

Investigating the Relationship Between Legal/Demographic Factors and Decisions to Transfer Minors to Adult Court – An Update

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BACKGROUND & INTRODUCTION

In 2016, California passed Proposition 57 which abolished the prosecutor power to file charges against a juvenile directly in adult criminal court (i.e., direct file) and placed decisions regarding youth transfers in the hands of judges following a transfer hearing in which both the prosecution and the defense made their case.

The goal of Prop 57 was to create more rehabilitative outcomes for youth in California by requiring the justice system to consider the many developmental factors which make minors inherently less culpable.

Prior to this legislation, 95% of potential transfer cases in San Diego County resulted in direct filing to adult court, and Black youth in California were 8.5 times more likely to be prosecuted as adults while Latino youth were almost 3 times more likely (Ridolfi et al., 2017).

The goal of this study was to assess what factors were related to transfer decisions for juvenile offenders in light of the more holistic assessment encouraged by Prop 57.

METHODS

Our sample included 106 reports written by forensic psychologists on behalf of the defense examining the life circumstances of minors who allegedly committed serious crimes. We coded for several predictor variables, including age at the time the crime was committed ($M=16.30$, $SD=1.02$), age at time the report was written ($M=18.55$, $SD=1.76$) presence of at least one murder charge and the ethnicity of the juvenile.

Black juveniles alone made up 33.1% ($n=39$) of the cases. In addition, cases containing at least one murder charge made up 55.9% ($n=66$) of the cases, while non-murder cases were represented 44.1% ($n=52$).

The outcome variable was coded as either a non-transfer outcome (i.e., keeping of the individual in the juvenile system) or a transfer outcome (i.e., a handover of a juvenile to the adult court system).

A third possible outcome emerged for cases in which the District Attorney decided to drop the case and forgo a hearing. In which case the juvenile could remain in juvenile court. The present study categorized similarly a DA drop and retainment of juveniles after hearing as non-transfer outcomes.

Non-transfers ($n=67$) made up 63.2% of the case outcomes while transfers ($n=39$), were represented 36.8% of the outcomes.

RESULTS

We employed a generalized estimating equation (GEE) accounting for the different California counties in which the cases were nested in. We utilized the non-transfer and transfer decisions as outcome variables.

Table 1. Generalized estimating equation model predicting non-transfer or transfer outcomes for juvenile offenders

Parameter	B.	Std. Error	95% Wald CI	Sig.
Murder Y/N	2.15	0.51	1.15 to 3.15	0.00*
Race	-0.03	0.03	-0.09 to 0.04	0.43
Age at Time of Crime	0.06	0.2	-0.33 to 0.45	0.76
Age at Time of Report	-0.09	0.08	-0.24 to 0.07	0.27

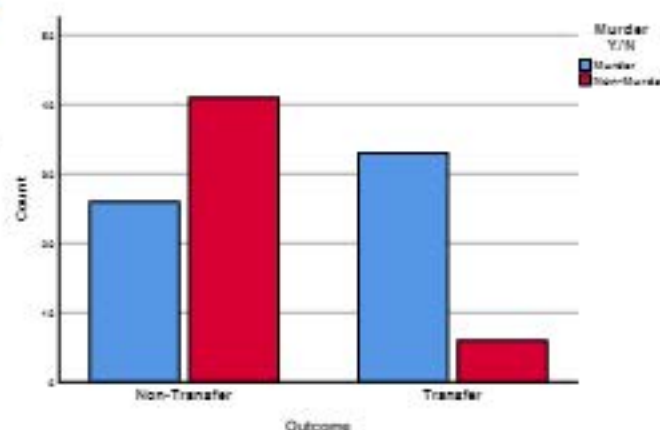


Figure 1. Frequencies of non-transfer and transfer outcomes by presence of at least one murder charge

DISCUSSION

Based on the current convenience sample, a little more than third of juveniles are transferred to be tried as adults in California.

From the limited sample available for analysis in the current study, it appears that the modified system is sensitive to the nature of the offense as those allegedly committing more heinous crimes (i.e., murder) were more likely to be transferred to adult court than those allegedly committing lesser criminal offenses. This finding is in line with the goals of Proposition 57 such that the severity of the crime increases the likelihood that that individual will be tried as an adult.

Unlike studies on transfer outcomes prior to Prop 57 (Ridolfi et al., 2017), we found no support of racial bias in treatment of African-American juveniles in contrast to all other racial groups (i.e., were not more likely to be transferred to adult court). However, the underrepresentation of white juveniles (12%) in our limited data set was considerable.

We also did not find an effect of age at the time of the crime or age at the time of the report on judges' decisions of whether or not to transfer the youth to the adult court system.

REFERENCE

Ridolfi, L., Washburn, M., & Guzman, F. (2017). Youth Prosecuted as Adults in California. National Center for Youth Law.

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