarceration that reduces exposure to older, more serious offenders also decrease future offending.

The research on general deterrence presents a mixed set of results. Studies looking at the impact of transfer laws on general deterrence show no decrease in crime as a result of threats that youth will be prosecuted as adults. Studies that look at the actual sentences show that increasing the probability of punishment leads to a decrease in crime, regardless of whether the punishment took place in the juvenile or the adult system.

ENDNOTES

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