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Juvenile Delinquents in the Federal Criminal Justice System

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During 1995, U.S. attorneys filed cases against 240 persons for alleged acts of juvenile delinquency. Of these, 122 cases were adjudicated in Federal court, representing 0.2% of the 56,243 cases (both adult and juvenile) adjudicated during 1995. Almost half of juvenile delinquency cases involved a violent offense (32%) or a drug offense (15%). Federal prosecutors declined further action against 228 other juveniles referred to them.

Many of the juveniles adjudicated in the Federal system are Native Americans. When Native American tribal jurisdictions lack resources or jurisdiction or when there is a substantial Federal interest, a U.S. attorney may initiate juvenile delinquency proceedings. Further, the Federal Government has jurisdiction over certain offenses committed in Indian country (18 U.S.C. § 1152 and 1153).

In Federal courts, juveniles adjudicated delinquent were about half as likely as convicted adults to receive a sentence of confinement (*Federal Criminal Case Processing, 1982-93*, NCJ-160088, May 1996). The average length of confinement ordered was 34 months. During 1995 the majority (59%) of juveniles adjudicated delinquent were placed on probation.

Highlights

- During 1995, 468 juveniles were referred to Federal prosecutors for investigation — 49% of these cases were declined for further action.
- During 1995, 122 juveniles were adjudicated as delinquent in the Federal courts — 47% for either a violent or drug offense.
- During the 12 months ending September 1994, an additional 65 persons who allegedly committed acts of delinquency were referred for prosecution as an adult by a U.S. attorney.
- 37% of juveniles adjudicated delinquent were committed to a correctional facility. The average length of commitment was 34 months.
- 61% of juvenile delinquents confined by the Federal Bureau of Prisons were Native Americans.

Federal Juvenile Delinquency Act

An act of *juvenile delinquency* is a violation of Federal law committed by a person prior to age 18 which would have been a crime if committed by an adult (18 U.S.C. § 5031). Under Federal law, a person accused of an act of *juvenile delinquency* may be processed as a *juvenile* provided the person has not attained age 21.

Federal juvenile delinquency proceedings

Adjudication of juveniles in the Federal system is limited. Federal law requires that prosecutors restrict proceedings against juveniles to those cases in which they certify to the court that

there is a substantial Federal interest in the case and —

- the State does not have jurisdiction or refuses to assume jurisdiction;
- the State with jurisdiction does not have adequate programs or services for juvenile offenders; or
- the offense charged is a violent felony, a drug trafficking or importation offense, or a firearms offense (18 U.S.C. § 5032).

Unlike State-level criminal justice systems, the Federal system does not have a separate juvenile justice component. Juveniles are adjudicated by a U.S. district court judge or magistrate in a closed hearing without a jury. After a juvenile has been adjudicated delinquent, a hearing concerning the disposition of the juvenile is held.

During the disposition hearing, a juvenile may be ordered to pay restitution, be placed on probation, or be committed to a correctional facility.

Juveniles under age 18 may be placed on probation or committed until they reach age 21. Juveniles between ages 18 and 21 may be placed on probation for up to 3 years or confined for up to 5 years, depending on the severity of the offense.

Transfer to adult status

A person who committed an offense prior to age 18 may be adjudicated as an adult if —

- the offense charged was a violent felony or drug trafficking or importation offense *and* if the offense was committed *after* the person's 15th birthday.
- the person possessed a firearm during a violent offense and the offense was committed *after* the person's 13th birthday.
- the person had been previously adjudicated delinquent of a violent felony or drug offense (18 U.S.C. § 5032).

While the Department of Justice does not systematically collect information

describing Federal juvenile transfers, it estimates that during the 12 months ending September 30, 1994, 65 persons accused of delinquency were referred to the Attorney General for transfer to adult status. It is not known how many were charged directly as adults based on their prior criminal records.

Juveniles investigated by U.S. attorneys

During 1995, 468 juveniles were referred to Federal prosecutors for inves-

tigation and prosecution. The U.S. attorneys declined to proceed against 49% of those juveniles referred to them — two-thirds of that number immediately and the remainder subsequently.

Juveniles adjudicated in U.S. district courts

Few cases involving juvenile delinquents are processed in U.S. district courts because of statutory restrictions. Between 1989 and 1994, the number of juveniles adjudicated for

Table 1. Juveniles in delinquency proceedings terminated in U.S. district courts, 1989-95

Most serious offense	Number of Federal delinquency proceedings terminated						
	1989	1990	1991	1992	1993	1994	1995
Total*	206	217	194	144	124	134	122
Violent offenses	49	66	62	43	41	56	34
Property offenses	65	40	37	53	30	18	27
Fraudulent	11	4	4	2	3	3	4
Other	54	36	33	51	27	15	23
Drug offenses	66	52	44	31	28	38	16
Public-order offenses	26	52	49	17	25	17	28
Regulatory	1	3	21	4	7	2	10
Other	25	49	28	13	18	15	18

*Total includes cases for which an offense category could not be determined.
Data source: Administrative Office of the U.S. Courts, criminal docket data file, annual.

Juveniles in the State courts

In contrast to the Federal system, the State systems frequently charge juveniles with delinquency. During 1994 there were more than 1.5 million delinquency cases in courts with juvenile jurisdiction. Of these, almost 855,000 were formally processed in the juvenile justice system. Nearly half (49%) of those juveniles formally processed at the State level were charged with property offenses (table). Few (9%) were charged with drug offenses.

Approximately 58% of those juveniles formally charged at the State level were adjudicated delinquent (not shown in a table). Similar to those in the Federal system, approximately 29% of those juveniles adjudicated delinquent were commit-

ted to a correctional or other residential facility and 56% were placed on probation. Almost a third (31%) of those charged with a violent offense were committed.

During 1994 less than 2% of all juveniles charged with offenses in

Delinquency cases in State courts, 1994

Most serious offense	Number	Adult transfers
Total	855,200	12,300
Personal offenses	196,900	5,400
Property offenses	415,800	4,600
Drug offenses	73,400	1,300
Public-order offenses	169,100	1,000

Source: Jeffrey A. Butts, Howard N. Snyder, Terrence A. Finnegan *et al.*, *Juvenile Court Statistics 1994*, Office of Juvenile Justice and Delinquency Prevention (1996).

the State courts were waived to adult status. Similar to the Federal system, approximately 44% of juveniles transferred were charged with a violent offense. Drug offenders represented few (11%) of the transfers.

While 12,300 juveniles were judicially waived to adult status during 1994, others were statutorily excluded from juvenile court jurisdiction based on their age and offense or concurrent jurisdiction provisions. In 13 States the upper age of juvenile court jurisdiction is 15 or 16 years. Many States also exclude certain serious offenses — such as murder and other violent offenses — from juvenile court jurisdiction.

acts of delinquency in U.S. district courts ranged from 217 during 1990 to 122 during 1995 (table 1). The District of South Dakota (12.3%), the District of Arizona (10.7%), the District of Montana (10.7%), and the Eastern District of North Carolina (9.8%) accounted for approximately 44% of the total Federal juvenile caseload during 1995 (not shown in a table).

Offense committed

Consistent with the statutory directive, juveniles charged with acts of juvenile delinquency in U.S. district courts were most frequently charged with more serious offenses such as drug (15%) or violent (32%) offenses.

Adjudication

Of the 122 juveniles charged with delinquency whose cases were terminated in the U.S. district courts during 1995, approximately 81% were adjudicated delinquent. Of adjudicated delinquents 87% admitted to the facts alleged in the indictment (or information) and 13% were adjudicated delinquent after a hearing (not shown in a table). Of juveniles who were not adjudicated delinquent, 90% had the charges dismissed and 10% were found not delinquent.

Disposition/sanction imposed

Of those juveniles adjudicated delinquent during 1995, 37% were committed to a correctional facility, 59% were placed on probation, and 4% received a sentence that did not include supervision or confinement (table 2).

Table 2. Disposition of juveniles adjudicated delinquent in U.S. district courts, 1995

Type of disposition	Number	Percent
Total	99	100.0%
Confinement only	32	32.3
Confinement and probation	5	5.1
Probation only	58	58.6
No probation	4	4.0

Data source: Administrative Office of the U.S. Courts, criminal docket data file, annual.

Approximately 35% of those juveniles committed to a correctional facility were adjudicated delinquent of a violent offense. Of those 37 juveniles committed during 1995, the average length of commitment required was 34 months (not shown in a table).

Juvenile delinquents confined by the Federal Bureau of Prisons

As of September 30, 1994, 124 juvenile delinquents were confined in a State juvenile correctional facility under contract to the Federal Bureau of Prisons (table 3). (The Federal Bureau of Prisons does not have its own facilities for juvenile delinquents.) Most (64%) were adjudicated delinquent of a violent offense.

Sixty-one percent of the confined juvenile delinquents were Native Americans (table 4). The majority (81%) of the Native Americans confined were adjudicated delinquent of a violent offense — sex offenses (32%), assault (28%), negligent manslaughter (20%), and robbery (1%). The remainder were adjudicated delinquent of a property offense.

Almost all (88%) of the juveniles confined were U.S. citizens; 4% were Mexican citizens, and 3% were Chinese citizens.

During 1994, 102 juvenile delinquents were released by the Federal Bureau of Prisons from a juvenile correctional

Table 3. Juvenile delinquents confined by the Federal Bureau of Prisons, 1994

Most serious offense	Number	Percent
Total*	124	100.0%
Violent offenses	77	64.7
Property offenses	16	13.4
Drug offenses	17	14.3
Public-order offenses	9	7.6

*Includes cases for which an offense category could not be determined.
Data source: U.S. Department of Justice, Bureau of Prisons, SENTRY system data file, fiscal year ending September 30, 1994.

facility. The average time served was —

- 14 months for all those released
- 21 months for drug offenders
- 17 months for violent offenders.

Methodology

The primary source of data presented in this report is the BJS Federal Justice Statistics Program (FJSP) database. The FJSP database is presently constructed from the source files provided by the U.S. attorneys, the Federal courts, the U.S. Sentencing Commission, and the Federal Bureau of Prisons. Data tabulations, except where otherwise indicated, were prepared from BJS staff analysis of source agency datasets.

Juvenile delinquency proceedings were identified using a delinquency proceeding code included in the courts' database, the statute(s) charged (18 U.S.C. § 5031 *et seq.*), and a descriptive label in the name field — juvenile records in the database typically do not include identifying information such as names. Juveniles under jurisdiction of the Bureau of Prisons are housed in facilities specifically for juveniles.

Table 4. Demographic characteristics of juvenile delinquents confined by the Federal Bureau of Prisons, 1994

Characteristic	Number	Percent
Total	124	100.0%
Race/ethnicity		
White	9	7.3
Black	15	12.1
Hispanic	19	15.3
Native American	75	60.5
Asian	6	4.8
Citizenship		
United States	109	87.9
Mexico	5	4.0
China	4	3.2
Other	6	4.9

Data source: U.S. Department of Justice, Bureau of Prisons, SENTRY system data file, fiscal year ending September 30, 1994.

Coordinating Council on Juvenile Justice and Delinquency Prevention

The Coordinating Council on Juvenile Justice and Delinquency Prevention, a council within the executive branch of Government, was established by the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. § 5616). The Coordinating Council encourages cooperation among the Federal agencies with juvenile delinquency programs.

Under the Act, the Coordinating Council is required to —

- review the programs and practices of Federal agencies concerning juveniles in their custody
- review the reasons why Federal agencies take juveniles into custody
- recommend how to improve Federal practices and facilities for holding juveniles in custody
- report on the degree to which Federal funds are used to deinstitutionalize status offenders, separate incarcerated juveniles from adults, and remove juveniles from adult jails and lockups.

In 1995 the Coordinating Council established the Policy Committee on Youth in Federal Custody. The Policy Committee was charged with developing policies and procedures for apprehending and maintaining custody of juveniles, providing assistance to agencies addressing unique youth custody issues, and reporting annually on the number of juveniles taken into Federal custody.

As part of its study, the Policy Committee has surveyed Federal agencies on their policies and practices on taking juveniles into custody and on placing those juveniles into secure custody. In addition, the Policy Committee asked BJS to describe juveniles adjudicated in the Federal criminal justice system. The Policy Committee will issue a report and recommendations to the Coordinating Council.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Special Reports address a special topic in depth from one or more datasets that cover many topics.

John Scalia of the Bureau of Justice Statistics wrote this report. William J. Sabol of the Urban Institute provided statistical review. Gina Wood of the Office of Juvenile Justice and Delinquency Prevention and Steve Shandy of the Criminal Division, Department of Justice, provided assistance in the preparation of this report. Tom Hester and Tina Dorsey edited the report. Marilyn Marbrook, assisted by Yvonne Boston, administered production.

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Data presented in this report may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The report and data are also available on the Internet: <http://www.ojp.usdoj.gov/bjs/>