

Mercyhurst College Civic Institute



ERIE COUNTY YOUTH IN PRISON:
Juveniles in the Adult System

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Executive Summary

In the mid-1990s, legislators across the nation began to respond to significant increases in the juvenile crime rate. Policies were soon in place that made it easier to transfer youth into the adult system for processing. In Pennsylvania, Act 33 widened the criteria for automatic transfer. The rationale for such policies was that stricter punishments and an increased sense of accountability would decrease juvenile offending and deter youth crime. Recently, the effectiveness of “get tough” policies has been questioned and the potential negative consequences of juvenile transfer have been increasingly discussed. Unfortunately, there is not a simple way to assess these concerns, as a comprehensive tracking system is not in place.

The purpose of this investigation was to explore local trends regarding juveniles charged as adults. Researchers from the Mercyhurst College Civic Institute worked with administrators from the Erie County Prison, the Erie County Adult Probation department, and the Erie County Juvenile Probation department for data collection. Special thanks to Warden James Veshecco, Director of Support Services David Sanner, and Network Administrator Tony Massaro at the Erie County Prison; Chief Adult Probation Officer Raymond Reade and Records Clerk Abby Caraballo; and Chief Juvenile Probation Officer Robert Blakely for their assistance and cooperation.

The results indicated that 202 offenders under the age of 18 accounted for 261 bookings at the Erie County Prison between January 1992 and November 2007. Most juvenile offenders charged as adults were male and most were 17 years old. Slightly more than half of the juveniles charged as adults were African Americans and approximately forty percent were Caucasian. Some years showed more Caucasian youth booked at the Erie County Prison than African American youth; however, the proportion of arrested African American youth charged as adults was consistently higher than the proportion of arrested Caucasian youth charged as adults. Many offenders faced multiple charges, with the most common charges being criminal conspiracy, robbery, theft, reckless endangerment, and aggravated assault. Nearly 40% of the cases noted the use of a weapon, most commonly a firearm. The youth remained in the prison for varying lengths of time; nearly 18% were there for a week or less, while about 25% were there for between six and twelve months.

The study attempted to track more specific information related to the Act 33 legislation. Though it is known whether a youth is in the adult system as a result of statutory waiver (Act 33) at the time of booking, it was soon discovered that this information was generally unknown for historical cases. There is no consistently designated documentation that specifies the mechanism by which youth end up in the adult system. It was determined that at least 27 of the 202 offenders were decertified back to the juvenile court and that at least 43 were waived to the adult court, but reliable numbers for Act 33 cases remaining in the adult system could not be determined.

Introduction

In 1996, legislators in Pennsylvania made attempts to “get tough” on increasing rates of juvenile crime. One of the new policies, Act 33, changed the criteria for exclusion of youth from the juvenile justice system. Recently, there has been increasing concern about the potential negative consequences of removing youth from the juvenile court system and placing them with adult offenders. The first purpose of this report is to review data regarding juvenile crime and arrests as well as to discuss concerns about adultification. The second purpose of this report is to discuss local research findings based on data collected from the Erie County Prison, the Adult Probation department, and the Juvenile Probation department regarding juveniles charged as adults.

Juvenile Crime Rate

As data regarding juvenile offenders and victims were released in the early 1990s, the national numbers indicated dramatic increases in juvenile crime that were atypical of previous, relatively stable trends. For example, the rate of juvenile arrests for violent crimes (which includes murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault) increased by more than 50% between 1988 and 1994 (Snyder, Sickmund, & Poe-Yamagata, 1996). More specifically, there were large increases in the percentage change in arrests for key areas such as murder (150% increase), aggravated assault (97% increase), motor vehicle theft (74% increase), robbery (57% increase), and weapons law violations (103% increase).



It should be noted, however, that by the late 1990s and into the 21st century, the crime rate had consistently decreased (Snyder & Sickmund, 1996). By 2003, the juvenile arrest rate for violent crimes was below the levels of the early 1980s. Furthermore, between 1994 and 2002, the number of murders involving a juvenile offender fell 65 percent. Similarly, the number of juvenile arrests for aggravated assault fell 38 percent between 1994 and 2003. Also by 2003, the juvenile arrest rate for robbery was one-third of its 1995 level and less than one half of its 1980 level.

Responses to Juvenile Crime Rate

As personal experiences and media portrayals increased communities' exposure to youth violence, the public experienced growing concerns about juvenile crimes and the compromised safety that accompanies such behaviors. In response to the data and to the public's concern, policymakers made youth violence one of the top priorities on their agenda (Torbet et al., 1996). With the goals of increasing community protection and decreasing juvenile offending, legislatures enacted what came to be known as "get tough" policies. These policies tended to move youth away from the juvenile justice system and into the adult justice system, most often by making it easier to transfer youth into adult criminal court (Jordan & Myers, 2007). Though some states utilized an expansion of judicial waiver to accomplish this goal, the most common strategy was for state legislatures to statutorily exclude some offenders from juvenile court based on age and/or offense criteria (Myers, 2003; Jordan & Myers, 2003). According to Rubin (2006), by the end of 2004, 29 states were utilizing statutory waiver to exclude offenders from the juvenile court system.

This "adultification" operated on a few assumptions, which were readily adopted at the time. It was assumed that treating juveniles as adults would not only decrease recidivism rates for those youth transferred to criminal court but also deter other juveniles from offending, thus decreasing the overall juvenile crime rate. These assumptions originated from the perception that the juvenile justice system must be too lenient and that the adult criminal court would impose stricter punishments and an increased sense of responsibility for one's actions. In turn, youth who had experienced the adult system, or who felt threatened by the possibility of "adult time," would not offend in the future (Myers, 2003). Another assumption was that increased utilization of the adult criminal system for young offenders would increase community protection. Not only would the decrease in recidivism and crime rates as described above contribute to this effort, but it was also thought that longer incarceration periods would keep the offenders off the street (Redding, 2003).

Concerns about Adultification

The framework of the juvenile justice system reflects the belief that adolescents are inherently different than adults (Young & Gainsborough, 2000). There is a focus on protection and rehabilitation rather than punishment as well as on the offender rather than on the offense (Snyder & Sickmund, 2006). Recently, many people have expressed concern about handling juveniles in the adult criminal system rather than maintaining them in the juvenile justice system. Some experts have argued that keeping young offenders in the juvenile system is the logical way to address their unique needs and that "get tough" policies have compromised the very principles upon which the juvenile justice system was founded.

Developmental Differences

One of the most widely noted criticisms relates to the disregard of developmental differences when sending adolescents to the criminal system. Steinberg and Cauffman (1999) point out that the abundant number of individual differences existing during adolescence makes it too difficult to utilize generalized age-based policies such as those that exist in many states. It is argued that the best way to acknowledge developmental differences among youthful offenders is to handle them in a separate, specialized system.

The first way in which developmental factors are relevant is in regards to their impact on committing a crime. Brain studies have shown that brain maturation continues throughout adolescence, with areas that control complex and higher-order behaviors maturing last and being influenced by hormonal changes (Campaign for Youth Justice, 2007b). These areas of the brain regulate impulse control, reward sensitivity, and the processing of social and



emotional information, thus making adolescents less able to think about long-term consequences and more vulnerable to peer pressure (MacArthur Foundation Issue Brief 3). Since blameworthiness of the offender is typically a key consideration in determining guilt and punishment, it has been suggested that developmental immaturity is beyond one's own control and should be considered a mitigating factor (MacArthur Foundation Issue Brief 3). At the very least, states are urged to take into account recent findings that have been discovered after the laws have been passed (Campaign for Youth Justice, 2007a).

In addition to considering how adolescent development influences the act of criminal offending, it is also suggested that one's developmental level is important in regards to the legal process. Not only do juveniles have a limited understanding of their legal rights, but they also face disadvantages at each stage of the legal process (Young & Gainsborough, 2000). For example, juveniles have difficulty remembering and relaying the course of events, are easily led during cross examination, and cannot adequately weigh options during plea negotiations. Furthermore, criminal court judges are not specifically trained to interact with children or to understand their cognitive level.

A third way in which developmental considerations are significant relates to the potential impact of punishment. In particular, adolescence is a time period in which individuals are typically more malleable and more responsive to intervention compared to adulthood (Steinberg & Cauffman, 1999; The American Psychiatric Association, 2005). Being confined with adult offenders during such a critical time places juveniles in an environment that lends them to being negatively influenced, either directly by interacting with and observing inmates or indirectly by seeing no other alternatives. The adolescents are not exposed to acceptable social norms and are not given the normal opportunities young adults have for learning appropriate socialization (MacArthur Foundation Issue Brief 5). Furthermore, the lack of education, treatment, and rehabilitative services the adolescents receive in the adult system limits their ability to move onto a positive pathway. Opportunities for positive relationship-building are further inhibited by higher staff ratios as compared to those required in juvenile facilities (Campaign for Youth Justice, 2007b). Placement with adult offenders also puts the transferred youth at risk in terms of physical well-being. Compared to youth held in juvenile detention centers, youth held in adult jails are five times more likely to be sexually assaulted; twice as likely to be beaten by staff; 50% more likely to be attacked with a weapon; and almost eight times more likely to commit suicide (Young & Gainsborough, 2000). These issues surrounding housing adolescents in the same locations as chronic adult offenders have been suggested as possible explanations for recidivism among transferred youth.

Effect on Recidivism

With reduced recidivism and increased community safety promoted as reasons for changes in transfer laws, researchers have investigated outcomes in these areas. In general, it has been difficult to assess the impact of the changes due to a lack of a single, credible, national data source (Campaign for Youth Justice, 2007a); however, most studies indicate poor outcomes and a failure of the legislation to bring its promised effects. Burgess-Proctor, Holtrop, and Villarruel make reference to various studies that a) show a failure for juveniles tried as adults to have a reduction in recidivism, and b) show a failure for the overall youth crime rate to be reduced by the enacted transfer laws. For example, Bishop, Frazier, Lanza-Kaduce, and Winner (1996) compared the one-year recidivism rates between young offenders who were transferred and matched offenders maintained in the juvenile system. Findings indicated that the transferred youth were more likely to be rearrested and that the time to reoffending was shorter. A follow-up study using the same participants occurred after six years and found similar results (Winner, Lanza-Kaduce, Bishop, & Frazier, 1997). Property felons seemed to be positively impacted by transfer (more transferred property felons avoided rearrest than the nontransferred property felons), but those transferred property felons who did reoffend, did so more often and more quickly. Once offense type was controlled for, however, the findings were that transferred youth had higher rates of recidivism; they were more likely to reoffend, were rearrested more times, and less time passed before reoffending. Similarly, Myers (2003) compared 79 juveniles who were transferred to adult court to 415 juveniles who remained in juvenile court in Pennsylvania and found that transferred youth had higher rates of rearrest.

Other Concerns

As previously mentioned, disregard of developmental factors, lack of appropriate rehabilitative services,



inappropriate and limited opportunities for socialization, and an increased likelihood of reoffending are all concerns for juveniles transferred into the criminal system. Unfortunately, other potential negative outcomes for transferred youth offenders also exist, some of which are life-long. Youth who are convicted as adults receive a felony record and thus, depending on the state, may be denied employment, citizenship, loans for housing or education, military service eligibility, and the right to vote; denial of these positive activities increases the chances of recidivism (MacArthur Foundation Issue Brief 5; The American Psychiatric Association, 2005). As youth are labeled by the system, they may perceive themselves as already being on a negative pathway that they are incapable of overcoming; the youth may then engage in a self-fulfilling prophecy as they continue to reoffend (MacArthur Foundation Issue Brief 5). It has also been suggested that transferred youth may perceive themselves as having been treated unjustly, which possibly leads to further defiant and criminal behavior (Redding, 2003).

Juvenile Transfer in Pennsylvania

Similar to the rest of the nation, Pennsylvania youth crime rates were reported to rise dramatically in the mid-1990s. In response, legislators in Pennsylvania passed changes to the juvenile code. Prior to 1996, the only way a juvenile would be automatically withheld from juvenile court jurisdiction and handled instead by the adult criminal system was if the juvenile was charged with murder. Any other juvenile case that was managed by the adult court system was transferred from the juvenile court jurisdiction as a result of judicial waiver. When making a decision in regards to transfer, the judge had to determine that the juvenile was not amenable to treatment in the juvenile justice system (Jordan & Myers, 2007; Snyder, Sickmund, & Poe-Yamagata, 2000).

In the mid-1990s, however, modifications to Pennsylvania's Juvenile Act resulted in changes in the way juveniles were handled in the court system (42 Pa. C.S. Sec. 6301 et seq.). Consistent with the "get tough" attitude that was seemingly adopted nationwide in order to deal with increased juvenile crime, Pennsylvania's reforms shifted away from rehabilitation and treatment of juvenile offenders. The 1996 legislation known as Act 33 changed the criteria for automatically transferring youth into the adult criminal system. The revised law excluded youth from the juvenile court system if the youth met all of the following criteria [42 Pa. C.S. Sec. 6302 (2)(ii)]:

- The youth was 15 years or older at the time of the alleged crime.
- The youth was charged with rape; involuntary deviate sexual intercourse; aggravated assault; robbery; robbery of a motor vehicle; aggravated indecent assault; kidnapping; voluntary manslaughter; or an attempt, conspiracy, or solicitation to commit murder or any of the crimes listed.
- The youth used a deadly weapon during commission of the crime.

The act also excluded any youth 15 years or older at the time of the alleged crime who committed any of the above offenses, except for aggravated assault, and who had previously been adjudicated delinquent for one of the offenses [42 Pa. C.S. Sec. 6302 (2)(iii)].

It should be noted that a transferred juvenile can request a decertification hearing, at which time the juvenile would petition for the case to be tried in juvenile court. The judges use the same guidelines for decertification determinations as those used for judicial waiver decisions, except that the burden of proof is on the defendant, not on the Commonwealth [42 Pa. C.S. Sec. 6355 (4) (G)(g)]; the criteria considered includes culpability, age, maturity, prior record, and amenability to treatment (Jordan & Myers, 2007; Snyder, Sickmund, & Poe-Yamagata, 2000).

Previous Research

Unfortunately, there is not a comprehensive tracking system for juvenile offenders charged as adults in Pennsylvania. There have been a few studies, however, which have explored how Act 33 impacted juvenile cases. Snyder, Sickmund, and Poe-Yamagata (2000) tracked the cases from Allegheny, Dauphin, and Philadelphia counties that were excluded from juvenile court as a result of the changes to the Juvenile Act. Of the 473 cases reviewed, 81% were black, 87% were male, 20% were under age 16, and 50% were age 17 or older. Examination of the type of offense indicated that 46% involved a charge of robbery, 48% involved a charge of aggravated assault, 1% involved a violent sex offense, and 4% included other offenses. Furthermore, a weapon was identified as being present in 96% of the cases, with the most common weapon being a firearm. In regards to prior records, 37% of the excluded youth



had never formally been processed in juvenile court, 53% had never been adjudicated in juvenile court, 36% were not placed on probation by the juvenile court, and 28% had not been placed in a residential facility by the juvenile court. These statistics, which are considerably different than those describing youth waived to the adult system prior to the expanded transfer provision in 1996, indicated that the excluded youth had less serious juvenile court histories than the waived youth.

Snyder, Sickmund, and Poe-Yamagata (2000) also tracked the case outcomes for the transferred youth. Approximately one-third of the youth were decertified, and these youth differed significantly from those who remained in the criminal justice system. For example, white youth, younger youth, youth with no prior juvenile court referrals, and youth with no prior adjudications in the juvenile court were more likely to be decertified. The juvenile courts disposed of 149 cases; 26% of the cases were dismissed, 55% of youth were ordered to a residential facility, and 43% were placed on probation. Approximately 50% of the cases were tried in criminal court; 43% of the completed cases were dismissed, 48% were sentenced to an adult correctional facility, and 8% were placed on probation. The researchers concluded that the number of initially excluded cases that remained in the criminal justice system mirrored the numbers judicially waived prior to the 1996 legislation. These findings were consistent with research by Juskiewicz that found many youth who were ultimately decertified or were not convicted in criminal court spent time in an adult facility pre-trial (Campaign for Youth Justice, 2007b). It seems as though statutory waiver exposed more youth to the negative impact of adult system by detaining them in an adult facility but not finding them guilty or not sentencing them within the criminal court system.

The second study, which was less comprehensive, was conducted by the Pittsburgh Post-Gazette (Stack, 2001) and tracked the 129 youth from Allegheny County who were charged as adults in the first year following the 1996 legislation. The study found that 68% of youth who remained in the criminal court committed new crimes compared to 45% of youth who were decertified to the juvenile system. Furthermore, the subsequent crimes committed by the youth tried in criminal court were more serious and more frequent. It was identified that a number of the new crimes were committed while the youth were out on bond and awaiting trial, a freedom withheld from those youth being detained within the juvenile system. The study further found that adolescents sentenced as adults received prison sentences of 11.5 months on average, which was much shorter than the time period promised by legislators promoting public safety.

Current Study

Roughly 200,000 offenders under the age of 18 are handled in the adult criminal system each year in the United States (Cohen, 2007; Young & Gainsborough, 2000). Despite the vulnerability of this age group and the outcomes promised by changes in legislation, there is not a comprehensive national, state-wide, or local tracking system in place in order to oversee and evaluate any outcomes, positive or negative. The news is no stranger to stories about high school students charged as adults, yet there is no easy way to find out how many juveniles are actually charged as adults, the demographics of such offenders, or the status of the case following a hearing.

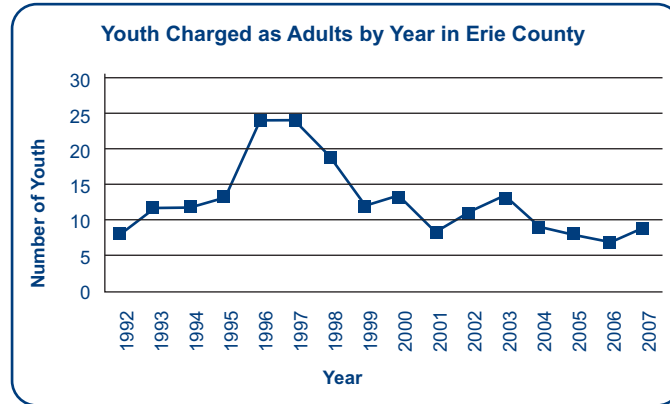
In order to find out more about this population in Erie County, researchers from the Mercyhurst Civic Institute sought to gather local information. With cooperation from administration at the Erie County Prison, the Adult Probation department, and the Juvenile Probation department, the researchers were able to acquire access to recordkeeping of juvenile offenders. Beginning at the Erie County Prison, the researchers were able to retrieve data on any juvenile who was booked between January 1992 until the time of data collection in November 2007. Though limited to the information tracked within the prison's database, the researchers obtained demographic information and some data regarding length of imprisonment and offenses. The researchers then followed up on the juvenile offenders' names via records at adult probation and juvenile probation. The goal in that phase of the project was to determine what happened to the cases and whether the juveniles were decertified or kept in the adult system. Though this information was noted in some of the files, there were a number of cases in which the outcomes were unclear. As a result, it was impossible to accurately conclude how many local youth were affected by Act 33. The majority of data in the current report includes all juveniles booked at the Erie County Prison during the specified timeframe as opposed to only youth impacted by Act 33.



Summary of Data Regarding Juveniles in the Adult System in Erie County

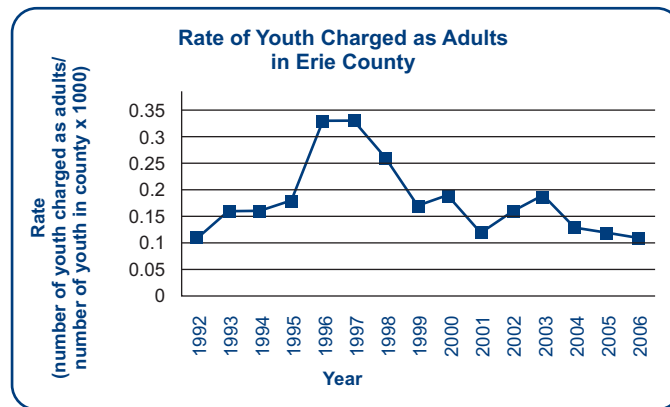
Between January 1992 and November 2007, there were 202 offenders under the age of 18 imprisoned at the Erie County Prison (Figure 1). These 202 individuals accounted for 261 bookings during the course of the nearly 16 year time span. Most youth charged as adults, therefore, were only imprisoned in the Erie County Prison once ($n = 157$); however, 34 youth were in the prison twice, 8 youth were in the prison three times, and 3 youth were in the prison four times before turning 18 years old. It should be noted that unless otherwise indicated, the remaining data analysis was limited to the first booking for each individual as it was often unclear whether subsequent bookings were for the initial crime or new offenses.

Figure 1



Because the number of youth charged as adults may vary with the youth population, it is important to consider how the population of youth in Erie County changed over time. Figure 2 illustrates the rate of youth charged as adults in Erie County¹.

Figure 2



In order to put the above data into context, it is also important to consider how the number of juvenile arrests in Erie County changed over time. Figure 3 illustrates the rate of juvenile arrests in Erie County (note that the following data begin in 1993 rather than 1992). The number of arrests was higher in the mid-1990s than after the turn of the century. The trend for juvenile arrests for violent crimes in Erie County, illustrated in Figure 4, indicates that the rate peaked in 1994 but then declined consistently through 2001.



Figure 3

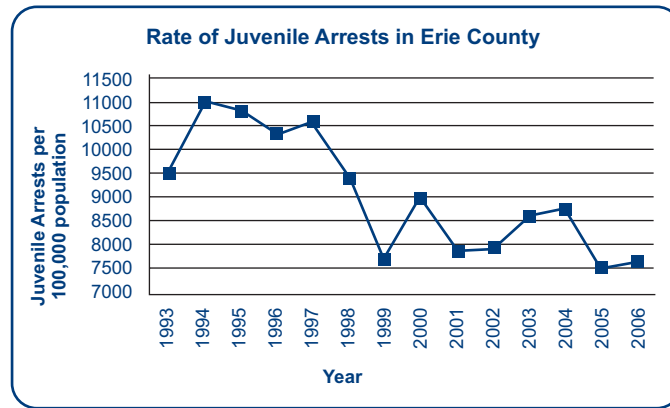
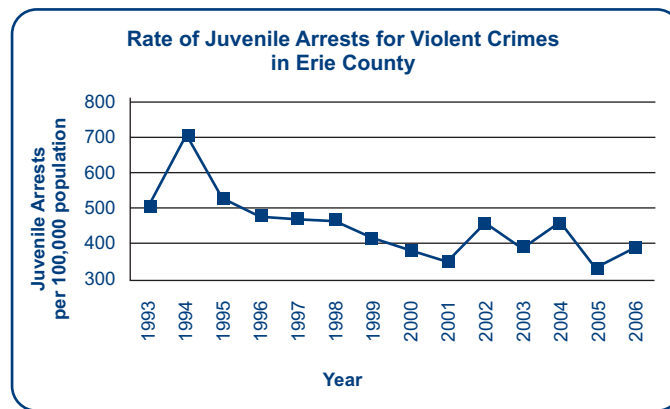
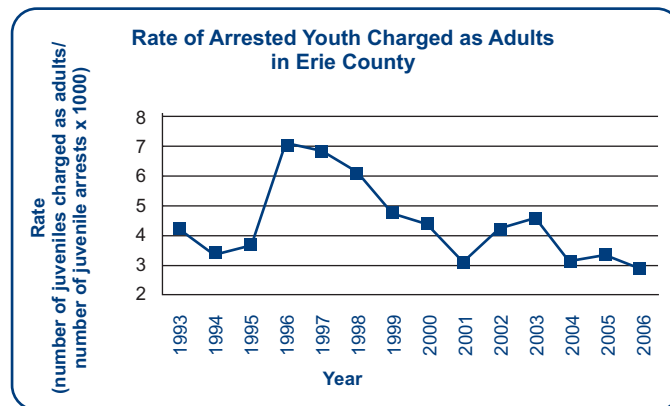


Figure 4



While it may be useful to consider the rate of youth charged as adults out of the total population, it may make more sense to consider the rate of youth charged as adults out of the total number of juvenile arrests. In other words, for juveniles who are arrested, how has the likelihood that they are charged as adults changed over time? Figure 5 illustrates the rate of arrested youth charged as adults in Erie County.

Figure 5



Through examination of the data shown in Figures 1 through 5, the following information was abstracted. The juvenile arrest rate for violent crimes peaked in 1994 (Figure 4), but the rate of youth charged as adults did not show much change (Figure 5). In other words, juveniles were not more likely to be charged as adults even though crime, particularly violent crime, became more common. Between 1995 and 1996, there was a large increase in the rate of arrested youth charged as adults in Erie County (from 3.67 to 4.05 per 1000). In fact, almost one-third of all Erie County youth in prison between 1992 and 2007 were booked between 1996 and 1998. More juvenile offenders were handled in the adult system even though juvenile arrest rates in the county were down compared to recent

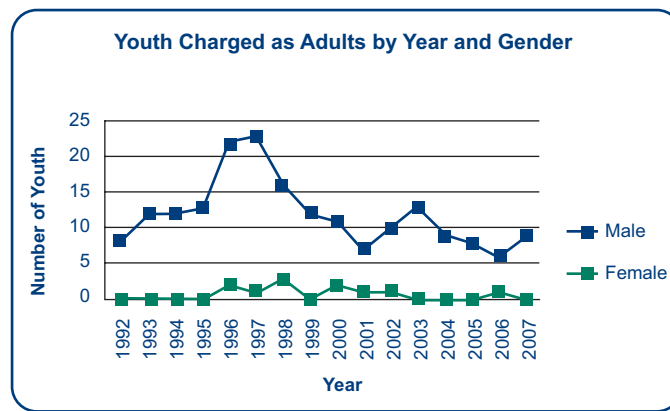


years. Three possible hypotheses for the increase include the introduction of Act 33 legislation, the general “get tough on crime” mindset, or an increase in the rate of juvenile arrests for violent crimes. In order to abstract an explanation, it would be necessary to know how many individuals were in the prison due to Act 33 and how many got there via judicial waiver. Due to the available data kept in the accessed records, this information could not be accurately assessed. It is reasonable to think, however, that if Act 33 were the reason for the increase, that the rate of arrested youth charged as adults would stay relatively stable over the time following the legislation; the trend indicates that the rates decreased. Also, the trend for juvenile arrests for violent crimes in Erie County has decreased since the introduction of Act 33, indicating that the increase in the rate of arrested youth charged as adults cannot be attributed to youth committing those crimes typically thought of as more serious.

Demographics

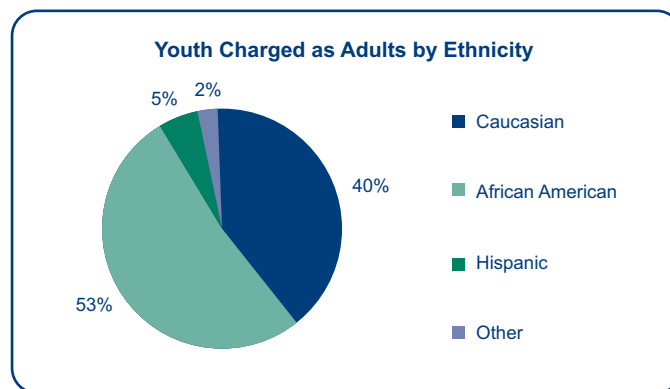
The majority of juvenile offenders charged as adults in Erie County were male. In fact, there were only 12 females across 16 years; half of the females were booked between 1996 and 1998, following the enactment of Act 33. Trend data for gender can be viewed in Figure 6.

Figure 6



An analysis of the offenders' ethnicity indicated that slightly over half of the youth were African American, about 40% of the youth were Caucasian, and 5% of the youth were Hispanic (Figure 7).

Figure 7



Once again, it is more useful to consider the numbers in the context of juvenile arrest rates. Figures 8 and 9 show the juvenile arrest rates for Caucasians and African Americans, respectively. Overall, the juvenile arrest rates of African Americans are higher than Caucasians. The trends indicate that the rate of juvenile arrests of African Americans has shown a greater decrease than the rate of juvenile arrests of Caucasians, though both races have lower arrest rates in recent years compared to the early 1990s.



Figure 8

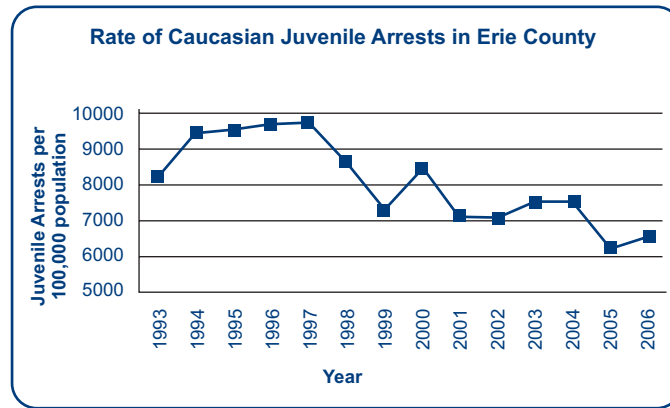


Figure 9

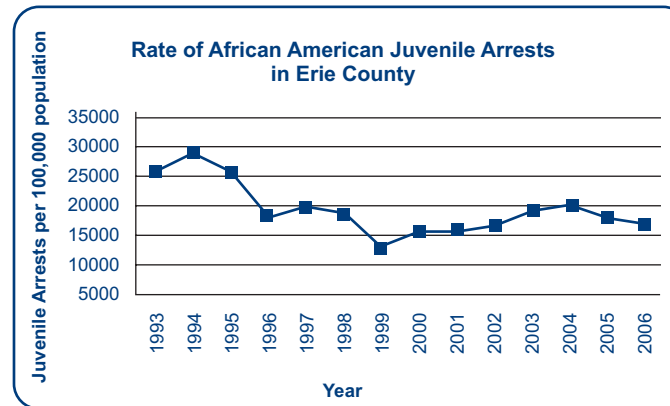


Figure 10 illustrates the rate of arrested youth charged as adults in Erie County for Caucasian youth and African American youth separately. There was a large increase in the rate of arrested African American youth charged as adults between 1995 and 1996, but only a slight increase in the rate of Caucasian youth charged as adults at that time. Furthermore, the rate of arrested Caucasian youth charged as adults has remained relatively low, while the rate of arrested African American youth charged as adults has been consistently higher than the rate for Caucasians.

Figure 10

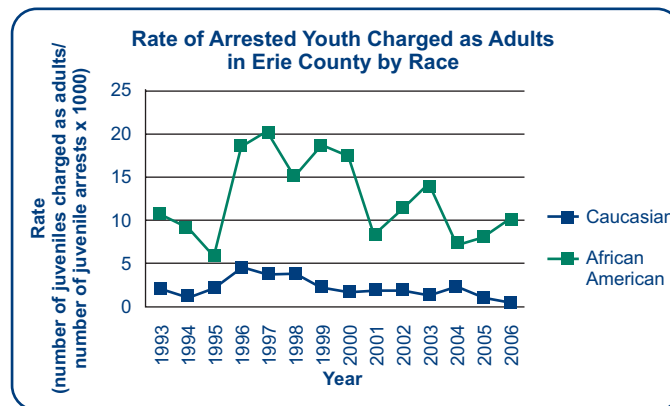


Figure 11 illustrates the age of the juveniles at the time of booking at the Erie County Prison. Only one 14 year old was charged as an adult; sixteen 15 year olds were charged as adults, which averages to about one per year. Though 17 years old has been the most common age over the course of the years studied (n = 122), more 16 year olds than 17 year olds have been charged as adults each year beginning in 2005 (Figure 12). Examination of the years immediately following the Act 33 legislation indicates that there was an increase in the number of 17 year olds being charged as adults, with 34% of all 17 year olds charged between 1996 and 1998. Also, those same years were the three most common years in which 16 year olds were charged as adults.



Figure 11

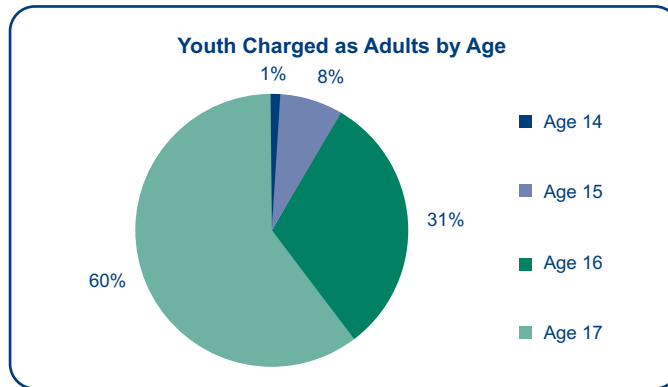
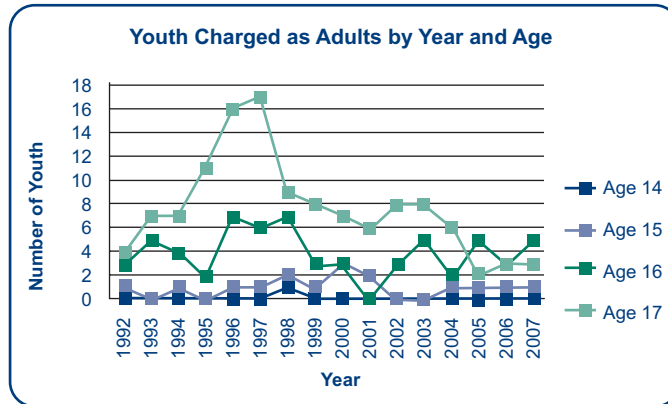
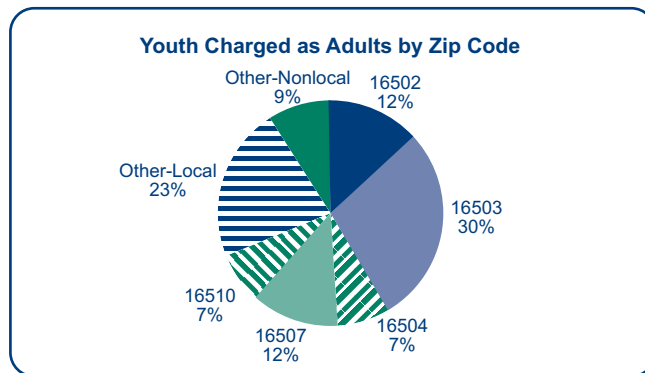


Figure 12



Approximately 68% of the juvenile offenders charged as adults in Erie County were residents of the same five zip codes (16502, 16503, 16504, 16507, 16510), which are primarily comprised of area within the city limits (Figure 13). Another 23% of the juvenile offenders were from other zip code areas within Erie County. The remaining 9% of the individuals had an address indicating residence outside of the local area.

Figure 13



Length of Imprisonment

Youth imprisoned with adults are exposed to potentially negative consequences; therefore, it would be ideal to keep them in such an environment for the least number of possible days. While about one-third of the youth were in the Erie County Prison for one month or less ($n = 88$), almost half of the youth ($n = 123$) remained in the prison for over 90 days. Furthermore, 16 youth were in the prison for at least one year, while 3 youth were in the prison for at least two years. The numbers in this table, unlike the other data in this report, include all juveniles booked at the prison within the designated time period. These time periods represent length of stay



for each individual booking, meaning that the total days in the prison for juveniles with multiple bookings would be higher. It is also important to remember that juveniles convicted as adults may be given sentences in a state correctional facility, thereby exposing them to additional days in an adult institution beyond those days indicated in Figure 14.

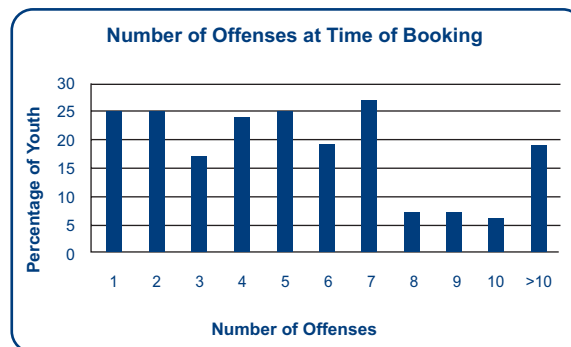
Figure 14

Amount of Time in ECP	Number of Offenders	Percentage of Offenders	Number spending at least...	Number of Offenders	Percentage of Offenders
1-7 days	46	17.8%	one week	212	82.2%
8-30 days	42	16.3%	one month	176	68.2%
31-60 days	25	9.7%	two months	145	56.2%
61-90 days	22	8.5%	three months	123	47.7%
91-180 days	43	16.7%	six months	80	31.0%
181-365 days	64	24.8%	one year	16	6.2%
366-730 days	13	5.0%	two years	3	1.2%
731 days or more	3	1.2%	xxx	xxx	xxx

Offense Data

The juveniles who were charged as adults faced various charges at the time of booking. Most of the youth (80%) had seven or fewer charges against them, but nearly 10% faced more than ten charges (Figure 15).

Figure 15



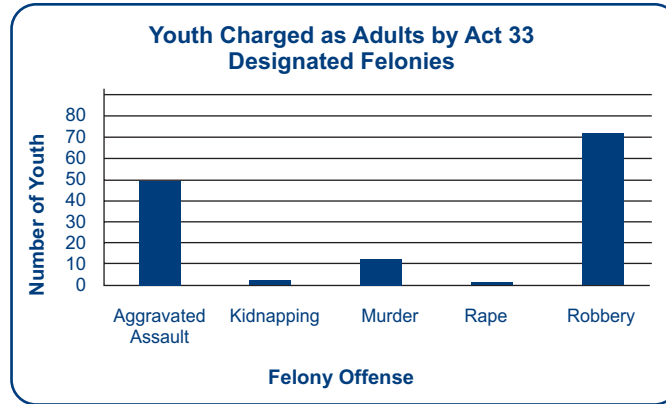
Any felony that was designated as part of Act 33 or any charge that occurred for three or more individuals is included in Figure 16. The most common charges at the time of booking were criminal conspiracy (n = 96), robbery (n = 72), theft (n = 63), reckless endangerment (n = 52), and aggravated assault (n = 50). Figure 17 illustrates the frequency of each of the felonies designated by Act 33.

Figure 16

Criminal Conspiracy	96	Burglary	35	Criminal Trespassing	6
Robbery	72	Terroristic Threats	27	Criminal Mischief	4
Theft	63	Parole Violation	20	Loitering	4
Reckless Endangerment	52	Criminal Attempt	19	Unlawful Restraint	4
Aggravated Assault	50	Drug-related Charge	19	Kidnapping	3
RSP	47	Murder/Homicide	13	Vandalism	3
Simple Assault	35	Driving or Traffic Violation	9	Rape	2

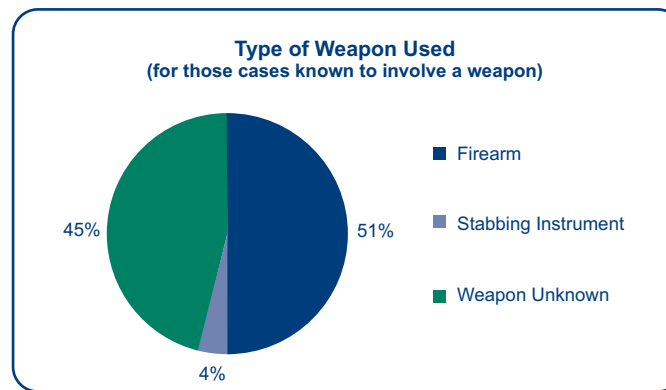


Figure 17



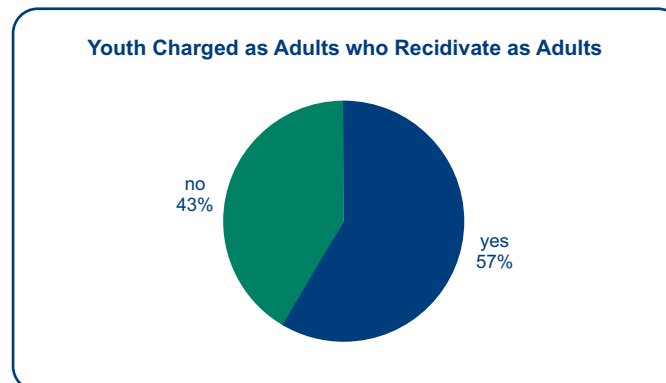
Due to the Act 33 criterion of use of a deadly weapon, data collection involved recording whether or not a case indicated weapon use, and if so, the classification of the weapon type. Seventy-nine of the cases mentioned use of a weapon, meaning that it was unknown to the researchers whether a weapon was involved in the remaining 123 cases. In those cases in which a weapon was known to be present, it is known that a firearm was used in 50% of the cases and a stabbing instrument was used in 4% of the cases (Figure 18).

Figure 18



Minimal data in regards to recidivism were available for collection. It is known, however, that at least 57% of the juveniles charged as adults were booked at the Erie County Prison after his or her eighteenth birthday (Figure 19). Since these numbers represent only crimes committed after age 18 for which the person was confined in the Erie County Prison, these numbers are likely an underestimate of the actual percentages of re-offenders. It is possible that additional offenses were committed and processed within counties outside of Erie, particularly for those individuals with a non-local residence.

Figure 19





Adult offenders were arrested for a variety of reasons, as illustrated in Figure 20; the numbers represent the possibility that an individual had more than one charge. Common charges involved probation or parole violations; simple assault; driving or traffic violations; drug-related charges; criminal conspiracy; and theft.

Figure 20

Other	82
Probation/Parole Violation	58
Simple Assault	40
Driving or Traffic Violation	36
Drug-related Charge	35
Criminal Conspiracy	31
Theft	31
RSP	26
Aggravated Assault	24
Disorderly Conduct	23
Reckless Endangerment	22
Burglary	18
Robbery	12
Rape	4
Murder/Homicide	0

Case Outcomes

The researchers accessed records at adult probation and juvenile probation to determine the mechanism by which the youth ended up in the adult system as well as whether the juveniles were decertified or kept in the adult system. The efforts revealed that at no point in the process are either of those two pieces of information clearly indicated in the records. While some cases clearly stated that they were waived to adult court or that the case was decertified, an omission of these data points would not necessarily mean that the opposite had occurred. Furthermore, there were some cases that could not be found at either of the probation offices, thus making it impossible to find out any further information about those particular individuals. Using the available data, each of the 202 cases were classified into one of six categories:

- 1) Cases that were likely in the adult system due to Act 33 and remained in the adult system (Individuals were placed into this category if they were booked in 1996 or after, if their file did not clearly state that they were decertified, if they were not clearly listed as being certified up to the adult court, and if they had a record at adult probation)
- 2) Cases that clearly stated they were decertified
- 3) Cases that were clearly noted as being certified up from juvenile jurisdiction in the Juvenile Probation records
- 4) Other/Missing/Unknown
- 5) Dismissed
- 6) Cases prior to Act 33 that stayed in the adult system but there was no indication of being certified up to the adult court (thus it is unclear how the cases were in the adult system)

It is important to emphasize that cases were classified as “Act 33” as a result of meeting certain criteria (noted above), not because they were identified as “Act 33” anywhere in the records. It is therefore possible that the cases identified in category one were not actually in the adult system as a result of Act 33 legislation. On the other hand, it is likely that some of the cases in category four were “Act 33” cases. Thus, while the categorization provides some information, it cannot be deemed an accurate summary of how Act 33 impacted the juveniles in Erie County.



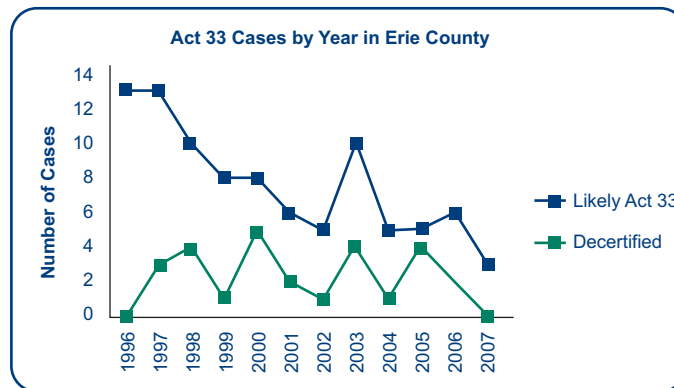
Figure 21 illustrates the number of individuals in each of the six categories.

Figure 21

Category	Frequency	Percent
1-Likely Act 33	65	32.2
2-Known Decertified	27	13.4
3-Known Certified Up	43	21.3
4-Other/Unknown	39	19.3
5-Dismissed	2	1.0
6-Adult Case prior to 1996	26	12.9

Of particular interest are the cases that were in the adult system as a result of Act 33. Figure 22 illustrates the total number of cases that were considered to have been in the adult system as a result of Act 33 (categories one and two above) as well as the cases that were known to be decertified (category two). The difference between the lines would therefore represent the estimated number of youth charged as adults as a result of Act 33 who remained in the adult system.

Figure 22



Further exploration of those individuals known to be decertified indicated that 6 out of 16 total 15 year olds, 14 out of 63 total 16 year olds, and 7 out of 122 total 17 years old fell into this category. An analysis of gender indicated that 24 out of 191 males as well as 3 out of 11 females were decertified. The breakdown for race showed that 9 out of 180 Caucasian youth, 16 out of 171 African American youth, and 2 out of 10 Hispanic youth were known to be decertified. The totals given are all youth charged as adults rather than only those impacted by Act 33, due to estimations of Act 33 cases.

Conclusions

Several conclusions can be drawn about local juvenile offenders based on the above data. First, there are youth in Erie County being charged as adults. An average of over 12 juveniles per year for the last 16 years have been booked in the Erie County Prison. Second, these young offenders are spending a significant amount of time in prison. Over 80% of the youth remained in the prison for at least one week, nearly 50% remained there for at least 90 days, and about 6% remained there for about one year. These numbers would not include any additional time spent in a state prison after being sentenced. These youth, some of which are eventually found not guilty, are exposed to a wide variety of negative consequences for extended periods of time.

The rate of juvenile arrests and the number of youth charged as adults did not follow the same pattern. The rate of juvenile arrests was highest in the years prior to the new legislation, while the number of youth charged as adults



was highest in the years immediately following the new legislation. This pattern is consistent with the legislation being passed in response to higher juvenile crime rates. The rate of juvenile arrests declined significantly by 1999; however, it is not possible to conclude whether the legislation led to decreased juvenile arrests or whether the arrest rate was already declining by the time the legislation passed.

Perhaps the most valuable piece of information yielded from this study was finding out that a clear tracking system for youth charged as adults is not in place. Without an accurate way of determining how many offenders are in the adult system as a result of the Act 33 legislation, it is difficult to draw any conclusions about the legislation's local or statewide impact. As a result of the limitations encountered with historical data, the researchers will explore the possibility of beginning to track juvenile cases at the point of entry to the adult system.

Footnote

¹The population used to determine rate and the data regarding juvenile arrests were obtained from the under 18 Erie County population and the under 18 Erie County arrests information as listed by the Pennsylvania Electronic Juvenile Justice Database available at <http://ncjj.servehttp.com/padatabook/>



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