

Science Note: Juvenile Sentencing and Public Safety

Legislative Summary

Under SB 1, a child between the ages of 12 and 18 years may be tried in a court of general jurisdiction and prosecuted under general law for the offenses of unlawful use of weapons and armed criminal action, among other provisions. According to the Missouri Department of Corrections, the proposed legislation does not provide any new penalties or offenses, but increases the likelihood that a juvenile could be transferred to a court of general jurisdiction and sentenced there under section 571.015 and/or section 571.030. Information received from the Office of State Courts Administrator indicates that in CY 19, the offenses outlined in this proposal under section 571.030 and section 571.015 would account for an additional 307 orders for certification hearings - 68 of which were armed criminal action offenses and 92 were misdemeanors. If transferred to a court of general jurisdiction, children would potentially be eligible for the Missouri Dual Jurisdiction Program - a blended sentencing option in which a juvenile and adult sentence is simultaneously imposed with the execution of the adult sentence suspended.¹

Science Highlights

- The juvenile arrest rate for weapons law violations has declined over the past 20 years nationwide and, in Missouri, juvenile cases certified to adult court for any crime have also declined.
- Juveniles detained in adult prisons are more likely than their adult counterparts to be sexually abused and commit suicide.
- While many adolescents are deterred from committing crimes when they may be tried as adults, psychological immaturity may cause many youth to make impulsive decisions without weighing long-term consequences.
- Juveniles prosecuted in adult courts are more likely to commit future crimes sooner and more frequently than those prosecuted in juvenile court and Black males are at the highest risk of recidivism, indicating confounding effects of race and gender.

Science Notes

What proportion of violent crimes are committed by juveniles?

According to the Bureau of Justice Statistics' National Crime Victimization Survey, juveniles were involved in about 16% of serious violent crimes committed between 2007 and 2017. Since 1993, this proportion has been declining. Nationwide, the juvenile arrest rate for weapons law violations declined in recent years, falling 62% between 2006 and 2018.²

Between 2006 and 2014, violent crime arrests for juveniles in Missouri mimicked the national average, and the number of juveniles aged 10 to 17 detained for violent crimes was below the national average.³

¹ <https://dss.mo.gov/dys/dual-jurisdiction-program.htm>

² https://www.ojdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05211&selOffenses=16

³ <http://www.ijgps.org/missouri>

This science note was prepared by MOST Policy Initiative, a nonprofit organization aimed to improve the health, sustainability, and economic growth of Missouri communities by providing non-partisan information to Missouri's decisionmakers.

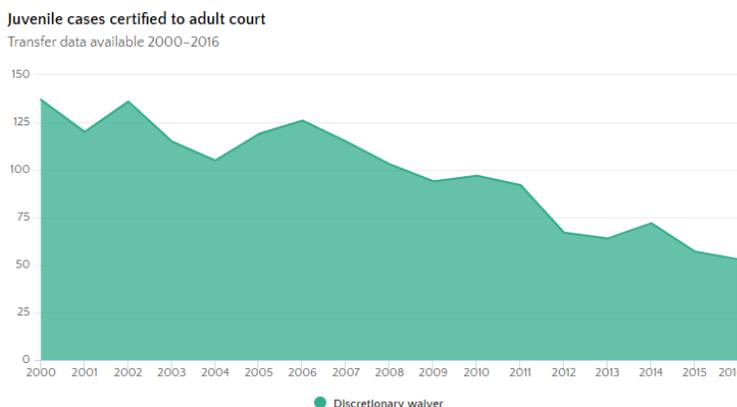
For more information, contact Rachel Owen – rachel@mostpolicyinitiative.org.



Juvenile cases certified to adult court through discretionary waivers in Missouri have declined between 2000 and 2016 (Figure 1).

What happens to juveniles aged 12 to 17 who enter adult prisons?

Compared to juvenile detention centers, adult prisons lack a focus on rehabilitation. Additionally, juveniles are subject to several types of traumatic experiences when entering general correctional facilities, rather than those exclusive to children under age 18. Unfortunately, many of these effects were not tracked prior to 2000, so data is limited.



1. Data presented here are for fiscal years.

2. The data appear to only reflect cases transferred to adult court by discretionary waiver.

According to the 2009 National Prison Rape Elimination Commission Report, juveniles in confinement are much more likely than incarcerated adults to be sexually abused, particularly when they are confined with adults.⁴ A Bureau of Justice Statistics study in 2005 found that juveniles in adult prisons accounted for 21% of inmate-on-inmate sexual violence, though they comprised less than 1% of the prison populations. These experiences lead to lifelong trauma and increase the chances that a juvenile will return to prison after they have served their initial sentence. Juveniles are almost twice as likely to commit suicide compared to older inmates while serving time in adult prisons.

What are the short- and long-term impacts on public safety?

A multi-state analysis found significantly lower juvenile crime rates when states lowered the age at which criminal courts assumed jurisdiction from 18 to 17 in the 1990s.⁵ While many adolescents are deterred from committing crimes when they may be tried as adults, psychological immaturity may cause many youth to make impulsive decisions without weighing long-term consequences.⁴

Juveniles who are prosecuted for crimes in adult courts experience greater overall recidivism than juveniles prosecuted for the same crimes in juvenile courts. Additionally, juveniles tried in adult court recidivate sooner and more frequently.⁶ Studies have not found significant differences in recidivism rates for juveniles who go through a blended-jurisdiction sentence compared to those who only serve sentences at juvenile facilities before being released to the community.⁷ Finally, black males are at the highest risk for future recidivism, highlighting confounding impacts of race and gender.⁸

⁴ <https://www.ncjrs.gov/pdffiles1/226680.pdf>

⁵ <https://journals.sagepub.com/doi/pdf/10.1177/1541204002250875>

⁶ http://www.antonioacasella.eu/restorative/UCLA_july2010.pdf

⁷ <https://journals.sagepub.com/doi/pdf/10.1177/0011128720911640>

⁸ <https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12377>