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# Tribal Youth in the Federal Justice System

## Final Report (Revised)

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Although we value the contributions of those noted above, and any others inadvertently omitted, the project team takes responsibility for any errors contained in the report.

## Abstract

The *Tribal Youth in the Federal Justice System* project explored issues surrounding the population of American Indian juveniles who are processed in the federal justice system. Juveniles in the federal system are rare, and a substantial proportion enters into the system because of crimes committed on American Indians lands, over which the states have no jurisdiction. While these cases are sometimes handled within a tribe's own justice system, some are prosecuted federally. Using 1999-2008 data from the Federal Justice Statistics Program and interviews with tribal and federal officials, the study explored the prevalence, characteristics, and outcomes of these youth at each stage of the justice system. In addition, the study examined significant issues surrounding the processing of tribal youth cases, including the reasons that these cases may be handled federally or tribally. This study fills a gap in the literature by providing both statistical and contextual information about tribal and non-tribal juvenile cases in the federal system. Although the data have many limitations, the study pointed to a number of findings, including the following: over the last ten years, about half of all juveniles in the federal system were tribal youth; the number of juveniles in the federal system – both tribal and non-tribal -- decreased over this period; most juvenile cases were concentrated in a small number of federal judicial districts; and U.S. Attorneys declined a substantial portion of all juvenile matters referred for prosecution. Tribal and non-tribal juvenile cases differed in significant ways: most tribal youth cases involved violent offenses, while most non-tribal cases involved public order and drug offenses; and tribal youth were more likely to be adjudicated delinquent, while non-tribal youth were more likely to be prosecuted as adults. Availability of rehabilitative resources and tribal capacity to prosecute were also found to be important factors in the decision to pursue a tribal youth case in the federal system.

# Table of Contents

<b>Acknowledgements .....</b>	<b>ii</b>
<b>Executive Summary .....</b>	<b>vi</b>
Framing the Issues .....	vi
Federal Juvenile Jurisdiction .....	vi
Indian Country Jurisdiction .....	vi
Current Practice .....	vii
Analysis of Federal Data .....	ix
<b>1. Introduction .....</b>	<b>1</b>
Overview of the Federal Justice System/FJSP .....	3
Federal Jurisdiction Involving Juveniles .....	4
Basis for Federal Jurisdiction over Juveniles .....	5
Process of Handling Juveniles in the Federal Court System .....	6
Transfer to Adult Status .....	6
Disposition and Sentencing .....	7
Placement of Juveniles .....	8
Understanding Criminal Jurisdiction in Indian Country .....	9
Federal Jurisdiction .....	11
State Jurisdiction .....	12
Tribal Jurisdiction .....	12
Summary of Jurisdiction in Indian Country .....	13
<b>2. Exploring Current Practice .....</b>	<b>15</b>
Arrest and Investigation .....	16
Federal Law Enforcement .....	16
Tribal Law Enforcement .....	17
State and Local Law Enforcement .....	18
Prosecution .....	19
Factors Influencing Federal Prosecution .....	20
Factors Influencing Transfer to Adult Court .....	22
Adjudication and Disposition .....	22
Detention: Pre- and Post-Adjudication .....	23
Pretrial and Post-Conviction Supervision .....	25
Summary of Factors Influencing Practice .....	25
Tribal Law and Order Act of 2010 (TLOA) .....	27
Innovative Strategies from the Field .....	27
<b>3. Analysis of Federal Data .....</b>	<b>29</b>
Cross-cutting Findings .....	30
Linking Analysis .....	36
Agency Data Analysis Summaries by Stage in Case Processing .....	36
Arrests (USMS) .....	37
Criminal Matters Referred to U.S. Attorneys for Prosecution (EOUSA) .....	40
Prosecution and Adjudication (EOUSA) .....	49
Federal Custody (BOP) .....	57
Federal Post-Conviction Community Supervision (FPSIS) .....	70

<b>4. Conclusion .....</b>	<b>75</b>
Summary of Key Findings .....	75
Assessment of FJSP’s Ability to Identify and Describe Federal Tribal Youth .....	77
Issues and Research Opportunities for the Future .....	77
<b>5. References.....</b>	<b>79</b>

## Executive Summary

The *Tribal Youth in the Federal Justice System* project examined juveniles, particularly tribal youth,<sup>1</sup> handled in the federal system, using data from the Bureau of Justice Statistics Federal Justice Statistics Program (FJSP). The goal of the research was to gain a better understanding of these cases, including the nature of the offenses committed, whether the defendants are typically handled as juveniles or adults, and the manner in which these cases flow through the federal justice system. A corollary objective was to determine the strengths and limitations of the FJSP data with respect to identifying juvenile and tribal youth records. In addition, the study explored the complex factors that influence how and why cases involving tribal youth enter the federal system and examined the current practice of handling these cases.

Criminal jurisdiction in Indian Country (IC) is complicated, with responsibilities allocated among federal, tribal, and state governments. There is no reliable source of information regarding tribal youth who come into contact with these systems, and currently, there is limited information available about tribal youth cases handled in the federal system. This report endeavors to address this knowledge gap by presenting findings from both the analysis of federal datasets included in the FJSP and the qualitative analysis of contextual data (including process interviews and document review) conducted for this project.

## Framing the Issues

### *Federal Juvenile Jurisdiction*

There is no federal juvenile justice system, and juveniles account for a very small proportion of all federal prosecutions handled by U.S. Attorneys across the country. The premise of federal juvenile law and policy is that alleged delinquents should be processed in state juvenile justice systems, except in limited circumstances, such as when the state lacks jurisdiction (as in much of IC). Before proceeding with a juvenile case in the federal system, the U.S. Attorney must certify the basis for federal jurisdiction. Prosecutors must then determine whether or not to seek to prosecute the juvenile as an adult. At the federal level, every case involving a juvenile begins as a juvenile delinquency proceeding; however, there are several mechanisms by which juveniles may be transferred to adult status. Juveniles sentenced to a term of detention are placed in the custody of the Federal Bureau of Prisons (BOP), which contracts with public and private facilities to house juveniles.

### *Indian Country Jurisdiction*

When a crime is committed in Indian Country, jurisdiction is determined by three key factors:

- nature of the offense;
- status of the victim and offender as Indian or non-Indian; and
- existence of legislation conferring state jurisdiction.

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<sup>1</sup> For purposes of this report, we use the term “tribal youth” to refer to individuals who meet the federal definition of “juvenile” and are arrested or prosecuted for an offense occurring in Indian Country (sometimes referred to as IC juveniles). The vast majority of these youth are American Indian (sometimes referred to as Native American or Indian), but given the jurisdictional complexities, not all juveniles prosecuted for IC offenses will be American Indian. As will be discussed in further detail, identifying this population in federal agency data can be difficult.

In most states, the federal government has Indian Country jurisdiction over 1) all offenses committed by an Indian against a non-Indian; 2) all offenses committed by a non-Indian against an Indian; and 3) certain serious crimes committed by an Indian against another Indian. In contrast, the state generally has jurisdiction only over crimes committed by non-Indians against other non-Indians within IC. However, a 1953 law commonly known as Public Law 280 conferred broad jurisdiction over IC on certain states, collectively known as Public Law 280 states. In some of these states, jurisdiction is shared between the state and the federal government, while in others there is no federal jurisdiction over IC.<sup>2</sup> Thus, there are a small number of states in which the federal government has no role in prosecuting crimes in Indian Country. Even in those Public Law 280 states with concurrent state and federal jurisdiction, the federal government's role is narrower than in states where Public Law 280 does not apply. Given that this study sought to explore the role of the federal justice system in Indian Country, this report does not focus on Public Law 280 states.

In addition to federal and state jurisdiction, there is also tribal jurisdiction in IC. This applies to all crimes committed by Indians, but it does not apply to crimes committed by non-Indians on Indian lands. In most cases, tribal jurisdiction over Indian offenders is concurrent with either state or federal jurisdiction, or both. However, federal law limits the length of the sentences that tribal courts may impose,<sup>3</sup> thereby rendering federal or state prosecution the more appropriate option in cases in which the nature of the crime calls for a longer period of incarceration.

## Current Practice

In order to better understand the processing of tribal youth cases and the factors involved in cases handled at the federal level, the study team interviewed over thirty federal and tribal officials familiar with these issues, conducted site visits, and reviewed relevant documents. Key factors and issues identified from this contextual analysis included the following:

- **Many different tribal, federal, state, and local law enforcement agencies may be involved in investigating IC cases.** The two federal agencies most often involved in investigations in IC are the Department of Justice's Federal Bureau of Investigation (FBI) and the Department of the Interior's Bureau of Indian Affairs (BIA). Tribes also may operate law enforcement agencies with their own criminal investigators. Tribal police are typically the first to respond to an incident and will contact federal law enforcement if the case seems serious enough to constitute a federal crime.
- **Cases that may warrant federal prosecution are referred to the appropriate U.S. Attorney's Office, which then elects to accept or decline the case based on several factors.** If the federal government decides to proceed with a prosecution, it may prosecute the defendant as a juvenile delinquent or seek to transfer the juvenile to adult status.

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<sup>2</sup> However, the federal government has jurisdiction over federal crimes (e.g., bank robbery and drug trafficking) that occur in IC, as throughout the rest of the country.

<sup>3</sup> Prior to 2010, the maximum period of incarceration that a tribal court could impose on any offender was one year (although this could be increased in certain cases by sentencing a defendant to concurrent one-year sentences for multiple offenses). With the passage of a 2010 law known as the Tribal Law and Order Act, the sentencing limit was increased to three years for tribes meeting certain criteria (see page 2 for further discussion of this law).

- **The decision to prosecute a juvenile case at the federal level is based on a number of considerations.** These include the seriousness of the crime, the youth’s age and criminal history, strength of the evidence, and the tribe’s capacity to prosecute and appropriately sentence the offender. While the final decision to prosecute a case federally rests with the U.S. Attorney, tribal preference is also often taken into account. In general, tribal youth cases processed in the federal system tend to be egregious crimes committed by older offenders (those close to the age of majority) with more extensive criminal histories.<sup>4</sup> Importantly, this reflects the types of cases referred to and accepted by federal prosecutors, rather than the underlying pattern of offending by tribal youth. Less serious offenses tend to be handled at the tribal level.
- **Similarly, a number of factors influence whether a juvenile is processed as a juvenile delinquent or transferred to adult status.** Federal law specifies the factors that must be considered in determining whether to transfer a case, including the type of offense and the offender’s age, criminal history, and maturity. Relevant factors differ by type of transfer, although cases meeting certain criteria must be transferred. District practice also influences whether a juvenile is transferred to adult status; the prevalence of transfer varies across districts, occurring more frequently in some districts than in others.
- **Tribal youth cases may be prosecuted in both tribal and federal court.** The tribal case may be initiated first and dropped once the federal case begins, or both jurisdictions can pursue the cases to completion.
- **Federal cases against tribal youth face many processing challenges.** These challenges, some of which apply to IC cases generally, include the physical and cultural distances between many reservations and federal actors, as well as the lack of federal detention facilities for juveniles.
- **The federal justice system is not designed for juveniles, yet it may sometimes be the best option available.** A consistent theme that emerged throughout the interviews was that, in both the federal and tribal systems, there is a lack of facilities, programs, and services to address the needs of tribal youth. Facilities for housing juveniles sentenced to detention in the federal system are limited and are often located far from the juvenile’s home and family. Community-based treatment programs available to these youth are also very limited and are rarely located on or near a juvenile’s reservation. Furthermore, these programs may not take into account the beliefs and traditions of the youth’s culture. Although many of the officials (both tribal and federal) we interviewed indicated that the federal justice system is not designed for juveniles, they explained that it is sometimes the best option available. Despite its limitations, the federal system can sometimes access or fund services for juveniles that are unavailable to tribal communities. The federal system is also better able to address serious offenders due to its ability to sentence defendants for longer periods of time, given that the sentencing options available to tribal courts are limited by both federal law and, frequently, a lack of tribal detention facilities.

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<sup>4</sup> According to officials we interviewed, tribal youth processed in the federal system often have extensive criminal histories at the tribal level; however, verifying this observation was beyond the scope of the data analyses presented in this report.

## Analysis of Federal Data

Data from agencies participating in the FJSP were analyzed to identify both juvenile and Indian Country cases. The project team encountered numerous challenges in identifying these cases, primarily because neither juvenile defendants nor IC cases are recorded in a consistent manner across federal agencies. The capacity of agency data systems to identify juveniles and Indian Country cases vary substantially. There are some agency data systems that simply lack an indicator variable to identify IC juveniles, so we relied on less-than-perfect proxy measures for those agencies. *As such, we must caution the reader that the numbers of Indian Country juvenile cases reported in this study vary considerably from stage to stage and do not necessarily track well or consistently across processing stages.* As a result of these limitations with the data, we are left, not with a clear picture of juveniles and tribal youth, but instead a mosaic with some missing pieces. Therefore, the numbers reported in this study should be treated as estimates. The assumptions that were made in analyzing the data are fully described in the specific agency analyses, which are included as appendices to this report. Highlights from the data analysis follow:

- **There were relatively few juvenile cases in the federal system.** From 1999 to 2008, juveniles represented less than 1% of the criminal caseload at every stage in the federal system. On average during this period, there were about 320 juvenile arrests, 200 juveniles in cases filed, 350 juveniles entering the BOP<sup>5</sup>, and 250 juveniles entering post-conviction supervision each year.
- **Tribal youth represented about 40-55% of all juveniles in the federal system, depending on the stage in the system.** From 1999 to 2008, the proportion ranged from an average of almost 40% of all juveniles arrested to almost 50% of juveniles in cases filed to 55% of juveniles entering BOP custody to almost 50% of those entering supervision. These proportions corresponded to about 120 arrests, 100 juveniles in cases filed, 190 entering BOP custody, and 120 entering post-conviction supervision each year.
- **From 1999 to 2008, the number of juveniles, as well as tribal youth, in the federal system decreased substantially.** These decreases held across most stages of the justice system. The reasons for these decreases are unclear at the present time.
- **Most juvenile cases were concentrated in a small number of federal judicial districts.** These include the five federal judicial districts with substantial IC jurisdiction (South Dakota, Arizona, Montana, New Mexico, and North Dakota), along with two other Southwest border districts (California-Southern and Texas-Western).

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<sup>5</sup> We acknowledge the apparent disconnect between our estimate of the average annual BOP juvenile admissions (353 per year) and our estimate of the average number of juvenile defendants in cases terminated (192 per year) generated from the EOUSA data. These numbers emerge from two different data sources. It is likely that part of this discrepancy is due to the methods that we applied to the BOP data to identify juveniles, which relied on age at commitment of offense, derived from two date variables (date at offense and date of birth) that could be prone to the normal minimal levels of data entry error. In addition, in a small percentage of cases where the BOP date at offense was missing, we instead used sentencing date to identify juveniles as anyone under 21 at sentencing (sentencing date was nearly always present in the data). In so doing, we may inadvertently be capturing some offenders who were not juveniles (but rather, adults) at the time they committed their offense. Thus, it is possible that our BOP estimates of juveniles are slightly overstated.

- **The non-tribal juvenile population included numerous defendants from the Southwest border accused of drug and immigration violations.** The U.S. Marshals Service (USMS) data also reflect a number of juvenile arrests as material witnesses, which we have excluded from our analysis of arrestees.<sup>6</sup>
- **U.S. Attorneys declined a substantial portion of juvenile matters referred for prosecution.** According to data from the Executive Office for U.S. Attorneys (EOUSA), on average for the 10-year period, about 42% of all the concluded juvenile matters were declined (about 45% of the concluded IC juvenile and 40% of non-IC juvenile matters were declined). The primary reason for declining juvenile cases generally was reported in the EOUSA data to be “juvenile suspect.” Case-related reasons were most cited for declinations of IC juvenile cases while “juvenile suspect” was overwhelmingly reported (3 out of 4 times) as the most cited reason for non-IC juvenile cases.
- **Most Indian Country youth cases involved violent offenses.** For IC juveniles in delinquency proceedings or cases filed, the offense distribution was as follows: 60% violent, 22% public order, 12% property, 3% weapons, and 1% drug, and less than 1% immigration. Among violent offenses, the most common charges were for sexual abuse, assault, and murder.
- **The offense distribution for IC juveniles differed substantially from non-IC juveniles.** The offense distribution for non-IC juveniles in delinquency proceedings or cases filed was as follows: 7% violent, 27% public order, 16% property, 7% weapons, 25% drug and 16% immigration.
- **It is exceedingly difficult to distinguish juveniles prosecuted as adults from juveniles processed as delinquents in the data.** All juvenile cases in the federal system begin as juvenile delinquency proceedings, and it is challenging to determine the proportion of juveniles that are transferred to adult status and handled as criminal cases. There is no standard method for recording when this occurs across agencies and the available data do not present a consistent view: the EOUSA data only document a small share (1 in 3) of juveniles processed as delinquents; while the BOP data suggest that most juveniles (about 6 in 10) were processed as delinquents.
  - EOUSA data suggest that, of the total 2,069 juvenile defendants in cases filed in U.S. district court between 1999 and 2008, 698 of them (or 34%) were processed as juvenile delinquents. Of the 990 IC juvenile defendants in cases filed in U.S. district court, 295 (or 30%) were processed in federal court as juvenile delinquents; of the 1,079 non-IC juvenile defendants in cases filed in U.S. district court, 403 (or 37%) were processed in federal court as juvenile delinquents. *However, one should not infer that the remainder of these juveniles was processed as adults, since questions remain about whether this information was entered consistently and completely in the agency data system.*
  - On the other hand, BOP data show that most juveniles entering BOP custody had been adjudicated delinquent and had not been transferred to adult status. Overall,

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<sup>6</sup> Under the material witness statute, 18 U.S.C. §3144, an individual may be arrested and detained if “it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpoena...”

about 62% of juveniles entering BOP custody had been adjudicated delinquent (82% of entering IC juveniles entrants had been adjudicated delinquent compared to only 38% of entering non-IC juveniles who were adjudicated delinquent).

- **A vast majority of juvenile defendants were convicted.** About 85% of all juvenile defendants in cases terminated in U.S. district court from 1999-2008 were either convicted or adjudicated, mostly through guilty plea, but a small percentage (5% overall) also were found guilty at trial; 15% were not convicted, either because their case was dismissed (15%) or because they were found not guilty at trial (less than 1%). The conviction rate for IC juveniles (89%) was higher than for non-IC juveniles (80%).
- **Type of commitment to BOP varied for adjudicated juveniles and those prosecuted as adults.** Most adjudicated IC juveniles (about 6 in 10) were committed to the custody of the BOP by “probation with confinement conditions,”<sup>7</sup> while most non-IC juveniles adjudged delinquent were committed for detention to BOP facilities by a U.S. district court commitment. The pattern for juveniles prosecuted as adults was similar for both IC and non-IC juveniles: A majority (3 out of 4) of both groups either were committed to a facility on a U.S. district court commitment for a new offense or were supervision violators.
- **The average time served for those juveniles released from BOP custody increased from 1999 to 2008.** The average time served for juveniles overall increased from 14 months to 31 months. The average time served in BOP facilities doubled for both IC juveniles (from 12 to 25 months) and non-IC juveniles (from 16 to 36 months) during the period. However, the average time served for juveniles released from BOP custody from U.S. district court commitments increased from 28 to 46 months, while time served for supervision violators remained fairly stable over the period (12-13 months). The average time served by IC juveniles for U.S. district court commitments increased from 28 months to 36 months, while for non-IC juveniles the average time served for U.S. district court commitments rose from 28 months to nearly 53 months.
- **Juvenile delinquent supervision became available during this time period.** Nearly 75% of all IC juvenile offenders entering federal supervision during the 10-year period received probation sentences, 10% received juvenile delinquent supervision, and 15% entered on a term of post-prison supervised release. However, those percentages varied across the period: between 1999 and 2005, an overwhelming majority (95%) received probation (before the new juvenile delinquent supervision provision was imposed and coded in the Federal Probation Supervision Information System - FPSIS), whereas from 2006 to 2008, only 38% of IC juvenile offenders entered on regular probation, 29% entered on the new juvenile delinquent supervision, and 33% entered on post-conviction supervised release.

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<sup>7</sup> “Probation with confinement conditions” are split sentences that include some confinement (detention) and some probation.

## 1. Introduction

In 2009, with funding from the Bureau of Justice Statistics (BJS) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Urban Institute (UI) undertook an analysis of juveniles in the federal justice system, focusing specifically on tribal youth. We examined 1999-2008 case processing data from the Federal Justice Statistics Program (FJSP) to answer a number of questions, including the following:

- how many juvenile cases – tribal and overall – are there in the federal system;
- where are these cases occurring – in which federal judicial districts;
- what types of offenses are involved;
- what are the offender characteristics;
- how many offenders are handled as juveniles, and how many as adults;
- what are the case dispositions; and
- how well do the FJSP data address these questions, and what improvements could be made?

In addition to analyzing these cases and their flow through the system, the study explored the complex jurisdictional issues and organizational factors that influence how and why cases involving tribal youth enter the federal system and examined the current practice of handling these cases. As part of this contextual analysis, we interviewed more than three dozen federal and tribal officials and reviewed laws, policies, and relevant legal and academic reports to identify and document factors central to the processing of tribal youth in the federal system.

Although Indian Country (IC)<sup>8</sup> and juvenile cases represent a small subset of all cases handled in the federal system, BJS and OJJDP commissioned this analysis at a time of growing federal interest in crime and justice issues in IC. Under the Obama administration, the Department of Justice launched a major initiative to improve public safety in IC. Following a series of regional summits with tribal representatives to identify critical IC crime issues, the Department convened a Listening Session in October 2009 to elicit the views and concerns of Tribal Nations. In January 2010, the Deputy Attorney General declared that “public safety in tribal communities is a top priority of the Department of Justice,” and he directed all U.S. Attorneys’ Offices in districts containing federally recognized tribes<sup>9</sup> to meet and consult with tribes in their districts and develop plans to address public safety in tribal communities (Office of the Deputy Attorney General 2010). Moreover, congressional hearings held in recent years highlighted IC crime and public safety problems and documented the challenges and shortcomings of the federal response.<sup>10</sup> Provisions of the Tribal Law and Order Act, passed in the summer of 2010, include

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<sup>8</sup> “Indian Country” is statutorily defined as including “all land within the limits of any Indian reservation under the jurisdiction of the United States Government, . . . all dependent Indian communities within the borders of the United States, . . . and all Indian allotments, the Indian titles to which have not been extinguished”; see 18 U.S.C. § 1151.

<sup>9</sup> There are 565 federally recognized tribes, located in 33 states and in 44 of the 94 federal judicial districts.

<sup>10</sup> See Senate Report 111-093 (10/29/09), which accompanied S.797, The Tribal Law and Order Act of 2009.

new programs and authorities to strengthen tribal justice systems and improve the federal response to crime in IC. (See sidebar for highlights of the law.)

Despite the small number of juveniles handled by federal prosecutors, there has been longstanding interest in understanding this population, including the large proportion of American Indian juveniles (Sabol 2003; Scalia 1997). For example, the Coordinating Council on Juvenile Justice and Delinquency Prevention<sup>11</sup> has periodically examined issues related to juveniles prosecuted in the federal system, including juvenile detention and tribal youth.

This report presents findings from the *Tribal Youth in the Federal Justice System* project. Below, we introduce the structure and responsibilities of the federal criminal justice system, including the key federal justice agencies; discuss the handling of juvenile cases in the federal system; and provide an overview of criminal jurisdiction in IC (Section 1). Next, we describe our methods for the contextual analysis and discuss what we have learned about current practice, including key considerations in processing tribal youth cases (Section 2). Section 3 then describes the approach taken for the data analysis, presents cross-cutting themes from the analysis, and presents highlights of the findings for key agencies and stages in the process. The full agency analyses, including a complete discussion of the methodology,

### **Tribal Law and Order Act**

The Tribal Law and Order Act (TLOA) of 2010 is intended to address ongoing problems related to public safety in tribal communities by promoting increased coordination among federal, state, and tribal agencies and strengthening tribal justice systems. Key provisions of the Act include, but are not limited to, the following:

- An increase in the maximum penalties a tribal court may impose from one to three years of imprisonment and from \$5,000 to \$15,000 in fines. To qualify for these enhanced sentences, tribal courts must meet a number of conditions (for example, defendants subject to more than one year in jail must be provided counsel, and judges must be licensed and law trained).
- Reauthorization of federal programs designed to improve tribal justice systems and reduce crime, including programs to prevent youth substance abuse and delinquency and to fund tribal courts, law enforcement, jails, and data systems.
- Appointment of a Tribal Liaison in the U.S. Attorney's Office of each judicial district containing Indian lands.
- Increased involvement of federal officials in tribal court systems, including requirements that they must testify in tribal prosecutions and share evidence with tribes.
- Enhanced collection, analysis, and dissemination of tribal crime data by federal agencies, including requirements that U.S. Attorneys' Offices and the FBI publish annual reports on the types of cases they decline to prosecute or investigate.
- Access to national federal crime databases for tribal law enforcement.
- Increased police presence in IC, including enhanced recruitment and training opportunities and expedited background checks for tribal police officer applicants.
- Provisions to combat sexual assault and domestic violence in tribal communities.
- Development of a long-term plan, to be drafted by the BIA in collaboration with tribes and the Department of Justice, to address needs for tribal detention facilities.
- Option that tribes in the six original Public Law 280 states may request that federal jurisdiction be concurrent with state jurisdiction on their reservations.

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<sup>11</sup> The Council is an independent organization in the federal executive branch that "coordinates all federal juvenile delinquency prevention programs, all federal programs and activities that detain or care for unaccompanied juveniles, and all federal programs relating to missing and exploited children" (<http://www.juvenilecouncil.gov>). See the Quarterly Meeting Summary from September 10, 2004, which discusses federal custody of juveniles.

are included as a series of appendices. The final section (Section 4) summarizes the study's findings, including the limitations of the FJSP data, and identifies several issues and research opportunities for the future.

## Overview of the Federal Justice System/FJSP

The federal system has its own criminal code, rules, and sentencing guidelines and includes a multitude of agencies spanning all stages of the criminal justice process. Most federal crimes, along with the federal delinquency laws, are codified in Title 18 of the U.S. Code, but many are scattered in other parts of the U.S. Code. Federal criminal jurisdiction today is quite broad and overlaps greatly with state jurisdiction. Areas of exclusive federal jurisdiction include certain crimes against the federal government, as well as crimes occurring in federal enclaves, or areas over which the states have no jurisdiction. Federal enclaves include military bases and national parks and, as described below, Indian Country.

The federal justice system is organized into 94 federal judicial districts, each of which is served by a U.S. Attorney's Office (USAO). Almost all federal criminal cases are prosecuted by the USAOs.<sup>12</sup> Federal

### Federal Justice Statistics Program (FJSP): Contributing Agencies

**U.S. Marshals Service (USMS)** – Arrests and books suspects and transports and houses pretrial and pre-sentenced offenders

- *Prisoner Tracking System (PTS)* contains information on all suspects arrested and booked for violations of federal law.
- *Warrant Information Network (WIN)* contains warrants issued for violations of federal law.

**Drug Enforcement Administration (DEA)** – Investigates drug-related federal crimes

- *Defendant Statistical System* contains information on all suspects arrested by DEA agents; this includes suspects arrested for violations of federal law as well as suspects who are referred for state prosecution.

**Executive Office for U.S. Attorneys (EOUSA)** – Administrative office for all U.S. Attorneys' Offices

- *National LIONS System Files* contains information on the investigation and prosecution of suspects in criminal matters received and concluded, as well as criminal cases filed and terminated, that are handled by U.S. Attorneys.

**Administrative Office of the U.S. Courts** – Administrative office for all federal courts

- *Pretrial Services Agency (PSA)* contains information on defendants interviewed, investigated, or supervised by pretrial services.
- *Criminal Master File* contains information about the criminal proceedings against defendants whose cases were filed in U.S. District Courts.
- *Federal Probation Supervision Information System (FPSIS)* contains information about offenders under supervision, including those on probation or supervised release.
- *U.S. Court of Appeals (APPEALS)* contains information on criminal appeals filed and terminated in U.S. Courts of Appeals.

**U.S. Sentencing Commission (USSC)** – Independent body that develops and oversees sentencing policy for the federal system

- *Monitoring Data Base* contains information on criminal defendants sentenced pursuant to the provisions of the Sentencing Reform Act (SRA) of 1984.

**Federal Bureau of Prisons (BOP)** – Responsible for custody of all federal offenders sentenced to incarceration

- BOP database contains information on all sentenced offenders admitted to or released from federal prison during a fiscal year and offenders in federal prison at the end of each fiscal year.

<sup>12</sup> Although there are 94 USAOs, there are only 93 U.S. Attorneys; a single U.S. Attorney serves the USAOs in both Guam and the Northern Mariana Islands.

investigations are handled by many law enforcement agencies, including the Federal Bureau of Investigation (FBI), which possesses the broadest criminal jurisdiction.<sup>13</sup> The U.S. Marshals Service (USMS) is responsible for arresting and booking suspects, as well as for transporting and housing them pretrial and pre-sentencing. The Federal Bureau of Prisons (BOP) is responsible for all offenders sentenced to a period of incarceration, while the U.S. Probation and Pretrial Services System is the community corrections arm of the federal judiciary, handling pretrial and post-conviction supervision.

Six of the federal criminal justice agencies contribute data to the FJSP, which is operated by BJS. The FJSP compiles comprehensive information describing suspects and defendants processed in the federal criminal justice system. The goal of the FJSP is to provide uniform case processing statistics across all stages of the federal criminal justice system, including arrest, prosecution, pretrial, adjudication, sentencing, custody, and supervision.<sup>14</sup> (See sidebar on page 3 for information on the agencies and databases from which the FJSP data are compiled.)

### **Federal Jurisdiction Involving Juveniles**

Juvenile delinquency is primarily a state and local issue; in fact, there is no separate federal juvenile system. Federal jurisdiction over alleged and adjudicated delinquent youth applies only in limited cases and is governed by the Federal Juvenile Delinquency Act (FJDA), a 1938 law that has undergone a number of subsequent revisions.<sup>15</sup> Jurisdictional and procedural aspects that distinguish the handling of juveniles in the federal system from state and local juvenile justice processing include the following:

- **Definitions of juvenile and delinquency.** Federal law (18 U.S.C. §5031) defines a *juvenile* as a person under 18 years of age and *juvenile delinquency* as a violation of federal law committed by a person before his or her 18th birthday that would have been a crime if committed by an adult (or a violation of 922(x), possession of a handgun or handgun ammunition by a juvenile). A person under the age of 21 is accorded juvenile treatment for an act of juvenile delinquency that occurred prior to his or her 18<sup>th</sup> birthday. By contrast, many states define juvenile jurisdiction more narrowly.
- **Certification.** In the federal system, certification (18 U.S.C. §5032) refers to the preliminary procedure by which the federal government must substantiate its interest in and basis for jurisdiction in a juvenile case.
- **No direct file.** At the federal level, every case involving a juvenile begins as a juvenile delinquency proceeding. Although federal law (18 U.S.C. §5032) contains provisions to prosecute juveniles as adults, it does not allow for direct file as an adult case, as states

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<sup>13</sup> Among the many investigative agencies are the FBI; Drug Enforcement Administration (DEA); Immigration and Customs Enforcement (ICE); Customs and Border Protection; Secret Service; Alcohol, Tobacco, Firearms, and Explosives (ATF); U.S. Postal Inspectors; and Internal Revenue Service (IRS). Other agencies include the criminal investigative arms of regulatory agencies and Offices of Inspectors General.

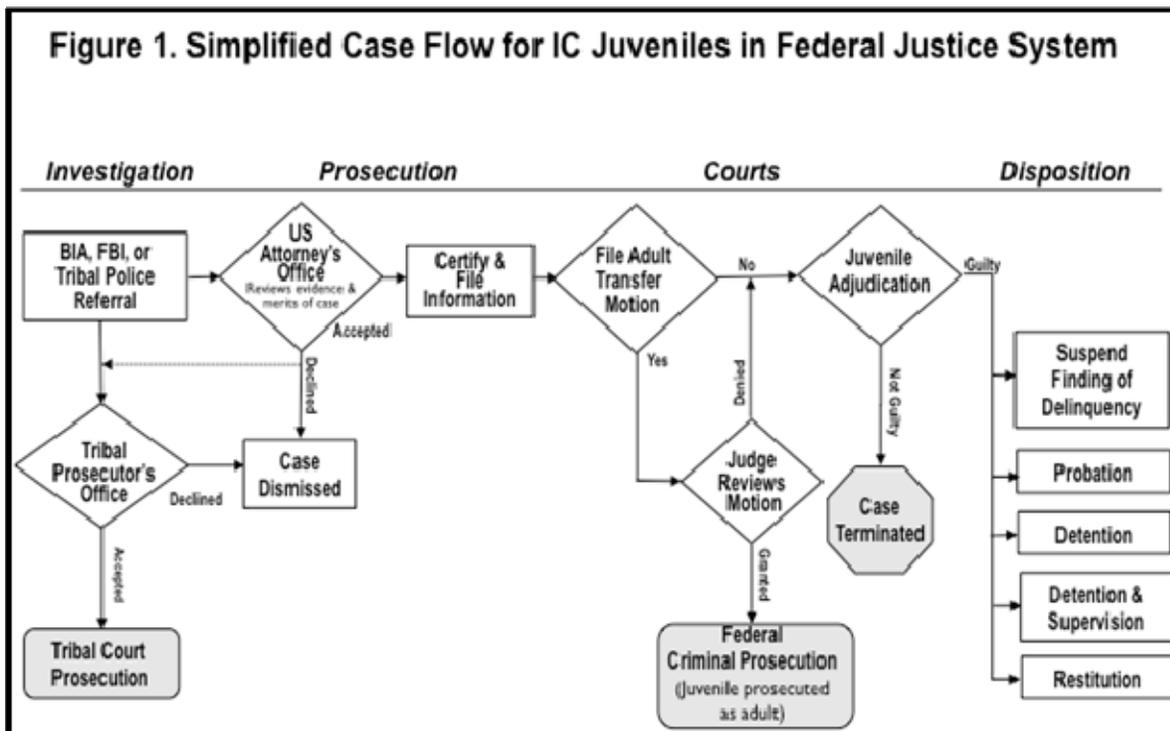
<sup>14</sup> Additional information about the FJSP, including annual statistical tables and an online statistics tool, are available on the BJS website: <http://bjs.ojp.usdoj.gov/fjsrc/>.

<sup>15</sup> See 18 U.S.C. §5031 et seq.

often do (i.e., many states have legislative transfer laws that remove specific offenses from juvenile court jurisdiction).

- **Confidentiality of juvenile records and proceedings.** Today, federal laws governing juvenile records are more robust than those of many states. For example, federal law enforcement may not fingerprint or photograph alleged juvenile delinquents. In addition, court proceedings, including disposition, are closed to the general public.

Figure 1 presents a simplified case flow for Indian Country juveniles processed in the federal justice system.



### *Basis for Federal Jurisdiction over Juveniles*

The FJDA lists three bases for federal jurisdiction over juveniles, which constitute the only acceptable reasons for federal prosecution of a juvenile delinquent:

- the state either does not have or refuses to assume jurisdiction in the matter;
- the state lacks sufficient resources to address the needs of the juvenile;<sup>16</sup> or
- the alleged offense is a federal felony violent crime (including gun offenses) or an enumerated drug offense, *and* there is a substantial federal interest in the case.

<sup>16</sup> This basis for certification “is almost never used” (Oliver 2008).

Before proceeding against a juvenile, the Attorney General or the U.S. Attorney must certify to the appropriate district court that one or more of these bases applies to the case at hand.<sup>17</sup> For certifying federal prosecution of juveniles in Indian Country, the first basis, which applies to delinquent acts committed in federal enclaves, is generally used.

### *Process of Handling Juveniles in the Federal Court System*

Once the basis for federal jurisdiction in the case has been certified, prosecutors proceed against alleged juvenile delinquents by “information”, rather than by indictment. The juvenile information alleges an act of delinquency and is similar to an indictment in that it represents a formal accusation charging the defendant with a specific crime. However, unlike an indictment, an information is brought by the U.S. Attorney rather than by the grand jury. If a juvenile is not transferred to adult status, the subsequent trial (if one occurs) will be a closed bench trial, in which a district court judge, rather than a jury, decides the case. By contrast, juveniles transferred to adult status are, like adult defendants, subject to a jury trial.

Juveniles in the federal system are accorded special protections beyond those in place for adult defendants. For example, when a youth is taken into custody for an alleged act of delinquency, the arresting officer must immediately notify the juvenile's parents, guardian, or custodian. The juvenile must then be brought before a magistrate judge<sup>18</sup> “forthwith”; a juvenile may not be detained for longer than a reasonable period of time before this occurs. Among other things, the magistrate must ensure that the juvenile is represented by counsel. Further, an alleged, detained delinquent must be brought to trial within 30 days of the date of detention, unless the juvenile waives this right, and a disposition hearing must be held no later than 20 court days after the juvenile delinquency hearing, unless the court has ordered further study. A number of additional protections are intended to secure the juvenile’s privacy and restrict the accessibility of information about the juvenile. For example, federal law enforcement may not fingerprint or photograph alleged juvenile delinquents (although juveniles who have been adjudicated delinquent of certain enumerated offenses may be fingerprinted and photographed).<sup>19</sup> Furthermore, in general, juvenile records are sealed from public view.

### *Transfer to Adult Status*

Rather than proceeding against a juvenile as an alleged delinquent, the government may instead seek to prosecute the juvenile as an adult. There are three mechanisms by which juveniles may be prosecuted as adults in the federal system:

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<sup>17</sup> Although the FJDA specifies that the Attorney General must make this certification, the authority has been delegated to all U.S. Attorneys (U.S. Attorneys’ Manual 9-8.110).

<sup>18</sup> Magistrates are judicial officers appointed by judges of federal district courts. They possess many, but not all, of the powers of a judge. Magistrates are designated to hear a wide variety of motions and other pretrial matters in both criminal and civil cases. With consent of the parties, they may conduct civil or misdemeanor criminal trials. Magistrates, however, may not preside over felony trials or over jury selection in felony cases.

<sup>19</sup> Juveniles may only be photographed and fingerprinted *after* they have been adjudicated delinquent of specific violent offenses or drug offenses. The exception to this rule is that juveniles who have not yet been adjudicated may be photographed or fingerprinted if necessary for a criminal investigation—for example, when a juvenile’s identity or other personal information is unclear.

- **Voluntary transfer.** The juvenile voluntarily waives his or her status as a juvenile. According to those we interviewed, this occurs more often than one might expect, typically as part of a plea agreement. For example, it may be advantageous for a juvenile to waive juvenile status if he or she has an extensive criminal history and is likely be transferred anyway. For juveniles who meet all qualifications for a mandatory transfer, it also may benefit negotiations with the prosecution to agree to the transfer.
- **Mandatory transfer.** The prosecutor initiates the action by filing a motion to transfer. The juvenile must be transferred if all of the following three criteria are met:
  - the alleged crime occurred after the juvenile’s 16<sup>th</sup> birthday;
  - the crime is a violent felony against a person, serious drug crime, or other enumerated offense; and
  - the juvenile was previously convicted of or adjudicated delinquent for a similar offense in either state or federal court.
- **Discretionary transfer.** The prosecutor initiates the action by filing a motion to transfer. This type of transfer is available for younger offenders and for a broader set of offenses than mandatory transfer. Specifically, a juvenile must be alleged to have committed either:
  - an act after his or her 15th birthday which, if committed by an adult, would be a felony crime of violence or a specified drug or gun offense; or
  - one of a narrower set of specified crimes of violence after his or her 13th birthday. Tribal juveniles aged 13 or 14 at the time of the offense may not be transferred unless the governing body of their tribe has elected such treatment. Experts we consulted could not identify any tribe that had consented to allow juveniles of this age to qualify for transfer. Our BOP analysis, however, suggests that some IC juveniles 14 or younger may have been prosecuted as adults (see page 64).

In a discretionary transfer, the court must determine whether transfer would be “in the interest of justice” after considering six factors, including the juvenile’s age and social background, prior delinquency record, and psychological maturity, as well as the nature of the alleged offense. Of the three transfer mechanisms, this is reportedly used least.

### *Disposition and Sentencing*

While juveniles who have been convicted as adults qualify for the same sentences as adult defendants, sentences for those who have been adjudicated delinquent are subject to different rules. The following disposition options are available to federal courts in sentencing juvenile delinquents:

- suspending the finding of juvenile delinquency;
- placing the juvenile on probation; or
- committing the juvenile to official detention, which may be followed by a term of juvenile delinquent supervision.

In addition to any of these options, the court may order the juvenile to pay restitution. Prior to determining the appropriate disposition, the court may commit a juvenile for observation and study if the court desires additional information; generally, the results of the study should be provided to the court within 30 days after the commitment.

The available term of probation depends in part on the age of the juvenile. In any case, the probation may never extend beyond the maximum term that could be authorized if the juvenile had been convicted as an adult. Moreover, for a juvenile under the age of 18, probation may not extend beyond the juvenile's 21<sup>st</sup> birthday, and for a juvenile between the ages of 18 and 21, probation may not extend beyond three years. As with adults, if a juvenile violates a condition of supervision at any time before the end of the term of probation, the court may revoke probation and order a term of official detention.

Similar to probation, the term of official detention for juveniles may not extend beyond the maximum of the sentencing guideline range applicable to an otherwise similarly situated adult defendant<sup>20</sup> or the maximum term of imprisonment that would be authorized if the juvenile had been convicted as an adult. For a juvenile under the age of 18, detention may not extend beyond his or her 21<sup>st</sup> birthday. For juveniles between the ages of 18 and 21, the maximum term of detention depends upon the type of crime committed, with the most serious crimes carrying a term of up to five years and other crimes carrying a term of up to three years.<sup>21</sup> The court may also sentence the juvenile to a term of juvenile delinquent supervision after official detention.<sup>22</sup>

### *Placement of Juveniles*

At the federal level, juveniles detained prior to trial or sentencing are in the custody of the USMS. One of the primary responsibilities of the USMS is to house all individuals who are arrested by federal agencies, including juveniles, until they are either released or sentenced. Most individuals in the custody of the USMS are held in state, local, and private facilities. The USMS must house juveniles in accordance with the FJDA, which specifies that juveniles may not be detained in any facility where they have "regular contact" with adult prisoners or pretrial detainees.<sup>23</sup>

After a disposition hearing has been held, the USMS delivers all federal offenders and juvenile delinquents who have been sentenced to a term of detention to the custody of the BOP. As specified in the FJDA, the type of facility in which a juvenile may be placed depends upon both the age of the juvenile at the time of commitment and on whether he or she has been adjudicated delinquent or convicted as an adult. Due to the small number of federally-sentenced juveniles,

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<sup>20</sup> Unless the court finds an aggravating factor to warrant an upward departure. See U.S. Sentencing Guidelines, §1B1.12 *Persons Sentenced Under the Federal Juvenile Delinquency Act* (Policy Statement). The federal sentencing guidelines do not apply to juveniles adjudicated delinquent.

<sup>21</sup> Those who, if convicted as an adult, would be convicted of a Class A, B, or C felony may not receive a term of detention longer than five years, and those who would be convicted of any other crime may not receive a term longer than three years.

<sup>22</sup> The juvenile delinquent supervision provision was added in 2002.

<sup>23</sup> See 18 U.S.C. § 5039.

the BOP does not operate any youth facilities and instead contracts out for juvenile placements with public and private correctional facilities.

**Table 1. Placement of Juveniles Detained in the Federal System**

<b>Age at Placement</b>	<b>Adjudicated Delinquent</b>	<b>Convicted as an Adult</b>
<b>&lt;18</b>	Juvenile Contract Facility	Juvenile Contract Facility
<b>18-21</b>	Juvenile Contract Facility	BOP Facility
<b>&gt;21</b>	BOP Facility	BOP Facility

As depicted in Table 1 above, those under the age of 18 at the time of commitment are housed in juvenile facilities, regardless of whether they have been transferred to adult status. Whenever possible, the FJDA specifies that youth should be detained in the least restrictive setting appropriate (such as group homes or community-based facilities located close to their homes). Those between the ages of 18 and 21 are placed in juvenile facilities if they have been adjudicated delinquent and in adult institutions if they have been convicted in the adult system. Those over the age of 21, regardless of whether they have been adjudicated delinquent or transferred to adult status, are placed in adult facilities. Adjudicated juvenile delinquents may be transferred from a juvenile to an adult facility once they reach the age of 21, and juveniles convicted as adults may be transferred to an adult facility upon reaching the age of 18; however, such transfers are not required, as they may disrupt programming (BOP 1999).

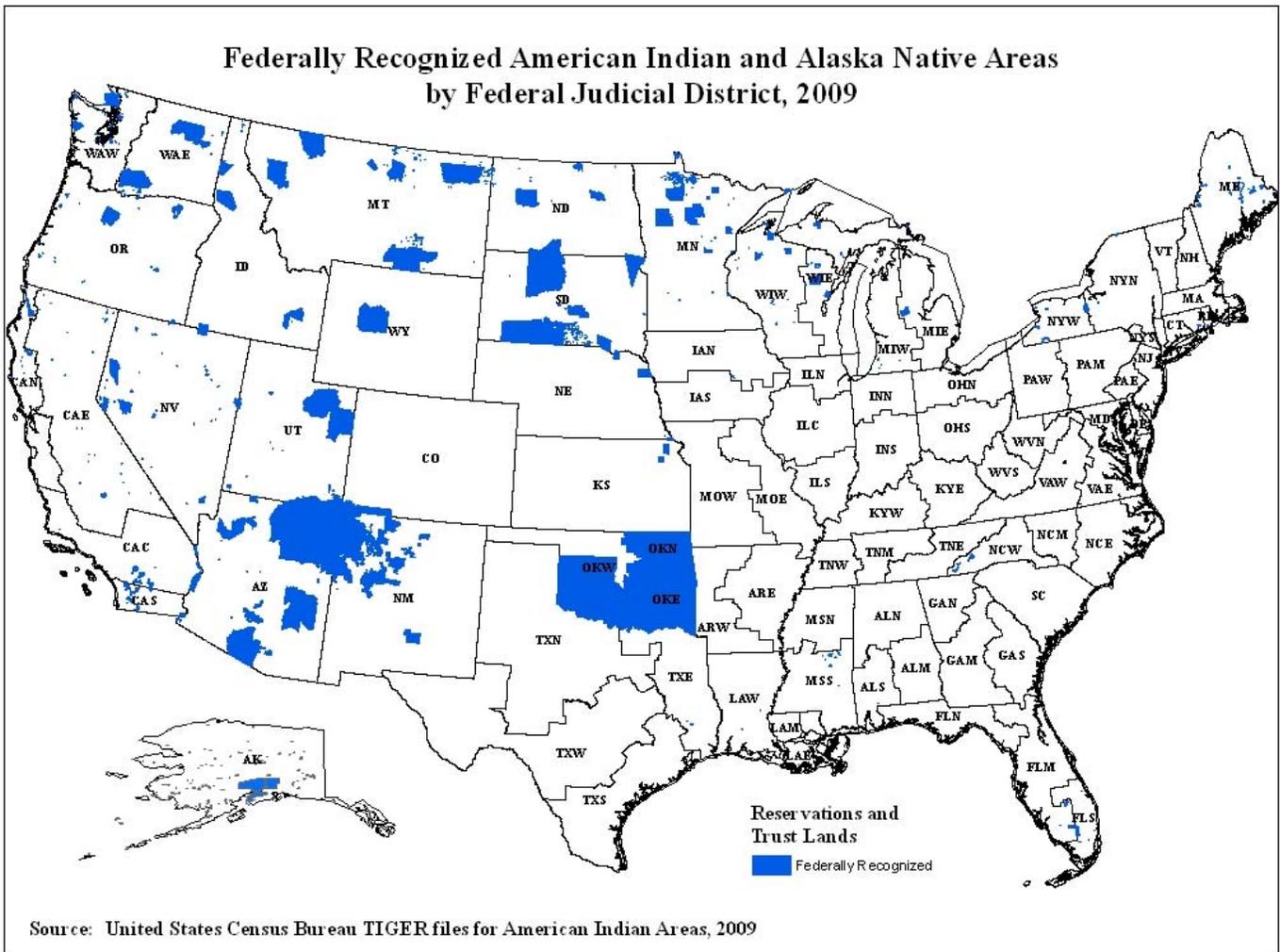
Almost all of the juvenile contract facilities for the BOP are located in states with large tribal populations, including North and South Dakota, Montana, Wisconsin, Arizona, Minnesota, and New Mexico (BOP 2007). According to BOP policy, juveniles are “placed only in facilities where adequate specialized programs and services are available to them” (BOP 1999), and all juveniles must receive, at a minimum, 50 hours of formal programming each week. BOP requirements for the types of programming that contract facilities must provide include education, vocational training, counseling and mental health services, life skills classes, substance abuse treatment, and opportunities to participate in cultural activities (which, for American Indian juveniles, must include “access to sweat lodge, medicine men and/or spiritual leaders,” as well as other cultural and spiritual activities where possible) (BOP 2004 and 2005). The BOP considers a number of factors in determining the placement of juveniles, including age, offense behavior, length of commitment, prior record, adjustment during prior commitments, mental and physical health, and special needs (BOP 1999).

### **Understanding Criminal Jurisdiction in Indian Country**

As of October 2010, there were 565 federally recognized tribes in the United States. These tribes are located in 33 states and 44 federal judicial districts. See Figure 2 for a map of federally recognized tribes by federal judicial district. Criminal jurisdiction in Indian Country is complicated, with responsibilities divided among federal, state, and tribal entities in a complex patchwork that varies not only among federal judicial districts but even, frequently, among tribes within a single state or judicial district. Jurisdiction is determined by several factors, including the nature of the offense, whether the perpetrator or victim is an American Indian, and whether Congress has conferred jurisdiction on the state. Below, we briefly examine the key federal statutes and case law allocating jurisdiction in IC.

As noted by Tatum (2003), “a complicated web of federal statutes and U.S. Supreme Court decisions has resulted in the federal, state, and tribal governments all possessing varying degrees of criminal jurisdiction over various people who commit varying types of crimes in Indian Country.” Despite this complexity, several broad generalizations may be drawn concerning the basic scope of jurisdiction exercised by each type of government (federal, state, and tribal), while bearing in mind that the jurisdictional framework may vary in practice according to local circumstances. Simply put, **in most states, the federal government has primary jurisdiction over most felonies occurring on Indian lands.** Refer to Figure 3 on page 11 for a simplified diagram depicting the general structure of jurisdiction for crimes committed in IC.

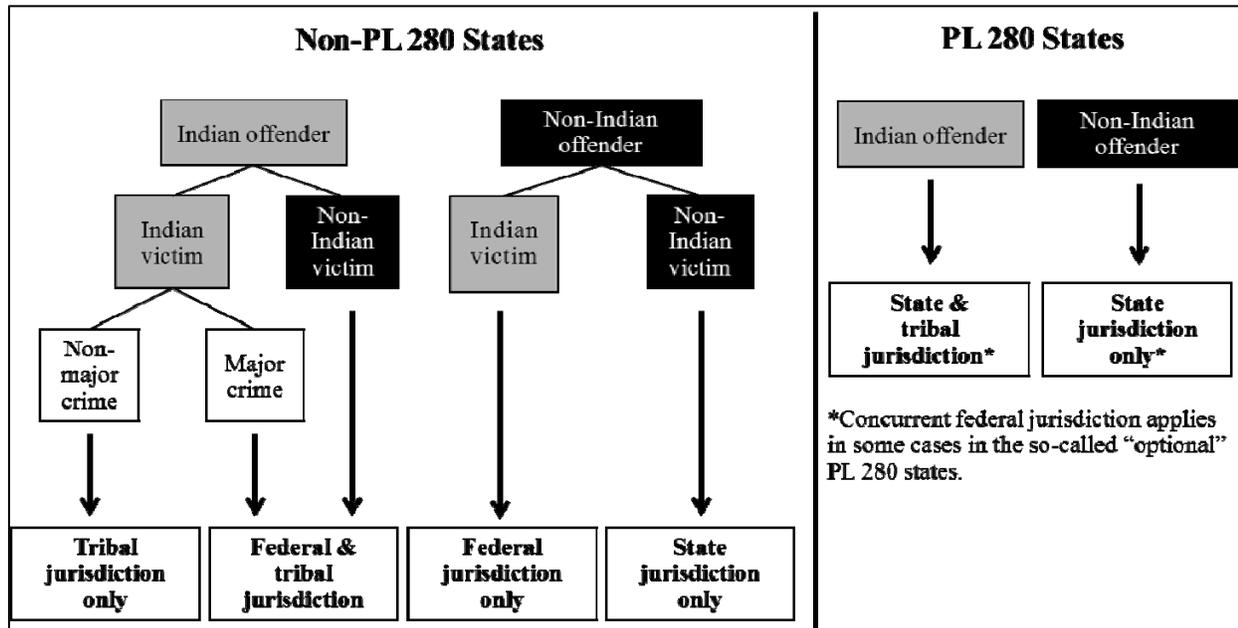
**Figure 2. Map of Federally Recognized Tribes by Federal Judicial District**



*Federal Jurisdiction*

Federal law pertaining to criminal justice in IC is rooted in the General Crimes Act of 1817<sup>24</sup> but extends through the Tribal Law and Order Act of 2010. The nature and goals of the statutes passed during these nearly 200 years have varied greatly over time, with federal laws and policies about American Indians swinging between two positions: termination and assimilation of tribes on the one end, and self-determination by the tribes on the other. Present policy appears to emphasize self-determination and independence (Canby 2009).

**Figure 3. Jurisdiction in Indian Country**



The General Crimes Act of 1817 extended federal jurisdiction over all crimes occurring on Indian lands, except those committed by an Indian against another Indian.<sup>25</sup> In 1882, the reach of the General Crimes Act was restricted by *United States v. McBratney*,<sup>26</sup> in which the Supreme Court held that the state possesses exclusive jurisdiction over offenses committed in IC by a non-Indian against another non-Indian, thus limiting federal jurisdiction to crimes committed by an Indian against a non-Indian or vice versa.

The second law to significantly extend the reach of federal jurisdiction in IC was the Major Crimes Act of 1885,<sup>27</sup> which provided for federal jurisdiction over certain serious offenses

<sup>24</sup> See 18 U.S.C. § 1152.

<sup>25</sup> The Act stipulated that the laws that apply to federal enclaves also apply in Indian Country. Given that the applicable laws in federal enclaves are generally not as extensive as those of state criminal codes, the Assimilative Crimes Act of 1948 allowed the federal government to prosecute offenses occurring in federal enclaves that do not violate the Federal Criminal Code, but that do violate the laws of the surrounding state, through the temporary assimilation of state law into federal law; see 18 U.S.C. §13.

<sup>26</sup> See 104 U.S. 621 (1881).

<sup>27</sup> See 18 U.S.C. § 1153.

committed by an Indian within IC, regardless of the victim's status as Indian or non-Indian. The Act thus expanded federal jurisdiction to include a limited number of offenses committed by Indians against other Indians, a category of crimes to which the General Crimes Act did not apply. The seven crimes originally enumerated in the law have since been expanded to 15 offenses, including murder, manslaughter, serious forms of assault, kidnapping, burglary, robbery, and arson. Today, then, federal jurisdiction in IC applies to all offenses committed by an Indian against a non-Indian, all offenses committed by a non-Indian against an Indian, and certain serious crimes committed by an Indian against an Indian.

### *State Jurisdiction*

Until the mid-20<sup>th</sup> century, the state's role in Indian Country was limited to offenses committed by non-Indians against other non-Indians. However, a 1953 law known as Public Law 280<sup>28</sup> greatly expanded the state's responsibility and significantly altered the jurisdictional composition in IC by mandating that six states<sup>29</sup> assume criminal jurisdiction over most or all Indian lands within their borders, thereby removing federal jurisdiction in those areas.<sup>30</sup> This law also provided other states with the option to seek similar jurisdiction, and ten states<sup>31</sup> have pursued this option, with varying degrees of success (Goldberg 2005). These "optional" states have concurrent jurisdiction with the federal government, in contrast to the "mandatory" states listed in the original law, which have jurisdiction exclusive of the federal government. A few states also have gained IC jurisdiction through statutes other than Public Law 280. As with the "optional" Public Law 280 states, these states have concurrent jurisdiction with federal authorities.

A 1968 amendment to Public Law 280 required states to obtain tribal consent before pursuing jurisdiction under the law. Since that time, no tribe has consented to state jurisdiction, and thus no additional states have acquired jurisdiction under the law (Goldberg, Champagne, & Singleton 2007).<sup>32</sup> In addition, a number of states – including both "mandatory" and "optional" states – have since elected to retrocede, or return, full or partial jurisdiction over some or all of the Indian lands within their borders to the federal government (Goldberg 2005).<sup>33</sup>

### *Tribal Jurisdiction*

Many tribes have established tribal justice systems, including courts, law enforcement, and detention facilities. It is important to note that federal and state jurisdiction does not preclude concurrent jurisdiction by the applicable tribal court, and tribes continue to exercise substantial jurisdiction over Indians in IC, particularly for non-major crimes (Canby 2009).

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<sup>28</sup> Pub.L. 83-280, codified at 18 U.S.C. § 1162.

<sup>29</sup> AK, CA, MN, NE, OR, and WI.

<sup>30</sup> However, the U.S. retains jurisdiction over general federal crimes (e.g., bank robbery and drug trafficking) occurring in IC, as elsewhere throughout the country.

<sup>31</sup> AZ, FL, ID, IA, MT, NV, ND, SD, UT, and WA.

<sup>32</sup> States on which jurisdiction had already been conferred were not affected by the amendment.

<sup>33</sup> These states include NV, MT, WA, MN, NE, OR, and WI.

Tribes are authorized to prosecute any Indian who commits an offense within the boundaries of the tribal court's jurisdiction.<sup>34</sup> Neither the General Crimes Act, the Major Crimes Act, nor Public Law 280 is considered to prohibit concurrent tribal jurisdiction over Indian offenders. In fact, courts have held that both the Major Crimes Act and Public Law 280 allow for tribal court jurisdiction (U.S. Attorneys' Criminal Resource Manual, section 687), and the U.S. Department of Justice's Office of Tribal Justice issued a memorandum in 2000 clarifying that tribes retain concurrent jurisdiction within Public Law 280 states. Moreover, because tribes are considered to have "inherent sovereign powers which are not derived from the federal government," a USAO's decision to pursue a case does not prevent the tribe from prosecuting the same case (Sands 1998). In other words, the rule of double jeopardy does not apply in these cases.

However, as established through court decisions – including *United States v. McBratney* (1882) and *Oliphant v. Suquamish Indian Tribe* (1978) – tribal court jurisdiction is limited to Indian offenders, and tribes lack the authority to prosecute non-Indians, regardless of whether the victim of the crime is Indian or non-Indian. In addition, even in cases in which tribes do exercise jurisdiction, the sentencing options available to tribal courts were limited by a 1968 law known as the Indian Civil Rights Act<sup>35</sup> to a maximum of one year of incarceration and a fine of \$5,000, regardless of the nature of the offense. Although, in some instances, the sentences could be "stacked" for multiple counts of conviction, the one-year maximum has been viewed as a limitation on the tribe's ability to sanction serious offenses and offenders. As described in the sidebar on page 2, the 2010 Tribal Law and Order Act has increased these limits.

#### *Summary of Jurisdiction in Indian Country*

In summary, a number of questions must be answered in order to determine the appropriate jurisdiction in a particular case:

- **Nature of the offense.** Is the offense one of the 15 enumerated felonies of the Major Crimes Act? Alternatively, is it an offense over which federal jurisdiction would apply regardless of whether it was committed within a federal enclave such as Indian Country?
- **Status of the offender and victim.** Is the offender Indian or non-Indian? Is the victim Indian or non-Indian?<sup>36</sup>

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<sup>34</sup> The Supreme Court ruled in *Duro v. Reina*, 495 U.S. 676 (1990), that tribal courts only possess authority to prosecute Indians who are members of the tribe; however, Congress subsequently passed a law reversing the court's decision, allowing tribes to prosecute any individual who is Indian by blood, regardless of tribal membership.

<sup>35</sup> See 25 U.S.C. § 1301 et seq.

<sup>36</sup> The definition of an "Indian" for purposes of establishing criminal jurisdiction is not based solely on ancestry but also on affiliation with a federally recognized tribe. The Supreme Court has ruled that federal jurisdiction over Indians is not based on a racial distinction but on the historical relationship between the U.S. and tribal governments (*United States v. Antelope*, 340 U.S. 641, 1977). Thus, the determination of whether an individual is an Indian under the General Crimes Act and Major Crimes Act rests on both degree of Indian blood and tribal membership; however, enrollment in a federally recognized tribe is not necessarily required for federal prosecution (U.S. Attorneys' Criminal Resource Manual, Section 686).

- **Legislation conferring state jurisdiction.** Was the crime committed in a state in which legislation (whether Public Law 280 or another statute) confers jurisdiction on the state? What is the specific nature of this legislation, and does it allow for concurrent federal jurisdiction? Is the legislation applicable to the particular part of Indian Country in which the offense occurred and to the particular type of offense committed? Has state jurisdiction been retroceded or declared invalid by courts?

Again, it is important to note that the specific jurisdictional arrangement may vary from tribe to tribe. In general, however, in all but the original “mandatory” Public Law 280 states, the federal government holds jurisdiction over all crimes committed in IC by an Indian offender against a non-Indian victim or vice versa, as well as certain crimes committed by one Indian against another, as listed in the Major Crimes Act. In “optional” Public Law 280 states, as well as in states for which jurisdiction was conferred through a statute other than Public Law 280, the state holds concurrent jurisdiction with the federal government over these same types of crimes. The “mandatory” Public Law 280 states, on the other hand, exercise jurisdiction exclusive of the federal government over *all* crimes committed in IC.<sup>37</sup> Moreover, regardless of whether Public Law 280 applies, all states retain exclusive jurisdiction over crimes occurring in IC that are committed by one non-Indian against another. Tribes, meanwhile, have concurrent jurisdiction with the federal government and/or state when a crime is committed by an Indian offender;<sup>38</sup> however, until the recent enactment of the Tribal Law and Order Act, tribal courts were limited to maximum sentences of one year of incarceration and a fine of \$5,000. In cases involving a non-Indian offender, tribes do not have jurisdiction.

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<sup>37</sup> Again, the U.S. retains jurisdiction over federal crimes (e.g., bank robbery and drug trafficking) occurring in IC.

<sup>38</sup> In non-Public Law 280 and “optional” Public Law 280 states, tribal jurisdiction is exclusive in cases of crimes not enumerated in the Major Crimes Act that are committed by an Indian against another Indian.

## 2. Exploring Current Practice

To better understand how this legal framework operates in practice, we interviewed federal and tribal officials across the country and reviewed the relevant legal and research literature to explore factors influencing the processing of Indian Country juveniles in the federal system. Between February and November 2010, we conducted more than three dozen in-person and phone interviews with federal officials<sup>39</sup> in Washington, D.C., as well as individuals from several of the federal districts that have the most experience in prosecuting tribal youth cases. Interview topics focused on (1) agency roles and responsibilities in processing criminal matters in IC, including those involving juveniles; (2) decision-making authority and collaboration between federal and tribal entities; (3) factors affecting the processing of criminal cases, both those involving youth and adults; and (4) the characteristics of the crime problem in IC.<sup>40</sup>

In the sections below, we briefly describe current practice (i.e., the basics of who, what, when, where, how, and why) at key stages of the legal process, beginning with arrest and investigation. (See sidebar on page 16 for a list of the federal agencies that may be involved in federal tribal youth cases.) The discussion of each stage highlights some of the key factors and issues affecting case processing that were identified by the stakeholders we interviewed. We must emphasize that our observations are not generalizable to, or in any way representative of, all federal districts, all tribes, or the handling of all cases involving tribal youth. Rather, our objective in presenting these observations is to provide the reader with a flavor of the issues associated with the processing of such cases.

Although this study focused on youth cases in the federal system, we also sought to understand, where relevant, how tribal justice systems intersected with such cases. It is important to recognize that some tribes operate and maintain tribal justice systems similar in composition, structure, and function to those at the county, state, and federal levels, while others do not. Many tribal systems follow a Western model of justice, while others may adhere to the more traditional values and conceptions of justice of the tribe. Key components of tribal justice systems may include law enforcement services (both patrol officers and criminal investigators); court services, including criminal, delinquency, and dependency courts and prosecutors; probation services; detention facilities; and treatment services (Martin et al. n.d.); in addition, some tribes have defense services. The Department of Justice funds technical assistance and training to build the capacity of tribal justice systems under the Bureau of Justice Assistance Tribal Court Program and its Tribal Justice Capacity Building Training and Technical Assistance Program, as well as the Planning Correctional Facilities on Tribal Lands Program. In addition, the Department's Office of Juvenile Justice and Delinquency Prevention funds two grant programs designed to improve tribal juvenile justice systems, services for juveniles, and efforts to prevent delinquency: the Tribal Youth Program and the Tribal Juvenile Accountability Discretionary Grants Program.

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<sup>39</sup> UI researchers interviewed federal and tribal prosecutors, defenders, and judges; probation and corrections staff; law enforcement agents; and individuals from community-based organizations.

<sup>40</sup> Given the scope of this study, we only spoke with federal and tribal officials involved with reservations on which there was no state jurisdiction (either as a "mandatory" or "optional" Public Law 280 state) over crimes involving Indians.

The processing of tribal criminal and delinquency matters is guided by a tribe’s criminal or juvenile code. Where the tribe has concurrent jurisdiction with the federal or state government, such matters may proceed either instead of or in addition to prosecution by state or federal authorities.

**Arrest and Investigation**

There are a number of federal, tribal, state, and local agencies that may respond to, investigate, and make arrests for crimes in IC, resulting in a wide array of possible criminal justice configurations. In addition to the nature of the crime and the status of the offender (Indian or non-Indian), distance between criminal justice agencies and tribes, and tribal resources and capacity influence the mix of agencies involved on the ground.

*Federal Law Enforcement*

The two federal agencies most involved in *criminal investigations* in IC are the FBI and the Department of the Interior’s Bureau of Indian Affairs (BIA).<sup>41</sup> Both agencies investigate crimes in IC over which federal jurisdiction applies, particularly major crimes. As appropriate and feasible, these agencies collaborate with tribal law enforcement (including tribal criminal investigators), state or local police, other federal agencies (such as the Drug Enforcement Administration or the Bureau of Alcohol, Tobacco, Firearms, and Explosives), and/or one another.

A key difference between the FBI and BIA is that, in addition to employing criminal investigators to conduct investigations in IC, the BIA also provides overall law enforcement services, whether directly or by contract, to most tribes, whereas the FBI does not (however, FBI agents do have the authority to enforce the Major Crimes Act and the General Crimes Act, in

<b>Key Federal Agencies Involved in Tribal Youth Cases</b>	
<b>Agency</b>	<b>Function</b>
Bureau of Indian Affairs ( <i>U.S. Department of the Interior</i> )	<ul style="list-style-type: none"> <li>• Provides patrol and investigative services to tribes (directly or by contract)</li> <li>• Provides other justice services to tribes, including training and detention facilities</li> </ul>
Federal Bureau of Investigation ( <i>U.S. Department of Justice</i> )	<ul style="list-style-type: none"> <li>• Main federal law enforcement agency</li> <li>• Provides investigative and other services (such as training) to tribes</li> </ul>
U.S. Marshals Service ( <i>U.S. Department of Justice</i> )	<ul style="list-style-type: none"> <li>• Arrests and books suspects</li> <li>• Transports and houses pretrial and pre-sentenced offenders</li> </ul>
U.S. Attorneys ( <i>U.S. Department of Justice</i> )	<ul style="list-style-type: none"> <li>• 94 U.S. Attorneys’ Offices prosecute federal crimes, including many IC crimes</li> </ul>
U.S. Courts	<ul style="list-style-type: none"> <li>• U.S. Courts adjudicate federal cases, including IC and juvenile cases</li> <li>• U.S. Probation and Pretrial Services supervises offenders on pretrial release, probation, and supervised release</li> <li>• Federal Public Defenders provide counsel for federal defendants unable to afford representation</li> </ul>
Federal Bureau of Prisons ( <i>U.S. Department of Justice</i> )	<ul style="list-style-type: none"> <li>• Responsible for all federal prisoners sentenced to a term of incarceration, including Indian offenders and juveniles</li> </ul>

<sup>41</sup> The BIA provides a continuum of support and services, including training and technical assistance, to the tribal justice systems of federally recognized tribes through its Office of Justice Services (OJS). The OJS operates seven divisions: Corrections, Drug Enforcement, Indian Police Academy, Law Enforcement, Professional Standards, Tribal Justice Support – Courts, and Victim Services.

addition to other federal crimes, in Indian Country) (Tatum 2003). A 1993 Memorandum of Understanding (MOU) between the FBI and the BIA addressed each agency's respective responsibilities, placing much of this determination under local control (U.S. Attorneys' Criminal Resource Manual, section 676).<sup>42</sup>

### *Tribal Law Enforcement*

Tribal law enforcement in IC may take many forms. According to the Department of the Interior's website, the BIA provides police forces, referred to as direct-service forces, for 42 tribes, while the majority of tribes with BIA-supported law enforcement (149 tribes) operate their own police forces through a contract with the BIA.<sup>43</sup> This funding vehicle is often referred to as a BIA 638 contract, with the police or detention facilities financed by the contract referred to as 638 forces or facilities. The federal Community Oriented Policing Services (COPS) Office, within the U.S. Department of Justice, has also provided funding to tribal law enforcement through grant programs, such as Coordinated Tribal Assistance Solicitation and the Tribal Methamphetamine Initiative. In addition, some tribes have elected to establish independent police agencies, with no funding from the federal government.

Even when a tribe's police force is operated under contract with the BIA, this "does not automatically confer Federal law enforcement authority on the officers in these police departments" (BIA Indian Affairs Manual, Part 40, Ch. 2, 1999).<sup>44</sup> Rather, in order to obtain the authority to enforce federal laws (in addition to the laws of the tribe) and act as federal officers, tribal police must receive Special Law Enforcement Commissions (SLECs) from the BIA.<sup>45</sup> For these commissions to be conferred, a tribe must first enter into an agreement with the BIA, and then individual officers must apply for their own SLECs, as well as attend a training course. To be eligible to receive an SLEC, an officer must be "certified as having met at least the minimum standards for qualification, training, and suitability that are required of BIA law enforcement officers" (BIA Indian Affairs Manual, Part 40, Ch. 2, 1999). Many of the stakeholders we interviewed emphasized the importance of the SLECs and the associated training to build tribal law enforcement capacity.

In addition to establishing and maintaining a basic police force, tribes also may have a separate division of tribal criminal investigators. This division may be established through a contract with the BIA, in which case tribal investigators function as, and must complete similar training and meet similar standards as, BIA Criminal Investigators (U.S. Attorneys' Criminal Resource Manual, section 676). Tribes whose tribal police officers perform patrol duties only (i.e.,

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<sup>42</sup> This MOU also called for federal prosecutors in judicial districts containing IC to develop a set of guidelines clarifying the role of the BIA, FBI, and tribal investigators and stipulated that both agencies would share information, cooperate, and attempt to resolve jurisdictional disputes at the local level.

<sup>43</sup> Such contracts are authorized by the Indian Self-Determination and Education Assistance Act (1975); see 25 U.S.C. § 450.

<sup>44</sup> The reverse also holds true: BIA police may "enforce tribal codes only when such enforcement authority has been assigned through a formal agreement between the BIA and an Indian tribe" (BIA Indian Affairs Manual, Part 40, Ch. 2, 1999).

<sup>45</sup> However, courts have established the authority for tribal officers without SLECs to detain suspects over whom tribal jurisdiction does not apply (such as non-Indians) and transport them to the appropriate authorities (Tatum 2003).

responding to calls for service and apprehending suspects), therefore, must involve either the FBI or BIA to conduct criminal investigations.

### *State and Local Law Enforcement*

The potential involvement of state and local agencies in tribal law enforcement gives rise to an even greater number of possible criminal justice arrangements in IC. Because this report focuses on Indian youth in the federal justice system, the role of state and local law enforcement in states on which jurisdiction has been conferred by Public Law 280 or similar legislation is not explored here. Nevertheless, despite the lack of state jurisdictional authority over Indians in IC in non-Public Law 280 states, state and local agencies may frequently come into contact with tribal law enforcement.

In some cases, formal relationships have been established between tribal and local agencies, including cross-deputation agreements, in which tribal and county law enforcement officers are each granted the authority to perform the duties of the other (Goldberg, Champagne, & Singleton 2007). Given the rural nature of many Indian reservations and the fact that many non-Indians may reside within their boundaries, cross-deputation agreements can be beneficial in allowing the nearest police officer to enforce applicable laws, regardless of the location (within or outside the bounds of Indian Country) and status of the victim and offender (Indian or non-Indian).

In summary, it can be difficult for law enforcement in IC to respond to incidents quickly and effectively, given the myriad potential permutations of the specific tribal, federal, state, and local law enforcement agencies that may be involved and the roles that each may play. In some instances, the FBI is the only investigative authority in IC; in others, it is the BIA. Some tribes operate law enforcement agencies with their own criminal investigators, who may work with the FBI or BIA or conduct parallel investigations. In addition, we learned from both tribal and federal officials we consulted that, on some reservations, the BIA may handle investigation of certain types of offenses while the FBI handles others. Tribal working relationships with these agencies also vary; often, tribes work closely with federal investigators, but occasionally, due to historical tensions or conflicts, tribal and federal agencies may investigate tribal cases independently of one another.

Despite this variation, the tribal and federal officials interviewed for this project generally painted a similar picture of the criminal justice process, indicating that tribal police are typically the first to respond to an incident and will contact federal law enforcement – whether the FBI, the BIA, or both – if the case seems to warrant federal involvement. If federal investigators determine that the case does, in fact, fall under federal jurisdiction and merit a federal investigation, the investigation will then be conducted by some combination of FBI, BIA, and/or tribal investigators. According to the officials we consulted, tribes rarely fail to report serious crimes to the federal authorities, although it is our understanding that tribes have no obligation to make these referrals. In fact, several experts interviewed indicated that the opposite scenario – in which tribes desire that *more* offenders be prosecuted in the federal system, particularly in cases involving non-Indians – is more common than cases of tribes failing to report crimes in which there is federal jurisdiction to federal authorities.

## Prosecution

Cases deemed to fall within the bounds of federal jurisdiction may be referred to the appropriate USAO either by tribal law enforcement, the FBI, the BIA, the tribal prosecutor's office, or, in some cases, other tribal entities, such as social services. The USAO can become involved in a case at a number of different points. In some instances, federal or tribal investigators may notify the USAO only after they have completed their investigation. Alternatively, an Assistant U.S. Attorney (AUSA) may be notified of the case early in the investigation, or even as soon as the incident takes place, and investigators may consult the AUSA on legal questions regarding the case and on whether it merits continued investigation. According to one official we consulted, tribal police or tribal criminal investigators may first notify the USAO, which will then determine whether federal investigators should be involved in the case.

The USAO has the discretion to either accept or decline the case for prosecution. If the case is accepted, the USAO then decides how to charge the case, including whether to pursue a juvenile suspect as an alleged delinquent or an adult. Although the determination to pursue federal prosecution rests solely with the USAO, tribal and federal officials often work together in assessing whether a case should be prosecuted federally or tribally.<sup>46</sup> If the U.S. Attorney declines the case, the tribe may choose to prosecute in tribal court if it has jurisdiction over the offender.

Declinations – or decisions by the USAO not to prosecute a case – remain an important and somewhat sensitive issue in Indian Country and are the subject of a recent GAO report (General Accountability Office 2010). In the Justice Department's comments to the GAO report, the EOUSA Director referred to the U.S. Attorneys' Manual and the Principles of Federal Prosecution, which state that Department of Justice (DOJ) attorneys, "should initiate or recommend Federal prosecution if he/she believes that the person's conduct constitutes a Federal offense and that the admissible evidence probably will be sufficient to obtain and sustain a conviction." Moreover, as the GAO report and the DOJ response note, law enforcement agencies have various referral practices, which can affect declination rates. Some agencies may only refer cases they believe are fully investigated and ready for prosecution, while others may submit every allegation. Although this issue did not often arise as a subject of concern during our interviews, data from the EOUSA indicate that USAOs decline a substantial proportion (45%) of the juvenile IC cases referred to them. The TLOA imposes an additional reporting requirement on the U.S. Attorneys regarding declinations, specifying that USAOs must publish annual reports detailing the types of cases that were declined for prosecution.

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<sup>46</sup> We learned, for example, that in sexual abuse cases or cases in which the victim is a child, a multidisciplinary team may meet to consider this decision. In addition to tribal and federal prosecutors and investigators, these teams may consist of victim/witness coordinators or case workers.

## Factors Influencing Federal Prosecution

A number of key factors influence whether cases involving tribal youth will be prosecuted in the federal system, tribal system, or both; many of the same factors may influence transfer and sentencing decisions. These factors come into play in tribal, FBI, and BIA decisions to refer or not refer a case to the USAO, as well as in USAO decisions to accept or decline a case for prosecution. Stakeholders consulted for this project consistently identified the following considerations:

**Seriousness of the crime.** The extent to which the crime is particularly egregious and violent was repeatedly noted by stakeholders across the criminal justice continuum as a key factor in determining how to proceed. Crimes meriting sentences longer than tribal courts could impose were also likely candidates for federal prosecution. The strong consensus among the federal and tribal officials we consulted was that juveniles who enter the federal system are typically those who are alleged to have committed very serious crimes. For illustrative purposes, the textbox on this page includes brief summaries of three cases prosecuted in the federal system. While the patterns of juvenile offenses may vary across tribes, the types of crimes that tend to be referred federally include such egregious and violent offenses as murder or manslaughter, serious sexual abuse, and serious physical assault. In some cases, we learned that juvenile crimes involving a large monetary value (either in terms of damaged property or stolen currency or goods) also may be considered for federal prosecution. In addition, the USAO may become involved in cases of juveniles who show an ongoing pattern of more minor offenses that the tribe has been unable to deter. However, misdemeanors committed by juveniles are typically handled at the tribal level. Data reported in the following section confirm the views of those we interviewed, indicating that most juvenile cases in IC involve violent crimes.

**Strength of the evidence.** An important factor in the decision to refer or accept a case for federal prosecution concerns the strength of the evidence against the juvenile and the likelihood of a successful prosecution. Tribal or federal investigators may choose not to refer a case to the USAO if they believe they have not been able to gather enough evidence for the case to be viable. Likewise, an AUSA may also decline to prosecute a case if he or she believes that the evidence is lacking. According to one individual we interviewed, due to a lack of resources for investigation on many reservations, the physical evidence needed to build a strong case may not be available.

### Tribal Youth Case Examples

We have briefly summarized several cases drawn from a review of appellate cases and U.S. Attorney annual reports.

- **Adult/Second Degree Murder.** The defendant, who was 17 at the time of the offense, was sentenced to 15 years in prison after pleading guilty to second degree murder as an adult. As part of the plea agreement, the defendant waived his rights to be treated as a juvenile. The 17-year old murdered his 17-year old girlfriend, who died of multiple blunt force trauma injuries.
- **Juvenile Delinquency/ Assault.** The female defendant, 16 at the time of the offense, was adjudicated delinquent for assault with a dangerous weapon and assault resulting in serious bodily injury. She was committed to official detention until her 21<sup>st</sup> birthday. The juvenile assaulted an acquaintance with a baseball bat after the acquaintance failed to assist her when she was herself assaulted a few days earlier.
- **Juvenile Delinquency/ Abusive Sexual Contact.** The 13-year old juvenile sexually assaulted the 13-year old victim at his home. He pleaded guilty and was sentenced to 48 months probation.

Sources: 2009 and 2010 Arizona Indian Country Reports and *United States v. M.R.M.*, Eighth Circuit Court of Appeals, 2008.

**Tribal capacity to prosecute.** If a crime is sufficiently egregious to merit federal prosecution and the evidence is substantial enough to support prosecution, there is a final set of factors that may be considered in deciding whether to handle a case tribally or federally – namely, the tribe’s ability to prosecute the case in tribal court and the course of action that is most appropriate given the nature and circumstances of the case, available resources, and the youth’s prospects for rehabilitation.

Tribal justice systems vary greatly in terms of their structure, philosophy, standards, and resources. For example, while some tribal courts require judges and attorneys to have legal training, others do not. The resources available to tribes for detention and rehabilitation also vary widely; some tribes enjoy state-of-the-art juvenile detention centers offering a wealth of programs, while other tribes lack a detention center entirely. When tribes lack the ability to adequately prosecute, sentence, and rehabilitate a youthful offender, it is more likely for the case to be handled at the federal level.

As previously noted, a case may be prosecuted in both tribal and federal court. Although it may at first seem redundant or inefficient for both governments to prosecute the same case, we learned from speaking with federal and tribal officials that this situation is not uncommon and may serve a useful purpose. Tribes are generally able to build cases and bring them to trial more quickly than the federal government and a tribal prosecution can provide a way to expeditiously remove an offender from the public and to detain him or her until the federal case can begin. In turn, because, until passage of the Tribal Law and Order Act in 2010, tribal courts were unable to sentence an offender to more than a year of imprisonment, federal prosecution ensures that a serious offender can be sentenced to a length of time appropriate to the particular crime. In general, we learned, tribes may elect to drop the tribal charges and cease prosecuting the offender once the federal case is initiated. However, we were told that, in some cases, an offender may have already been convicted in tribal court and have served some of his or her sentence before being removed from tribal jail to face a federal prosecution.

**Tribal preference.** As noted, the USAO may consult with tribal officials and take tribal recommendations into account in deciding whether to pursue a case. Tribal preferences also may be important in determining whether a case is referred to the federal system in the first place. However, tribal prosecutors and other tribal criminal justice professionals are far from unified in their perspectives on whether cases should generally remain in the tribal system or be handled at the federal level. While some tribal officials desire broad federal involvement in juvenile cases in order to combat youth crime and bring justice to young offenders, others feel that cases should remain at the tribal level if possible, allowing juveniles to be prosecuted within their own communities. Some also believe that the federal system, particularly federal detention facilities or prisons, could have negative influences on juveniles that would then be brought back to the reservation upon their return.

In summary, the decision of whether to prosecute a juvenile accused of a serious offense at the tribal or federal level is a complex one, and oftentimes, neither option is satisfactory to all parties involved. The extent to which federal and tribal officials may make this decision collaboratively likely varies by district; however, our field work suggests a strong degree of collaboration and coordination among federal and tribal agencies in the districts consulted. Regardless, both

entities will consider the interests of justice and the best interests of the juvenile offender. As explained below, juveniles who are tried in federal court may be sent to a federal detention center far from home, and many federal prosecutors hope to avoid this outcome if possible by keeping the case at the tribal level, sometimes working with the tribal prosecutor. Moreover, many officials interviewed expressed the opinion that the federal system is not well-equipped to handle juvenile cases. Given the rarity of these cases, many attorneys, judges, and others involved in the federal justice system have very limited experience, if any, with juvenile cases and may be unsure how to proceed.

### *Factors Influencing Transfer to Adult Court*

Once a juvenile case is accepted, prosecutors must give the case high priority because of the time limits imposed by the statute.<sup>47</sup> After the U.S. Attorney certifies a case for federal prosecution, the prosecutor must decide whether he or she wishes to prosecute the juvenile as an alleged delinquent or an adult.

In some instances, a juvenile may voluntarily agree to have his or her case disposed of in the adult system, which we learned can occur as part of a plea agreement. In addition, federal law outlines the types of cases and offenders eligible for transfer. The decision to seek a motion to transfer is left to the prosecutor, who assesses the facts of the case and the juvenile's characteristics in light of the eligibility requirements as well as the standards that must be met for the judge to agree to the transfer. Officials consulted indicated that those defendants closer to the age of maturity (i.e., age 16 or 17) and those charged with especially serious, violent offenses are more likely to be transferred.

The prevalence of juvenile cases that are transferred seems to vary across judicial districts. In some districts, transfer appears to be exceedingly rare, while in others, the practice is more common. An expert in one judicial district estimated that about half of juveniles are transferred, while experts in two other districts indicated that transfer is very rare and occurs only in the most serious cases. This variation may in part depend upon the willingness of judges to transfer juvenile cases. In one district, we were told that judges almost always grant prosecutorial motions to transfer, while in another, transferring a case was said to be quite difficult. We were not able to empirically verify these observations through our data analysis because the data cannot address judicial decision-making in transferring juveniles to adult status.

### **Adjudication and Disposition**

Based on our interviews, judges, prosecutors, and federal defenders are typically interested in rehabilitating, not punishing, youth. However, we heard from many experts we consulted that there is a lack of knowledge, understanding, and especially resources and appropriate facilities (tribal, federal, and private) that prevents them from pursuing more rehabilitative sentencing options.

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<sup>47</sup> The defense attorneys, but not the prosecutors, can request an extension of the deadlines. According to one assistant federal defender we consulted, it may be in the best interest of the juvenile to waive the right to a speedy trial, particularly if the juvenile has been placed in a treatment facility prior to trial.

As stated earlier, a juvenile can be tried federally as either an adult or an alleged delinquent. If a juvenile is tried and convicted as an adult, he or she is eligible for the same sentences as an adult would be; thus, a juvenile who is transferred is eligible for a much longer sentence than one who has been adjudicated delinquent. However, a juvenile convicted as an adult may not be housed with adults until the age of 18. A federal judge has wider latitude in sentencing if a juvenile is adjudicated delinquent. As described in the introduction, the judge may suspend the finding of delinquency or choose from a variety of sentencing options, including probation, detention, and restitution. The individuals we consulted indicated that federal judges generally support the rehabilitation of juveniles, but they are often unaccustomed to handling these cases because there are so few juveniles in the federal system. According to one individual we interviewed, this situation may work in the youth's favor because federal judges who are not used to seeing juvenile cases may use "kid gloves" with youth.

At the tribal level, sentencing options are not as broad, and, until recently, judges were only able to give sentences of up to one year, or to "stack" consecutive one-year terms. In some tribes, we learned, first-time offenders are typically sentenced to probation and/or referred to treatment. For egregious crimes or repeat offenses, a juvenile may be placed into a tribal detention facility unless or until the case is tried federally. If a detention facility does not exist on the reservation, tribal officials may reach out to nearby tribes or counties to find placement for the youth. Many of the tribal officials consulted for this study stated that if more treatment facilities, especially for addiction and anger management, existed on or close to the reservation, judges would be more inclined to refer juveniles to treatment as opposed to probation or detention.

### **Detention: Pre- and Post-Adjudication**

As explained earlier, the U.S. Marshals Service (USMS) is responsible for arresting and booking suspects, as well as for transporting and housing them pretrial and pre-sentencing, while the Federal Bureau of Prisons (BOP) is responsible for all offenders sentenced to a period of incarceration. In compliance with federal law requiring the sight and sound separation of juveniles from adult offenders, the USMS and BOP contract with public and private facilities to appropriately house youth both pre- and post-adjudication. Neither agency directly operates facilities for juveniles. In the case of the USMS, officers will transport the juvenile between the contracted facility – often a local county's juvenile detention facility – and the federal court as processing of the case moves forward. The USMS also will transport the youth to a BOP facility post-adjudication. A source with the USMS indicated that it can be difficult to find space for juveniles and that housing juveniles is more expensive than adult detention space. If the youth is not taken into federal custody, or if she or he is released to the community (i.e., permitted to remain at home on the reservation) as the case proceeds, the youth is responsible for travel to and from the courthouse.<sup>48</sup>

The BOP contracts with both secure and non-secure (community-based) juvenile facilities. According to the BOP's website, the population of juveniles housed within these facilities consists predominantly of American Indian youth who typically have been adjudicated for

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<sup>48</sup> Although USMS custody data is not part of the FJSP, according to a source consulted at the USMS, the number of juveniles in custody has declined from roughly 100 per day several years ago to its current level of about 50 juveniles in custody per day.

violent offenses and have not responded favorably to preventative measures or rehabilitative interventions in the community.

A critical challenge in handling youth in the federal system is the lack of residential facilities close to the communities of the offenders. Individuals consulted for this study consistently noted that federally contracted facilities for juveniles tend to be located far from a youth's home community – often several states away. Such distances make it difficult to maintain contact with the family and community during detention and likely hamper sustained contact with vital social supports necessary for successful transition back to the community once confinement ends. The data presented in the next section (and in Figure G4 in Appendix G) illustrate the current situation. We learned from one expert that the BOP's dual goals of placing juveniles close to their home communities and in facilities that best meet their needs sometimes conflict with one another. For example, in cases of juveniles with special mental health needs, it may not be possible to find placement close to home. Extensive requirements for contract facilities, as outlined in the BOP's Statements of Work for secure and non-secure facilities (Federal Bureau of Prisons 2004 and 2005), also restrict the number of facilities that are able to house juveniles in federal custody; thus, bed space is limited.

While many interviewees suggested that placing a child in the federal system may be the best option for accessing needed resources, some individuals expressed concern about whether federal agencies could effectively provide the type of culturally competent services likely to benefit minority youth, including American Indians. Even where services specifically designed for American Indian youth exist, tribes are very diverse in terms of their cultural beliefs and practices, so these services may not address the needs of all tribal youth in the federal system. The consensus opinion seemed to suggest that, where they exist, tribal facilities, based in the community and therefore able to involve tribal elders in the delivery of interventions that incorporate traditional tribal beliefs and customs, may be better positioned to provide culturally competent services than the federal system.

Juveniles handled in the tribal, rather than federal, justice system may be housed in youth facilities operated or funded by the BIA. According to the BIA's Office of Justice Services (OJS), the OJS provides funding and support to tribes for the operation of tribal detention facilities, as well as directly operates a handful of facilities on reservations across the nation, but primarily in the Plains region. These facilities may house adult or juvenile offenders prosecuted under tribal law.<sup>49</sup> Across the U.S., there are approximately two dozen juvenile tribal detention facilities.<sup>50</sup> These facilities often provide a range of services to delinquent youth adjudicated through the tribal court. A few allow surrounding tribes to place youth in these facilities;

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<sup>49</sup> See BIA Division of Corrections website, <http://www.bia.gov/WhoWeAre/BIA/OJS/DOC/index.htm> (accessed online 12/26/2010).

<sup>50</sup> The number of juvenile detention facilities reported depends on which categories of facilities are included: under construction, unopened, operating, or actually having juveniles in custody. Information received in 2011 from the Tribal Coordinator at OJJDP indicates that there are 24 detention facilities, four of which are either under construction or unopened. *Jails in Indian Country 2009* indicates that there were 257 juveniles in custody in June 2009 (Minton 2011). The report surveyed all adult and juvenile jail facilities and detention centers operating in Indian Country. Nineteen of the facilities included "juvenile" or "youth" in their name; 16 of these reported juveniles in custody in June 2009. In addition, seven other facilities reported having juveniles in custody.

additionally, the BOP directory of juvenile facilities (2007) indicates that BOP also contracts with tribal facilities to house youth offenders.<sup>51</sup>

### **Pretrial and Post-Conviction Supervision**

Juveniles may be supervised at the pretrial and/or post-conviction stages. Post-adjudication supervision for those adjudicated delinquent may include either a term of probation or a term of juvenile delinquent supervision following detention. Those convicted as adults may be supervised as a term of probation or supervised release.<sup>52</sup> Probation officers we consulted indicated that juveniles are first assessed to determine which services and treatment they will need. Officers conduct substance abuse and/or mental health assessments and review the family, medical, and criminal history of the juvenile, as well as his or her education, skills, financial resources, family stability, access to transportation, and community ties. In accessing services for juvenile clients, pretrial and probation officers coordinate with and make referrals to various agencies, including social services, treatment programs, workforce development, and halfway houses. If a juvenile is on probation with a tribal or state agency, officers work to coordinate service delivery with that agency.

The pretrial and probation officers consulted mentioned several challenges they face in supervising tribal youth, who often live in remote areas and lack family support, employment and education resources, and access to transportation. They also noted that many of these juveniles lack basic life skills, such as problem-solving, communication, and coping skills, and that many of them are teen parents. Furthermore, they echoed the sentiment expressed by many other officials we interviewed that resources available for tribal youth at the pretrial, probation, and juvenile delinquent supervision stages are insufficient and fail to adequately address the needs of this population. They emphasized that additional community resources and reservation-based treatment programs – particularly sex offender treatment, substance abuse treatment, family counseling, mental health services, and mentoring programs – are needed. They also indicated a need for programs addressing these juveniles’ lack of basic skills, including vocational training, life skills programs, and parenting classes. Finally, they noted that, although pretrial and probation officers generally try to take account of the juvenile’s cultural background, some officers lack an understanding of the traditional beliefs and practices of various tribes.

### **Summary of Factors Influencing Practice**

Most officials we spoke with agreed that, while federal prosecution is not ideal, it may be the best option in certain cases. In some instances, tribal resources for prosecution or detention of juveniles may be limited. In other cases, where tribal youth need treatment and services, prosecutors may conclude that the interests of the juvenile are best served through federal prosecution, given that a greater variety of rehabilitative resources and services may be available

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<sup>51</sup> Neither the BOP nor the USMS, however, mentioned contracting with tribal facilities to house federal youth during our interviews.

<sup>52</sup> As noted earlier, the juvenile delinquent supervision provision was added in 2002 as an option for juvenile delinquents following a period of detention. Previously, the only type of post-conviction supervision available was under a sentence of probation. Supervised release is a term of supervision served by most criminal offenders after a term of incarceration; there is no parole in the federal system.

at the federal than at the tribal level. For example, a number of stakeholders commented that tribal youth who become involved with the justice system may come from families in which there is a high prevalence of substance abuse, violence, or sexual abuse. Additionally, many of these youth may themselves struggle with substance abuse; in fact, the majority of the tribal and federal officials with whom we spoke estimated that 90 to 95 percent of the juvenile cases that they handle are drug- or alcohol-related. Furthermore, both tribal and federal officials consulted for this project identified fetal alcohol syndrome and associated developmental delays as a factor characterizing many IC juvenile offenders. Some of these observations are consistent with research findings from studies of juvenile delinquency in IC that show that American Indian youth have higher levels of substance abuse and victimization.<sup>53</sup>

Thus, the decision of whether to proceed against a juvenile in the federal or tribal system is often based in part upon the nature and resources of the particular tribal system concerned. The availability of local (tribal) resources and the ability of the federal system to access a wide range of treatment, services, programming, and detention settings were consistently cited by federal and tribal stakeholders as important considerations regarding whether and how to adjudicate an American Indian youth at the federal level.

In addition to having potentially greater access to programs and services, the federal system can impose longer sentences than tribal courts. Due to the one-year sentencing limitation set by the Indian Civil Rights Act and increased to three years (for tribes meeting certain requirements) under the TLOA, the needs and interests of the juvenile must be balanced against the nature of the offense and the need for appropriate punishment. In weighing these interests, the age of the juvenile, the degree to which he or she presents a danger to the community and his or her perceived amenability to rehabilitation also may be considered.

Many tribes, particularly those in western states, are situated in remote, geographically isolated areas far from the resources and skilled workforce common in many urban areas. Although the provision of social and human services in IC is set by federal policy, the array of treatment, prevention, and intervention resources available to American Indians on reservations is viewed as often inadequate and as less than culturally competent. In addition, American Indians residing on reservations may not be able to access the full complement of state-managed resources available to address local crime, delinquency, and health issues, including substance abuse.

As a result, and due in part to the isolated location of many reservations, some tribal youth in need of substance abuse or mental health treatment must venture hundreds of miles outside the reservation and away from their families and other support structures to access services. Many of the individuals we interviewed emphasized the importance of maintaining close proximity to one's community. For youth, the benefit of treatment may be offset by prolonged separation from their communities and families. Detention services also can be far from tribal communities – either because the reservation lacks the facilities, or because the youth has been prosecuted within the state or federal justice systems. It is not uncommon for tribal youth processed in the federal system to be sent to facilities several *states* away from their home community.

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<sup>53</sup> For a summary of these findings, see Arya and Rolnick 2008.

Of course, some tribes operate a well-developed continuum of tribal services under the auspices of strong tribal government. Where adequate and appropriate resources exist to treat and house a delinquent youth, federal and tribal partners reportedly will work together when appropriate (i.e., when the crime is not so egregious as to prohibit this) to ensure that the youth remains in the community. Interestingly, however, the tribal justice representatives consulted for this project held differing opinions about the benefit of retaining youth on the reservation as the legal process unfolds. While many echoed the sentiment that treating youth close to home (i.e., in a manner that retains strong ties to community and social supports) was important and beneficial, others noted that sending youth off the reservation, particularly for drug treatment, offered the opportunity to break ties with unhealthy or negative peer groups.

### **Tribal Law and Order Act of 2010 (TLOA)**

It should be noted that a number of the challenges and issues discussed in the sections above may be mitigated by passage of the Tribal Law and Order Act (2010). For example, TLOA provisions allow tribes to impose 36-month sentences, an increase from the previous limitation of 12 months, as well as greater financial penalties. Officials interviewed for this study offered differing views on the likely effects of TLOA on justice in IC. While some predicted that the law would allow more serious cases to be handled at the tribal level due to the increase in the maximum sentences available, others did not expect this provision to influence the types or numbers of cases processed in tribal courts. The practical impact of TLOA on tribal justice will likely be unclear until Congress appropriates funds to assist with actual implementation.

### **Innovative Strategies from the Field**

Although not the focus of our project, we learned, through the course of our research, of two innovative strategies related to the challenges highlighted in this report. One publicly known strategy was recently implemented by the U.S. Attorney's Office in South Dakota. Known as the "Community Prosecution Strategy," the initiative involves assigning an experienced AUSA to spend three days per week on a reservation in order to build relationships and assist the reservation in building its justice capacity. Another element of the strategy is to designate licensed tribal prosecutors as Special AUSAs, allowing them to prosecute certain cases in federal court through the USAO. The overall goal of the strategy is to help improve the efficiency of tribal justice systems, primarily their law enforcement and prosecution components.

Another innovative idea that one district has recently employed is the creation of a small working group of federal employees who concentrate specifically on juvenile issues. This idea was spearheaded by two federal judges interested in improving how juvenile cases are handled. These judges were particularly concerned by cases in which they had very little choice but to send juveniles to out-of-state facilities for treatment and detention. The judges convened the juvenile justice working group in collaboration with other federal agencies, including Probation and Pretrial Services. One decision that has emerged from the working group is the creation of a juvenile specialist position in the judicial district's probation department. This person is tasked with overseeing federal probation officers with juvenile caseloads, creating a best-practices manual for supervising juveniles, creating a treatment manual based on existing treatment facilities located in or near the jurisdiction, and submitting monthly reports to federal judges

detailing any challenges that the specialist and his or her team have encountered that relate specifically to their juvenile caseload.

With these observations about current practice in mind, we now turn to the results of our data analysis.

### 3. Analysis of Federal Data

This section presents highlights from our review and analysis of Federal Justice Statistics Program (FJSP) data from Fiscal Years 1999 to 2008. Our objectives were to identify and describe federal juvenile cases, as well as the subset of federal juvenile cases originating in Indian Country. In particular, we were interested in answering the following questions:

- how many juveniles and IC juveniles pass through each stage of the federal criminal justice system – including arrest, prosecution, adjudication, sentencing, custody, and post-conviction supervision;
- what are the characteristics of these juveniles (e.g., age, gender, ethnicity, citizenship, race, tribe, and criminal history);
- what are the case characteristics (e.g., offense type, disposition, sentence type, and sentence length); and
- are these offenders prosecuted as juveniles or adults?

We examined these questions by separately analyzing the data provided by each agency. Our analytic approach was to explore data included in the Standard Analysis Files (SAFs)<sup>54</sup> prepared from datasets received from the six FJSP agencies and also examine the underlying source data to identify additional variables that might be of interest. As needed, we consulted with our FJSP agency contacts for additional background or clarification about the variables or our preliminary findings. However, we must emphasize that the data that the federal agencies provide to the FJSP do not systematically record information about either juveniles or Indian Country crimes in a consistent or complete manner, so the numbers reported in this study should be treated as *estimates*. Some agencies had much richer information than others. In some instances where there were multiple agencies that collected data pertaining to a particular stage, we used data from the agency that provided better quality or more complete information. Sometimes this meant relying on data for a particular stage from an agency that the FJSP would not ordinarily use for that stage of processing (e.g., the EOUSA data was used as the source for both conviction and sentencing information in this report, because the quality of information available was much better than what was contained in the AOUSC and USSC data, which the FJSP would ordinarily use as the source for this information). Early on, we determined that DEA did not possess information relevant to this study, and it is therefore not included in this report.

For all agencies, identifying juvenile and IC populations presented methodological challenges and required certain assumptions, as described below:

- **Juveniles.** We examined the datasets and accompanying documentation from FJSP agencies to help identify all youth handled in the federal system and to distinguish youth handled as juveniles from youth handled as adults. As will become clear from the agency

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<sup>54</sup> Each year, the six participating agencies submit source data, from which UI creates the Standard Analysis Files (SAFs). These files represent cohorts of defendants entering, exiting, and pending in stages of the federal criminal case processing during a given fiscal year. The SAFs are intended to provide uniformity across agencies where the source data are coded differently by various agencies. The SAFs contain both source agency variables and several FJSP-generated variables. Several steps are taken to ensure uniformity in data reporting periods, units of analysis, and offense classifications. Offense classifications are standardized across agencies. The source data submitted may include variables that are not included in the publicly available SAFs.

analyses below, no standard flag identifies juveniles across agency data systems. To identify juveniles, analysts used various combinations of variables, such as age at time of offense (or arrest or other stage), juvenile delinquency variable/statute, offense codes, court proceeding code, and generic descriptive text in name fields (e.g., “Juvenile Male”). Some methods were biased towards over-counting juveniles, while others under-counted them. However, the analyses of juveniles presented in this report represent the best information available to us in the various agency databases.

- **Indian Country.** We reviewed the datasets and codebooks for each of the agencies to identify all variables that might indicate an IC offense, American Indian defendant, or tribal affiliation. There were no consistent indicator variables for identifying IC crimes present in the agency data systems. Therefore, we used a combination of variables to identify/estimate these crimes, including Indian Country statutes, program category code, arresting or investigative agency (e.g., BIA), tribal affiliation (where available), race or ethnicity, and detailed offense codes (scanning for keyword text such as “Reservation” and “Tribal”). Earlier analyses had shown that IC cases were concentrated in a relatively small number of federal judicial districts, including Arizona, New Mexico, South Dakota, Montana and North Dakota, which suggested a close review of this subset of districts.

As we examined the data, we were cognizant of the fact that federal offenders in IC cases are not necessarily American Indian (although, based on our interviews, we expected most juveniles prosecuted in IC to be American Indian). We also understood that American Indian offenders can commit offenses outside of IC and that relying on race/ethnicity could therefore overestimate cases in IC.

With these general observations in mind, we now turn to the cross-cutting highlights from our agency analyses and then present summaries from the individual agency analyses. We focus on the key stages, discussing them in the order they arise during case processing. The complete detailed analyses for each agency/stage are provided as appendices A-F. Our assessment of the FJSP’s capability to describe juvenile and tribal youth cases in the federal system is discussed briefly in the final section of the report.

### **Cross-cutting Findings**

Table 2 presents a summary of the estimated number of juveniles and Indian Country juveniles we identified across stages of the federal criminal justice system over the ten-year period from 1999-2008.

**Table 2. Juveniles and Indian Country Juveniles in the Federal System, 1999 – 2008<sup>55</sup>**

<b>Arrests (USMS)</b>	<b>Total</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
All Juveniles	3,199	432	375	292	337	301	325	319	271	272	275
Indian Country Juveniles <sup>1</sup>	1,231	187	160	120	147	101	120	122	96	91	87
Percent Indian Country Juveniles	38.5	42.5	43.4	41.6	44.0	33.8	37.2	38.3	35.8	34.1	32.5
<b>Suspects in Matters Referred (EOUSA)</b>											
<b>Total</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	
All Juveniles	4,037	553	466	413	331	543	373	399	325	319	315
Indian Country Juveniles	1,902	269	224	218	184	251	170	177	137	143	129
Percent Indian Country Juveniles	47.1	48.6	48.1	52.8	55.6	46.2	45.6	44.4	42.2	44.8	41.0
<b>Defendants in Cases Filed (EOUSA)</b>											
<b>Total</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	
All Juveniles	2,069	254	242	165	182	272	228	220	179	175	152
Indian Country Juveniles	990	139	114	87	102	108	105	103	85	77	70
Percent Indian Country Juveniles	47.8	54.7	47.1	52.7	56.0	39.7	46.1	46.8	47.5	44.0	46.1
<b>Defendants in Cases Terminated (EOUSA)</b>											
<b>Total</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	
All Juveniles	1,920	152	257	184	135	237	239	229	176	162	149
Indian Country Juveniles	944	74	126	103	77	99	119	106	97	76	67
Percent Indian Country Juveniles	49.2	48.7	49.0	56.0	57.0	41.8	49.8	46.3	55.1	46.9	45.0
<b>Admissions to Federal Custody (BOP)</b>											
<b>Total</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	
All Juveniles	3,528	513	471	409	403	371	383	348	300	174	156
Indian Country Juveniles	1,909	241	252	219	234	212	231	208	164	76	72
Percent Indian Country Juveniles	54.1	47.0	53.5	53.5	58.0	57.1	60.3	59.8	51.3	43.7	46.1
<b>Post-Conviction Supervision (FPSIS)</b>											
<b>Total</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	
All Juveniles	2,524	282	239	195	217	218	259	260	302	270	282
Indian Country Juveniles <sup>1</sup>	1,202	135	119	99	97	89	99	113	133	143	175
Percent Indian Country Juveniles	47.9	47.9	50.2	51.3	44.9	41.4	39.0	43.5	44.5	53.0	62.1

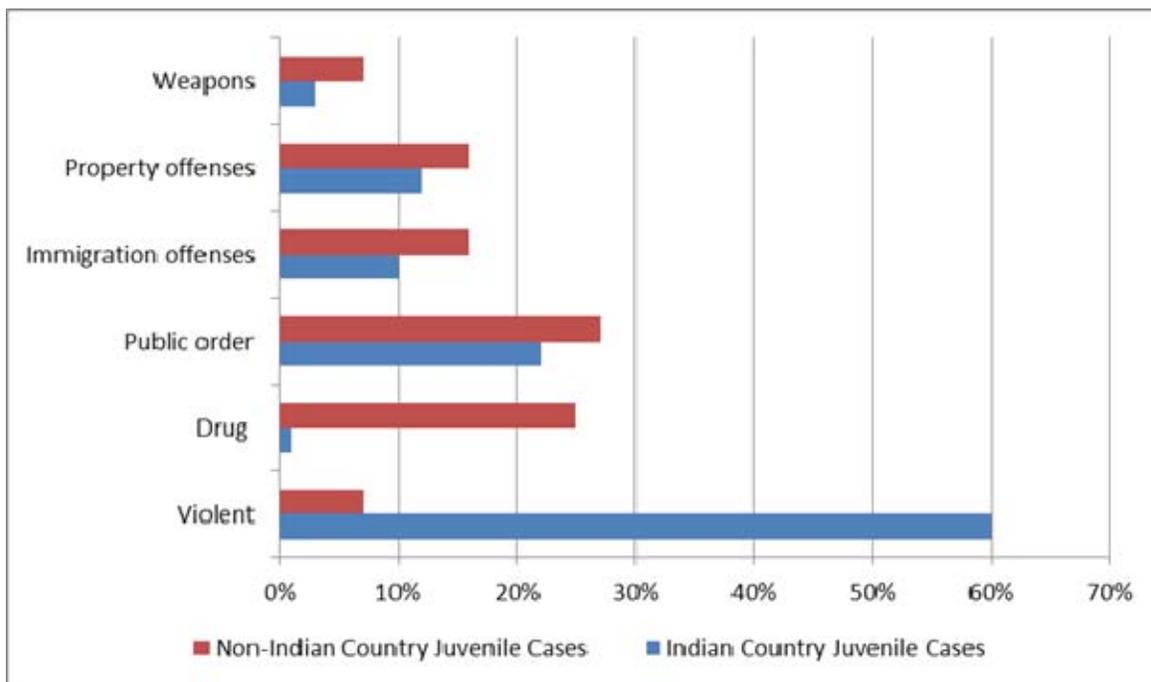
<sup>1</sup>American Indian juveniles were used as a proxy for Indian Country juveniles because of data issues in both the U.S. Marshals Service PTS data and the Post-Conviction Federal Supervision (FPSIS) database.

<sup>55</sup> For presentation purposes, we have not included all FJSP agencies in this table. Our estimates for three additional agencies' data that we analyzed (Federal Pretrial Services, Administrative Office of the U.S. Courts' Criminal data, and the United States Sentencing Commission) are not shown in this summary, however they do appear in Appendices C, E, and F. We made the decision to omit these three agencies from this summary in order to eliminate redundancies (these stages were covered by other agencies that had better quality data for juveniles and Indian Country juveniles). We have not included any data from the Drug Enforcement Administration in this report.

The following key findings emerged from our agency analyses:

- **Scope.** Juveniles comprised a very small percentage (less than 1%) of the federal caseload across all stages of processing, with Indian Country youth accounting for close to half of those juvenile cases.
- **Size.** The numbers of juveniles and Indian Country juvenile cases *decreased* between 1999 and 2008 across all stages of federal case processing except for post-conviction supervision, for which levels remained steady. In general, the annual number of juveniles overall dropped by 40-45% for each stage, while the annual number of IC juveniles decreased by 50% (the exception was BOP admissions, which decreased even more sharply, by about 70% for both IC juveniles and non-IC juveniles). Thus, though both Indian Country and non-Indian Country juveniles decreased over the period, the number of Indian Country juveniles decreased at a greater rate than non-IC juveniles, and thereby contributed more to the overall decrease in the number of juveniles in the federal system between 1999 and 2008 (Table 2).
- **Indian Country juveniles as share of all juveniles.** For the entire 1999-2008 period, the aggregate share of juveniles who were Indian Country juveniles was in the 47-55% range across all stages of processing (except arrests, for which the proportion of IC juveniles was 39%). However, the annual proportion of juveniles who were Indian Country juveniles decreased during the period, from about 50% in 1999 to 45% in 2008, on average, across all stages.
- **Federal judicial district.** In general, seven federal judicial districts (South Dakota, Arizona, Montana, New Mexico, North Dakota, California-Southern, and Texas-Western) in the United States accounted for most juvenile cases processed in the federal system across all stages of processing. Among these, there were five districts (South Dakota, Arizona, Montana, New Mexico, and North Dakota) – all districts that have substantial Indian Country jurisdiction – that contained a majority of the Indian Country juvenile cases processed in the United States.
- **Offense distribution.** The offense distribution of Indian Country juvenile cases differed significantly from non-IC juvenile cases. Most IC juvenile cases (about 6 in 10) involved *violent* offenses, while most non-IC juvenile cases consisted mainly of public order (27%), drug (25%), and immigration (16%) offenses. The offense distributions of these two groups generally held across all stages of processing (Figure 4). As noted earlier, this offense distribution reflects the types of cases referred to and accepted by federal prosecutors, rather than the underlying pattern of offending by tribal youth. Less serious offenses tend to be handled at the tribal level.

Figure 4. Offense Distribution for Indian Country & Non-Indian Country Juveniles



Source: FJSP: EOUSA LIONS data, Defendants in criminal cases filed, 1999-2008.

- Delinquency status.** BOP data had the most reliable information on delinquency status and indicated that 62% of all juveniles were committed as juvenile delinquents to BOP custody. There were significant differences on delinquency status between IC and non-IC juveniles: about 82% of IC juveniles were committed to BOP custody as juvenile delinquents, whereas only 38% of Non-IC juveniles were committed as delinquents. Most juvenile delinquency commitments overall (about 81%) were processed in five judicial districts (Arizona, South Dakota, New Mexico, Montana, and North Dakota) that had Indian Country jurisdiction, compared to remaining districts where most committed juveniles (75%) had been charged as adults.
- Declination rates and reasons.** Overall, 42% of all juvenile suspects in matters referred to U.S. Attorneys were declined for federal prosecution (45% of IC juvenile suspects and 40% of Non-IC juvenile suspects had matters declined for prosecution). The decision to decline prosecution is based on a variety of factors, including the lack of a prosecutable offense, alternative resolution, or case- and suspect-related reasons, among others. The most frequent reason cited for juvenile declinations overall was simply “juvenile suspect,” which occurred for 30% of all juvenile suspects in matters declined. Case-related reasons (mainly “weak evidence,” but also “witness problems,” “stale case,” and “jurisdiction or venue problems”) were the basis for 21% of these declinations, while 9% were referred to other authorities for prosecution, and 6% occurred because there was no crime or criminal intent was lacking. For IC juvenile suspects, case-related reasons (primarily “weak evidence” but also “witness problems,” “stale case,” and “jurisdiction or venue problems”) were the basis for nearly half (48%) of all declinations for IC juvenile suspects, while 15% of IC juvenile suspects had matters declined for federal prosecution

because they were referred to other authorities for prosecution, and 12% were declined because there was no crime (a determination was made that either there was no federal offense or else criminal intent was lacking). For non-IC juvenile declinations, “juvenile suspect” was overwhelmingly reported (3 out of 4 times) as the most cited reason for non-IC juvenile cases.

- **Conviction rate.** About 85% of all juvenile defendants in cases terminated in U.S. district court from 1999-2008 were either convicted or adjudicated, mostly through guilty plea, but a small percentage (5% overall) also were found guilty at trial; 15% were not convicted, either because their case was dismissed (15%) or because they were found not guilty at trial (less than 1%). The conviction rate for IC juveniles (89%) was higher than for non-IC juveniles (80%).
- **Sentencing (type & average term imposed).** There were approximately 1,500 juvenile defendants sentenced in U.S. district court between 1999 and 2008, one-third of which were sentenced to BOP custody with an average sentence of 36 months, and two-thirds were sentenced to probation with an average sentence of 37 months, according to EOUSA data. Of the 820 Indian Country juvenile defendants sentenced, 33% were sentenced to BOP custody with an average sentence of 39 months, and 67% were sentenced to probation with an average probation sentence of 39 months. Of the 670 non-IC juvenile defendants sentenced, 35% were sentenced to BOP custody with an average sentence of 34 months, and 65% were sentenced to probation with an average probation sentence of 34 months.
- **Admissions to detention/prison.** Between 1999 and 2008, an average of 353 juveniles<sup>56</sup> were annually admitted to BOP custody, 191 IC juveniles and 162 non-IC juveniles. There were important differences between IC and non-IC juveniles committed to BOP in terms of both delinquency status and type of commitment.
  - Most IC juveniles (82%) committed to BOP custody had been adjudicated delinquent, while most non-IC juveniles (62%) committed to BOP had been prosecuted as adults.
  - Most adjudicated IC juveniles (about 6 in 10) were committed to the custody of the BOP by “probation with confinement conditions,”<sup>57</sup> while most non-IC juveniles adjudged delinquent were committed for detention to BOP custody by a U.S. district court commitment. The pattern for juveniles prosecuted as adults was similar for both IC and non-IC juveniles: a majority (more than 60%) of both

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<sup>56</sup> We acknowledge the apparent disconnect between our estimate of the average annual BOP juvenile admissions (353 per year) and our estimate of the average number of juvenile defendants in cases terminated (192 per year) generated from the EOUSA data. It is likely that part of this discrepancy is due to the methods that we applied to the BOP data to identify juveniles, which relied on age at commitment of offense, derived from two date variables (date at offense and date of birth) that could be prone to normal minimal levels of data entry error. In addition, in a small percentage of cases where the BOP date at offense was missing, we instead used sentencing date to identify juveniles as anyone under 21 at sentencing (sentencing date was nearly always present in the data). In so doing, we may inadvertently be capturing some offenders who were not juveniles (but rather, adults) at the time they committed their offense. Thus, it is possible that our BOP estimates of juveniles may be slightly overstated.

<sup>57</sup> “Probation with confinement conditions” are split sentences that include some confinement (detention) and some probation.

groups either were committed to a prison facility for the first time by a U.S. district court or were supervision violators.

- **Time Served in custody.** The average time served in prison for all juveniles released from BOP custody for new U.S. district court commitments increased from 28 in 1999 to 46 months in 2008, while time served for supervision violators remained fairly stable over the period (12-13 months). The average time served by IC juveniles in BOP custody for U.S. district court commitments increased from 28 months in 1999 to 36 months in 2008, while for non-IC juveniles average time served for U.S. district court commitments rose from 28 months in 1999 to nearly 53 months in 2008.
- **Post-conviction supervision type.** Even though the annual number of juveniles entering post-conviction federal supervision appeared to remain steady at around 250 per year, towards the end of the period (2006-2008) two factors may have helped to offset the decreases seen in other stages. First, the new specialized form of supervision for juveniles (juvenile delinquent supervision) was introduced and represented a new sentencing option. Second, beginning in 2006, there were significant increases in the number of offenders entering onto a term of supervised release (TSR) which follows the detention term (these increases could reflect the large numbers of juvenile offenders observed several years earlier across all preceding stages (including BOP admissions) who would have been serving a 3-5 year prison term before entering onto a supervised release term in the community). This second offsetting factor will not be sustained, however, given that the number of juvenile offenders sentenced to BOP custody has dropped significantly in the past few years (2006-2008). Therefore, in the next 2-3 years, the decreases in the number of juveniles seen in other stages of processing should reach the post-prison community supervision stage as well.
- **Post-conviction supervision outcomes.** Of the 2,700 juvenile offenders terminating federal community supervision during the 1999-2008 period, just over half completed their supervision term successfully, while 17% terminated unsuccessfully due to general technical violations of supervision, 13% terminated for committing new crimes, 8% absconded as fugitives, and 7% had their supervision revoked due to continued drug use. Of the 1,300 IC juvenile offenders terminating federal community supervision between 1999 and 2008, 43% completed their supervision term successfully (a lower rate than the 61% for non-IC juveniles), while 22% terminated due to general technical violations of supervision, 15% terminated unsuccessfully for committing new crimes, 12% absconded as fugitives, and 5% were revoked due to continued drug use. Of the 1,400 non-IC juvenile offenders terminating federal community supervision during the 1999-2008 period, 61% completed their supervision term successfully, while 12% terminated due to general technical violations of supervision, 11% terminated unsuccessfully for committing new crimes, 5% absconded as fugitives, and 7% had their supervision revoked due to continued drug use.

## **Linking Analysis**

Data from the participating agencies correspond to the key stages of criminal case processing. Once we identified the set of juveniles corresponding to each stage of the justice process, we attempted to link the records from a 2004-2005 cohort across agencies and stages. In theory, linked data should provide a richer understanding of the flow of cases from one stage to another. However, this linking analysis still largely depends on how well the key analytic stage/cohort being tracked identifies the correct universe of cases as well as whether key identifying information necessary to match these records across stages is available in the data. Our analysis found that there were substantial shares of records identified as juveniles in some agencies that simply did not appear or could not be found in other agencies, due to the varied data entry policies and protocols (i.e., entering juvenile records as SEALED records, or excluding juvenile delinquent records from the database) followed by those agencies.

Thus, disappointingly, the linking analysis proved not nearly as productive as we had anticipated going into this study, as link rates across agencies were much lower than expected. It simply was not possible to link a large proportion of juvenile records across stages because key personal identifier information necessary for linking was missing or redacted in certain agency data systems or, in some cases, juvenile case records were not included after a certain point in time, due to a policy decision within the agency. Therefore, we made the decision to not present any linked analyses for juveniles in this report due to the lower than expected link rates. In the end, we did not feel it appropriate to present findings based on a highly censored number of records for which we could find linkages, as we were concerned that by doing so we might be reporting numbers that could potentially be skewed and not represent true and accurate case processing statistics for juveniles in the federal system.

## **Agency Data Analysis Summaries by Stage in Case Processing**

With the cross-cutting themes in mind, we turn to the summaries from the individual agency analyses, presenting them in the order they arise during case processing. Each agency analysis summary section presents findings and briefly discusses methods, caveats, data sources and variables used. In some instances, we offer findings regarding all juveniles, IC juveniles, and non-IC juveniles, while in others we only present data regarding all juveniles and IC juveniles. Data from the Federal Pretrial Services Agency, the Administrative Office of the U.S. Courts (AOUSC), and the United States Sentencing Commission are not described below but are included in detailed Appendices C, E and F.<sup>58</sup>

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<sup>58</sup> The analyses for these three agencies are not highlighted here for one of two reasons: a) there were severe limitations in the capacity of the agency data system to identify juveniles; or b) to eliminate redundancies (i.e., the information for a particular stage of processing captured by these omitted agencies overlapped with information included by another agency, for which we did report highlights below).

## Arrests (USMS)

Juvenile cases, particularly those occurring in IC, comprised a small share of arrests and bookings for federal offenses between 1999 and 2008. Our examination of federal arrest and booking data found that there were 1,302,573 person-arrests during the 10-year period. Of these, we concluded that 0.2% – or 3,199 person-arrests<sup>59</sup> – were juveniles.<sup>60</sup> Using the best information available about crime location (Indian Country) in the USMS data, we had initially estimated that 367 person-arrests were juvenile cases in IC. However, based on our knowledge about the incidence of Indian Country juvenile crime data from other stages, this methodology appeared to be severely underestimating the share of juveniles who are Indian Country juveniles. Therefore, we made the decision to use race (‘Native American’) as a proxy to identify Indian Country juveniles, though we fully recognize the limitations of doing so, because we think it presents a truer representation of the number of juveniles in Indian Country. Using this method, we identified 1,231 IC juvenile arrestees.

**Table 3. Number of Juvenile Arrests and Bookings for Federal Offenses, by Indian Country Location**

	Total	Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Juveniles</b>	<b>3,199</b>	<b>432</b>	<b>375</b>	<b>292</b>	<b>337</b>	<b>301</b>	<b>325</b>	<b>319</b>	<b>271</b>	<b>272</b>	<b>275</b>
IC	1,231	187	160	120	147	101	120	122	96	91	87
Non-IC	2,823	245	215	172	190	200	205	197	175	181	188

Source: Federal Justice Statistics Program: U.S. Marshals PTS arrest data, annual, 1999-2008

Note: Juveniles arrested as material witnesses are excluded from statistics in this table.

### *Juveniles Arrested and Booked for Federal Offenses*

We examined the records of all 3,199 arrestees we identified as juveniles. Key findings are summarized below:

- The number of juveniles ranged from 271 to 432 in any given year, with an average of 320 per year.
- Juveniles were typically 16 years old (49%) or 17 years old (25%) at the time of arrest.
- Juvenile arrestees were typically White, while American Indians comprised the second largest share. In an average year, Whites comprised 49% of juvenile arrestees, followed by American Indians (39%), Blacks (12%), and Asians and Pacific Islanders (1%) (see Table 4).
- Juvenile arrestees were typically male. On average, 89% in a given year were male.
- The majority of juvenile arrestees (on average, 69%) over the 10-year period had U.S. citizenship, but the share of non-citizen arrestees increased over time. In 1999, less than

<sup>59</sup> Juveniles arrested as material witnesses are excluded from this statistic, since they will not appear in subsequent stages of federal criminal case processing.

<sup>60</sup> Please note that, because of data limitations, our methodology for identifying juveniles is likely to underestimate the number of 18- to 20-year-old arrestees who committed their offenses prior to their 18<sup>th</sup> birthdays.

one-quarter of arrestees were non-citizens. By 2008, the share of non-citizens had increased to 37%.

- The most common arrest charges among juveniles were for violent offenses (primarily assault, robbery, sexual abuse and murder). In any given year, one-quarter to 35% of juveniles were arrested and booked for violent offenses, while 10% to 18% were arrested for supervision violations.
- The districts reporting the highest number of juvenile arrests over the 10-year period were Arizona (763), New Mexico (476), South Dakota (339) and Montana (304).
- The most common arresting agencies in juvenile cases were Border Patrol (16% in an average year), the USMS (22%, on average), and the FBI (18%, on average). Immigration and Customs Enforcement agencies arrested about 4% on average; the BIA arrested 4% of juvenile suspects; local law enforcement agencies, 8%; and self-surrenders upon receipt of a summons comprised 7%.
- Almost all juvenile arrestees (94%, on average) were under USMS custody for at least one day. Thirty-eight percent of juvenile arrestees were under custody for more than three months.<sup>61</sup>
- Although they were excluded from the previous analysis of juveniles, we provide additional information about juveniles arrested as material witnesses in the textbox below.

	<b>Total</b>	<b>Year of Arrest</b>									
		<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Juveniles</b>	<b>814</b>	<b>79</b>	<b>69</b>	<b>76</b>	<b>49</b>	<b>64</b>	<b>72</b>	<b>89</b>	<b>124</b>	<b>105</b>	<b>87</b>
Non-IC	814	79	69	76	49	64	72	89	124	105	87

Note: All juveniles arrested as material witnesses were Non-American Indians

There were a total of 814 juveniles arrested as material witnesses between 1999 to 2008, all of whom were non-Native Americans. The annual number of material witness arrests averaged 81 over the period, dropping to a low of 49 in 2002.

<sup>61</sup> Note: these data are only available for 2003-2008; the data are missing for 1999-2002.

**Table 4. Number of Juvenile Arrestees, by Race**

Race of Arrestee	Total	Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Asian/Pacific Islander	19	4	4	2	1	3	0	2	0	0	3
Black	366	52	29	41	42	25	40	23	36	40	37
American Indian	1,231	187	160	120	147	101	120	122	96	91	87
White	1,543	183	176	125	143	170	162	171	136	136	141
Unknown	40	6	6	4	3	2	3	1	3	5	7
<b>Total</b>	<b>3,199</b>	<b>432</b>	<b>375</b>	<b>292</b>	<b>337</b>	<b>301</b>	<b>325</b>	<b>319</b>	<b>271</b>	<b>272</b>	<b>275</b>

Source: Federal Justice Statistics Program: U.S. Marshals PTS arrest data, annual, 1999-2008

### *Indian Country Juveniles Arrested and Booked for Federal Offenses*

Our efforts to isolate juveniles arrested in Indian Country without reference to the race variable only identified 376 juveniles. As an alternative, we examined the records of all 1,231 arrestees we identified as Native American from 1999 to 2008. Key findings are summarized below:

- We estimated that, over the ten year period, 39% of juvenile arrests were IC cases.
- The number of juvenile arrests ranged from 87 to 187 cases per year. The average was 123 cases per year across all districts.
- Thirty-five percent of juvenile arrestees in IC were 17 years old at the time of arrest. Another 24% were 16 at the time of arrest, while 18% were 15 and 9% were 14 years old.
- Most juvenile IC arrestees (9 in 10) were male.
- Virtually all juveniles in IC cases were U.S. citizens.
- Violent offenses were the most common arrest charges in all years, comprising an average of 46% of all person-arrests over the 10-year period. Assaults were the most common violent offense, followed by sexual abuse and murder.
- The second most common arrest charge was for supervision violations, which accounted for almost one-quarter of the arrests (23%) over the ten year period. Most supervision violation arrests were for probation violations.
- Property offenses were the third most common arrest charge, comprising 18% of all arrests over the ten-year period. Burglary was the most common type of property offense.
- Almost ninety percent of the juvenile IC suspects were arrested in 5 districts during the 10-year period. South Dakota had the highest number of cases (324), followed by Montana (264), Arizona (201), New Mexico (176), and North Dakota (129).
- The most common arresting agencies in juvenile IC cases were the FBI (34%), the USMS (31%), and the BIA (11%); fourteen percent of arrestees surrendered in response to a summons.
- Almost all juvenile IC arrestees (98%, on average) were under USMS custody for at least one day. More than 40% were under USMS custody for more than three months, though data were only available for this measure from 2003-2008.

*Identification of Juveniles and Indian Country Juveniles Arrested in the USMS data*

**Identifying juvenile cases.** Conceptually, juvenile legal status applies to all defendants under age 21 who were under the age of 18 at the time of the offense. The USMS data available to the FJSP did not systematically track the juvenile status of arrestees, nor did it track the date of offense or age at offense. We therefore deduced an arrestee's legal status using a combination of age at arrest and references to juvenile status in the database record.

**Identifying juvenile IC cases.** Conceptually, IC jurisdiction applies to offenses occurring on federally recognized Indian lands. The USMS data available to the FJSP did not systematically flag records of IC cases. Furthermore, the USMS data did not systematically record the offense location. Therefore, we estimated the number of juvenile IC cases by using race (Native American) as a proxy.

**Criminal Matters Referred to U.S. Attorneys for Prosecution (EOUSA)**

Our analysis of EOUSA data found 4,037 juvenile suspects in criminal matters investigated and referred to U.S. Attorneys for federal prosecution between 1999 and 2008. A total of 1,902 of these juveniles (47% of all juvenile suspects) in matters investigated were suspected of committing a crime in IC. On average, there were 404 juvenile suspects (190 IC juvenile and 214 non-IC juvenile suspects) in matters referred to U.S. Attorneys per year over this 10-year period, but both of these groups experienced significant decreases during those years. The number of juvenile suspects in matters referred overall decreased from 553 in 1999 to 315 in 2008 (a 43% reduction) -- IC juvenile suspects decreased by 52%, from 269 in 1999 to 129 in 2008, while the number of non-IC juvenile suspects decreased by 35% (see Table 5).

Of the 3,870 juvenile suspects in criminal matters concluded over this 10-year period, only 52% were prosecuted in U.S. district court, while 5% were disposed by U.S. magistrates, and 41% were declined for federal prosecution. There were a total of 1,780 IC juvenile suspects in criminal matters concluded during the period, of which 55% were prosecuted in U.S. district court and 45% were declined for federal prosecution.

**Table 5. Suspects in Criminal Matters Received by U.S. Attorneys, by Juvenile and IC Status**

	Year Criminal Matter Received by U.S. Attorneys										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Juveniles</b>	<b>4,037</b>	<b>553</b>	<b>466</b>	<b>413</b>	<b>331</b>	<b>543</b>	<b>373</b>	<b>399</b>	<b>325</b>	<b>319</b>	<b>315</b>
IC	1,902	269	224	218	184	251	170	177	137	143	129
Non-IC	2,135	284	242	195	147	292	203	222	188	176	186
Adults	1,343,467	117,441	123,093	121,405	124,004	129,535	140,842	137,191	133,610	138,091	178,255
<b>Total (All Suspects)</b>	<b>1,347,504</b>	<b>117,994</b>	<b>123,559</b>	<b>121,818</b>	<b>124,335</b>	<b>130,078</b>	<b>141,215</b>	<b>137,590</b>	<b>133,935</b>	<b>138,410</b>	<b>178,570</b>

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

### *Juvenile Suspects in Criminal Matters Referred*

Key findings regarding the 4,037 juvenile suspects in criminal matters referred are summarized below:

- **Alleged offenses.** The most common lead charges designated by U.S. Attorneys for juveniles in criminal matters investigated were violent offenses (35%) and public order offense offenses (22%), followed by drug (14%), property (14%), immigration (8%), and weapons offenses (5%). Of the violent offenses, sexual abuse was the most common (40% of all violent offenses in an average year), followed by assault (30%), murder (16%), and robbery (5%) (Table 6).

**Table 6. Juvenile Suspects in Criminal Matters Received by U.S. Attorneys, by Lead Charge**

Lead Charge	Year Criminal Matter Received by U.S. Attorneys										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	1,419	191	151	157	131	160	148	147	113	120	101
Property offense	545	86	69	53	40	96	30	35	59	46	31
Drug offenses	550	71	69	38	38	81	61	72	41	40	39
Public-order offenses	899	149	93	121	75	127	73	70	51	62	78
Weapon offenses	218	21	28	19	13	37	22	26	17	14	21
Immigration offenses	330	29	42	18	25	34	32	39	40	35	36
Other offenses	76	6	14	7	9	8	7	10	4	2	9
<b>Total (All Offenses)</b>	<b>4,037</b>	<b>553</b>	<b>466</b>	<b>413</b>	<b>331</b>	<b>543</b>	<b>373</b>	<b>399</b>	<b>325</b>	<b>319</b>	<b>315</b>

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

- **Judicial district.** Nearly two-thirds of all juvenile suspects in criminal matters referred for federal prosecution in the United States occurred in six federal judicial districts (Arizona, South Dakota, New Mexico, Montana, North Dakota, and California-Southern) each year from 1999 to 2008.

- **Disposition of juveniles suspects in criminal matters concluded.** Upon receiving a criminal matter, a U.S. Attorney investigates it for possible federal prosecution. Upon conclusion of the investigation, a matter may be filed as delinquency proceeding or a criminal case in U.S. district court, referred to a U.S. magistrate (only for juveniles charged as adults), or declined for federal prosecution. From 1999 to 2008, there were a total of 3,870 juvenile suspects in criminal matters concluded, of which only slightly more than half (53%) were prosecuted in U.S. district court, while 5% were disposed by U.S. magistrates and 42% were declined for federal prosecution.
- **Declinations.** The decision to decline prosecution is based on a variety of factors, including the lack of a prosecutable offense, alternative resolution, or case- and suspect-related reasons, among others. The most frequent reason cited for these declinations was simply “juvenile suspect,” which occurred for 30% of all juvenile suspects in matters declined. Case-related reasons (mainly “weak evidence,” but also “witness problems,” “stale case,” and “jurisdiction or venue problems”) were the basis for 21% of these declinations, while 9% were referred to other authorities for prosecution, and 6% occurred because there was no crime or criminal intent was lacking.

### *Indian Country Juvenile Suspects in Criminal Matters*

Key findings regarding the 1,902 IC juvenile suspects in criminal matters referred are summarized below:

- **Alleged offenses.** From 1999 to 2008, the majority (65%) of IC juvenile suspects in criminal matters referred for federal prosecution had a lead charge involving a crime of violence (though the annual share of offenses that were violent varied from 57% to 76%). Among violent offenses, the most common charge was sexual abuse (45% of all violent offenses in an average year), followed by assault (32%) and murder (19%). The next most frequent lead charge involved public-order offenses (including traffic offenses such as DUI and environmental offenses), which accounted for 17% of all offenses, followed by property offenses, which comprised 12% of all offenses. Weapons offenses and drug offenses accounted for minimal shares (3% and 1%, respectively) of the offenses charged over the period, and there were no IC juveniles with a lead charge associated with immigration violations (see Table 7).

**Table 7. IC Juvenile Suspects in Criminal Matters Received by U.S. Attorneys, by Lead Charge**

Lead Charge	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Violent offenses</b>	1,236	152	140	131	112	148	130	130	97	103	93
Murder	241	34	29	19	22	16	25	22	23	29	22
Assault	400	49	38	49	33	45	48	45	35	32	26
Robbery	31	4	1	4	5	3	3	9	0	2	0
Sexual abuse	559	63	72	59	51	84	54	52	39	40	45
Other	5	2	0	0	1	0	0	2	0	0	0
<b>Property offenses</b>	219	32	29	14	20	45	11	13	23	22	10
Larceny	108	17	14	9	7	26	1	12	11	7	4
Arson & explosives	73	7	10	5	9	15	1	1	12	10	3
<b>Drug offenses</b>	23	1	2	6	1	1	2	4	0	5	1
<b>Public order offenses</b>	334	74	38	55	40	42	22	22	12	13	16
Transportation	86	25	7	12	8	9	10	7	2	1	5
Environmental	103	24	19	15	13	7	4	5	1	7	8
Traffic offenses	99	18	8	17	13	24	6	0	8	5	0
Other	46	7	4	11	6	2	2	10	1	0	3
<b>Weapons offenses</b>	62	8	12	9	5	10	4	5	4	0	5
<b>Immigration offenses</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Other offenses</b>	28	2	3	3	6	5	1	3	1	0	4
<b>Total (All Offenses)</b>	<b>1,902</b>	<b>269</b>	<b>224</b>	<b>218</b>	<b>184</b>	<b>251</b>	<b>170</b>	<b>177</b>	<b>137</b>	<b>143</b>	<b>129</b>

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

- Judicial district.** Nearly 90% of all IC juvenile suspects in criminal matters referred for federal prosecution in the United States occurred in five federal judicial districts (South Dakota, Arizona, Montana, New Mexico, and North Dakota) over the 10-year period from 1999 to 2008. South Dakota (32%) accounted for the largest share of IC juvenile suspects in criminal matters referred during this period, followed by Arizona (21%), Montana (15%), New Mexico (13%), and North Dakota (9%).
- Tribe.** The EOUSA data contains information on the tribal land/reservation where the suspected criminal offense occurred. Appendix B includes information about the number of juvenile suspects by the tribe/reservation where the offense occurred, for those tribes within the District of Arizona.<sup>62</sup>
- Disposition of IC juvenile suspects in criminal matters concluded.** From 1999 to 2008, there were a total of 1,780 IC juvenile suspects in criminal matters concluded, of which 55% were either processed as a juvenile delinquency proceeding or prosecuted in U.S. district court, and 45% were declined for federal prosecution (see Table 8).

<sup>62</sup> Note that many of the cell sizes are less than ten. Also note that it is possible to conduct this analysis for other districts as well, though the quality of the data for those other districts is not as complete, and may not represent accurate tribal distributions in those districts.

**Table 8. Disposition of IC Juvenile Suspects in Criminal Matters Concluded**

Disposition	Total	Year Criminal Matter Concluded									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,780</b>	<b>180</b>	<b>208</b>	<b>171</b>	<b>204</b>	<b>230</b>	<b>193</b>	<b>172</b>	<b>164</b>	<b>143</b>	<b>115</b>
Prosecuted in U.S. District Court	55%	77%	55%	53%	51%	46%	52%	59%	51%	52%	59%
Declined*	45%	23%	45%	47%	48%	53%	48%	41%	49%	48%	41%

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008

\*Please note that the percentages of IC juvenile suspects declined were calculated only after subtracting out matters coded as being disposed by U.S. Magistrates from the base (total), since this type of disposition may not occur for IC juvenile suspects (federal rules require that IC juvenile cases must be prosecuted before a U.S. district court judge). It is possible that the cases coded as being disposed by U.S. Magistrates were picked up by our methodology as IC juvenile cases were not, in fact, IC juvenile cases; it is also possible that these cases were not coded correctly (data entry errors) in the database. We addressed this problem by removing these cases from the denominator prior to calculating percentages in the table.

- Declinations.** Of the 1,780 IC juvenile suspects in matters concluded between 1999 and 2008, about 45% were declined for federal prosecution by U.S. Attorneys. Case-related reasons (primarily “weak evidence” but also “witness problems,” “stale case,” and “jurisdiction or venue problems”) were the basis for nearly half (48%) of all declinations for IC juvenile suspects, while 15% of IC juvenile suspects had matters declined for federal prosecution because they were referred to other authorities for prosecution, and 12% were declined because there was no crime (a determination was made that either there was no federal offense or else criminal intent was lacking). Other reasons cited for the declinations included “juvenile suspect” (8%), “minimal federal interest” (4%), and “lack of resources” (see Table 9). Please note that the reasons specified in the codes used by the U.S. Attorneys for this variable are not mutually exclusive, making it difficult to interpret the results.

**Table 9. Basis of Declination of Prosecution by U.S. Attorneys for IC Juvenile Suspects**

Basis for declination	Total	Year Criminal Matter Declined									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total declinations</b>	<b>785</b>	<b>41</b>	<b>94</b>	<b>77</b>	<b>96</b>	<b>123</b>	<b>91</b>	<b>69</b>	<b>80</b>	<b>68</b>	<b>46</b>
<b>No crime</b>	<b>91</b>	<b>5</b>	<b>16</b>	<b>8</b>	<b>14</b>	<b>8</b>	<b>12</b>	<b>6</b>	<b>8</b>	<b>7</b>	<b>7</b>
No federal offense	35	1	12	2	5	2	3	2	2	3	3
Lack of criminal intent	56	4	4	6	9	6	9	4	6	4	4
<b>Referred/handled in other prosecution</b>	<b>119</b>	<b>12</b>	<b>16</b>	<b>13</b>	<b>12</b>	<b>13</b>	<b>20</b>	<b>8</b>	<b>9</b>	<b>9</b>	<b>7</b>
Removed	1	1	0	0	0	0	0	0	0	0	0
Prosecuted on other charges	23	5	5	1	1	5	1	1	0	2	2
Prosecuted by other authorities	95	6	11	12	11	8	19	7	9	7	5
<b>Alternative resolution</b>	<b>10</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>
<b>Suspect-related reason</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>0</b>
<b>Case-related reasons</b>	<b>379</b>	<b>16</b>	<b>47</b>	<b>33</b>	<b>36</b>	<b>60</b>	<b>43</b>	<b>40</b>	<b>49</b>	<b>32</b>	<b>23</b>
Stale case	21	0	3	0	4	0	2	0	5	5	2
Weak evidence	290	11	36	25	26	48	33	31	40	21	19
Jurisdiction or venue problems	12	1	1	3	0	4	0	3	0	0	0
Witness problems	56	4	7	5	6	8	8	6	4	6	2
<b>All other reasons</b>	<b>167</b>	<b>7</b>	<b>15</b>	<b>21</b>	<b>26</b>	<b>39</b>	<b>15</b>	<b>13</b>	<b>7</b>	<b>17</b>	<b>7</b>
Minimal federal interest	31	0	3	1	9	5	2	3	2	6	0
Petite policy	11	0	0	7	0	1	3	0	0	0	0
Lack of resources	18	1	2	0	4	7	0	3	1	0	0
U.S. Attorney policy	4	0	2	0	0	0	0	0	1	0	1
Agency request	5	0	2	0	1	0	1	1	0	0	0
Juvenile suspect	62	4	2	13	7	15	7	3	1	7	3
Offender's age, health, prior record, or other personal circumstance	28	2	3	0	3	11	2	3	1	3	0
Suspect cooperation	8	0	1	0	2	0	0	0	1	1	3

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008. Note that we collapsed some subcategories.

*Non-Indian Country Juvenile Suspects in Criminal Matters*

Key findings regarding the 2,135 non-Indian Country juvenile suspects in criminal matters referred are summarized below:

- **Alleged offenses.** Over the 1999-2008 period, public-order offenses (27%) was the most frequently occurring lead charge for non-Indian Country juvenile suspects in criminal matters referred for federal prosecution, followed by drug offenses (25%) and immigration (15%) and property offenses (15%). (Table 10).

**Table 10. Non-IC Juvenile Suspects in Criminal Matters Received by U.S. Attorneys, by Most Serious Offense**

Lead Charge	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	183	39	11	26	19	12	18	17	16	17	8
Assault	50	4	3	7	10	4	3	6	5	7	1
Robbery	48	15	2	7	1	3	6	1	5	7	1
Sexual abuse	40	8	3	4	7	3	1	2	3	6	3
Property offense	330	54	44	39	20	51	19	22	36	24	21
Fraud	125	26	20	15	6	20	10	8	12	5	3
Arson & explosives	65	4	8	10	6	13	4	4	11	2	3
Drug	528	70	67	32	37	80	59	69	41	35	38
Public-order offenses	580	76	56	67	36	85	55	49	39	50	67
Rackateer/extortion	112	20	19	27	4	13	11	5	5	6	2
Non-violent sex	168	9	4	8	6	12	25	20	15	21	48
Traffic offenses	161	23	19	20	14	35	12	11	11	9	7
Weapon offenses	156	13	16	10	8	27	18	21	13	14	16
Immigration offenses	330	29	42	18	25	34	32	39	40	35	36
Other offenses	28	3	6	3	2	3	2	5	3	1	0
<b>Total (All Offenses)</b>	<b>2,135</b>	<b>284</b>	<b>242</b>	<b>195</b>	<b>147</b>	<b>292</b>	<b>203</b>	<b>222</b>	<b>188</b>	<b>176</b>	<b>186</b>

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

- Judicial district.** Nearly half of all non-Indian Country juvenile suspects in criminal matters referred for federal prosecution in the United States occurred in six federal judicial districts (Arizona, New Mexico, California-Southern, North Carolina-Eastern, Texas-Western, and Montana) over the ten-year period from 1999-2008 (Appendix Table B12). Arizona (21%) accounted for the largest share of Indian Country juvenile suspects in criminal matters referred during this period, followed by New Mexico (11%), and California (7%).
- Disposition of Non-Indian Juveniles Suspects in Criminal Matters Concluded.** From 1999-2008, there were a total of 2,036 non-Indian Country juvenile suspects in criminal matters concluded, of which 51% were prosecuted in U.S. district court, 9% were disposed by U.S. magistrates, and 40% were declined for federal prosecution (Table 11).

**Table 11. Disposition of Non-IC Juvenile Suspects in Criminal Matters Concluded, 1999-2008**

Disposition	Total	Year Criminal Matter Concluded									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>2,036</b>	<b>190</b>	<b>237</b>	<b>203</b>	<b>172</b>	<b>276</b>	<b>208</b>	<b>199</b>	<b>181</b>	<b>187</b>	<b>183</b>
Prosecuted in U.S. District Court	51%	61%	54%	37%	47%	48%	60%	57%	52%	53%	43%
Disposed by U.S. Magistrates	9%	9%	5%	6%	10%	10%	7%	10%	10%	10%	11%
Declined	40%	30%	41%	56%	43%	42%	33%	34%	37%	37%	46%

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008

- Declinations.** Of the 2,036 non-Indian Country juvenile suspects in matters concluded between 1999 and 2008, 814 (or 40%) were declined for federal prosecution by U.S. Attorneys. The declination reason cited for the majority (69%) of non-Indian Country suspects was simply “juvenile suspect” (69%) (Table 12).

**Table 12. Basis of Declination of Prosecution by U.S. Attorneys, for Non-IC Juvenile Suspects**

Basis for declination	Total	Year Criminal Matter Declined									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total declinations</b>	<b>814</b>	<b>57</b>	<b>96</b>	<b>114</b>	<b>74</b>	<b>116</b>	<b>69</b>	<b>67</b>	<b>67</b>	<b>70</b>	<b>84</b>
<b>No crime</b>	<b>42</b>	<b>2</b>	<b>10</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>7</b>
No federal offense	<b>15</b>	1	0	4	0	2	2	2	1	0	3
Lack of criminal intent	<b>27</b>	1	10	3	3	2	0	1	1	2	4
<b>Referred/handled in other prosecution</b>	<b>73</b>	<b>3</b>	<b>11</b>	<b>14</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>7</b>	<b>5</b>	<b>7</b>	<b>4</b>
Removed	<b>5</b>	0	1	0	0	1	0	1	2	0	0
Prosecuted on other charges	<b>5</b>	1	0	0	1	0	0	0	1	1	1
Prosecuted by other authorities	<b>63</b>	2	10	14	10	7	3	6	2	6	3
<b>Alternative Resolution</b>	<b>33</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>10</b>	<b>2</b>
Civil or administrative alternative	<b>12</b>	2	0	1	1	0	0	0	4	4	0
Restitution	<b>6</b>	0	0	0	0	0	0	0	0	6	0
Pretrial diversion	<b>15</b>	0	2	3	1	2	1	2	2	0	2
<b>Suspect-related reason</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
Suspect serving sentence	<b>0</b>	0	0	0	0	0	0	0	0	0	0
No known suspect	<b>1</b>	0	1	0	0	0	0	0	0	0	0
Suspect deceased	<b>1</b>	0	0	0	0	0	0	0	1	0	0
Suspect a fugitive	<b>1</b>	0	1	0	0	0	0	0	0	0	0
Suspect deported	<b>1</b>	0	1	0	0	0	0	0	0	0	0
<b>Case-related reasons</b>	<b>45</b>	<b>3</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>10</b>	<b>4</b>	<b>2</b>
Stale case	<b>7</b>	0	0	0	0	0	0	0	6	0	1
Weak evidence	<b>34</b>	2	5	5	5	4	2	3	3	4	1
Jurisdiction or venue problems	<b>3</b>	1	1	0	0	0	0	0	1	0	0
Witness problems	<b>1</b>	0	0	0	0	0	0	1	0	0	0
<b>All other reasons</b>	<b>617</b>	<b>47</b>	<b>64</b>	<b>84</b>	<b>53</b>	<b>98</b>	<b>61</b>	<b>51</b>	<b>43</b>	<b>47</b>	<b>69</b>
Minimal federal interest	<b>15</b>	1	1	3	0	5	1	1	1	2	0
Petite policy	<b>2</b>	0	0	0	1	0	0	0	1	0	0
DOJ Policy	<b>5</b>	0	0	0	0	2	3	0	0	0	0
Lack of resources	<b>1</b>	0	0	0	0	0	0	0	0	0	1
U.S. Attorney policy	<b>8</b>	0	3	0	0	0	0	0	3	1	1
Agency request	<b>16</b>	1	4	3	0	0	1	1	1	3	2
Juvenile suspect	<b>558</b>	43	55	77	52	91	55	48	36	41	60
Offender's age, health, prior record, or other personal circumstance	<b>11</b>	2	1	1	0	0	1	0	1	0	5
Suspect cooperation	<b>1</b>	0	0	0	0	0	0	1	0	0	0

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008

### Prosecution and Adjudication (EOUSA)

Our analysis of Executive Office for U.S. Attorneys data identified 2,069 juvenile defendants in either juvenile delinquency proceedings or cases filed in U.S. district court between 1999 and 2008. A total of 990 (48%) of these juvenile defendants had committed a crime in IC. We found an average of 206 juvenile defendants and 99 IC juvenile defendants in cases filed in U.S. district court per year in this 10-year period, though both groups experienced net decreases during those years. The number of juvenile defendants in cases filed overall decreased from 254 in 1999 to 152 in 2008 (a 40% reduction), while the number of IC juvenile defendants in cases filed decreased by 50%, from 139 in 1999 to 70 in 2008 (Table 13).

We identified 1,920 juvenile defendants in cases terminated in U.S. district court over this 10-year period, of which 85% were found guilty (most through a guilty plea), 15% had their case dismissed, and less than 1% were found not guilty at trial. Our analysis found 944 IC juvenile defendants in cases terminated in U.S. district court (comprising 49% of all juvenile defendants in case terminated). About 89% of these IC juvenile defendants were convicted or adjudicated,<sup>63</sup> mostly through a guilty plea (84%), although a very small percentage were found guilty at trial. Another 11% of IC juvenile defendants were not convicted, either because their case was dismissed or because they were found not guilty at trial. About 80% on non-IC juvenile defendants were convicted (76% through a guilty plea) while 20% were not convicted (19% had their case dismissed and 1% were found not guilty at trial).

**Table 13. Defendants in Cases Filed in U.S. District Court, by Juvenile and IC Status**

	Year Case Filed in U.S. District Court										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Juveniles</b>	<b>2,069</b>	<b>254</b>	<b>242</b>	<b>165</b>	<b>182</b>	<b>272</b>	<b>228</b>	<b>220</b>	<b>179</b>	<b>175</b>	<b>152</b>
IC	990	139	114	87	102	108	105	103	85	77	70
Non-IC	1,079	115	128	78	80	164	123	117	94	98	82
Adults	876,089	79,777	83,009	82,449	87,545	91,813	92,417	91,358	87,471	88,567	91,683
<b>Total (All Suspects)</b>	<b>878,158</b>	<b>80,031</b>	<b>83,251</b>	<b>82,614</b>	<b>87,727</b>	<b>92,085</b>	<b>92,645</b>	<b>91,578</b>	<b>87,650</b>	<b>88,742</b>	<b>91,835</b>

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed, annual, 1999-2008

<sup>63</sup> The EOUSA case disposition outcome variable does not distinguish between conviction (for juveniles prosecuted as adults) and adjudication (for juveniles processed as delinquents). The EOUSA case disposition variable only contains a set of general disposition codes for all offenders that applied to both types of juveniles (those prosecuted as adults and those prosecuted as juvenile delinquents). Therefore, due to these data limitations, we are unable to definitively determine the number of juveniles who were convicted as adults versus the number of juveniles who were adjudged guilty as juvenile delinquents. For the balance of this section, including the data tables, the term “convicted” should be interpreted to include both juveniles prosecuted as adults who were convicted and juveniles processed as juvenile delinquents who were adjudicated guilty.

## *Juvenile Defendants in Cases Filed in U.S. District Court*

- **Number of cases.** There were 2,069 juvenile defendants in cases filed in U.S. district court between 1999 and 2008, comprising a very small percentage (0.2%) of all defendants in cases filed in U.S. district court (878,158) during the 10-year period. The annual number of juvenile defendants in cases filed decreased from 254 in 1999 to 152 in 2008 (a 40% reduction), averaging 206 juvenile defendants in cases filed per year from 1999 to 2008.
- **Delinquency status.** Of the 2,069 juvenile defendants in cases filed in U.S. district court between 1999 and 2008, the EOUSA data suggest that 698 of them (34%) were processed as juvenile delinquents (*however, we caution the reader that the quality of the data entered for this delinquency indicator variable in the EOUSA data is suspect – for more reliable estimates of the proportion of juveniles processed as delinquents, we recommend using the numbers contained in the section on “Juveniles Entering the Custody of the Federal Bureau of Prisons”*). The annual number of juvenile delinquents in cases filed, which averaged 70 per year, decreased from 102 to 54 in the 1999-2008 period, while the percentage share of juveniles classified as juvenile delinquents according to the EOUSA data averaged 34% but fluctuated between 25% and 41% during the period.
- **Most serious offense at case filing.** The most common filing offense for juveniles in federal cases filed were violent offenses (32%) and drug offenses (21%), followed by public order (15%), immigration (14%), property (9%), and weapons offenses (5%). Of the violent offenses, sexual abuse and assault were the most common (each comprising 34% of all violent offenses in an average year), followed by murder (24%) and robbery (7%). Traffic offenses (including DUI) comprised the largest share of public-order offenses (48%) for the 10-year period.
- **Case disposition.** We identified 1,920 juvenile defendants in cases terminated in U.S. district court from 1999-2008. About 85% of these juvenile defendants were either convicted or adjudicated, mostly through guilty plea, but a small percentage (5% overall) also were found guilty at trial, and 15% were not convicted, either because their case was dismissed (15%) or because they were found not guilty at trial (less than 1%). The annual percentage of juvenile defendants who were found guilty increased during the period from 79% in 1999 to 94% in 2008.

**Table 14. Disposition of Juvenile Defendants in Cases Terminated in U.S. District Court**

Case Disposition	Total	Year Case Terminated in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total (N)</b>	<b>1,920</b>	<b>152</b>	<b>257</b>	<b>184</b>	<b>135</b>	<b>237</b>	<b>239</b>	<b>229</b>	<b>176</b>	<b>162</b>	<b>149</b>
<b>Convicted (%)</b>	<b>85%</b>	<b>79%</b>	<b>78%</b>	<b>81%</b>	<b>76%</b>	<b>83%</b>	<b>89%</b>	<b>90%</b>	<b>88%</b>	<b>86%</b>	<b>94%</b>
Guilty at trial	5%	12%	5%	3%	1%	3%	3%	5%	2%	7%	4%
Nolo contendere	0%	0%	1%	0%	0%	2%	1%	0%	0%	0%	0%
Guilty plea	80%	67%	72%	78%	75%	78%	85%	85%	86%	80%	90%
<b>Not Convicted (%)</b>	<b>15%</b>	<b>21%</b>	<b>22%</b>	<b>19%</b>	<b>24%</b>	<b>17%</b>	<b>11%</b>	<b>10%</b>	<b>12%</b>	<b>14%</b>	<b>6%</b>
Dismissed	15%	20%	22%	19%	22%	16%	11%	10%	12%	13%	6%
Not guilty at trial	0%	1%	1%	0%	2%	1%	0%	0%	0%	1%	0%

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Terminated, annual, 1999-2008

*Indian Country Juvenile Defendants in Cases Filed in U.S. District Court*

- **Number of cases.** Through analysis of the EOUSA data, we identified 990 IC defendants in cases filed in U.S. district court between 1999 and 2008, comprising 48% of all juvenile defendants in cases filed during this period. The annual number of IC juvenile defendants in cases filed in U.S. district court decreased by 50% during this 10-year period, decreasing steadily each year from 139 in 1999 to 70 in 2008.
- **Delinquency status.** Of the 990 IC juvenile defendants in cases filed in U.S. district court, EOUSA data indicate that 295 (or 30%) were processed in federal court as juvenile delinquents. The average annual number of IC juvenile delinquents in cases filed over the 1999-2008 period was 30, ranging from a low of 12 (12% of all IC juveniles) in 2005 to a high of 43 (31% of all IC juveniles in cases filed) in 2008. (*We must caution the reader that the quality of the data entered for this delinquency indicator variable in the EOUSA data is suspect – for more reliable estimates of the proportion of juveniles processed as delinquents, we recommend using the numbers contained in the section on “Juveniles Entering the Custody of the Federal Bureau of Prisons”*).

**Table 15. IC Juvenile Defendants in Cases Filed in U.S. District Court, by Delinquency Status**

	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>990</b>	<b>139</b>	<b>114</b>	<b>87</b>	<b>102</b>	<b>108</b>	<b>105</b>	<b>103</b>	<b>85</b>	<b>77</b>	<b>70</b>
Juvenile delinquent	295	43	40	28	45	30	19	12	14	25	39
Not Juvenile delinquent	695	96	74	59	57	78	86	91	71	52	31

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

- **Most serious offense at case filing.** The majority (60%) of IC juvenile defendants in cases filed in U.S. district had a violent offense as their most serious filing charge (though the annual share of offenses that were violent varied from 46% to 73%). Among violent offenses, the most common charges were for sexual abuse or assault (each comprised 35% of all violent offenses, on average over the period), while murder accounted for 26% of violent offenses per year, on average. The next most common filing charge involved public-order offenses (including traffic offenses such as DUI and environmental offenses), which accounted for 17% of all offenses, followed by property offenses at 12% of all offenses. Weapons offenses and drug offenses accounted for minimal shares (3% and 1%, respectively) of the offenses charged over the period, and there were no IC juveniles with a lead charge associated with immigration violations.
- **Offense distribution differences.** It should be noted that the offense distribution for IC juveniles (60% violent, 1% drug, 22% public order, 0% immigration, 12% property, 3% weapon) differed from that of juveniles in general (32% violent, 21% drug, 15% public order, 15% immigration, 14% property, 5% weapon).

**Table 16. IC Juvenile Defendants in Criminal Cases Filed in U.S. District Court, by Most Serious Offense**  
Year Criminal Case Filed in U.S. District Court

<b>Offense</b>	<b>Total</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Violent offenses</b>	<b>598</b>	<b>65</b>	<b>53</b>	<b>58</b>	<b>63</b>	<b>53</b>	<b>77</b>	<b>74</b>	<b>61</b>	<b>50</b>	<b>44</b>
Murder	155	26	16	13	18	15	13	15	15	13	11
Assault	208	26	16	31	19	11	30	24	23	16	12
Robbery	22	1	0	3	4	2	3	5	0	4	0
Sexual abuse	210	12	19	11	21	25	31	30	23	17	21
<b>Property offenses</b>	<b>123</b>	<b>22</b>	<b>9</b>	<b>6</b>	<b>9</b>	<b>26</b>	<b>11</b>	<b>11</b>	<b>6</b>	<b>13</b>	<b>10</b>
Larceny	52	10	4	1	4	9	9	5	3	1	6
Arson & explosives	43	5	4	5	2	14	0	0	3	8	2
<b>Drug offenses</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>0</b>
<b>Public order offenses</b>	<b>217</b>	<b>45</b>	<b>43</b>	<b>18</b>	<b>28</b>	<b>22</b>	<b>10</b>	<b>15</b>	<b>16</b>	<b>6</b>	<b>14</b>
Transportation	72	19	13	4	5	9	0	7	9	0	6
Environmental	68	12	20	6	10	2	5	4	1	4	4
Traffic offenses	60	10	7	6	10	11	5	3	5	2	1
<b>Weapons offenses</b>	<b>30</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>
<b>Immigration offenses</b>	<b>0</b>										
<b>Other offenses</b>	<b>11</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Total (all offenses)</b>	<b>990</b>	<b>139</b>	<b>114</b>	<b>87</b>	<b>102</b>	<b>108</b>	<b>105</b>	<b>103</b>	<b>85</b>	<b>77</b>	<b>70</b>

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

- **Tribe.** We used EOUSA data on the tribal land or reservation where the criminal offense occurred to determine the distribution of juvenile defendants in federal cases filed by the tribe/reservation where the offense occurred (but only for the Arizona district).<sup>64</sup> The

<sup>64</sup> We only provide numbers for specific tribes for the Arizona district in this report since the ‘Tribe’ variable for defendants in the Arizona district was fairly good in terms data quality and completeness. For other districts, the ‘Tribe’ variable in the EOUSA database suffered from very low data quality and incompleteness.

Navajo Nation of Arizona was the tribe with the largest number of juvenile defendants, accounting for 17% of the total number of IC juvenile defendants in cases filed in federal district court, followed by the Navajo Nation of New Mexico (12%), Rosebud Sioux Tribe (10%), Tohono O’odham Nation (7%), and San Carlos Apache (6%). (See Appendix D).

- **Case disposition.** From 1999 to 2008, there were a total of 944 IC juvenile defendants in cases terminated in U.S. district court. About 89% of these juvenile defendants were convicted or adjudicated, mostly through guilty plea (84%), but a small percentage (6% overall) were also found guilty at trial, while nearly 11% were not convicted, either because their case was dismissed or because they were found not guilty at trial (though only less than 1% were found not guilty at trial). However, the annual percentage of juvenile defendants who were found guilty fluctuated somewhat throughout the period, beginning with a high of 95% in 1999, reaching a low of 79% in 2000, and then increasing to 91% in 2003 and remaining at about that level through 2008.

**Table 17. Disposition of Indian Country Juvenile Defendants in Cases Terminated in U.S. District Court**

Case Disposition	Total	Year Case Terminated in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total (N)</b>	<b>944</b>	<b>74</b>	<b>126</b>	<b>103</b>	<b>77</b>	<b>99</b>	<b>119</b>	<b>106</b>	<b>97</b>	<b>76</b>	<b>67</b>
<b>Convicted (%)</b>	<b>89%</b>	<b>95%</b>	<b>79%</b>	<b>88%</b>	<b>82%</b>	<b>91%</b>	<b>92%</b>	<b>94%</b>	<b>91%</b>	<b>91%</b>	<b>91%</b>
Guilty at trial	6%	12%	8%	4%	2%	4%	1%	8%	4%	7%	3%
Guilty plea	84%	83%	72%	84%	80%	86%	91%	85%	87%	84%	88%
<b>Not Convicted (%)</b>	<b>11%</b>	<b>5%</b>	<b>21%</b>	<b>12%</b>	<b>18%</b>	<b>9%</b>	<b>8%</b>	<b>6%</b>	<b>9%</b>	<b>9%</b>	<b>9%</b>
Dismissed	11%	5%	21%	12%	14%	9%	8%	6%	10%	9%	9%
Not guilty at trial	0%	0%	0%	0%	5%	0%	0%	0%	0%	0%	0%

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Terminated, annual, 1999-2008

### *Non-Indian Country Juvenile Defendants in Cases Filed in U.S. District Court*

- **Number of cases.** Through analysis of the EOUSA data, we identified 1,079 non-IC defendants in cases filed in U.S. district court between 1999 and 2008, comprising 52% of all juvenile defendants in cases filed during this period. The annual number of non-IC juvenile defendants in cases filed in U.S. district court decreased by 40% during this 10-year period, decreasing from 115 in 1999 to 82 in 2008.
- **Delinquency status.** Of the 1,079 non-IC juvenile defendants in cases filed in U.S. district court, EOUSA data indicate that 403 (or 37%) were processed in federal court as juvenile delinquents (Table 18). The average annual number of IC juvenile delinquents in cases filed over the 1999-2008 period was 40, ranging from a low of 15 (18% of all IC juveniles) in 2008 to a high of 73 (45% of all IC juveniles in cases filed) in 2003. (*Again, we must caution the reader that the quality of the data entered for this delinquency indicator variable in the EOUSA data is suspect – for more reliable estimates of the*

*proportion of juveniles processed as delinquents, we recommend using the numbers contained in the section on “Juveniles Entering the Custody of the Federal Bureau of Prisons”).*

**Table 18. Number of Non-IC Juvenile Defendants in Cases Filed in U.S. District Court, By Delinquency Status**

	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Juveniles</b>	<b>1,079</b>	<b>115</b>	<b>128</b>	<b>78</b>	<b>80</b>	<b>164</b>	<b>123</b>	<b>117</b>	<b>94</b>	<b>98</b>	<b>82</b>
Juvenile delinquent	403	59	59	39	18	73	38	38	38	26	15
Not Juvenile delinquent	676	56	69	39	62	91	85	79	56	72	67

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

- Most serious offense at case filing.** Over the 1999-2008 period, drug offenses (40%) were the most common type of filing offense for non-Indian Country juvenile defendants in cases filed in U.S. district. The next most common filing charges involved immigration offenses (24%), followed by public-order offenses (16%). Traffic offenses comprised 74% of all public-order offenses (Table 19).

**Table 19. Non-IC Juvenile Defendants in Criminal Cases Filed in U.S. District Court, by Most Serious Offense**

Offense	Total	Year Criminal Case Filed in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Violent offenses</b>	<b>74</b>	<b>19</b>	<b>5</b>	<b>8</b>	<b>14</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>6</b>	<b>3</b>
Robbery	26	11	2	2	0	3	3	0	3	0	2
<b>Property offense</b>	<b>69</b>	<b>12</b>	<b>7</b>	<b>4</b>	<b>3</b>	<b>13</b>	<b>2</b>	<b>3</b>	<b>6</b>	<b>8</b>	<b>11</b>
Fraud	17	1	2	3	1	5	0	2	1	2	0
Arson & explosives	13	2	2	0	1	4	1	0	1	2	0
<b>Drug</b>	<b>430</b>	<b>41</b>	<b>56</b>	<b>22</b>	<b>26</b>	<b>70</b>	<b>58</b>	<b>62</b>	<b>38</b>	<b>30</b>	<b>27</b>
<b>Public-order offenses</b>	<b>174</b>	<b>19</b>	<b>18</b>	<b>22</b>	<b>10</b>	<b>42</b>	<b>16</b>	<b>12</b>	<b>12</b>	<b>14</b>	<b>9</b>
Traffic offenses	128	13	14	17	8	30	11	8	9	11	7
<b>Weapon offenses</b>	<b>64</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>13</b>	<b>7</b>	<b>5</b>	<b>13</b>	<b>8</b>
<b>Immigration offenses</b>	<b>263</b>	<b>23</b>	<b>37</b>	<b>19</b>	<b>21</b>	<b>29</b>	<b>29</b>	<b>31</b>	<b>23</b>	<b>27</b>	<b>24</b>
<b>Other offenses</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>Total (All Offenses)</b>	<b>1,079</b>	<b>115</b>	<b>128</b>	<b>78</b>	<b>80</b>	<b>164</b>	<b>123</b>	<b>117</b>	<b>94</b>	<b>98</b>	<b>82</b>

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

- Case disposition.** From 1999 to 2008, there were a total of 976 non-IC juvenile defendants in cases terminated in U.S. district court. About 80% of these non-IC juvenile defendants were convicted or adjudicated, mostly through guilty plea (76%), but a small percentage (4% overall) were also found guilty at trial, while nearly 20% were not convicted, either because their case was dismissed or because they were found not guilty at trial (though only less than 1% were found not guilty at trial). However, the annual percentage of juvenile defendants who were found guilty fluctuated throughout the period, ranging from a low of 58% in 1999 to a high of 95% in 2008 (Table 19a).

**Table 20. Disposition of Non-Indian Country Juvenile Defendants in Cases Terminated in U.S. District Court**

Case Disposition	Total	Year Case Terminated in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total (N)</b>	<b>976</b>	<b>78</b>	<b>131</b>	<b>81</b>	<b>58</b>	<b>138</b>	<b>120</b>	<b>123</b>	<b>79</b>	<b>86</b>	<b>82</b>
<b>Convicted (%)</b>	<b>80%</b>	<b>58%</b>	<b>77%</b>	<b>70%</b>	<b>72%</b>	<b>78%</b>	<b>85%</b>	<b>85%</b>	<b>85%</b>	<b>83%</b>	<b>95%</b>
Guilty at trial	4%	13%	3%	0%	0%	6%	5%	2%	0%	6%	5%
Guilty plea	76%	45%	74%	70%	72%	72%	80%	83%	85%	77%	91%
<b>Not Convicted (%)</b>	<b>20%</b>	<b>42%</b>	<b>23%</b>	<b>30%</b>	<b>28%</b>	<b>22%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>17%</b>	<b>5%</b>
Dismissed	19%	39%	22%	30%	28%	21%	15%	15%	10%	15%	5%
Not guilty at trial	1%	3%	1%	0%	0%	1%	0%	0%	0%	2%	0%

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Terminated, annual, 1999-2008

### *Juvenile Defendants Sentenced in U.S. District Court*

Our analysis of Executive Office for U.S. Attorneys data indicates that 1,487 juvenile defendants (819 Indian Country juvenile and 668 non-IC juvenile defendants) were sentenced in U.S. district court between 1999 and 2008. Of all juvenile defendants sentenced, 34% were sentenced to BOP custody with an average sentence of 36 months, and 66% were sentenced to probation with an average sentence of 37 months (Table 21).

Of the 819 Indian Country juvenile defendants sentenced, 33% were sentenced to BOP custody with an average sentence of 39 months, and 67% were sentenced to probation with an average probation sentence of 39 months.

Of the 668 non-IC juvenile defendants sentenced, 35% were sentenced to BOP custody with an average sentence of 34 months, and 65% were sentenced to probation with an average probation sentence of 34 months.

**Table 21. Juvenile Defendants Sentenced in U.S. District Court**

	Year Case Sentenced in U.S. District Court										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b><u>All Juveniles Sentenced (Total)</u></b>	<b>1,487</b>	<b>120</b>	<b>205</b>	<b>140</b>	<b>99</b>	<b>170</b>	<b>186</b>	<b>189</b>	<b>130</b>	<b>132</b>	<b>116</b>
Juveniles Sentenced to BOP Custody	504	33	58	41	34	59	72	66	48	55	38
Average Prison Sentence (months)	36.4	36.03	35.9	48.1	25.8	37.1	58.1	24.8	34.2	30.1	25.3
Juveniles Sentenced to Probation	983	87	147	99	65	111	114	123	82	77	78
Average Probation Sentence (months)	36.6	38.2	37.2	35.1	36.7	40.0	36.7	36.4	34.5	33.8	35.7
<b><u>IC Juveniles Sentenced (Total)</u></b>	<b>819</b>	<b>68</b>	<b>106</b>	<b>91</b>	<b>65</b>	<b>81</b>	<b>103</b>	<b>94</b>	<b>82</b>	<b>67</b>	<b>62</b>
IC Juveniles Sentenced to BOP Custody	268	22	22	28	18	27	42	30	31	31	17
Average Prison Sentence (months)	38.5	43.2	31.6	48.7	32.8	50.9	32.2	35.3	41.2	33.6	35.4
IC Juveniles Sentenced to Probation	551	46	84	63	47	54	61	64	51	36	45
Average Probation Sentence (months)	38.6	36.7	40.2	35.3	38.0	41.8	38.9	40.4	37.6	40.0	37.2
<b><u>Non-IC Juveniles Sentenced (Total)</u></b>	<b>668</b>	<b>52</b>	<b>99</b>	<b>49</b>	<b>34</b>	<b>89</b>	<b>83</b>	<b>95</b>	<b>48</b>	<b>65</b>	<b>54</b>
Non-IC Juveniles Sentenced to BOP	236	11	36	13	16	32	30	36	17	24	21
Average Prison Sentence (months)	34.2	21.7	38.6	46.9	17.9	24.5	94.3	16.2	21.4	25.3	17.1
Non-IC Juveniles Sentenced to Probation	432	41	63	36	18	57	53	59	31	41	33
Average Probation Sentence (months)	34.0	39.9	33.2	34.6	33.4	38.2	34.2	32.1	29.5	29.2	33.7

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Terminated, annual, 1999-2008

*Identification of Juvenile and Indian Country Juvenile Suspects/Defendants in EOUSA criminal Matters/Cases Data*

**Identifying juveniles.** Our methodology used several different variables in the EOUSA LIONS database to identify juveniles, including the participant role in the offense (“Juvenile Delinquent”), name fields containing references to juveniles, a charge of 18 U.S.C. §5032, defendant status variables (“Juvenile to be prosecuted as an Adult” or “Juvenile transferred to Adult Status”), disposition variable (“Adjudged Juvenile Delinquent”), or disposition reason (“Juvenile Suspect/ Delinquent”).

**Identifying IC juveniles.** We also used several criteria to identify IC in the EOUSA LIONS database, including program category [“065/Indian Offenses” (non-violent crimes) and “092/Violent Crime in Indian Country”], agency, lead charge, and tribe or reservation.

## **Federal Custody (BOP)**

The BOP is responsible for the custody and care of about 209,000<sup>65</sup> offenders. Between 1999 and 2008, an average of 353 juveniles was annually admitted to BOP custody out of a total of about 70,000 annual admissions. On average, more than half of these 353 juveniles had committed a crime in IC. As can be seen in Table 22, the number of juveniles overall and the number of IC juveniles committed to BOP custody decreased dramatically during the 1999-2008 period.

**Table 22. Admissions to BOP Facilities, by Inmate Status**

<b>Admissions</b>	<b>Total</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Juveniles</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
IC	1,909	241	252	219	234	212	231	208	164	76	72
Non-IC	1,619	272	219	190	169	159	152	140	136	98	84
<b>Adults</b>	<b>697,840</b>	<b>60,460</b>	<b>63,212</b>	<b>65,159</b>	<b>66,500</b>	<b>71,496</b>	<b>73,623</b>	<b>76,825</b>	<b>77,803</b>	<b>71,446</b>	<b>71,316</b>
<b>Total</b>	<b>701,368</b>	<b>60,973</b>	<b>63,683</b>	<b>65,568</b>	<b>66,903</b>	<b>71,867</b>	<b>74,006</b>	<b>77,173</b>	<b>78,103</b>	<b>71,620</b>	<b>71,472</b>

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

Typically, juveniles committed to the custody of the BOP were male, 16 years old at offense, American Indians, non-Hispanic, U.S. citizens, convicted of a violent offense, and sentenced by courts in five judicial districts: Arizona, Montana, North Dakota, South Dakota, or New Mexico. They served on average twenty months in BOP custody before being released, or 78% of their sentence.

IC juveniles (i.e., juveniles admitted to BOP custody for committing crimes in Indian Country) committed between 1999 and 2008 had a profile similar to that of all juveniles. They also were male, American Indians, non-Hispanic, U.S. citizens, convicted of a violent offense, and sentenced by courts in the same five judicial districts. IC juveniles were on average 15 years old when the offense was committed. Juveniles released during this period served an average of sixteen months before being released – approximately 81% of their sentence.

According to the BOP data, most juvenile delinquents were committed to the custody of the BOP by probation confinement conditions (54% compared with only 16% of those juveniles charged as adults). The majority of juveniles with adult status were committed for the first time either by a U.S. District Court (48%) or were supervision violators (31%). About 62% of all juveniles were committed as juvenile delinquents (82% of IC juveniles and just 38% of non-IC juveniles were committed as juvenile delinquents). Over 70% of IC juveniles charged as adults were 16 or older while 86% on non-IC juveniles charged as adults were 16 or older.

This section first discusses all juveniles committed to BOP custody and then turns to IC juveniles committed to BOP, followed by non-IC juveniles.

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<sup>65</sup> Source: Federal Bureau of Prisons website (<http://www.bop.gov/about/index.jsp>).

*Juveniles Entering the Custody of the Federal Bureau of Prisons*

Key findings regarding juveniles entering BOP custody are summarized below:

- **Delinquency status.** Between 1999 and 2008, the number of juveniles admitted to BOP custody decreased substantially, from 513 to 156 juveniles (a 70% decline), although much of this decline occurred since 2004. Most of these juveniles entered federal custody as juvenile delinquents. The number of juveniles committed to BOP as delinquents (JJDPAs commitments) decreased from 328 to 89, while the number of juveniles committed as adults decreased from 185 to 67 persons. Again, though, much of the drop-off in the numbers for both of these groups occurred between 2005 and 2008 (Table 23). About 62% of all juveniles were committed as juvenile delinquents.

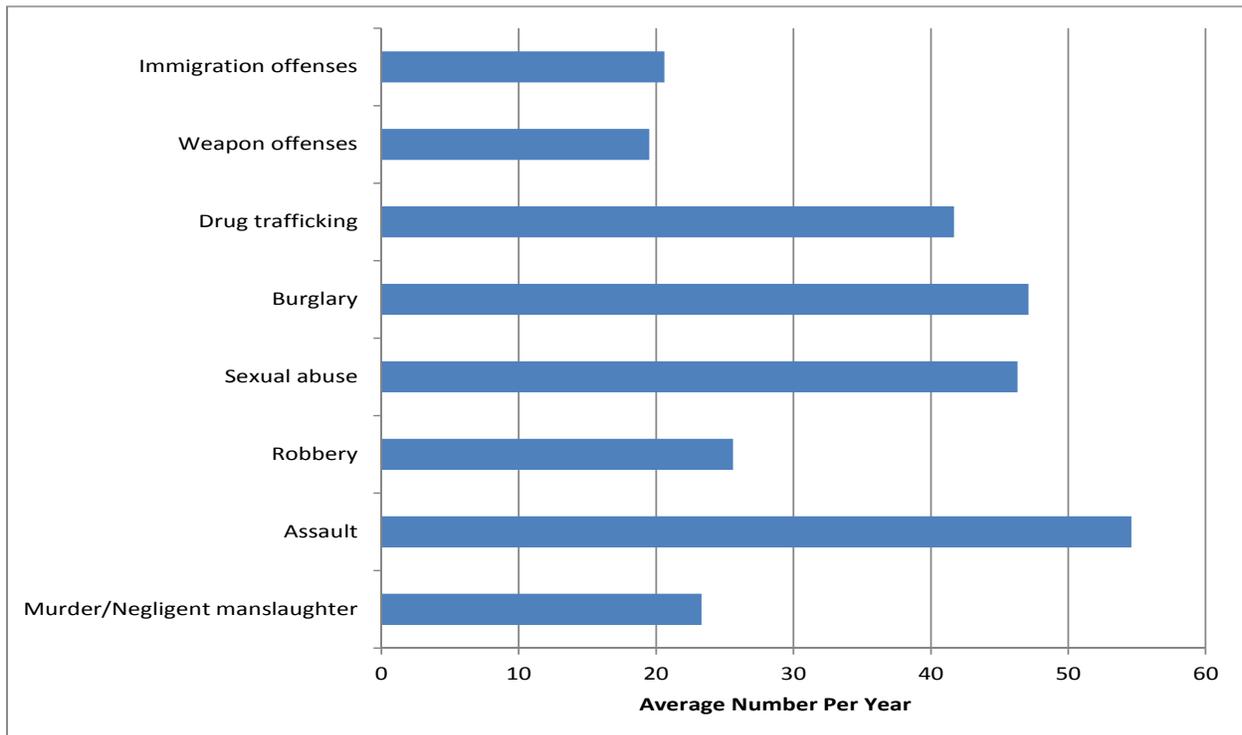
**Table 23. Juveniles (under Age 18 at Offense) Entering BOP Custody, by Delinquency Status**

Delinquency Status	Total	Year of Commitment to BOP Custody									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
Juvenile delinquent	2,193	328	310	269	254	232	239	207	167	98	89
Juvenile charged as adult	1,335	185	161	140	149	139	144	141	133	76	67

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- **Commitment type.** The number of juveniles committed into the BOP from U.S. district courts, following their adjudication of guilty or conviction, decreased from 173 to 80 between 1999 and 2008, although as a share of all commitments, the percentage of juveniles actually increased from 34% to 51%. There were 211 juveniles committed to BOP on probation sentences with confinement requirements in 1999 (comprising 41% of all juvenile commitments) but by 2007, there were no juveniles committed in this manner. The number of juveniles committed for supervision violations fluctuated between 66 and 114 juveniles, but the proportion of juveniles entering prison on this type of commitment more than doubled, from 22% in 1999 to 49% in 2008.
- **Type of offense.** About half of all offenses (44%) committed by juveniles admitted to BOP custody were violent offenses. Fifteen percent of all juveniles offenses were assaults, 13% were sexual abuse, and 7% were murder/manslaughter (including attempted murder). In addition, burglary comprised 13% and drug trafficking 12%. Figure 5 below shows the average number of juveniles committed to BOP custody per year for selected offenses from 1999 through 2008.

**Figure 5. Average Number of Juveniles Committed to BOP Custody, by Selected Offenses, 1999-2008**



**Note:** Murder includes attempted murder.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- Demographics.** The majority of juveniles admitted to federal prison during this period were male (92%), American Indian (53%), non-Hispanic (84%), older than 15 (65%), and U.S. citizens (89%). These distributions remained fairly consistent across years. The average age at offense<sup>66</sup> was nearly 16 (15.8 years). Forty percent of juveniles were 17 years old at the time of the offense, while 3% were under 13 years old.
- Commitment type, by delinquency status.** Most juvenile delinquents were committed to BOP custody by probation confinement conditions (54%, compared with only 16% of those juveniles charged as adults). The most frequent method of commitment for juveniles with adult status was by a U.S. District Court (48%), while 31% were committed as supervision violators and 5% were other types of commitments.

<sup>66</sup> The average age at offense was calculated using only juveniles who were between 7 and 21 years old. The ages of 'juveniles' older or younger than this range may be the result of data error.

**Table 24. Juveniles Committed to BOP Custody, by Delinquency Status and Age at Offense**

Age at Offense	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
<b>Juvenile delinquent</b>	<b>2,193</b>	<b>328</b>	<b>310</b>	<b>269</b>	<b>254</b>	<b>232</b>	<b>239</b>	<b>207</b>	<b>167</b>	<b>98</b>	<b>89</b>
Under 13 years	69	13	14	6	12	3	9	3	3	2	4
13 years	164	25	24	17	29	21	14	13	9	4	8
14 years	313	44	53	45	43	29	29	27	24	12	7
15 years	421	70	58	44	53	42	52	34	28	22	18
16 years	525	72	70	74	48	52	51	65	48	20	25
17 years	636	91	86	73	64	77	78	57	48	36	26
Over 17 years	65	13	5	10	5	8	6	8	7	2	1
<b>Charged as adult</b>	<b>1,335</b>	<b>185</b>	<b>161</b>	<b>140</b>	<b>149</b>	<b>139</b>	<b>144</b>	<b>141</b>	<b>133</b>	<b>76</b>	<b>67</b>
Under 13 years	32	4	2	5	6	2	4	1	3	3	2
13 years	19	0	3	3	3	4	1	1	1	1	2
14 years	49	5	4	3	5	13	6	6	5	2	0
15 years	107	16	11	12	8	12	14	14	10	6	4
16 years	243	33	24	22	26	21	31	31	25	17	13
17 years	711	93	89	65	78	70	78	79	76	39	44
Over 17 years	2	0	2	0	0	0	0	0	0	0	0

**Note:** Totals include juveniles whose age at offense was missing.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- **Delinquency status, by age.** Juveniles charged as adults were slightly older than those charged as juvenile delinquents when the offense occurred. The average age of juvenile delinquents was 15.5 years; the average age of juveniles with adult status was 16.2 years.
- **Delinquency status, by judicial district.** South Dakota district courts committed one-third of all juvenile delinquents committed to BOP custody, more than any other district. Arizona district courts committed 19% of all juvenile delinquents and committed more juveniles charged as adults than any other district (11%). The district of Texas-Western committed more juveniles with adult status than Montana, North Dakota, or South Dakota. Most juvenile commitments (81%) in the 5 districts with IC jurisdiction were delinquency commitments compared to remaining districts, where most (70%) juveniles committed to BOP custody had been charged as adults.

**Table 25. Juveniles Committed to BOP Custody, by Delinquency Status and Judicial District**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
<b>Juvenile delinquent</b>	<b>2,193</b>	<b>328</b>	<b>310</b>	<b>269</b>	<b>254</b>	<b>232</b>	<b>239</b>	<b>207</b>	<b>167</b>	<b>98</b>	<b>89</b>
Arizona	414	52	62	40	42	53	47	40	29	28	21
Montana	255	14	22	26	21	33	25	29	31	33	21
New Mexico	185	27	25	20	30	13	30	12	14	4	10
North Dakota	188	28	28	24	30	25	26	14	7	3	3
South Dakota	733	118	107	100	96	67	70	91	50	16	18
Other districts	418	89	66	59	35	41	41	21	36	14	16
<b>Charged as adult</b>	<b>1,335</b>	<b>185</b>	<b>161</b>	<b>140</b>	<b>149</b>	<b>139</b>	<b>144</b>	<b>141</b>	<b>133</b>	<b>76</b>	<b>67</b>
Arizona	147	25	15	13	15	11	19	23	11	4	11
Montana	26	2	3	3	4	2	2	3	3	2	2
New Mexico	77	2	1	3	1	24	9	14	14	6	3
North Dakota	20	3	0	1	6	2	4	2	1	1	0
South Dakota	59	2	4	3	7	9	13	9	10	1	1
Texas-Western	63	13	8	10	7	4	3	2	12	1	3
Other districts	940	137	130	107	109	87	94	87	82	60	47

**Note:** Totals include juveniles whose judicial district was missing.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- Average time served, by commitment type.** The average time served in prison for juveniles released from BOP custody increased significantly in the 1999-2008 period, from 15 months to 31 months. For juveniles committed to BOP on a U.S. district court commitment, average time served increased from 28 to 46 months, while time served for supervision violators remained fairly stable over the period (12-13 months). The average time served for those juveniles released who had been committed to BOP custody to serve confinement as a condition of their (probation) supervision term also remained stable until 2007 when it tripled from 7 to 21 months (Table 26). However, the number of juveniles released from this type of commitment dwindled from 210 juveniles in 1999 to just 24 juveniles in 2007, and only 6 juveniles in 2008.

**Table 26. Mean Time Served in Months for Juveniles Released from BOP Custody, by Commitment Type**

Commitment Type	Year of Release from BOP Custody										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
<b>Total</b>	<b>13.7</b>	<b>14.9</b>	<b>21.3</b>	<b>15.5</b>	<b>15.9</b>	<b>20.8</b>	<b>19.5</b>	<b>19.3</b>	<b>28.8</b>	<b>30.5</b>	
U.S. district court commitment	27.9	29.0	44.4	34.8	34.6	43.2	39.1	34.2	41.4	45.6	
Supervision violator	12.1	13.5	14.9	14.2	13.1	12.1	16.9	11.1	14.3	13	
Probation with confinement conditions	7.4	7.1	8.4	7.4	7.8	7.4	7.1	8.2	21.3	--	
Other	2.5	--	--	5.4	2.5	--	--	--	--	--	

-- Too few cases to obtain statistically reliable data.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (release cohort), annual, 1999-2008

*Indian Country Juveniles Entering the Custody of the Federal Bureau of Prisons*

Consistent with the trend observed for juveniles as a whole, the number of IC juveniles committed to BOP custody decreased dramatically during the 1999-2008 period, from 241 to 72 juveniles (a 70% decrease), though a large share of that drop occurred after 2005. Key findings are described below:

- **Delinquency status.** A majority (over 82%) of IC juveniles entered federal BOP custody as delinquents each year, although the actual number of IC juveniles committed as delinquents decreased markedly, from 212 to 60, while the number of juveniles committed as adults also declined from 29 to 12 persons (Table 27).

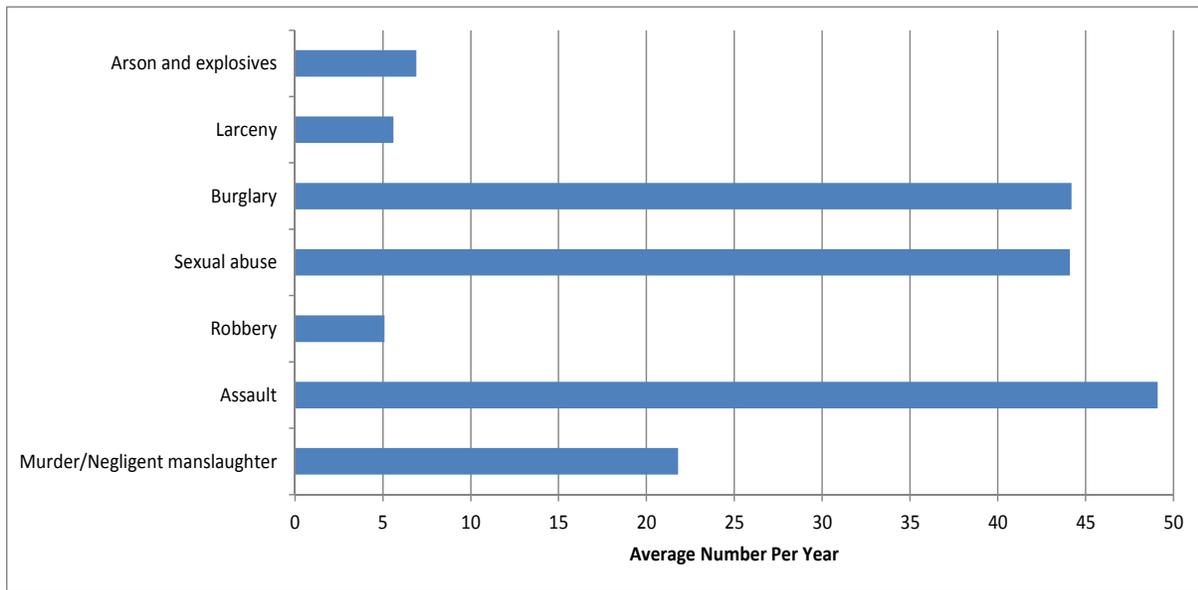
**Table 27. IC Juveniles (under Age 18 at Offense) Entering BOP Custody, by Delinquency Status**

Delinquency Status	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
Juvenile delinquent	1,570	212	219	195	198	169	178	155	121	63	60
Juvenile charged as adult	339	29	33	24	36	43	53	53	43	13	12

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- **Commitment type.** The number of IC juveniles committed into BOP custody from U.S. district courts decreased from 51 to 28 between 1999 and 2008, although as a share of all commitments, IC juveniles actually increased. There were 154 IC juveniles committed to BOP on probation sentences with confinement requirements in 1999 (comprising 64% of all IC juvenile commitments), but that number had decreased to 51 by 2006, and by 2007, no IC juveniles were committed in this manner. The number of IC juveniles committed for supervision violations annually fluctuated between 29 and 62 during the period.
- **Type of offense.** Nearly two-thirds (64%) of all commitments of juveniles for IC offenses were violent offenses, and 33% were for property offenses. The majority of commitments for violent offenses were for assault (26%), sexual abuse (23%), and murder/manslaughter (12%). The most common property offense was for burglary (442 out of 613 or 24% of all commitments). There were no commitments for drug trafficking or for immigration offenses, and only nine IC juveniles were committed for weapons offenses. This distribution of offense types was consistent across years. Beginning in 2006, the number of IC commitments began to decrease, with 164 commitments in 2006 and only 72 commitments by 2008.

**Figure 6. Average Number of IC Juveniles Committed to BOP Custody, by Selected Offenses, 1999-2008**



**Note:** Murder includes attempted murder

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- **Demographics.** The overwhelming majority of IC juveniles committed to BOP custody were male (93%), American Indian (93%), non-Hispanic (95%), and United States citizens (99.8%). IC juveniles were slightly younger when the offense was committed than all juveniles in the custody of the BOP. The average of all juveniles was 15.8 years, compared to 15.3 years for IC juveniles. Fifty-two percent of IC juveniles were over 15 years old at offense, compared to 65% of all juveniles. Four percent of IC juveniles were under 13 years old.<sup>67</sup>
- **Commitment type, by delinquency status.** Fifty-seven percent of all Indian Country juveniles and sixty-two percent of juvenile delinquents were committed to BOP custody through probation confinement conditions. The share of U.S. district court commitments was greater for juveniles charged as adults (30%, compared with 20% for juvenile delinquents). Supervision violators also were a greater proportion of those charged as adults, 30% compared to 18% of juvenile delinquents. This distribution of commitment types by delinquency status is comparable to that of all juveniles committed to BOP custody.
- **Commitment type, by judicial district.** The districts responsible for the greatest number of IC commitments were South Dakota (37%) and Arizona (16%). The distribution by commitment type varied slightly when compared to all juvenile commitments. The greatest share of U.S. district court commitments was by Arizona and Montana (54%); South Dakota and Montana committed 54% of supervision violators; and for probation confinement conditions South Dakota committed 48%.

<sup>67</sup> It should be noted that these age estimates are derived from BOP date variables (recorded date at offense and data of birth), so they may reflect a small degree of data quality problems (data entry error).

- **Delinquency status, by age.** Eighty-two percent of IC juveniles were committed as juvenile delinquents, compared with 62% of all juveniles. The average age at offense of IC juvenile delinquents was 15.2 years; the average age of adult status juveniles was 16.0 years. Over 70% of those charged as adults were 16 or older.

**Table 28. IC Juveniles Committed to BOP Custody, by Delinquency Status and Age at Offense**  
Year of Commitment to BOP Custody

Age at Offense	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
<b>Juvenile delinquent</b>	<b>1,570</b>	<b>212</b>	<b>219</b>	<b>195</b>	<b>198</b>	<b>169</b>	<b>178</b>	<b>155</b>	<b>121</b>	<b>63</b>	<b>60</b>
Under 13 years	64	12	13	5	10	3	9	3	3	2	4
13 years	148	22	23	14	26	20	13	12	8	3	7
14 years	277	31	50	40	39	25	25	26	23	11	7
15 years	333	49	44	36	42	31	44	31	24	18	14
16 years	371	51	44	51	39	35	36	50	36	13	16
17 years	360	42	43	47	42	51	51	31	26	16	11
Over 17 years	17	5	2	2	0	4	0	2	1	0	1
<b>Charged as adult</b>	<b>339</b>	<b>29</b>	<b>33</b>	<b>24</b>	<b>36</b>	<b>43</b>	<b>53</b>	<b>53</b>	<b>43</b>	<b>13</b>	<b>12</b>
Under 13 years	8	0	0	1	3	1	1	1	1	0	0
13 years	5	0	0	0	1	2	1	1	0	0	0
14 years	27	1	1	0	2	13	4	4	2	0	0
15 years	52	6	6	3	4	6	11	10	4	1	1
16 years	92	11	5	6	8	10	17	13	13	5	4
17 years	131	11	16	12	15	10	17	21	18	4	7

**Note:** Totals include juveniles whose age was missing.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), 1999-2008

- **Delinquency status, by judicial district.** South Dakota district courts committed over 40% of all juvenile delinquents, more than any other district, but committed only 15% of all adult status juveniles. For juveniles charged as adults, Arizona district courts committed the greatest share (32%), followed by New Mexico and South Dakota.

**Table 29. IC Juveniles Committed to BOP Custody, by Delinquency Status and Judicial District**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
<b>Juvenile delinquent</b>	<b>1,570</b>	<b>212</b>	<b>219</b>	<b>195</b>	<b>198</b>	<b>169</b>	<b>178</b>	<b>155</b>	<b>121</b>	<b>63</b>	<b>60</b>
Arizona	200	24	33	21	21	27	29	16	11	11	7
Montana	224	11	20	22	15	30	21	27	29	30	19
New Mexico	154	21	24	17	25	11	24	10	11	2	9
North Dakota	166	25	20	21	29	23	25	11	6	3	3
South Dakota	658	104	99	89	86	60	62	85	46	13	14
Other districts	168	27	23	25	22	18	17	6	18	4	8
<b>Charged as adult</b>	<b>339</b>	<b>29</b>	<b>33</b>	<b>24</b>	<b>36</b>	<b>43</b>	<b>53</b>	<b>53</b>	<b>43</b>	<b>13</b>	<b>12</b>
Arizona	107	18	12	9	12	8	13	20	6	3	6
Montana	26	2	2	2	4	2	2	3	5	2	2
New Mexico	59	2	1	3	1	18	8	12	10	2	2
North Dakota	14	2	0	1	4	2	4	0	0	1	0
South Dakota	51	2	3	2	5	8	11	8	10	1	1
Other districts	79	3	15	7	10	5	15	9	11	3	1

**Note:** Totals include juveniles whose judicial district was missing.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- Average time served, by commitment type.** The average time served by Indian Country juveniles in BOP facilities doubled from 12 months in 1999 to 25 months by 2008. This increase in time served was driven by the increase in time served for U.S. district court commitments from 28 months in 1999 to 36 months in 2008. By 2008 only five juveniles that had been committed for probation with confinement conditions were released. Throughout the period, the number of Indian Country juveniles released from other types of commitments (medical, study or examination) were too few to derive statistically reliable information.

**Table 30. Mean Time Served in Months for IC Juveniles Released from BOP Custody, by Commitment Type**

Commitment Type	Year of Release from BOP Custody										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
<b>Total</b>	<b>11.7</b>	<b>11.7</b>	<b>16.7</b>	<b>10.7</b>	<b>12.5</b>	<b>13.2</b>	<b>16</b>	<b>15.1</b>	<b>23.6</b>	<b>24.7</b>	
U.S. district court commitment	28.3	30.5	50.3	27.2	35.5	32.8	40.2	32.8	34.5	36.2	
Supervision violator	13.1	16.3	13.8	11.4	15.6	11.2	16	11.5	15.2	13.6	
Probation with confinement conditions	7.8	6.8	8.5	7.5	8.3	8.1	7.5	8.7	21.5	--	
Other	--	...	--	--	--	...	...	--	...	--	

-- Too few cases to obtain statistically reliable data.

... No case of this type occurred in the data.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (release cohort), annual, 1999-2008

- Population at yearend.** At yearend 2003, there were 298 Indian Country juveniles in BOP custody, both juvenile contract facilities and adult facilities. Sixty-six percent were

committed as juvenile delinquents and thirty-four percent were given adult status. Seventy-four percent of these juveniles were housed in BOP facilities in just five districts: Minnesota, Arizona, Utah, Texas Western, and Colorado. Out of these five districts, only one (Arizona) contained a majority of juveniles who resided in that district. For example, Minnesota housed the greatest number of juveniles and only six percent of the seventy-nine juveniles lived in Minnesota. Juveniles whose legal residence was South Dakota were over half of the juveniles in BOP facilities in Minnesota.

No juveniles were placed in BOP facilities in four of the districts containing large Indian Country populations and that committed a large number of Indian Country juveniles: South Dakota, North Dakota, Montana, and New Mexico.

### *Non-Indian Country Juveniles Entering the Custody of the Federal Bureau of Prisons*

Consistent with the trend observed for juveniles as a whole, the number of non-IC juveniles committed to BOP custody decreased dramatically during the 1999-2008 period, from 272 to 84 juveniles (a 69% decrease), though a large share of that drop occurred after 2004.

- **Delinquency status.** Only 38% of non-IC juveniles entered federal prison as delinquents each year, and the actual number of non-IC juveniles committed as delinquents decreased markedly, from 116 to 29, while the number of juveniles committed as adults also declined from 156 to 55 persons (Table 31).

**Table 31. Non-IC Juveniles (under Age 18 at Offense) Entering BOP Custody, by Delinquency Status**

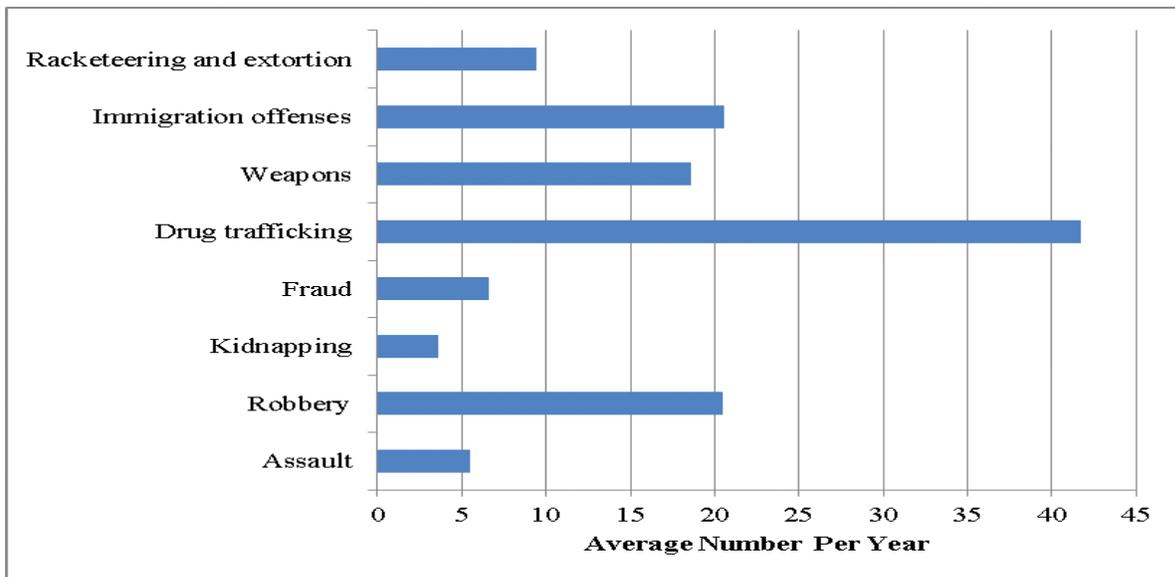
Delinquency Status	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
Juvenile delinquent	623	116	91	74	56	63	61	52	46	35	29
Juvenile charged as adult	996	156	128	116	113	96	91	88	90	63	55

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- **Commitment type.** The number of non-IC juveniles committed into BOP custody from U.S. district courts decreased from 122 to 52 between 1999 and 2008, although as a share of all commitments, non-IC juveniles actually increased. The number of non-IC juveniles committed for supervision violations annually fluctuated between 79 and 32 during the period. There were 57 non-IC juveniles committed to BOP on probation sentences with confinement requirements in 1999 (comprising only 21% of all non-IC juvenile commitments), but that number had decreased to 12 by 2006, and by 2007, no non-IC juveniles were committed in this manner.
- **Type of offense.** Three quarters of non-IC juveniles were committed for drug, violent, immigration and weapon offenses, whereas, 64% of IC juveniles were committed for

violent offenses and 33% for property offenses. More than one-quarter (29%) of all commitments of juveniles for non-IC offenses were for drug offenses, 22% were for violent offenses, 13% were immigration offenses, and 12% were weapons offenses. Only 9% of commitments were for property offenses. The majority of commitments for violent offenses were for robbery (13%). The most common property offense was for fraud (4% of all commitments). This distribution of offense types was consistent across years. Beginning in 2005, the number of non-IC commitments began to decrease, with 140 commitments in 2005 and only 84 commitments by 2008.

**Figure 7. Average Number of Offenses Committed by non-IC Juveniles Admitted to BOP, 1999-2008**



Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- Demographics.** The majority of non-IC juveniles committed to BOP custody were male (92%), white (56%), non-Hispanic (65%), and United States citizens (77%). Non-IC juveniles were slightly older when the offense was committed than all juveniles and all IC juveniles. The average age of non-IC juveniles was 16.3 years, compared to 15.8 for all juveniles and 15.3 years for IC juveniles. Eighty-two percent of non-IC juveniles were over 15 years old at offense, compared to 52% of IC juveniles. Two percent of non-IC juveniles were under 13 years old.<sup>68</sup>
- Commitment type, by delinquency status.** Half of non-IC juveniles were committed to BOP custody by a district court, with juvenile delinquents and adult status juveniles having nearly the same share of district court commitments. The same is true for supervision violators with 32% charged as adults, compared to 23% of juvenile delinquents. However, for non-IC juveniles committed through probation confinement conditions, most were juvenile delinquents (208 out of 301).

<sup>68</sup> These findings should be examined further. Since these are derived ages, they may reflect data entry errors or other problems with the data or our assumptions.

- **Commitment type, by judicial district.** The districts responsible for the greatest number of non-IC commitments were Arizona, South Dakota, and Texas-Western. The distribution by district varied greatly when compared to all juvenile commitments or IC commitments. Across all commitment types, several districts were responsible for greater shares of commitments that occurred in the IC commitments: Texas-Western, California-Southern, New York-Southern, and Virginia-Eastern. The greatest share of U.S. district court commitments was by Arizona and Texas-Western; Arizona, South Dakota, and Virginia committed 24% of supervision violators; and for probation confinement conditions Arizona and South Dakota processed nearly half of these cases (41%).
- **Delinquency status, by age.** Thirty-eight percent of non-IC juveniles were committed as juvenile delinquents, compared with 62% of all juveniles and 82% of IC juveniles. The average age at offense of non-IC juvenile delinquents was 16.2 years, nearly one year older than IC juvenile delinquents who were 15.2 years when the offense was committed. The average age of non-IC adult status juveniles was 16.4 years. Almost 86% of those charged as adults were 16 or older, compared with 77% of juvenile delinquents.

**Table 32. Non-IC Juveniles Committed to BOP Custody, by Delinquency Status and Age at Offense**

Age at Offense	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
<b>Juvenile delinquent</b>	<b>623</b>	<b>116</b>	<b>91</b>	<b>74</b>	<b>56</b>	<b>63</b>	<b>61</b>	<b>52</b>	<b>46</b>	<b>35</b>	<b>29</b>
Under 13 years	5	1	1	1	2	0	0	0	0	0	0
13 years	16	3	1	3	3	1	1	1	1	1	1
14 years	36	13	3	5	4	4	4	1	1	1	0
15 years	88	21	14	8	11	11	8	3	4	4	4
16 years	154	21	26	23	9	17	15	15	12	7	9
17 years	276	49	43	26	22	26	27	26	22	20	15
Over 17 years	48	8	3	8	5	4	6	6	6	2	0
<b>Charged as adult</b>	<b>996</b>	<b>156</b>	<b>128</b>	<b>116</b>	<b>113</b>	<b>96</b>	<b>91</b>	<b>88</b>	<b>90</b>	<b>63</b>	<b>55</b>
Under 13 years	24	4	2	4	3	1	3	0	2	3	2
13 years	14	0	3	3	2	2	0	0	1	1	2
14 years	22	4	3	3	3	0	2	2	3	2	0
15 years	55	10	5	9	4	6	3	4	6	5	3
16 years	151	22	19	16	18	11	14	18	12	12	9
17 years	580	82	73	53	63	60	61	58	58	35	37
Over 17 years	2	0	2	0	0	0	0	0	0	0	0

**Note:** Totals include juveniles whose age was missing.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- **Delinquency status, by judicial district.** Arizona district courts committed 34% of all juvenile delinquents, more than any other district, but only 4% of adult status juveniles were committed by Arizona courts. For juveniles charged as adults, Texas-Western district courts committed the greatest number of juveniles (6%), followed by California-Eastern and Arizona courts.

**Table 33. Non-IC Juveniles Committed to BOP Custody, by Delinquency Status and Judicial District**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
<b>Juvenile delinquent</b>	<b>623</b>	<b>116</b>	<b>91</b>	<b>74</b>	<b>56</b>	<b>63</b>	<b>61</b>	<b>52</b>	<b>46</b>	<b>35</b>	<b>29</b>
Arizona	214	28	29	19	21	26	18	24	18	17	14
California Southern	45	11	12	8	2	4	0	4	2	1	1
Montana	31	3	2	4	6	3	4	2	2	3	2
New Mexico	31	6	1	3	5	2	6	2	3	2	1
North Dakota	22	3	8	3	1	2	1	3	1	0	0
South Dakota	75	14	8	11	10	7	8	6	4	3	4
Other districts	205	51	31	26	11	19	24	11	16	9	7
<b>Charged as adult</b>	<b>996</b>	<b>156</b>	<b>128</b>	<b>116</b>	<b>113</b>	<b>96</b>	<b>91</b>	<b>88</b>	<b>90</b>	<b>63</b>	<b>55</b>
Arizona	40	7	3	4	3	3	6	3	5	1	5
California Eastern	41	12	11	8	1	3	2	2	1	0	1
New York Southern	38	7	4	4	4	3	2	4	6	3	1
Puerto Rico	36	10	2	6	6	5	4	1	1	1	0
Texas Western	56	12	8	8	7	3	2	1	11	1	3
Virginia Eastern	38	5	6	5	1	8	2	3	4	3	1
Other districts	746	102	94	81	91	71	73	74	62	54	44

Note: Totals include juveniles whose judicial district was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

- Average time served, by commitment type.** The average time served by non-IC juveniles in BOP facilities more than doubled from 16 months in 1999 to over 36 months by 2008. This increase in time served was caused by the increase in time served for U.S. district court commitments from 28 months in 1999 to nearly 53 months in 2008. In 2007 and 2008, fewer than 10 released juveniles each had been committed for probation confinement conditions. In most years, fewer than ten juveniles were released from a commitment by other means.

**Table 34. Mean Time Served in Months for non-IC Juveniles Released from BOP Custody, by Commitment Type**

Commitment Type	Year of Release from BOP Custody										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
<b>Total</b>	<b>15.7</b>	<b>18.1</b>	<b>26.4</b>	<b>21.4</b>	<b>20.2</b>	<b>30.5</b>	<b>24.6</b>	<b>24.3</b>	<b>33.6</b>	<b>36.4</b>	
U.S. district court commitment	27.7	28.5	41.9	37.6	34.4	47.6	38.3	35.0	45.2	52.8	
Supervision violator	11.6	12.3	15.5	16.4	11.2	12.8	17.7	10.8	13.2	12.2	
Probation confinement conditions	6.2	8	8.4	7	5.9	4.5	5.4	5.8	--	--	
Other	2.4	--	--	2.9	--	--	--	--	--	...	

--Too few cases to obtain statistically reliable data.

... No case of this type occurred in the data.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (release cohort), annual, 1999-2008

*Identifying Juveniles and Indian Country Juveniles in the Federal Bureau of Prisons (BOP) Data*

**Identifying juveniles.** BOP’s database records age at the time of offense, which allows us to identify juveniles who entered federal BOP custody. In addition to recording age at the time the offense was committed, the BOP data also contain a sentence procedure code variable which can be used to determine whether the juvenile was committed to federal BOP custody as a juvenile delinquent (JJDPa commitment) or as an adult (non-JJDPa commitment, i.e., a juvenile sentenced as an adult).

**Identifying IC juveniles.** IC juveniles were identified in the BOP data by using the BOP offense variable that contains a separate category of offenses committed on state and government

**Federal Post-Conviction Community Supervision (FPSIS)**

The number of juvenile offenders entering federal community supervision, particularly those occurring in IC, comprised a very small share of all offenders entering federal supervision between 1999 and 2008. Our analysis of the Federal Probation Supervision Information System (FPSIS) data found that 2,524 entering federal community supervision were juveniles. We further estimated that 1,202 (48%) were juvenile cases in IC and 1,322 (52%) were non-IC juveniles. On average, there were 252 juvenile offenders overall (120 IC juvenile offenders and 132 non-IC juvenile offenders) entering federal community supervision per year during this 10-year period.

**Table 35. Juvenile Offenders Entering Federal Community Supervision, by Juvenile and IC Status**

	Year Entering Federal Post-Conviction Community Supervision										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Juveniles	2,524	282	239	195	217	218	259	260	302	270	282
IC	1,202	135	119	99	97	89	99	113	133	143	175
Non-IC	1,322	147	120	96	120	129	160	147	169	127	107
Adults	506,215	42,581	43,782	45,556	48,881	50,102	52,552	54,833	54,585	55,163	58,180
<b>Total (All Suspects)</b>	<b>508,739</b>	<b>42,863</b>	<b>44,021</b>	<b>45,751</b>	<b>49,098</b>	<b>50,320</b>	<b>52,811</b>	<b>55,093</b>	<b>54,887</b>	<b>55,433</b>	<b>58,462</b>

Source: Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

*Juveniles Entering Federal Community Supervision*

- **Number of cases.** There were more than 2,500 juvenile offenders entering federal supervision between 1999 and 2008, an average of 252 per year. However, juveniles comprised less than 1% of all cases (.05% or 2,524 out of 508,739). The annual number of juveniles entering federal supervision decreased from 282 at the beginning of the period to a low of 195 in 2001, before rising to a high of 302 and then returning to the 1999 level of 282 in 2009.
- **Type of supervision.** Two-thirds of all juvenile offenders entering federal supervision during the 1999-2008 period received probation sentences, while 23% entered on a term of supervised release, 6% received juvenile delinquent supervision, and just 3% entered (pre-SRA) parole after long prison sentences. At the beginning of the period, a vast majority of all juveniles (nearly 9 in 10) were entering onto probation, but by the end of the period that percentage had fallen to 40%, supplanted in part by juvenile delinquent supervision, which only began to be recorded in the FPSIS database starting in 2006. Those juveniles receiving this new form of supervision comprised 19% of all juveniles entering federal supervision from 2006-2008.

**Table 36. Juvenile Offenders Entering Federal Community Supervision, by Supervision Type**

Type of Supervision	Total	Year of Entering Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>2,524</b>	<b>282</b>	<b>239</b>	<b>195</b>	<b>217</b>	<b>218</b>	<b>259</b>	<b>260</b>	<b>302</b>	<b>270</b>	<b>282</b>
Juvenile delinquency supervision	162	0	0	0	0	0	0	0	49	58	55
Probation	1,700	250	209	173	179	179	192	185	122	97	114
Term of supervised Release	583	27	20	16	33	30	50	62	122	112	111
Parole (pre-SRA)	79	5	10	6	5	9	17	13	9	3	2

Source: Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

- **Most serious adjudicated or convicted offense.** The most common adjudicated or convicted offenses for juveniles entering federal supervision were violent offenses (29%) and misdemeanor offenses, such as minor drug possession (20%), followed by drug felonies (14%), property offenses such as burglary and larceny (12%), and weapons offenses (5%). Of the violent offenses, assault was the most common (38% of all violent offenses in an average year), followed by sexual abuse (36%), murder (15%), and robbery (10%).
- **Offender characteristics.** The average juvenile offender entering federal supervision was American Indian (48%), male (88%), non-Hispanic (84%), and 18 or younger (55%).
- **Supervision outcomes for juvenile offenders.** Of the 2,700 juvenile offenders terminating federal community supervision during the 1999-2008 period, just over half

completed their supervision term successfully, while 17% terminated unsuccessfully due to general technical violations of supervision, 13% terminated for committing new crimes, 8% absconded as fugitives, and 7% had their supervision revoked due to continued drug use.

### *Indian Country Juveniles Entering Federal Community Supervision*

- **Number of cases.** The methods we applied to the FPSIS data yielded an estimate of 1,202 IC juvenile offenders entering federal community supervision between 1999 and 2008. During this period, the annual number of juvenile offenders entering federal supervision first decreased by a factor of one-third from 135 in 1999 to 89 in 2003, before nearly doubling to a high of 175 in 2008.
- **Type of supervision.** Nearly 75% of all IC juvenile offenders entering federal supervision during the 10-year period received probation sentences, while 15% entered on a term of supervised release. However, an overwhelming majority (95%) received probation from 1999-2005, before the new juvenile delinquent supervision was coded in the FPSIS data system. From 2006 to 2008, only six in ten IC juvenile offenders entered on probation, while nearly three in ten entered on the new juvenile delinquent supervision, and about one-third entered on supervised release.
- **Most serious adjudicated or convicted offense.** Half of all IC juveniles entering federal supervision were adjudicated or convicted for violent offenses, while 17% were adjudicated or convicted for property offenses, such as burglary, larceny, and arson and explosives. Of the violent offenses, assault was the most common (comprising 42% of all violent offenses in an average year), followed closely by sexual abuse (41%).
- **Offender characteristics.** The typical IC juvenile offender entering federal supervision was male (91%), non-Hispanic (97%), and 18 years of age or younger (62%). These trends were fairly consistent throughout the period, although as the period progressed, an increasing percentage of offenders were in the 21-30 age category.
- **Supervision outcomes for IC juvenile offenders.** Of the 1,289 IC juvenile offenders terminating federal community supervision between 1999 and 2008, 43% completed their supervision term successfully (a lower rate than the 51% for juveniles as a whole), while 22% terminated due to general technical violations of supervision, 15% terminated unsuccessfully for committing new crimes, 12% absconded as fugitives, and 5% were revoked due to continued drug use.

**Table 37. Outcomes for IC Juvenile Offenders Terminating Federal Community Supervision**

Outcome	Total	Year Terminating Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,289</b>	<b>111</b>	<b>136</b>	<b>106</b>	<b>143</b>	<b>121</b>	<b>107</b>	<b>126</b>	<b>125</b>	<b>151</b>	<b>163</b>
No violation	530	33	46	48	58	60	54	61	58	52	60
Drug use	69	10	12	1	10	2	3	8	9	6	8
Fugitive status	154	15	14	13	20	12	14	15	13	19	19
Other technical violations	285	21	25	19	31	27	25	26	28	41	42
New crime	188	30	21	17	24	18	6	13	16	24	19
Administrative case closure	63	2	18	8	0	2	5	3	1	9	15

Source: Federal Justice Statistics Program: FPSIS data, Offenders terminating Federal Post-Conviction Supervision, annual, 1999-2008

### *Supervision Outcomes for Non-Indian Country Juveniles*

- **Supervision outcomes for Non-IC juvenile offenders.** Of the 1,431 Indian Country juvenile offenders terminating federal community supervision during the 1999-2008 period, 61% completed their supervision term successfully, while 12% terminated due to general technical violations of supervision, 11% terminated unsuccessfully for committing new crimes, 5% absconded as fugitives, and 7% had their supervision revoked due to continued drug use (Table 38).

**Table 38. Outcomes for IC Juvenile Offenders Terminating Federal Community Supervision**

Outcome	Total	Year Terminating Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,431</b>	<b>199</b>	<b>146</b>	<b>126</b>	<b>120</b>	<b>125</b>	<b>118</b>	<b>142</b>	<b>178</b>	<b>156</b>	<b>121</b>
No violation	869	125	85	76	71	80	83	77	111	90	71
Drug use	97	10	14	10	15	10	8	7	10	6	7
Fugitive status	71	11	9	8	6	6	3	6	11	6	5
Other technical violations	167	27	17	15	12	10	10	27	18	20	11
New crime	164	16	15	15	13	16	12	18	23	25	11
Administrative case closure	63	10	6	2	3	3	2	7	5	9	16

Source: Federal Justice Statistics Program: FPSIS data, Offenders terminating Federal Post-Conviction Supervision, annual, 1999-2008

*Identifying Juveniles and Indian Country Juveniles in the Federal Probation Supervision Information System (FPSIS) Data*

**Identifying juveniles.** We used several methods to identify juveniles in the federal supervision data, including searching the offender's name for the text "JUVENILE," using the supervision type variable coded as "juvenile delinquency supervision," and checking the offense variable for juvenile delinquency (18 U.S.C. §5032) offenses. We also used a juvenile flag variable that specifically coded juveniles in the database, but this variable was only available starting with the 2006 data.

**Identifying IC juveniles.** Since the Federal Probation Service data contained no variable that directly identified crimes committed in IC, we used the FPSIS race variable coded as "American Indian" as a proxy measure. For purposes of our analysis, we made the assumption that all American Indians committed crimes in IC (though we recognize that this method is less than ideal).

## 4. Conclusion

The *Tribal Youth in the Federal Justice System* project yielded findings about juveniles and tribal youth in the federal system, FJSP's ability to describe and analyze juvenile data, and suggestions for future research.

### Summary of Key Findings

Two primary types of findings emerged from the study—data findings and contextual findings. Key findings from the data analysis may be summarized as follows:

- There are relatively few juvenile cases in the federal system, representing less than 1% of the caseload at every stage, each year from 1999 to 2008.
- Tribal youth (defined either as juveniles who committed offenses in IC or as American Indian youth) represent about 40-55% of all juveniles in the federal system, depending on the stage in the system.
- From 1999 to 2008, the number of juveniles, as well as tribal youth, in the federal system decreased substantially. These decreases held across most stages of the justice system. Reasons for these decreases are unclear.
- Most juvenile cases are concentrated in a small number of federal judicial districts, including South Dakota, Arizona, Montana, New Mexico, North Dakota, California-Southern, and Texas-Western.
- The non-tribal juvenile population includes numerous defendants from the Southwest border accused of drug and immigration violations.
- U.S. Attorneys decline a substantial portion of juvenile matters referred for prosecution. On average for the 10-year period, about 42% of the concluded juvenile matters were declined (about 45% of the concluded IC juvenile matters were declined and 40% of concluded non-IC juvenile matters were declined).
- Most tribal youth cases in the federal justice system involve violent offenses, reflecting the fact that only the most egregious juvenile cases tend to make their way into the federal system. The most common violent offenses charged are sexual abuse (35%), assault (35%), and murder/manslaughter (26%).
- Most juveniles entering BOP custody (about 62%) have been adjudicated delinquent and have not been transferred to adult status. Most adjudicated juveniles were committed to the custody of the BOP by probation with confinement conditions, while the majority of juveniles with adult status were committed for the first time by a U.S. district court or were supervision violators.
- The average time served for those juveniles released from BOP custody increased from 1999 to 2008. The average time served for juveniles overall increased from 14 months to 32 months. The average time served by IC juveniles in BOP facilities doubled from 12 months in 1999 to more than 25 months by 2008. For non-IC juveniles, the average time served in BOP facilities also increased significantly, from 15 to 38 months.

When considering average time served for U.S. district court commitments (for a new offense) only, the rate of increases were similar, but average sentences were higher. The average time served in BOP facilities for all juveniles committed for new U.S. district court commitments increased from 28 to 46 months. For IC juveniles, the average time served for new U.S. district court commitments increased from 28 to 38 months, and for non-IC juveniles from 28 to 53 months.

In addition to these data findings, the study identified a number of themes and patterns relating to the processing of tribal youth cases through site visits, interviews with experts, and document review. These key contextual findings include the following:

- Case processing patterns differ across tribes and districts. This variability is influenced by a number of factors, including U.S. Attorney priorities, federal law enforcement resources and priorities, tribal priorities and resources, the structure of tribal law enforcement, the degree of federal involvement, and the underlying crime problem.
- The decision of whether to prosecute a juvenile case at the tribal or the federal level is complex and dependent upon several considerations, including the seriousness of the crime, the youth's criminal history, age of the offender, strength of the evidence, and the tribe's capacity to prosecute and appropriately sentence the offender. While the final decision to prosecute a case federally rests with the U.S. Attorney, tribal preference is also often taken into account. In general, tribal youth cases processed in the federal system tend to be egregious crimes committed by older offenders and as noted by officials consulted for this study, reportedly with more extensive criminal histories.
- Similarly, a number of factors influence whether a juvenile is processed as a juvenile delinquent or transferred. Federal law specifies the factors that must be considered in determining whether to transfer a case (including offender's age, criminal history, and maturity and the nature of the offense), and cases meeting certain criteria must be transferred. District practices vary, and the prevalence of transfer varies across districts.
- Tribal youth cases may be processed in both tribal and federal court. The tribal case is often initiated first and may be dropped once the federal case begins.
- Federal cases face many processing challenges. These challenges, some of which apply to IC cases generally, include the physical and cultural distances between many reservations and federal actors, as well as the lack of federal detention facilities for juveniles.
- The federal justice system is not designed for juveniles, yet it may sometimes be the best option available despite its limitations (e.g., federal judges and prosecutors often lack the specialized training of state juvenile justice counterparts; juvenile-specific programming is limited, and juveniles may be placed in facilities far from home). This view was expressed consistently by those we interviewed.

## **Assessment of FJSP’s Ability to Identify and Describe Federal Tribal Youth**

Across all agencies, researchers faced data analysis challenges in identifying juveniles and IC cases. No consistent method was available to identify either population.

- For juveniles, we relied on a number of variables, including age, juvenile delinquency, offense code, court proceeding code, and descriptive text in name field (e.g., “Juvenile Male”).
- For Indian Country, we relied on particular IC statutes or offense code, program category, arresting or investigative agency (e.g., BIA), and tribal affiliation. We also encountered the challenge of distinguishing the status of the offender (Indian or non-Indian) from the location of the offense (IC or not).
- Most difficult of all was identifying juveniles transferred to adult status. The AOUSC data cannot identify those criminal cases that began as juvenile adjudications; moreover, many juvenile proceedings are now either not entered or are recorded as sealed. Although some information was available from EOUSA regarding the prosecution and adjudication stages, it was contradicted by the information at the detention stage from BOP. We were able to use data from BOP (which specified whether a juvenile was adjudicated or convicted) and inclusion in USSC data (which only covers sentenced adults) to identify juveniles handled as adults.

The resulting agency analyses varied considerably in the level of detail provided. The data are stronger for some stages of the justice system (e.g., detention/incarceration) than for others (e.g., sentencing for those adjudicated delinquent). As a result, we are left not with a clear picture of juveniles and tribal youth, but instead with something of a mosaic with some missing pieces. We will provide separately to BJS suggestions for improving the quality and consistency of the FJSP data for juveniles and IC populations.

The linked cohort analysis, which offered the promise of improved information about the flow of cases throughout the system, was not as productive as we had hoped. The analysis depends on how well the key analytic cohort chosen identifies the correct universe of cases (e.g., EOUSA program category), and we found that there were substantial shares of records identified as juveniles in some agencies that simply did not appear or could not be found in other agencies, due to the varied data entry policies and protocols.

Despite the imprecision of some of the data findings, the analysis raises questions for further discussion and suggests improvements in data collection and reporting.

## **Issues and Research Opportunities for the Future**

This research suggests a number of areas for future consideration, including the following:

- monitoring implications of the Tribal Law and Order Act to assess changes in referral and prosecution patterns, and in the nature and volume of juvenile prosecutions;

- comparing juvenile cases in the federal system to state juvenile cases, with the ultimate goal of supplementing federal data in particular districts with state and tribal data;
- improving federal data regarding tribal youth and juveniles generally in the federal system, for example, by implementing standard variables for IC and juveniles; and
- exploring the reasons for the marked decrease in the number of federal juvenile cases – both among juveniles generally and tribal juveniles specifically – from 1999 to 2008.

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# Tribal Youth in the Federal Justice System

## Data Analysis

### Appendices A-H

- Appendix A: Arrest and Booking Stage (USMS)
- Appendix B: Referrals for Prosecution (EOUSA)
- Appendix C: Pretrial Services Stage (PSA)
- Appendix D: Prosecution and Adjudication Stage (EOUSA)
- Appendix E: Prosecution and Adjudication Stage (AOUSC)
- Appendix F: Sentencing Stage (USSC)
- Appendix G: Corrections Stage (BOP)
- Appendix H: Post-Conviction Supervision Stage (FPSIS)

## Juvenile and Juvenile Indian Country Suspects Arrested and Booked for Federal Offenses

### OVERVIEW

Juvenile cases, particularly those occurring in IC, comprised a small share of arrests and bookings for federal offenses between FY1999 and FY2008. Our examination of federal arrest and booking data found that there were 1,302,573<sup>1</sup> person-arrests during the 10-year period. Of these, we concluded that 0.2% – or 3,199 person-arrests – were juveniles.<sup>2</sup> Using the best information available about crime location (Indian Country) in the USMS data, we had initially estimated that 367 person-arrests were juvenile cases in IC. However, based on our knowledge about the incidence of Indian Country juvenile crime data from other stages, this methodology appeared to be severely underestimating the share of juveniles who are Indian Country juveniles. Therefore, we made the decision to use race (‘Native American’) as a proxy to identify Indian Country juveniles, though we fully recognize the limitations of doing so, because we think it presents a truer representation of the number of juveniles in Indian Country. Using this method, we identified 1,231 IC juvenile arrestees.

**Table A1. Number of Arrests and Bookings for Federal Offenses, by Juvenile and Indian Country Status**

	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Adult	1,298,781	104,799	110,911	114,863	119,764	121,914	134,981	133,753	140,538	147,848	169,410
Juvenile	3,199	432	375	292	337	301	325	319	271	272	275
Indian Country	1,231	187	160	120	147	101	120	122	96	91	87
Non-IC	1,968	245	215	172	190	200	205	197	175	181	188
<b>Total*</b>	<b>1,301,980</b>	105,231	111,286	115,155	120,101	122,215	135,306	134,072	140,809	148,120	169,685

\* Excludes 593 records with missing or indeterminable age across the 10 year period.

The sections that follow detail our methodology for identifying juvenile and Indian Country arrests, and provide descriptive statistics on arrestee demographics, offense characteristics, arresting agencies, arrest dispositions, and U.S. Marshals Service custody.

### JUVENILE CASES

#### Identification of Juvenile Cases

Conceptually, juvenile legal status applies to all defendants under age 21 who were under the age of 18 at the time of the offense. The USMS data available to the Federal Justice Statistics Program did not systematically track the juvenile status of arrestees.<sup>3</sup> Therefore, **we deduced an arrestee’s legal status using a combination of chronological age at arrest and references to juvenile status in the database record**; the USMS data do not track the date of offense or age at offense. Our operational definition follows:

<sup>1</sup> Those arrested as material witnesses are excluded from this statistic, since they will not appear in subsequent stages of federal criminal case processing. None of the 814 juvenile material witnesses identified were Native American.

<sup>2</sup> Please note that, because of data limitations, our methodology for identifying juveniles is likely to underestimate the number of 18- to 20-year-old arrestees who committed their offenses prior to their 18<sup>th</sup> birthdays.

<sup>3</sup> The PTS manual has instructions for entering whether an arrestee is a juvenile on the agency’s internal “Prisoner Schedule,” but the Federal Justice Statistics Program does not receive these data. These internal agency data are used to prepare the USM-268 Monthly Report, which includes a tally of juveniles for the period.

- All arrestees aged 10-17 were classified as juveniles.<sup>4</sup>
- Arrestees between the ages of 18 and 20 were classified as juveniles if their records contained a reference to juvenile status.

We searched four relevant data fields for indications of juvenile legal status: city of arrest, court case number, arrestee last name, and offense remarks. These are all free text fields, where USMS personnel can input unrestricted text. Entries containing the keywords JUV, JUVE, JUVY, JUVENILE, JDA, FJDA, JV, FJUV, 5031, 5032, 5037, and 5042 were flagged as having juvenile legal status. Additionally, three NCIC offense codes (8100-8102) flagged cases of juvenile supervision violations. Interestingly, the term SEALED was not a reliable indicator of juvenile status, and was typically found on adult records.

- Arrestees aged 21 and above were classified as adults.<sup>5</sup>

We identified 3,199 person-arrest records as having juvenile legal status. The number of juveniles in any given year varied from 271 to 432, with an average of 320 per year. Juveniles comprised a small share of total arrestees as shown in Tables A2, below. On average, juveniles comprised 0.2 percent of the total number of suspects arrested and booked for federal offenses.

**Table A2. Number of Arrests and Bookings for Federal Offenses, by Age and Juvenile Status**

	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
10 to 17	3039	420	365	276	324	287	310	298	253	252	254
18 to 20	160	12	10	16	13	14	15	21	18	20	21
<i>Juvenile</i>											
<b>Total*</b>	3199	432	375	292	337	301	325	319	271	272	275

Please note that this method is likely to underestimate the number of 18 to 20 year old arrestees with juvenile legal status. Records of young arrestees typically did not contain a reference to juvenile status. Although arrestees under age 18 are by definition juveniles, just 1 in 10 records of arrestees in this age group included a reference to juvenile status. Among arrestees aged 18-20, less than 0.2 percent of records contained a reference to juvenile status. We suspect that so few records contained text references to juvenile status because the U.S. Marshals Service tracks juvenile status in another portion of its Prison Tracking System database, which was not available to the research team for this analysis.

### Analysis of Juveniles Arrested and Booked for Federal Offenses

We examined the records of all 3,199 arrestees aged 10-20 with juvenile legal status, regardless of race or Indian Country location. Appendix AA contains a full set of data tables displaying the number and percentage of arrestees under age 21 with juvenile legal status by

- Age (Tables AA.1a and AA.1b),
- Race (Tables AA.2a and AA.2b),
- Sex (Table AA.3a and AA.3b),
- U.S. citizenship (Table AA.4a and AA.4b),

<sup>4</sup> Arrestee ages were calculated using recoded dates of birth and arrest. Age 10 was chosen as the lower age limit; records with calculated ages under 10 were treated as missing data because of concerns about inaccurate data entry.

<sup>5</sup> Records with calculated ages over 99 were treated as missing data because of concerns about inaccurate data entry.

- Most serious offense at arrest (Table AA.5a and AA.5b),
- District of arrest (Table AA.6a and AA.6b),
- Arresting agency (Table AA.7a and AA.7b), and
- Duration of U.S. Marshals Service custody (Tables AA.8a and AA.8b).

**Key findings** are summarized below:

- The number of juveniles ranged from 271 to 432 in any given year, with an average of 320 per year.
- Juveniles were typically 16 years old (49%) or 17 years old (25%) at the time of arrest.
- Juvenile arrestees were typically White, while American Indians comprised the second largest share. In an average year, Whites comprised 49% of juvenile arrestees, followed by American Indians (39%), Blacks (12%), and Asians and Pacific Islanders (1%).
- Juvenile arrestees were typically male. On average, 89% in a given year were male.
- The majority of juvenile arrestees (on average, 69%) over the 10-year period had U.S. citizenship, but the share of noncitizen arrestees increased over time. In 1999, less than one-quarter of arrestees were noncitizens. By 2008, the share of noncitizens had increased to 37%.
- The most common arrest charges among juveniles were for violent offenses, primarily assault, robbery, sexual abuse and murder. In any given year, one-quarter to 35% of juveniles were arrested and booked for violent offenses, while 10% to 18% were arrested for supervision violations.
- The districts reporting the highest number of juvenile arrests over the 10-year period were Arizona (763), New Mexico (476), South Dakota (339) and Montana (304).
- The most common arresting agencies in juvenile cases were Border Patrol (16% in an average year), the USMS (22%, on average), and the FBI (18%, on average). Immigration and Customs Enforcement agencies arrested about 4%, on average; the BIA arrested 4% of juvenile suspects; local law enforcement agencies, 8%; and self-surrenders upon receipt of a summons comprised 7%.
- Almost all juvenile arrestees (94%, on average) were under USMS custody for at least one day. Thirty-eight percent of juvenile arrestees were under custody for more than three months.<sup>6</sup>

## JUVENILE INDIAN COUNTRY CASES

### Identification of Juvenile Indian Country Cases

Conceptually, Indian Country jurisdiction applies to offenses occurring on federally recognized Indian lands. The USMS data available to the Federal Justice Statistics Program did not systematically flag records of Indian Country cases. Furthermore, the USMS data did not systematically record the offense location. Therefore, **we attempted to estimate the number of juvenile Indian Country cases using a combination of juvenile legal status, district of arrest, and text references to Indian Country in the database record.** Race was not used as a factor in determining the Indian Country location of a case.<sup>7</sup> Unfortunately, this estimation methodology

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<sup>6</sup> Note: these data are only available for 2003-2008; the data are missing for 1999-2002.

<sup>7</sup> We first selected the records of arrestees determined to have juvenile legal status; then used the recorded district of arrest to categorize whether the arrest occurred in one of the 33 states that contains federally recognized Indian tribes; and then searched juvenile arrest records in these states for keyword references to Indian Country in data fields describing the arresting agency, offense, arrest location, and arrestee residence.

only identified 367 juvenile in IC cases, which we believe severely underestimated the share of juveniles who are Indian Country juveniles. Therefore, we made the decision to use race (‘Native American’) as a proxy to identify Indian Country juveniles, though we fully recognize the limitations of doing so, because we think it presents a truer representation of the number of juveniles in Indian Country.

Using this method, we identified 1,231 IC juvenile arrests and bookings in the 10 year period between 1999 and 2008. Indian Country cases comprised roughly 39% of all juvenile cases and less than one percent of all federal arrests and bookings. The number of juvenile Indian Country cases ranged from 87 to 187 each year with an average of 123 per year.

**Table A3. Number of Juvenile Arrests and Bookings for Federal Offenses, by Indian Country location**

	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Juveniles	<b>3,199</b>	<b>432</b>	<b>375</b>	<b>292</b>	<b>337</b>	<b>301</b>	<b>325</b>	<b>319</b>	<b>271</b>	<b>272</b>	<b>275</b>
<i>Indian</i>											
<i>Country</i>	1,231	187	160	120	147	101	120	122	96	91	87
<i>Non-IC</i>	2,823	245	215	172	190	200	205	197	175	181	188

### Analysis of Juveniles in Indian Country Arrested and Booked for Federal Offenses

We examined the records of all 1,231 arrestees aged 10-20 with juvenile legal status we identified as Native American from 1999 to 2008. Appendix AA contains a full set of data tables displaying the number and percentage of arrestees under age 21 with juvenile legal status in Indian Country by:

- Age (Table AA.9a and AA.9b),
- Sex (Table AA.10a and AA.10b)
- U.S. citizenship (Table AA.11)
- Most serious offense at arrest (Table AA.12a and AA.12b)
- District of arrest (Tables AA.13a and AA.13b), and
- Arresting agency (Table AA.14a and AA.14b), and
- Duration of U.S. Marshals Service custody (Tables AA.15a, AA.15b)

**Key findings** are summarized below.

- We estimated that, over the ten year period, 39% of juvenile arrests were IC cases.
- The number of juvenile arrests ranged from 87 to 187 cases per year. The average was 123 cases per year across all districts.
- Thirty-five percent of juvenile arrestees in IC were 17 years old at the time of arrest. Another 24% were 16 at the time of arrest, while 18% were 15 and 9% were 14 years old.
- Most juvenile IC arrestees (9 in 10) were male.
- Virtually all juveniles in IC cases were U.S. citizens.
- Violent offenses were the most common arrest charges in all years, comprising an average of 46% of all person-arrests over the 10-year period. Assaults were the most common violent offense, followed by sexual abuse and murder.

- The second most common arrest charge was for supervision violations, which accounted for almost one-quarter of the arrests (23%) over the ten year period. Most supervision violation arrests were for probation violations.
- Property offenses were the third most common arrest charge, comprising 18% of all arrests over the ten-year period. Burglary was the most common type of property offense.
- Almost ninety percent of the juvenile IC suspects were arrested in 5 districts during the 10-year period. South Dakota had the highest number of cases (324), followed by Montana (264), Arizona (201), New Mexico (176), and North Dakota (129).
- The most common arresting agencies in juvenile IC cases were the FBI (34%), the USMS (31%), and the BIA (11%); fourteen percent of arrestees surrendered in response to a summons.
- Almost all juvenile IC arrestees (98%, on average) were under USMS custody for at least one day. More than 40% were under USMS custody for more than three months, though data were only available for this measure from 2003-2008.

**APPENDIX AA**  
**Data Tables Describing Juvenile and Juvenile Indian Country Suspects who were**  
**Arrested and Booked for Federal Offenses, 1999-2008**

**All Juveniles**

Table AA.1a. Number of arrestees under age 21 with juvenile legal status, by age

Age of arrestee	Total	Fiscal Year of Arrest										
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
10	3	0	0	0	0	0	0	1	0	0	0	2
11	9	2	4	0	1	1	0	0	0	1	0	0
12	15	2	6	1	3	0	1	1	0	1	0	0
13	82	16	18	4	9	4	4	9	6	2	10	10
14	165	27	22	16	24	9	22	11	11	14	9	9
15	399	59	49	35	49	48	45	28	36	24	26	26
16	787	115	77	95	69	74	87	83	73	66	48	48
17	1579	199	189	125	169	151	151	165	127	144	159	159
18	82	8	8	9	8	6	8	7	10	6	12	12
19	52	3	1	3	1	5	5	11	7	11	5	5
20	26	1	1	4	4	3	2	3	1	3	4	4
Total	3199	432	375	292	337	301	325	319	271	272	275	275

Table AA.1b. Percentage of arrestees under age 21 with juvenile legal status, by age

Age of arrestee	Average	Fiscal Year of Arrest										
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
10	0.09	0	0	0	0	0	0	0.31	0	0	0.73	0.73
11	0.28	0.46	1.07	0	0.3	0.33	0	0	0	0.37	0	0
12	0.47	0.46	1.6	0.34	0.89	0	0.31	0.31	0	0.37	0	0
13	2.56	3.7	4.8	1.37	2.67	1.33	1.23	2.82	2.21	0.74	3.64	3.64
14	5.16	6.25	5.87	5.48	7.12	2.99	6.77	3.45	4.06	5.15	3.27	3.27
15	12.47	13.66	13.07	11.99	14.54	15.95	13.85	8.78	13.28	8.82	9.45	9.45
16	24.60	26.62	20.53	32.53	20.47	24.58	26.77	26.02	26.94	24.26	17.45	17.45
17	49.36	46.06	50.4	42.81	50.15	50.17	46.46	51.72	46.86	52.94	57.82	57.82
18	2.56	1.85	2.13	3.08	2.37	1.99	2.46	2.19	3.69	2.21	4.36	4.36
19	1.63	0.69	0.27	1.03	0.3	1.66	1.54	3.45	2.58	4.04	1.82	1.82
20	0.81	0.23	0.27	1.37	1.19	1	0.62	0.94	0.37	1.1	1.45	1.45
Total nonmissing	3199	432	375	292	337	301	325	319	271	272	275	275

Note: Percentages may not sum exactly due to rounding.

Table AA.2a. Number of arrestees under age 21 with juvenile legal status, by race

Race of arrestee	Total	Fiscal Year of Arrest										
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
Asian/Pacific Islander	19	4	4	2	1	3	0	2	0	0	3	3
Black	366	52	29	41	42	25	40	23	36	40	37	37
Native American	1,231	187	160	120	147	101	120	122	96	91	87	87
White	1,543	183	176	125	143	170	162	171	136	136	141	141
Unknown	40	6	6	4	3	2	3	1	3	5	7	7
Total	3,199	432	375	292	337	301	325	319	271	272	275	275

Table AA.2b. Percentage of arrestees under age 21 with juvenile legal status, by race

Race of arrestee	Average	Fiscal Year of Arrest										
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
Asian/Pacific Islander	0.60	0.94	1.08	0.69	0.3	1	0	0.63	0	0	1.12	1.12
Black	11.59	12.21	7.86	14.24	12.87	8.36	12.42	7.23	13.43	14.98	13.81	13.81
Native American	38.97	43.9	43.36	41.67	44.01	33.78	37.27	38.36	35.82	34.08	32.46	32.46
White	48.84	42.96	47.7	43.4	42.81	56.86	50.31	53.77	50.75	50.94	52.61	52.61
Total nonmissing	3,159	426	369	288	334	299	322	318	268	267	268	268

Note: Percentages may not sum exactly due to rounding.

Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

Table AA.3a. Number of arrestees under age 21 with juvenile legal status, by sex

Sex of arrestee	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Female	352	59	41	37	26	37	31	24	38	33	26
Male	2847	373	334	255	311	264	294	295	233	239	249
Total	3199	432	375	292	337	301	325	319	271	272	275

Table A.3b. Percentage of arrestees under age 21 with juvenile legal status, by sex

Sex of arrestee	Average	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Female	0.11	13.66	10.93	12.67	7.72	12.29	9.54	7.52	14.02	12.13	9.45
Male	0.89	86.34	89.07	87.33	92.28	87.71	90.46	92.48	85.98	87.87	90.55
Total nonmissing	3,199	432	375	292	337	301	325	319	271	272	275

Note: Percentages may not sum exactly due to rounding.

Table AA.4a. Number of arrestees under age 21 with juvenile legal status, by U.S. citizenship

Citizenship of arrestee	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Not U.S. Citizen	928	97	103	71	98	112	88	101	83	79	96
U.S. Citizen	2105	310	255	204	221	177	217	212	172	173	164
Unknown or missing	166	25	17	17	18	12	20	6	16	20	15
Total	3199	432	375	292	337	301	325	319	271	272	275

Table AA.4b. Percentage of arrestees under age 21 with juvenile legal status, by U.S. citizenship

Citizenship of arrestee	Average	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Not U.S. Citizen	0.31	23.83	28.77	25.82	30.72	38.75	28.85	32.27	32.55	31.35	36.92
U.S. Citizen	0.69	76.17	71.23	74.18	69.28	61.25	71.15	67.73	67.45	68.65	63.08
Total nonmissing	3033	407	358	275	319	289	305	313	255	252	260

Note: Percentages may not sum exactly due to rounding.

Table AA.5a. Number of arrestees under age 21 with juvenile legal status, by most serious offense charged

Arresting offense	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	905	136	89	101	97	75	97	80	83	76	71
Property offenses	328	59	52	26	36	33	30	26	25	16	25
Drug offenses	579	65	77	34	53	83	66	66	56	41	38
Public-order offenses	208	34	18	28	22	16	23	17	15	12	23
Weapon offenses	145	11	19	15	11	8	23	20	7	19	12
Immigration offenses	548	56	62	48	57	51	49	57	44	61	63
Supervision violations	454	71	58	34	59	33	31	48	39	41	40
Missing	32	0	0	6	2	2	6	5	2	6	3
Total	3199	432	375	292	337	301	325	319	271	272	275

Table AA.5b. Percentage of arrestees under age 21 with juvenile legal status, by most serious offense charged

Arresting offense	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	28.58	31.48	23.73	35.31	28.96	25.08	30.41	25.48	30.86	28.57	26.1
Property offenses	10.36	13.66	13.87	9.09	10.75	11.04	9.4	8.28	9.29	6.02	9.19
Drug offenses	18.28	15.05	20.53	11.89	15.82	27.76	20.69	21.02	20.82	15.41	13.97
Public-order offenses	6.57	7.87	4.8	9.79	6.57	5.35	7.21	5.41	5.58	4.51	8.46
Weapon offenses	4.58	2.55	5.07	5.24	3.28	2.68	7.21	6.37	2.6	7.14	4.41
Immigration offenses	17.30	12.96	16.53	16.78	17.01	17.06	15.36	18.15	16.36	22.93	23.16
Supervision violations	14.34	16.44	15.47	11.89	17.61	11.04	9.72	15.29	14.5	15.41	14.71
Total Nonmissing	3167	432	375	286	335	299	319	314	269	266	272

Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

Note: Percentages may not sum exactly due to rounding.

Table AA.6a. Number of arrestees under age 21 with juvenile legal status, by district of arrest

District	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALABAMA, NORTHERN	6	1	2	1	0	0	0	0	2	0	0
ALABAMA, SOUTHERN	3	2	1	0	0	0	0	0	0	0	0
ALASKA	3	0	2	0	0	0	1	0	0	0	0
ARIZONA	763	92	90	56	90	80	79	97	72	54	53
ARKANSAS, EASTERN	2	2	0	0	0	0	0	0	0	0	0
ARKANSAS, WESTERN	5	1	2	1	0	0	0	0	0	0	1
CALIFORNIA, CENTRAL	18	6	0	2	1	3	3	1	2	0	0
CALIFORNIA, EASTERN	6	0	4	0	0	0	2	0	0	0	0
CALIFORNIA, NORTHERN	6	0	4	0	0	0	2	0	0	0	0
CALIFORNIA, SOUTHERN	131	33	18	9	14	5	4	19	9	15	5
COLORADO	15	2	1	0	0	3	2	0	3	0	4
CONNECTICUT	1	0	0	0	0	1	0	0	0	0	0
DC	175	4	2	25	19	10	26	13	16	31	29
EASTERN TENNESSEE	3	1	0	0	0	1	0	0	1	0	0
FLORIDA, MIDDLE	5	0	1	0	1	0	2	0	0	0	1
FLORIDA, SOUTHERN	9	2	1	0	0	0	0	0	2	3	1
GEORGIA, MIDDLE	19	4	0	2	6	0	2	2	1	2	0
GEORGIA, NORTHERN	5	2	0	3	0	0	0	0	0	0	0
GEORGIA, SOUTHERN	8	0	2	0	1	1	0	0	3	1	0
GUAM	3	0	0	1	1	1	0	0	0	0	0
HAWAII	2	0	1	0	0	0	0	0	1	0	0
IDAHO	8	3	1	0	0	1	0	1	0	0	2
ILLINOIS, CENTRAL	2	0	0	0	1	0	1	0	0	0	0
ILLINOIS, NORTHERN	4	1	1	1	0	0	1	0	0	0	0
ILLINOIS, SOUTHERN	3	1	0	2	0	0	0	0	0	0	0
INDIANA, NORTHERN	5	2	0	0	1	0	1	0	0	0	1
INDIANA, SOUTHERN	2	2	0	0	0	0	0	0	0	0	0
IOWA, NORTHERN	4	0	0	0	0	0	0	0	1	0	3
IOWA, SOUTHERN	1	0	1	0	0	0	0	0	0	0	0
KENTUCKY, EASTERN	3	1	0	1	0	0	1	0	0	0	0
KENTUCKY, WESTERN	13	1	2	2	4	1	2	0	0	0	1
LOUISIANA, EASTERN	7	1	1	0	0	1	1	0	0	3	0
LOUISIANA, WESTERN	5	2	0	0	1	0	1	1	0	0	0
MAINE	22	0	0	2	0	2	2	8	2	4	2
MARYLAND	16	1	1	1	0	4	3	2	3	0	1
MASSACHUSETTS	6	1	0	3	0	1	0	1	0	0	0
MICHIGAN, EASTERN	6	2	2	0	0	1	0	0	0	0	1
MICHIGAN, WESTERN	4	1	0	1	1	0	0	0	0	0	1
MIDDLE TENNESSEE	1	0	0	0	0	0	0	0	0	1	0
MINNESOTA	58	17	6	12	9	4	2	3	3	2	0
MISSISSIPPI, SOUTHERN	12	3	2	3	3	0	0	1	0	0	0
MISSOURI, EASTERN	2	0	1	0	0	0	0	0	0	0	1
MISSOURI, WESTERN	2	0	1	0	0	0	0	1	0	0	0
MONTANA	304	41	45	26	33	22	24	27	31	27	28
NEBRASKA	34	1	8	7	3	4	5	2	1	2	1
NEVADA	24	4	2	4	0	0	2	7	1	1	3
NEW HAMPSHIRE	1	1	0	0	0	0	0	0	0	0	0
NEW JERSEY	1	1	0	0	0	0	0	0	0	0	0
NEW MEXICO	476	42	38	30	38	66	64	52	41	54	51
NEW YORK, EASTERN	21	5	5	4	0	0	3	1	0	2	1
NEW YORK, NORTHERN	4	0	3	0	0	0	0	1	0	0	0
NEW YORK, SOUTHERN	17	0	0	1	1	0	2	1	2	0	10
NEW YORK, WESTERN	4	0	2	0	0	2	0	0	0	0	0
NORTH CAROLINA, EASTERN	32	10	5	3	8	1	0	1	2	0	2
NORTH CAROLINA, MIDDLE	2	0	0	0	0	0	0	0	1	0	1
NORTH CAROLINA, WESTERN	22	13	2	4	1	0	0	1	0	0	1
NORTH DAKOTA	132	19	22	18	22	10	13	7	5	6	10
OHIO, NORTHERN	2	0	1	0	0	0	0	0	1	0	0
OHIO, SOUTHERN	2	0	0	0	0	1	0	1	0	0	0
OKLAHOMA, EASTERN	3	0	0	0	0	3	0	0	0	0	0
OKLAHOMA, NORTHERN	2	0	1	1	0	0	0	0	0	0	0
OKLAHOMA, WESTERN	9	2	2	2	0	1	1	1	0	0	0

Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

District	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
OREGON	11	2	1	0	1	2	1	0	3	1	0
PENNSYLVANIA, MIDDLE	1	0	0	0	1	0	0	0	0	0	0
PENNSYLVANIA, WESTERN	1	0	0	0	0	0	0	0	1	0	0
PUERTO RICO	15	0	3	3	1	3	1	1	0	0	3
SOUTH CAROLINA	11	3	3	1	2	2	0	0	0	0	0
SOUTH DAKOTA	339	52	41	34	35	20	41	39	26	29	22
TEXAS, EASTERN	2	0	1	0	0	0	1	0	0	0	0
TEXAS, NORTHERN	7	0	1	3	0	0	1	1	0	0	1
TEXAS, SOUTHERN	123	11	9	9	15	21	11	12	7	15	13
TEXAS, WESTERN	89	10	12	6	6	4	8	9	10	12	12
UTAH	22	2	0	3	4	4	2	1	1	2	3
VERMONT	1	1	0	0	0	0	0	0	0	0	0
VIRGIN ISLANDS	6	2	2	0	1	0	1	0	0	0	0
VIRGINIA, EASTERN	26	2	3	0	5	4	4	1	6	1	0
VIRGINIA, WESTERN	8	1	2	0	2	0	0	0	0	0	3
WASHINGTON, EASTERN	3	0	0	0	0	1	1	0	0	1	0
WASHINGTON, WESTERN	9	6	3	0	0	0	0	0	0	0	0
WEST VIRGINIA, NORTHERN	2	0	0	0	1	0	0	0	1	0	0
WEST VIRGINIA, SOUTHERN	1	0	0	1	0	0	0	0	0	0	0
WESTERN TENNESSEE	7	2	0	0	2	0	0	1	2	0	0
WISCONSIN, EASTERN	6	3	0	0	0	1	0	0	1	1	0
WISCONSIN, WESTERN	1	1	0	0	0	0	0	0	0	0	0
WYOMING	42	4	8	4	2	9	1	2	7	2	3
Total	3199	432	375	292	337	301	325	319	271	272	275

Table AA.6b. Percentage of arrestees under age 21 with juvenile legal status, by district of arrest

District	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALABAMA, NORTHERN	0.19	0.23	0.53	0.34	0	0	0	0	0.74	0	0
ALABAMA, SOUTHERN	0.09	0.46	0.27	0	0	0	0	0	0	0	0
ALASKA	0.09	0	0.53	0	0	0	0.31	0	0	0	0
ARIZONA	23.85	21.3	24	19.18	26.71	26.58	24.31	30.41	26.57	19.85	19.27
ARKANSAS, EASTERN	0.06	0.46	0	0	0	0	0	0	0	0	0
ARKANSAS, WESTERN	0.16	0.23	0.53	0.34	0	0	0	0	0	0	0.36
CALIFORNIA, CENTRAL	0.56	1.39	0	0.68	0.3	1	0.92	0.31	0.74	0	0
CALIFORNIA, EASTERN	0.19	0	1.07	0	0	0	0.62	0	0	0	0
CALIFORNIA, NORTHERN	0.19	0	1.07	0	0	0	0.62	0	0	0	0
CALIFORNIA, SOUTHERN	4.10	7.64	4.8	3.08	4.15	1.66	1.23	5.96	3.32	5.51	1.82
COLORADO	0.47	0.46	0.27	0	0	1	0.62	0	1.11	0	1.45
CONNECTICUT	0.03	0	0	0	0	0.33	0	0	0	0	0
DC	5.47	0.93	0.53	8.56	5.64	3.32	8	4.07	5.9	11.4	10.55
EASTERN TENNESSEE	0.09	0.23	0	0	0	0.33	0	0	0.37	0	0
FLORIDA, MIDDLE	0.16	0	0.27	0	0.3	0	0.62	0	0	0	0.36
FLORIDA, SOUTHERN	0.28	0.46	0.27	0	0	0	0	0	0.74	1.1	0.36
GEORGIA, MIDDLE	0.59	0.93	0	0.68	1.78	0	0.62	0.63	0.37	0.74	0
GEORGIA, NORTHERN	0.16	0.46	0	1.03	0	0	0	0	0	0	0
GEORGIA, SOUTHERN	0.25	0	0.53	0	0.3	0.33	0	0	1.11	0.37	0
GUAM	0.09	0	0	0.34	0.3	0.33	0	0	0	0	0
HAWAII	0.06	0	0.27	0	0	0	0	0	0.37	0	0
IDAHO	0.25	0.69	0.27	0	0	0.33	0	0.31	0	0	0.73
ILLINOIS, CENTRAL	0.06	0	0	0	0.3	0	0.31	0	0	0	0
ILLINOIS, NORTHERN	0.13	0.23	0.27	0.34	0	0	0.31	0	0	0	0
ILLINOIS, SOUTHERN	0.09	0.23	0	0.68	0	0	0	0	0	0	0
INDIANA, NORTHERN	0.16	0.46	0	0	0.3	0	0.31	0	0	0	0.36
INDIANA, SOUTHERN	0.06	0.46	0	0	0	0	0	0	0	0	0
IOWA, NORTHERN	0.13	0	0	0	0	0	0	0	0.37	0	1.09
IOWA, SOUTHERN	0.03	0	0.27	0	0	0	0	0	0	0	0
KENTUCKY, EASTERN	0.09	0.23	0	0.34	0	0	0.31	0	0	0	0
KENTUCKY, WESTERN	0.41	0.23	0.53	0.68	1.19	0.33	0.62	0	0	0	0.36
LOUISIANA, EASTERN	0.22	0.23	0.27	0	0	0.33	0.31	0	0	1.1	0
LOUISIANA, WESTERN	0.16	0.46	0	0	0.3	0	0.31	0.31	0	0	0
MAINE	0.69	0	0	0.68	0	0.66	0.62	2.51	0.74	1.47	0.73
MARYLAND	0.50	0.23	0.27	0.34	0	1.33	0.92	0.63	1.11	0	0.36
MASSACHUSETTS	0.19	0.23	0	1.03	0	0.33	0	0.31	0	0	0
MICHIGAN, EASTERN	0.19	0.46	0.53	0	0	0.33	0	0	0	0	0.36

Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

District	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
MICHIGAN, WESTERN	0.13	0.23	0	0.34	0.3	0	0	0	0	0	0.36
MIDDLE TENNESSEE	0.03	0	0	0	0	0	0	0	0	0.37	0
MINNESOTA	1.81	3.94	1.6	4.11	2.67	1.33	0.62	0.94	1.11	0.74	0
MISSISSIPPI, SOUTHERN	0.38	0.69	0.53	1.03	0.89	0	0	0.31	0	0	0
MISSOURI, EASTERN	0.06	0	0.27	0	0	0	0	0	0	0	0.36
MISSOURI, WESTERN	0.06	0	0.27	0	0	0	0	0.31	0	0	0
MONTANA	9.50	9.49	12	8.9	9.79	7.31	7.38	8.46	11.44	9.93	10.18
NEBRASKA	1.06	0.23	2.13	2.4	0.89	1.33	1.54	0.63	0.37	0.74	0.36
NEVADA	0.75	0.93	0.53	1.37	0	0	0.62	2.19	0.37	0.37	1.09
NEW HAMPSHIRE	0.03	0.23	0	0	0	0	0	0	0	0	0
NEW JERSEY	0.03	0.23	0	0	0	0	0	0	0	0	0
NEW MEXICO	14.88	9.72	10.13	10.27	11.28	21.93	19.69	16.3	15.13	19.85	18.55
NEW YORK, EASTERN	0.66	1.16	1.33	1.37	0	0	0.92	0.31	0	0.74	0.36
NEW YORK, NORTHERN	0.13	0	0.8	0	0	0	0	0.31	0	0	0
NEW YORK, SOUTHERN	0.53	0	0	0.34	0.3	0	0.62	0.31	0.74	0	3.64
NEW YORK, WESTERN	0.13	0	0.53	0	0	0.66	0	0	0	0	0
NORTH CAROLINA, EASTERN	1.00	2.31	1.33	1.03	2.37	0.33	0	0.31	0.74	0	0.73
NORTH CAROLINA, MIDDLE	0.06	0	0	0	0	0	0	0	0.37	0	0.36
NORTH CAROLINA, WESTERN	0.69	3.01	0.53	1.37	0.3	0	0	0.31	0	0	0.36
NORTH DAKOTA	4.13	4.4	5.87	6.16	6.53	3.32	4	2.19	1.85	2.21	3.64
OHIO, NORTHERN	0.06	0	0.27	0	0	0	0	0.37	0	0	0
OHIO, SOUTHERN	0.06	0	0	0	0	0.33	0	0.31	0	0	0
OKLAHOMA, EASTERN	0.09	0	0	0	0	1	0	0	0	0	0
OKLAHOMA, NORTHERN	0.06	0	0.27	0.34	0	0	0	0	0	0	0
OKLAHOMA, WESTERN	0.28	0.46	0.53	0.68	0	0.33	0.31	0.31	0	0	0
OREGON	0.34	0.46	0.27	0	0.3	0.66	0.31	0	1.11	0.37	0
PENNSYLVANIA, MIDDLE	0.03	0	0	0	0.3	0	0	0	0	0	0
PENNSYLVANIA, WESTERN	0.03	0	0	0	0	0	0	0	0.37	0	0
PUERTO RICO	0.47	0	0.8	1.03	0.3	1	0.31	0.31	0	0	1.09
SOUTH CAROLINA	0.34	0.69	0.8	0.34	0.59	0.66	0	0	0	0	0
SOUTH DAKOTA	10.60	12.04	10.93	11.64	10.39	6.64	12.62	12.23	9.59	10.66	8
TEXAS, EASTERN	0.06	0	0.27	0	0	0	0.31	0	0	0	0
TEXAS, NORTHERN	0.22	0	0.27	1.03	0	0	0.31	0.31	0	0	0.36
TEXAS, SOUTHERN	3.84	2.55	2.4	3.08	4.45	6.98	3.38	3.76	2.58	5.51	4.73
TEXAS, WESTERN	2.78	2.31	3.2	2.05	1.78	1.33	2.46	2.82	3.69	4.41	4.36
UTAH	0.69	0.46	0	1.03	1.19	1.33	0.62	0.31	0.37	0.74	1.09
VERMONT	0.03	0.23	0	0	0	0	0	0	0	0	0
VIRGIN ISLANDS	0.19	0.46	0.53	0	0.3	0	0.31	0	0	0	0
VIRGINIA, EASTERN	0.81	0.46	0.8	0	1.48	1.33	1.23	0.31	2.21	0.37	0
VIRGINIA, WESTERN	0.25	0.23	0.53	0	0.59	0	0	0	0	0	1.09
WASHINGTON, EASTERN	0.09	0	0	0	0	0.33	0.31	0	0	0.37	0
WASHINGTON, WESTERN	0.28	1.39	0.8	0	0	0	0	0	0	0	0
WEST VIRGINIA, NORTHERN	0.06	0	0	0	0.3	0	0	0	0.37	0	0
WEST VIRGINIA, SOUTHERN	0.03	0	0	0.34	0	0	0	0	0	0	0
WESTERN TENNESSEE	0.22	0.46	0	0	0.59	0	0	0.31	0.74	0	0
WISCONSIN, EASTERN	0.19	0.69	0	0	0	0.33	0	0	0.37	0.37	0
WISCONSIN, WESTERN	0.03	0.23	0	0	0	0	0	0	0	0	0
WYOMING	1.31	0.93	2.13	1.37	0.59	2.99	0.31	0.63	2.58	0.74	1.09
Total	3199	432	375	292	337	301	325	319	271	272	275

Table AA.7a. Number of arrestees under age 21 with juvenile legal status, by arresting agency

Arresting agency	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Alcohol, Tobacco, and Firearms	57	3	3	4	3	5	5	10	3	17	4
All Military Law Enforcement	15	3	1	4	1	2	2	2	0	0	0
Border Patrol (INS)	494	50	68	45	55	49	39	54	39	49	46
Bureau of Customs and Border Protection	12	0	0	0	0	0	0	0	2	5	5
Bureau of Immigration and Customs Enforcement	112	0	0	0	0	0	0	33	25	28	26
Bureau of Indian Affairs	141	16	12	9	15	12	22	17	11	18	9
Defense Investigation Service	1	0	0	0	0	0	0	0	0	1	0
Department of Agriculture	2	1	0	0	1	0	0	0	0	0	0
Department of Defense	10	1	1	0	2	0	1	0	5	0	0
Drug Enforcement	190	22	25	11	8	17	26	21	28	17	15

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Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

Arresting agency	Total	Fiscal Year of Arrest										
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
Administration												
Federal Bureau of Investigation	575	97	60	70	55	52	61	43	61	33	43	
Immigration and Naturalization Service	43	11	8	1	3	6	9	3	0	1	1	
Local Law Enforcement	257	20	12	32	31	17	41	23	19	31	31	
National Forest Service	2	0	0	0	0	0	0	0	0	1	1	
National Institutes of Health	1	1	0	0	0	0	0	0	0	0	0	
Police												
Organized Crime and Drug Enforcement (OCDE) Task Force	3	1	1	0	0	0	1	0	0	0	0	
Other	73	14	10	2	10	5	8	6	4	1	13	
Secret Service	4	1	1	1	0	0	0	1	0	0	0	
Self Commitment	222	38	39	30	30	29	29	11	7	4	5	
State Department	2	1	0	0	0	0	1	0	0	0	0	
State Law Enforcement	3	0	0	1	0	1	0	0	0	1	0	
U.S. Customs	241	28	34	19	35	58	37	17	2	4	7	
U.S. Marshals Service	715	118	100	58	85	47	41	76	60	61	69	
U.S. Park Police	17	6	0	5	2	1	2	1	0	0	0	
U.S. Park Service	6	0	0	0	0	0	0	1	5	0	0	
U.S. Probation Service	1	0	0	0	1	0	0	0	0	0	0	
<b>Total</b>	<b>3199</b>	<b>432</b>	<b>375</b>	<b>292</b>	<b>337</b>	<b>301</b>	<b>325</b>	<b>319</b>	<b>271</b>	<b>272</b>	<b>275</b>	

Table AA.7b. Percentage of arrestees under age 21 with juvenile legal status, by arresting agency

Arresting agency	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Alcohol, Tobacco, and Firearms	1.78	0.69	0.8	1.37	0.89	1.66	1.54	3.13	1.11	6.25	1.45
All Military Law Enforcement	0.47	0.69	0.27	1.37	0.3	0.66	0.62	0.63	0	0	0
Border Patrol (INS)	15.44	11.57	18.13	15.4	16.32	16.28	12	16.93	14.39	18.01	16.73
Bureau of Customs and Border Protection	0.38	0	0	0	0	0	0	0	0.74	1.84	1.82
Bureau of Immigration and Customs Enforcement	3.50	0	0	0	0	0	0	10.34	9.23	10.29	9.45
Bureau of Indian Affairs	4.41	3.7	3.2	3.08	4.45	3.99	6.77	5.33	4.06	6.62	3.27
Defense Investigation Service	0.03	0	0	0	0	0	0	0	0	0.37	0
Department of Agriculture	0.06	0.23	0	0	0.3	0	0	0	0	0	0
Department of Defense	0.31	0.23	0.27	0	0.59	0	0.31	0	1.85	0	0
Drug Enforcement Administration	5.94	5.09	6.67	3.77	2.37	5.65	8	6.58	10.33	6.25	5.45
Federal Bureau of Investigation	17.97	22.45	16	24	16.32	17.28	18.77	13.48	22.51	12.13	15.64
Immigration and Naturalization Service	1.34	2.55	2.13	0.34	0.89	1.99	2.77	0.94	0	0.37	0.36
Local Law Enforcement	8.03	4.63	3.2	11	9.2	5.65	12.62	7.21	7.01	11.4	11.27
National Forest Service	0.06	0	0	0	0	0	0	0	0	0.37	0.36
National Institutes of Health	0.03	0.23	0	0	0	0	0	0	0	0	0
Police											
Organized Crime and Drug Enforcement (OCDE) Task Force	0.09	0.23	0.27	0	0	0	0.31	0	0	0	0
Other	2.28	3.24	2.67	0.68	2.97	1.66	2.46	1.88	1.48	0.37	4.73
Secret Service	0.13	0.23	0.27	0.34	0	0	0	0.31	0	0	0
Self Commitment	6.94	8.8	10.4	10.3	8.9	9.63	8.92	3.45	2.58	1.47	1.82
State Department	0.06	0.23	0	0	0	0	0.31	0	0	0	0
State Law Enforcement	0.09	0	0	0.34	0	0.33	0	0	0	0.37	0
U.S. Customs	7.53	6.48	9.07	6.51	10.39	19.27	11.38	5.33	0.74	1.47	2.55
U.S. Marshals Service	22.35	27.31	26.67	19.9	25.22	15.61	12.62	23.82	22.14	22.43	25.09
U.S. Park Police	0.53	1.39	0	1.71	0.59	0.33	0.62	0.31	0	0	0
U.S. Park Service	0.19	0	0	0	0	0	0	0.31	1.85	0	0
U.S. Probation Service	0.03	0	0	0	0.3	0	0	0	0	0	0
<b>Total</b>	<b>3199</b>	<b>432</b>	<b>375</b>	<b>292</b>	<b>337</b>	<b>301</b>	<b>325</b>	<b>319</b>	<b>271</b>	<b>272</b>	<b>275</b>

Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

Table AA.8a. Number of arrestees under age 21 with juvenile legal status, by duration of U.S. Marshals Service custody

Number of days	Total	Fiscal Year of Arrest					
		2003	2004	2005	2006	2007	2008
Less than 1 day	73	13	11	5	15	13	16
1 day	31	5	10	8	1	3	4
Less than 1 week	78	13	11	17	7	14	16
1-2 weeks	112	30	15	11	18	21	17
More than 2 weeks	182	37	23	40	25	30	27
1-3 months	618	96	125	115	103	89	90
3-6 months	443	63	93	79	72	74	62
6 months to a year	221	42	36	44	30	28	41
More than 1 year	4	1	1	0	0	0	2
Total Non missing	1763	301	325	319	271	272	275

Note: Data are not available for 1999-2002.

Table AA.8b. Percentage of arrestees under age 21 with juvenile legal status, by duration of U.S. Marshals Service custody

Number of days	Average	Fiscal Year of Arrest					
		2003	2004	2005	2006	2007	2008
Less than 1 day	4.65	4.33	3.38	1.57	5.54	4.78	5.82
1 day	2.21	1.67	3.08	2.51	0.37	1.1	1.45
Less than 1 week	4.71	4.33	3.38	5.33	2.58	5.15	5.82
1-2 weeks	7.09	10	4.62	3.45	6.64	7.72	6.18
More than 2 weeks	10.70	12.33	7.08	12.54	9.23	11.03	9.82
1-3 months	35.27	32	38.46	36.05	38.01	32.72	32.73
3-6 months	25.43	21	28.62	24.76	26.57	27.21	22.55
6 months to a year	12.78	14	11.08	13.79	11.07	10.29	14.91
More than 1 year	0.53	0.33	0.31	0	0	0	0.73
Total nonmissing	1763	301	325	319	271	272	275

Notes: Percentages may not sum exactly due to rounding. Data are not available for 1999-2002.

## Indian Country Juveniles

Table AA.9a. Number of arrestees under age 21 with juvenile legal status and Indian Country cases, by age

Age at arrest	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
10	1	0	0	0	0	0	0	0	0	0	1
11	7	2	4	0	0	1	0	0	0	0	0
12	14	1	6	1	3	0	1	1	0	1	0
13	58	12	15	4	4	1	4	6	5	1	6
14	105	22	17	11	11	5	12	11	2	10	4
15	217	31	27	27	31	25	22	13	24	7	10
16	299	46	26	32	33	24	37	30	26	28	17
17	434	66	59	37	56	37	35	47	30	30	37
18	52	5	5	4	5	5	6	6	5	3	8
19	31	2	0	2	1	3	2	6	3	9	3
20	13	0	1	2	3	0	1	2	1	2	1
Total	1231	187	160	120	147	101	120	122	96	91	87

Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

Table AA.9b. Percentage of arrestees under age 21 with juvenile legal status and Indian Country cases, by age

Age at arrest	Average	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
10	0.08	0	0	0	0	0	0	0	0	0	1.15
11	0.57	1.07	2.5	0	0	0.99	0	0	0	0	0
12	1.14	0.53	3.75	0.83	2.04	0	0.83	0.82	0	1.1	0
13	4.71	6.42	9.38	3.33	2.72	0.99	3.33	4.92	5.21	1.1	6.9
14	8.53	11.76	10.63	9.17	7.48	4.95	10	9.02	2.08	10.99	4.6
15	17.63	16.58	16.88	22.5	21.09	24.75	18.33	10.66	25	7.69	11.49
16	24.29	24.6	16.25	26.67	22.45	23.76	30.83	24.59	27.08	30.77	19.54
17	35.26	35.29	36.88	30.83	38.1	36.63	29.17	38.52	31.25	32.97	42.53
18	4.22	2.67	3.13	3.33	3.4	4.95	5	4.92	5.21	3.3	9.2
19	2.52	1.07	0	1.67	0.68	2.97	1.67	4.92	3.13	9.89	3.45
20	1.06	0	0.63	1.67	2.04	0	0.83	1.64	1.04	2.2	1.15
Total	1231	187	160	120	147	101	120	122	96	91	87

Note: Percentages may not sum exactly due to rounding.

Table AA.10a. Number of arrestees under age 21 with juvenile legal status and Indian Country cases, by sex

Sex of arrestee	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Female	128	26	19	19	11	8	9	5	14	9	8
Male	1103	161	141	101	136	93	111	117	82	82	79
Total	1,231	187	160	120	147	101	120	122	96	91	87

Table AA.10b. Percentage of arrestees under age 21 with juvenile legal status and Indian Country cases, by sex

Sex of arrestee	Average	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Female	10	13.9	11.88	15.83	7.48	7.92	7.5	4.1	14.58	9.89	9.2
Male	90	86.1	88.13	84.17	92.52	92.08	92.5	95.9	85.42	90.11	90.8
Total nonmissing	1,231	187	160	120	147	101	120	122	96	91	87

Note: Percentages may not sum exactly due to rounding.

Table AA.11. Number of arrestees under age 21 with juvenile legal status and Indian Country cases, by U.S. citizenship

Citizenship of Arrestee	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Not U.S. Citizen	3	0	0	0	0	1	0	0	2	0	0
U.S. Citizen	1184	181	156	116	137	94	116	122	90	89	83
Unknown	44	6	4	4	10	6	4	0	4	2	4
Total	1231	187	160	120	147	101	120	122	96	91	87

Table AA.12a. Number of arrestees under age 21 with juvenile legal status and Indian Country cases, by most serious offense charged at arrest

Arresting offense	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	567	92	60	62	60	47	55	61	56	40	34
Property offenses	222	41	37	17	22	25	21	18	11	10	20
Drug offenses	7	1	1	0	1	1	0	0	0	2	1
Public-order offenses	85	9	6	10	9	9	14	9	7	6	6
Weapon offenses	61	5	12	8	6	3	13	6	2	4	2
Immigration offenses	1	1	0	0	0	0	0	0	0	0	0
Supervision violations	284	38	44	21	48	16	17	27	20	29	24
Missing	4	0	0	2	1	0	0	1	0	0	0
Total	1231	187	160	120	147	101	120	122	96	91	87

\* Note: All juvenile Indian Country immigration arrests were for illegal entry.

Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

**Table AA.12b. Percentage of arrestees under age 21 with juvenile legal status and Indian Country cases, by most serious offense charged at arrest**

Arresting offense	Average	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	46.21	49.2	37.5	52.54	41.1	46.53	45.83	50.41	58.33	43.96	39.08
Property offenses	18.09	21.93	23.13	14.41	15.07	24.75	17.5	14.88	11.46	10.99	22.99
Drug offenses	0.57	0.53	0.63	0	0.68	0.99	0	0	0	2.2	1.15
Public-order offenses	6.93	4.81	3.75	8.47	6.16	8.91	11.67	7.44	7.29	6.59	6.9
Weapon offenses	4.97	2.67	7.5	6.78	4.11	2.97	10.83	4.96	2.08	4.4	2.3
Immigration offenses	0.08	0.53	0	0	0	0	0	0	0	0	0
Supervision violations	23.15	20.32	27.5	17.8	32.88	15.84	14.17	22.31	20.83	31.87	27.59
Total nonmissing	1227	187	160	118	146	101	120	121	96	91	87

Notes: Percentages may not sum exactly due to rounding. All juvenile Indian Country immigration arrests were for illegal entry.

**Table AA.13a. Number of arrestees under age 21 with juvenile legal status and Indian Country cases, by district of arrest**

District	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ARIZONA	201	31	24	8	32	16	19	23	19	14	15
COLORADO	7	1	1	0	0	0	0	0	2	0	3
FLORIDA, SOUTHERN	1	1	0	0	0	0	0	0	0	0	0
MICHIGAN, WESTERN	1	0	0	0	0	0	0	0	0	0	1
MINNESOTA	42	10	4	11	7	4	2	3	1	0	0
MISSISSIPPI, SOUTHERN	1	1	0	0	0	0	0	0	0	0	0
MONTANA	264	39	45	23	29	20	20	24	23	20	21
NEBRASKA	24	1	3	6	2	2	4	2	1	2	1
NEVADA	8	2	2	2	0	0	0	0	0	0	2
NEW MEXICO	176	21	15	14	17	21	23	22	15	16	12
NORTH CAROLINA, WESTERN	5	3	0	2	0	0	0	0	0	0	0
NORTH DAKOTA	129	17	22	17	22	10	13	7	5	6	10
OKLAHOMA, EASTERN	1	0	0	0	0	1	0	0	0	0	0
OKLAHOMA, NORTHERN	1	0	0	1	0	0	0	0	0	0	0
OKLAHOMA, WESTERN	2	1	0	1	0	0	0	0	0	0	0
OREGON	8	2	1	0	0	2	1	0	1	1	0
SOUTH DAKOTA	324	51	37	32	34	19	37	38	26	29	21
TEXAS, EASTERN	1	0	0	0	0	0	1	0	0	0	0
TEXAS, WESTERN	1	0	0	0	0	0	0	1	0	0	0
UTAH	8	2	0	1	3	1	0	0	1	0	0
VERMONT	1	1	0	0	0	0	0	0	0	0	0
WASHINGTON, EASTERN	2	0	0	0	0	1	0	0	0	1	0
WASHINGTON, WESTERN	2	0	2	0	0	0	0	0	0	0	0
WISCONSIN, EASTERN	3	1	0	0	0	1	0	0	0	1	0
WYOMING	18	2	4	2	1	3	0	2	2	1	1
Total	1231	187	160	120	147	101	120	122	96	91	87

**Table AA.13b. Percentage of arrestees under age 21 with juvenile legal status and Indian Country cases, by district of arrest**

District	Average	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ARIZONA	16.33	16.58	15	6.67	21.77	15.84	15.83	18.85	19.79	15.38	17.24
COLORADO	0.57	0.53	0.63	0	0	0	0	0	2.08	0	3.45
FLORIDA, SOUTHERN	0.08	0.53	0	0	0	0	0	0	0	0	0
MICHIGAN, WESTERN	0.08	0	0	0	0	0	0	0	0	0	1.15
MINNESOTA	3.41	5.35	2.5	9.17	4.76	3.96	1.67	2.46	1.04	0	0
MISSISSIPPI, SOUTHERN	0.08	0.53	0	0	0	0	0	0	0	0	0
MONTANA	21.45	20.86	28.13	19.17	19.73	19.8	16.67	19.67	23.96	21.98	24.14
NEBRASKA	1.95	0.53	1.88	5	1.36	1.98	3.33	1.64	1.04	2.2	1.15
NEVADA	0.65	1.07	1.25	1.67	0	0	0	0	0	0	2.3
NEW MEXICO	14.30	11.23	9.38	11.67	11.56	20.79	19.17	18.03	15.63	17.58	13.79
NORTH CAROLINA, WESTERN	0.41	1.6	0	1.67	0	0	0	0	0	0	0
NORTH DAKOTA	10.48	9.09	13.75	14.17	14.97	9.9	10.83	5.74	5.21	6.59	11.49
OKLAHOMA, EASTERN	0.08	0	0	0	0	0.99	0	0	0	0	0
OKLAHOMA, NORTHERN	0.08	0	0	0.83	0	0	0	0	0	0	0
OKLAHOMA, WESTERN	0.16	0.53	0	0.83	0	0	0	0	0	0	0

Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

District	Average	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
OREGON	0.65	1.07	0.63	0	0	1.98	0.83	0	1.04	1.1	0
SOUTH DAKOTA	26.32	27.27	23.13	26.67	23.13	18.81	30.83	31.15	27.08	31.87	24.14
TEXAS, EASTERN	0.08	0	0	0	0	0	0.83	0	0	0	0
TEXAS, WESTERN	0.08	0	0	0	0	0	0	0.82	0	0	0
UTAH	0.65	1.07	0	0.83	2.04	0.99	0	0	1.04	0	0
VERMONT	0.08	0.53	0	0	0	0	0	0	0	0	0
WASHINGTON, EASTERN	0.16	0	0	0	0	0.99	0	0	0	1.1	0
WASHINGTON, WESTERN	0.16	0	1.25	0	0	0	0	0	0	0	0
WISCONSIN, EASTERN	0.24	0.53	0	0	0	0.99	0	0	0	1.1	0
WYOMING	1.46	1.07	2.5	1.67	0.68	2.97	0	1.64	2.08	1.1	1.15
Total	1231	187	160	120	147	101	120	122	96	91	87

Table AA.14a. Number of arrestees under age 21 with juvenile legal status and Indian Country cases, by arresting agency

Agency	Total	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Alcohol, Tobacco, and Firearms	7	0	0	0	0	1	0	1	0	4	1
Border Patrol (INS)	2	2	0	0	0	0	0	0	0	0	0
Bureau of Immigration and Customs Enforcement	1	0	0	0	0	0	0	0	0	1	0
Bureau of Indian Affairs	132	15	11	8	15	11	21	17	10	17	7
Federal Bureau of Investigation	419	72	35	53	34	37	44	37	52	25	30
Local Law Enforcement	78	13	7	8	9	6	10	11	7	5	2
Other	34	4	5	2	4	2	4	6	3	1	3
Self Commitment	169	31	33	21	24	20	22	9	4	2	3
State Law Enforcement	2	0	0	0	0	1	0	0	0	1	0
U.S. Customs	3	0	1	0	1	1	0	0	0	0	0
U.S. Marshals Service	384	50	68	28	60	22	19	41	20	35	41
Total	1231	187	160	120	147	101	120	122	96	91	87

Table AA.14b. Percentage of arrestees under age 21 with juvenile legal status and Indian Country cases, by arresting agency

Agency	Average	Fiscal Year of Arrest									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Alcohol, Tobacco, and Firearms	0.57	0	0	0	0	0.99	0	0.82	0	4.4	1.15
Border Patrol (INS)	0.16	1.07	0	0	0	0	0	0	0	0	0
Bureau of Immigration and Customs Enforcement	0.08	0	0	0	0	0	0	0	0	1.1	0
Bureau of Indian Affairs	10.72	8.02	6.88	6.67	10.2	10.89	17.5	13.93	10.42	18.68	8.05
Federal Bureau of Investigation	34.04	38.5	21.88	44.17	23.13	36.63	36.67	30.33	54.17	27.47	34.48
Local Law Enforcement	6.34	6.95	4.38	6.67	6.12	5.94	8.33	9.02	7.29	5.49	2.3
Other	2.76	2.14	3.13	1.67	2.72	1.98	3.33	4.92	3.13	1.1	3.45
Self Commitment	13.73	16.58	20.63	17.5	16.33	19.8	18.33	7.38	4.17	2.2	3.45
State Law Enforcement	0.16	0	0	0	0	0.99	0	0	0	1.1	0
U.S. Customs	0.24	0	0.63	0	0.68	0.99	0	0	0	0	0
U.S. Marshals Service	31.19	26.74	42.5	23.33	40.82	21.78	15.83	33.61	20.83	38.46	47.13
Total	1231	187	160	120	147	101	120	122	96	91	87

Note: Percentages may not sum exactly due to rounding.

Tribal Youth Data Analysis – Appendix A: Arrest and Booking Stage

**Table AA.15a. Number of arrestees under age 21 with juvenile legal status and Indian Country cases, by duration of U.S. Marshals Service custody**

Number of days	Total	Fiscal Year of Arrest					
		2003	2004	2005	2006	2007	2008
Less than 1 day	9	4	0	1	2	0	2
1 day	11	3	4	2	0	2	0
Less than 1 week	9	2	3	0	2	2	0
1-2 weeks	21	6	5	3	1	3	3
More than 2 weeks	58	9	8	16	6	10	9
1-3 months	244	39	50	46	35	36	38
3-6 months	178	19	36	35	37	30	21
6 months to a year	84	19	13	19	13	8	12
More than 1 year	3	0	1	0	0	0	2
<b>Total</b>	<b>617</b>	<b>101</b>	<b>120</b>	<b>122</b>	<b>96</b>	<b>91</b>	<b>87</b>

Note: Data are not available for 1999- 2002.

**Table AA.15b. Percentage of arrestees under age 21 with juvenile legal status and Indian Country cases, by duration of U.S. Marshals Service custody**

Number of days	Average	Fiscal Year of Arrest					
		2003	2004	2005	2006	2007	2008
Less than 1 day	2.82	3.96	0	0.82	2.08	0	2.3
1 day	2.72	2.97	3.33	1.64	0	2.2	0
Less than 1 week	2.22	1.98	2.5	0	2.08	2.2	0
1-2 weeks	4.06	5.94	4.17	2.46	1.04	3.3	3.45
More than 2 weeks	10.07	8.91	6.67	13.11	6.25	10.99	10.34
1-3 months	39.69	38.61	41.67	37.7	36.46	39.56	43.68
3-6 months	30.13	18.81	30	28.69	38.54	32.97	24.14
6 months to a year	14.36	18.81	10.83	15.57	13.54	8.79	13.79
More than 1 year	1.81	0	0.83	0	0	0	2.3
<b>Total nonmissing</b>	<b>617</b>	<b>101</b>	<b>120</b>	<b>122</b>	<b>96</b>	<b>91</b>	<b>87</b>

Notes: Percentages may not sum exactly due to rounding. Data are not available for 1999- 2002.

## Suspects in Criminal Matters Referred to U.S. Attorneys for Prosecution

### OVERVIEW

Our analysis of Executive Office for U.S. Attorneys data found that there were 4,037 juvenile suspects in criminal matters investigated and referred to U.S. Attorneys for federal prosecution between FY1999 and FY2008, which comprised a very small percentage (0.3%) of all suspects referred to U.S. Attorneys (1,347,504) over this ten-year period. A total of 1,902 of these juveniles (47% of all juvenile suspects) in matters investigated were suspected of committing a crime in Indian Country. On average, there were 404 juvenile suspects and 190 Indian Country juvenile suspects in matters referred to U.S. Attorneys per year over this ten-year period, but both of these groups experienced significant decreases during those years. The number of juvenile suspects in matters referred overall decreased from 553 in FY1999 to 315 in FY2008 (a 43% reduction), while the number of Indian Country juvenile suspects decreased by 52%, from 269 in FY1999 to 129 in FY2008 (Table B1).

Of the 3,870 juvenile suspects in criminal matters concluded over this 10-year period, only 52% were prosecuted in U.S. district court, while 5% were disposed by U.S. magistrates, and 41% were declined for federal prosecution (Table B5). There were a total of 1,780 Indian Country juvenile suspects in criminal matters concluded during the period, of which 55% were prosecuted in U.S. district court, 1% were disposed by U.S. magistrates, and 44% were declined for federal prosecution (Table B10). There were a total of 2,036 non-Indian Country juvenile suspects in criminal matters concluded, of which 51% were prosecuted in U.S. district court, 9% were disposed by U.S. magistrates, and 40% were declined for federal prosecution (Table B14).

**Table B1. Suspects in Criminal Matters Received by U.S. Attorneys, by Juvenile and Indian Country Status**

	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Juveniles	4,037	553	466	413	331	543	373	399	325	319	315
<i>Indian Country</i>	1,902	269	224	218	184	251	170	177	137	143	129
<i>Non-IC</i>	2,135	284	242	195	147	292	203	222	188	176	186
Adults	1,343,467	117,441	123,093	121,405	124,004	129,535	140,842	137,191	133,610	138,091	178,255
<b>Total (All Suspects)</b>	<b>1,347,504</b>	<b>117,994</b>	<b>123,559</b>	<b>121,818</b>	<b>124,335</b>	<b>130,078</b>	<b>141,215</b>	<b>137,590</b>	<b>133,935</b>	<b>138,410</b>	<b>178,570</b>

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

This chapter is divided into two sections: the first provides descriptive statistics for all juvenile suspects in matters investigated and referred for federal prosecution, while the second provides descriptive statistics for Indian Country juvenile suspects in concluded.

## JUVENILES

### Identification of Juvenile Suspects in Criminal Matters Referred

We used several different criterion variables in the EOUSA LIONS database to identify juveniles<sup>1</sup>. If any of the following conditions were met, we identified the suspect as a juvenile:

- If the participant role in the offense was coded as ‘DJ’ (Juvenile Delinquent);
- If the name fields (first\_name and last\_name) contained the strings ‘JUVENILE’, ‘JUV’, ‘(A JUV’, or ‘JUV’;
- If the lead charge (or any supplemental charge) was 18 USC § 5032 (the juvenile delinquency statute);
- If the defendant status variable was coded as either ‘JS’ (Juvenile to be prosecuted as an Adult) or ‘JT’ (Juvenile transferred to Adult Status);
- If the disposition variable was coded as GD (Adjudged Juvenile Delinquent);
- If the disposition reason variable was coded as JUVN (Juvenile Suspect/Delinquent).

### Analysis of Juvenile Suspects in Criminal Matters Referred

There were a total of 4,037 juvenile suspects in criminal matters investigated and referred to U.S. Attorneys for federal prosecution between 1999 and 2008. However, the annual number of juvenile suspects in criminal matters referred to U.S. Attorneys decreased by 43% during this ten-year period, from 553 to 315 juvenile suspects, with an annual average of 404 juvenile suspects per year.

#### *Lead Charge*

The most common lead charges designated by U.S. Attorneys for juveniles in criminal matters investigated were violent offenses (35%) and public order offense offenses (22%), followed by drug (14%), property (14%), immigration (8%), and weapons offenses (5%). Of the violent offenses, sexual abuse was the most common (40% of all violent offenses in an average year), followed by assault (30%) and murder (16%) and robbery (5%). Traffic offenses (including DUI) comprised the largest share of public-order offense (29%) over the ten-year period, followed by non-violent sex offenses (16%), environmental offenses (16%) and racketeering and extortion (13%). The share of juveniles in matters referred for non-violent sex offenses increased steadily over the period, and by 2008 comprised more than half (56%) of all public-order offenses and 14% of all offenses (Table B2).

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<sup>1</sup> This methodology for identifying juveniles was discussed with an EOUSA analyst during a meeting with the research team.

**Table B2. Suspects in Criminal Matters Received by U.S. Attorneys, by Lead Charge**

Lead Charge	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	1,419	191	151	157	131	160	148	147	113	120	101
Property offense	545	86	69	53	40	96	30	35	59	46	31
Drug offenses	550	71	69	38	38	81	61	72	41	40	39
Public-order offenses	899	149	93	121	75	127	73	70	51	62	78
Weapon offenses	218	21	28	19	13	37	22	26	17	14	21
Immigration offenses	330	29	42	18	25	34	32	39	40	35	36
Other offenses	76	6	14	7	9	8	7	10	4	2	9
<b>Total (All Offenses)</b>	<b>4,037</b>	<b>553</b>	<b>466</b>	<b>413</b>	<b>331</b>	<b>543</b>	<b>373</b>	<b>399</b>	<b>325</b>	<b>319</b>	<b>315</b>

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

### *Judicial District*

Nearly two-thirds of all juvenile suspects in criminal matters referred for federal prosecution in the United States occurred in six federal judicial districts (Arizona, South Dakota, New Mexico, Montana, North Dakota, and California-Southern) each year, consistently over the 1999-2008 period (Table B3). The judicial districts accounting for the largest share of juvenile suspects in criminal matters referred during the period included Arizona (22%), South Dakota (16%), New Mexico (12%), and Montana (8%).

**Table B3. Juvenile Suspects in Criminal Matters Received by U.S. Attorneys, 1999-2008, by Judicial District**

Judicial District	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>4,037</b>	<b>553</b>	<b>466</b>	<b>413</b>	<b>331</b>	<b>543</b>	<b>373</b>	<b>399</b>	<b>325</b>	<b>319</b>	<b>315</b>
Arizona	856	119	126	84	73	89	81	113	67	60	44
California-Southern	146	22	19	8	13	13	8	21	13	19	10
Montana	342	45	42	41	22	44	33	20	28	31	36
North Dakota	172	27	25	21	22	19	13	9	7	7	22
New Mexico	484	53	45	16	46	87	61	53	42	47	34
South Dakota	638	66	70	80	67	86	53	66	49	54	47
Other districts	1,399	221	139	163	88	205	124	117	119	101	122

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

### *Investigative Agency*

Unfortunately the variable in the EOUSA database for investigative agency suffers from poor data quality for the set of observations we flagged as juvenile suspects. About 50% of those juvenile suspects in matters referred were missing on this variable. However, for those juvenile suspects that did record investigative

agency, the FBI was the most common investigative agency (36%), followed by the Bureau of Indian Affairs (12%), U.S. Customs (10%), and ICE/INS (9%) (Table B4).

**Table B4. Suspects in Criminal Matters Received by U.S. Attorneys, by Investigative Agency**

Investigative Agency	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Federal Bureau of Investigation	36%	41%	40%	41%	20%	34%	33%	29%	35%	36%	53%
ICE/INS	9%	10%	16%	6%	6%	5%	8%	12%	0%	12%	11%
Bureau of Indian Affairs	12%	9%	14%	14%	20%	12%	11%	13%	12%	11%	8%
U.S. Customs	10%	7%	6%	3%	12%	13%	6%	15%	11%	13%	11%
Secret Service	2%	6%	2%	6%	1%	3%	2%	0%	2%	1%	1%
State/County/Municipal	3%	4%	3%	3%	5%	5%	3%	2%	0%	1%	2%
Army/Navy/Air Force/Marines	6%	10%	5%	8%	7%	6%	3%	4%	8%	6%	4%
DEA	4%	1%	3%	0%	3%	3%	5%	8%	12%	6%	0%
Other	17%	11%	12%	18%	24%	20%	28%	16%	20%	16%	10%
<b>MISSING</b>	<b>2,007</b>	<b>291</b>	<b>232</b>	<b>233</b>	<b>159</b>	<b>297</b>	<b>172</b>	<b>184</b>	<b>152</b>	<b>139</b>	<b>148</b>
<b>Total</b>	<b>4,046</b>	<b>553</b>	<b>466</b>	<b>413</b>	<b>331</b>	<b>543</b>	<b>373</b>	<b>399</b>	<b>325</b>	<b>319</b>	<b>315</b>

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

## Disposition of Juveniles Suspects in Criminal Matters Concluded

Upon receiving a criminal matter, a U.S. attorney will either immediately decline it for prosecution or investigate further. Upon conclusion of the investigation, a matter may be filed as a criminal case in U.S. district court, referred to a U.S. magistrate, or declined for federal prosecution. From 1999-2008, there were a total of 3,870 juvenile suspects in criminal matters concluded, of which only slightly more than half (53%) were prosecuted in U.S. district court, while 5% were disposed by U.S. magistrates, and 42% were declined for federal prosecution. A greater proportion of these matters were prosecuted in U.S. district court at the beginning of the period (nearly 7 out of 10 matters in 1999), as compared to the end of the period, when only slightly less than half of all matters were prosecuted in U.S. district court (Table B5).

**Table B5. Disposition of Juvenile Suspects in Criminal Matters Concluded, 1999-2008**

Disposition	Total	Year Criminal Matter Concluded									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,870</b>	<b>370</b>	<b>445</b>	<b>374</b>	<b>376</b>	<b>560</b>	<b>401</b>	<b>371</b>	<b>345</b>	<b>330</b>	<b>298</b>
Prosecuted in U.S. District Court	53%	69%	55%	44%	49%	47%	56%	58%	52%	53%	49%
Disposed by U.S. Magistrates	5%	5%	3%	5%	5%	6%	4%	5%	6%	5%	7%
Declined	42%	26%	43%	51%	45%	47%	40%	37%	43%	42%	44%

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008

### *Declinations*

The decision to decline prosecution is based on a variety of factors including the lack of prosecutable offense, alternative resolution, or case- and suspect-related reasons, as well as others. Of the 3,870 juvenile suspects in matters concluded between 1999 and 2008, 2,047 (or 41%) had matters declined for federal prosecution by U.S. attorneys. The most frequent reason cited for these declinations was simply “juvenile suspect”, which occurred for 30% of all juvenile suspects in matters declined. Case-related reasons (mainly “weak evidence” but also “witness problems”, “stale case”, and “jurisdiction or venue problems”) were the basis for 21% of these declinations, while 9% were referred to other authorities for prosecution, and 6% occurred because there was no crime or criminal intent was lacking (Table B6).

**Table B6. Basis of Declination of Prosecution by U.S. Attorneys, for Juvenile Suspects in Matters Declined**

Basis for declination	Total	Year Criminal Matter Declined									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total declinations</b>	<b>2,047</b>	<b>98</b>	<b>190</b>	<b>191</b>	<b>170</b>	<b>239</b>	<b>160</b>	<b>136</b>	<b>147</b>	<b>138</b>	<b>130</b>
<b>No crime</b>	<b>133</b>	<b>7</b>	<b>26</b>	<b>15</b>	<b>17</b>	<b>12</b>	<b>14</b>	<b>9</b>	<b>10</b>	<b>9</b>	<b>14</b>
No federal offense	50	2	12	6	5	4	5	4	3	3	6
Lack of criminal intent	83	5	14	9	12	8	9	5	7	6	8
<b>Referred/handled in other prosecution</b>	<b>192</b>	<b>15</b>	<b>27</b>	<b>27</b>	<b>23</b>	<b>21</b>	<b>23</b>	<b>15</b>	<b>14</b>	<b>16</b>	<b>11</b>
Removed	6	1	1	0	0	1	0	1	2	0	0
Prosecuted on other charges	28	6	5	1	2	5	1	1	1	3	3
Prosecuted by other authorities	158	8	21	26	21	15	22	13	11	13	8
<b>Alternative Resolution</b>	<b>43</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>13</b>	<b>4</b>
Restitution	6	0	0	0	0	0	0	0	0	6	0
Civil or administrative alternative	16	3	0	2	1	0	0	0	4	5	1
Pretrial diversion	21	0	2	3	2	2	1	3	3	2	3
<b>Suspect-related reason</b>	<b>23</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>0</b>	<b>0</b>
Suspect serving sentence	13	0	0	1	4	1	1	0	6	0	0
No known suspect	6	0	1	0	3	1	0	1	0	0	0
Suspect a fugitive	1	0	1	0	0	0	0	0	0	0	0
Suspect deceased	2	0	0	0	0	1	0	0	1	0	0
Suspect deported	1	0	1	0	0	0	0	0	0	0	0
<b>Case-related reasons</b>	<b>424</b>	<b>19</b>	<b>53</b>	<b>38</b>	<b>41</b>	<b>64</b>	<b>45</b>	<b>44</b>	<b>59</b>	<b>36</b>	<b>25</b>
Stale case	28	0	3	0	4	0	2	0	11	5	3
Weak evidence	324	13	41	30	31	52	35	34	43	25	20
Jurisdiction or venue problems	15	2	2	3	0	4	0	3	1	0	0
Witness problems	57	4	7	5	6	8	8	7	4	6	2
<b>All other reasons</b>	<b>785</b>	<b>54</b>	<b>79</b>	<b>105</b>	<b>79</b>	<b>137</b>	<b>76</b>	<b>64</b>	<b>50</b>	<b>64</b>	<b>76</b>
Minimal federal interest	46	1	4	4	9	10	3	4	3	8	0
Petite policy	3	0	0	0	1	1	0	0	1	0	0
Lack of resources	29	1	2	7	4	7	3	3	1	0	1
DOJ policy	5	0	0	0	0	2	3	0	0	0	0
U.S. attorney policy	12	0	5	0	0	0	0	0	4	1	2
Agency request	21	1	6	3	1	0	2	2	1	3	2
Juvenile suspect	620	47	57	90	59	106	62	51	37	48	63
Offender's age, health, prior record, or other personal circumstance	39	4	4	1	3	11	3	3	2	3	5
Suspect cooperation	9	0	1	0	2	0	0	1	1	1	3

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008

## INDIAN COUNTRY JUVENILES

### Identification of Indian Country Juvenile Suspects in Criminal Matters

In order to identify Indian Country in the EOUSA LIONS database, we used several criteria<sup>2</sup>. If any of the following conditions were met, we identified the suspect as an Indian Country juvenile:

- If the PROGRAM CATEGORY was coded as “065” or “092”
- If the AGENCY variable was coded as “INIA” or “HHPI”;
- If the COURT variable was code as “TR”;
- If LEAD CHARGE (or any supplemental charge) took values ranging from 18 USC § 1152-1170 (the statutes for crimes in Indian Country);
- If the TRIBE or RESERVATION fields were populated.

### Analysis of Indian Country Juvenile Suspects in Criminal Matters

There were a total of 1,902 Indian Country juvenile suspects in criminal matters investigated and referred to U.S. Attorneys for federal prosecution between 1999 and 2008, comprising 47% of all juvenile suspects referred during this period. The annual number of Indian Country juvenile suspects in criminal matters referred to U.S. Attorneys dropped by 52% during this ten-year period, decreasing steadily each year from 269 in 1999 to 129 juvenile suspects in 2009.

#### *Lead Charge*

Over the 1999-2008 period, the majority (65%) of Indian Country juvenile suspects in criminal matters referred for federal prosecution had a lead charge involving a crime of violence (though the annual share of offenses that were violent varied from 57% to 76%). Among violent offenses, the most common charge was sexual abuse (45% of all violent offenses in an average year), followed by assault (32%) and murder (19%).

The next most frequent lead charge involved public-order offenses (including traffic offenses such as DUI and environmental offenses) which accounted for 17% of all offenses, followed by property offenses which comprised 12% of all offenses. Weapons offenses and drug offenses accounted for minimal shares (3% and 1%, respectively) of the offenses charged over the period, and there were no Indian Country juveniles with a lead charge associated with immigration violations (Table B7).

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<sup>2</sup> This methodology for identifying juveniles was verified and confirmed by an EOUSA analyst during an interview/meeting the research team conducted with this EOUSA analyst.

**Table B7. Indian Country Juvenile Suspects in Criminal Matters Received by U.S. Attorneys, by Lead Charge**

Lead Charge	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Violent offenses</b>	1,236	152	140	131	112	148	130	130	97	103	93
Murder	241	34	29	19	22	16	25	22	23	29	22
Assault	400	49	38	49	33	45	48	45	35	32	26
Robbery	31	4	1	4	5	3	3	9	0	2	0
Sexual abuse	559	63	72	59	51	84	54	52	39	40	45
Other	5	2	0	0	1	0	0	2	0	0	0
<b>Property offense</b>	219	32	29	14	20	45	11	13	23	22	10
Larceny	108	17	14	9	7	26	1	12	11	7	4
Arson & explosives	73	7	10	5	9	15	1	1	12	10	3
<b>Drug</b>	23	1	2	6	1	1	2	4	0	5	1
<b>Public-order offenses</b>	334	74	38	55	40	42	22	22	12	13	16
Transportation	86	25	7	12	8	9	10	7	2	1	5
Environmental	103	24	19	15	13	7	4	5	1	7	8
Traffic offenses	99	18	8	17	13	24	6	0	8	5	0
Other P-O offenses	46	7	4	11	6	2	2	10	1	0	3
<b>Weapon offenses</b>	62	8	12	9	5	10	4	5	4	0	5
<b>Immigration offenses</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Other offenses</b>	28	2	3	3	6	5	1	3	1	0	4
<b>Total (All Offenses)</b>	<b>1,902</b>	<b>269</b>	<b>224</b>	<b>218</b>	<b>184</b>	<b>251</b>	<b>170</b>	<b>177</b>	<b>137</b>	<b>143</b>	<b>129</b>

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

### *Judicial District*

Nearly 90% of all Indian Country juvenile suspects in criminal matters referred for federal prosecution in the United States occurred in just 5 federal judicial districts (South Dakota, Arizona, Montana, New Mexico, and North Dakota) over the ten-year period from 1999-2008 (Table B8). South Dakota (32%) accounted for the largest share of Indian Country juvenile suspects in criminal matters referred during this period, followed by Arizona (21%), Montana (15%), and New Mexico (13%).

**Table B8. Juvenile Suspects in Criminal Matters Received by U.S. Attorneys, 1999-2008, by Judicial District**

Judicial District	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	1,902	269	224	218	184	251	170	177	137	143	129
Arizona	401	62	55	59	34	36	32	49	25	30	19
Montana	283	42	41	37	16	33	27	17	23	20	27
North Dakota	164	25	24	18	22	18	13	9	7	7	21
New Mexico	242	37	24	6	27	40	30	29	21	18	10
South Dakota	612	66	64	72	65	84	52	63	49	53	44
Other districts	200	37	16	26	20	40	16	10	12	15	8

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

### *Tribe*

The EOUSA data contains information on the tribal land/reservation where the suspected criminal offense occurred. In Table B9a we present the number of juvenile suspects by the tribe/reservation where the offense occurred, for those tribes within the Arizona judicial district. The Navajo Nation of Arizona (AZNN) was the tribe with the largest number of juvenile suspects in matters referred for federal prosecution, accounting for 43% of the total number of juvenile suspects in matters referred in the Arizona district. The Tohono Oodham Nation (AZTO) was next with 19%, followed by San Carlos Apache (9%) and the Gila River Pima-Maricopa Indian Community (7%).

**Table B9a. Distribution of Juvenile Suspects, by Tribe/Reservation where the Criminal Offense Occurred (Arizona district)**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
AZNN	16	25	33	23	14	14	26	9	5	6	171
AZTO	13	11	9	2	11	3	2	8	11	4	74
AZSC	15	3	8	1	2	3	3	1	0	0	36
AZGR	1	3	2	1	2	5	5	2	2	3	26
AZWM	5	1	1	0	2	1	4	0	5	0	19
AZCR	2	2	0	0	1	2	5	2	1	2	17
AZSR	1	3	6	1	1	2	1	1	1	0	17
AZHI	3	0	0	0	3	0	1	0	2	0	9
AZFD	0	0	0	5	0	0	0	0	0	2	7
AZPY	1	2	0	0	0	1	1	0	0	1	6

Tribal Youth Data Analysis – Appendix B: Prosecution Stage

AZVT	1	0	0	0	0	0	0	1	3	0	5
AZHT	0	1	0	1	0	0	1	0	0	0	3
AZMA	0	0	0	0	0	1	0	1	0	0	2
AZYP	0	2	0	0	0	0	0	0	0	0	2
AZKB	0	0	0	0	0	0	0	0	0	1	1
AZTA	1	0	0	0	0	0	0	0	0	0	1

The distribution of offense by tribal land/reservation where the suspected criminal offense occurred is shown below in Table B8b, for the top seven tribes (in terms of numbers of juvenile suspects) in Arizona. In general, the most frequently occurring crimes on tribal lands in Arizona were violent offenses (mainly assault, sexual abuse, and murder), although there was some variation from tribe to tribe. The Navajo Nation of Arizona alone had 41 suspected murders committed by juveniles during the 1999-2009 period (Table B9b.)

**Table B9b. Distribution of Offense by Tribe, for Juvenile Suspects in Criminal Matters Referred, 1999-2008 (for AZCR, AZGR, AZNN, AZSC, AZSR, AZTO & AZWM tribes)**

Tribe		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
Colorado River Indian Tribes (AZCR)	Sexual abuse	2	0	0	0	0	1	1	2	0	1	7
	Assault	0	2	0	0	0	1	3	0	0	0	6
	Weapons	0	0	0	0	1	0	1	0	0	0	2
	Environmental offenses	0	0	0	0	0	0	0	0	1	1	2
Gila River Pima-Maricopa Indian Community (AZGR)	Murder	0	1	1	0	1	1	3	0	1	0	8
	Assault	0	0	0	0	0	1	0	1	1	2	5
	Sexual abuse	0	0	1	0	0	1	2	0	0	1	5
	Weapons	0	2	0	0	0	0	0	1	0	0	3
	Robbery	0	0	0	0	1	1	0	0	0	0	2

Tribal Youth Data Analysis – Appendix B: Prosecution Stage

Navajo Nation of Arizona (AZNN)	Sexual abuse	6	6	11	8	8	7	12	7	1	3	69
	Murder	5	13	6	8	4	0	2	1	1	1	41
	Assault	2	1	9	2	0	6	9	1	1	0	31
	Weapons	2	0	1	2	0	0	0	0	0	0	5
	Robbery	0	0	0	2	0	0	2	0	0	0	4
	Unknown	0	0	3	0	1	0	0	0	0	0	4
	Arson and explosives	0	3	0	0	0	0	0	0	0	0	3
	Drug possession	0	0	3	0	0	0	0	0	0	0	3
	Civil rights	0	0	0	0	1	1	1	0	0	0	3
	Environmental offenses	0	0	0	0	0	0	0	0	1	2	3
	Drug trafficking	0	2	0	0	0	0	0	0	0	0	2
Traffic offenses felony	0	0	0	1	0	0	0	0	0	1	0	2
San Carlos Apache Tribe (AZSC)	Murder	9	1	4	1	0	3	1	0	0	0	19
	Assault	2	1	4	0	2	0	1	0	0	0	10
	Sexual abuse	4	1	0	0	0	0	0	1	0	0	6
	Kidnapping	0	0	0	0	0	0	1	0	0	0	1
Salt River Pima-Maricopa Indian Community (AZSR)	Assault	0	1	2	0	0	1	1	0	0	0	5
	Sexual abuse	0	2	1	0	0	0	0	0	1	0	4
	Weapons	0	0	3	0	0	0	0	0	0	0	3
	Murder	1	0	0	0	0	1	0	0	0	0	2
	Motor vehicle theft	0	0	0	1	1	0	0	0	0	0	2

Tribe		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
Tohono Oodham Nation (AZTO)	Sexual abuse	7	8	2	1	3	2	0	1	2	2	28
	Assault	4	2	0	1	1	1	1	6	1	0	17
	Environmental offenses	0	1	4	0	2	0	1	0	0	0	8
	Murder	0	0	0	0	1	0	0	1	4	1	7
	Traffic offenses – felony	0	0	1	0	4	0	0	0	0	0	5
	Drug trafficking	0	0	0	0	0	0	0	0	4	0	4
	Kidnapping	2	0	0	0	0	0	0	0	0	0	2
	Racketeering and extortion	0	0	2	0	0	0	0	0	0	0	2
White Mountain Apache Tribe (AZWM)	Sexual abuse	3	0	1	0	0	1	2	0	1	0	8
	Murder	0	1	0	0	1	0	0	0	4	0	6
	Assault	2	0	0	0	0	0	1	0	0	0	3
	Robbery	0	0	0	0	0	0	1	0	0	0	1
	Weapons	0	0	0	0	1	0	0	0	0	0	1

\*\*\*NOTE: Tables B9a and B9b above pertain to the District of Arizona only.

### Disposition of Indian Juveniles Suspects in Criminal Matters Concluded

Upon receiving a criminal matter, a U.S. attorney will either immediately decline it for prosecution or investigate further. Upon conclusion of the investigation, a matter may be filed as a criminal case in U.S. district court, referred to a U.S. magistrate, or declined for federal prosecution. From 1999-2008, there were a total of 1,780 Indian Country juvenile suspects in criminal matters concluded, of which 55% were prosecuted in U.S. district court and 45% were declined for federal prosecution (Table B10).

**Table B10. Disposition of Indian Country Juvenile Suspects in Criminal Matters Concluded, 1999-2008**

Disposition	Total	Year Criminal Matter Concluded									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,780</b>	<b>180</b>	<b>208</b>	<b>171</b>	<b>204</b>	<b>230</b>	<b>193</b>	<b>172</b>	<b>164</b>	<b>143</b>	<b>115</b>
Prosecuted in U.S. District Court	55%	77%	55%	53%	51%	46%	52%	59%	51%	52%	59%
Declined	45%	23%	45%	47%	48%	53%	48%	41%	49%	48%	41%

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008

### *Declinations*

Of the 1,780 Indian Country juvenile suspects in matters concluded between 1999 and 2008, about 45% were declined for federal prosecution by U.S. attorneys. Case-related reasons (primarily “weak evidence” but also “witness problems”, “stale case”, and “jurisdiction or venue problems”) were the basis for nearly half (48%) of all declinations for Indian Country juvenile suspects, while 15% of Indian Country juvenile suspects had matters declined for federal prosecution because they were referred to other authorities for prosecution, and 12% were declined because there was no crime (a determination was made that either there was no federal offense or else criminal intent was lacking). Other reasons cited for the declinations included “juvenile suspect” (8%), “minimal federal interest” (4%), and “lack of resources” (Table B11).

**Table B11. Basis of Declination of Prosecution by U.S. Attorneys, for Indian Country Juvenile Suspects**

Basis for declination	Total	Year Criminal Matter Declined									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total declinations</b>	<b>785</b>	<b>41</b>	<b>94</b>	<b>77</b>	<b>96</b>	<b>123</b>	<b>91</b>	<b>69</b>	<b>80</b>	<b>68</b>	<b>46</b>
<b>No crime</b>	<b>91</b>	<b>5</b>	<b>16</b>	<b>8</b>	<b>14</b>	<b>8</b>	<b>12</b>	<b>6</b>	<b>8</b>	<b>7</b>	<b>7</b>
No federal offense	35	1	12	2	5	2	3	2	2	3	3
Lack of criminal intent	56	4	4	6	9	6	9	4	6	4	4
<b>Referred/handled in other prosecution</b>	<b>119</b>	<b>12</b>	<b>16</b>	<b>13</b>	<b>12</b>	<b>13</b>	<b>20</b>	<b>8</b>	<b>9</b>	<b>9</b>	<b>7</b>
Removed	1	1	0	0	0	0	0	0	0	0	0
Prosecuted on other charges	23	5	5	1	1	5	1	1	0	2	2
Prosecuted by other authorities	95	6	11	12	11	8	19	7	9	7	5
<b>Alternative Resolution</b>	<b>10</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>
Civil or administrative alternative	4	1	0	1	0	0	0	0	0	1	1
Pretrial diversion	6	0	0	0	1	0	0	1	1	2	1
<b>Suspect-related reason</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>0</b>
Suspect serving sentence	13	0	0	1	4	1	1	0	6	0	0
No known suspect	5	0	0	0	3	1	0	1	0	0	0
Suspect deceased	1	0	0	0	0	1	0	0	0	0	0
<b>Case-related reasons</b>	<b>379</b>	<b>16</b>	<b>47</b>	<b>33</b>	<b>36</b>	<b>60</b>	<b>43</b>	<b>40</b>	<b>49</b>	<b>32</b>	<b>23</b>
Stale case	21	0	3	0	4	0	2	0	5	5	2
Weak evidence	290	11	36	25	26	48	33	31	40	21	19
Jurisdiction or venue problems	12	1	1	3	0	4	0	3	0	0	0
Witness problems	56	4	7	5	6	8	8	6	4	6	2
<b>All other reasons</b>	<b>167</b>	<b>7</b>	<b>15</b>	<b>21</b>	<b>26</b>	<b>39</b>	<b>15</b>	<b>13</b>	<b>7</b>	<b>17</b>	<b>7</b>
Minimal federal interest	31	0	3	1	9	5	2	3	2	6	0
Petite policy	11	0	0	7	0	1	3	0	0	0	0
Lack of resources	18	1	2	0	4	7	0	3	1	0	0
U.S. attorney policy	4	0	2	0	0	0	0	0	1	0	1
Agency request	5	0	2	0	1	0	1	1	0	0	0
Juvenile suspect	62	4	2	13	7	15	7	3	1	7	3
Offender's age, health, prior record, or other personal circumstance	28	2	3	0	3	11	2	3	1	3	0
Suspect cooperation	8	0	1	0	2	0	0	0	1	1	3

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008

## NON-INDIAN COUNTRY JUVENILES

### Analysis of Non-Indian Country Juvenile Suspects in Criminal Matters

There were a total of 2,135 non-Indian Country juvenile suspects in criminal matters investigated and referred to U.S. Attorneys for federal prosecution between 1999 and 2008, comprising 53% of all juvenile suspects referred during this period. The annual number of Indian Country juvenile suspects in criminal matters referred to U.S. Attorneys dropped by 35% during this ten-year period, decreasing steadily each year from 284 in 1999 to 186 juvenile suspects in 2009.

#### *Lead Charge*

Over the 1999-2008 period, public-order offenses (27%) was the most frequently occurring lead charge for non-Indian Country juvenile suspects in criminal matters referred for federal prosecution, followed by drug offenses (25%) and immigration (15%) and property offenses (15%) (Table B12).

**Table B12. Non-IC Juvenile Suspects in Criminal Matters Received by U.S. Attorneys, by Most Serious Offense**

Lead Charge	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	183	39	11	26	19	12	18	17	16	17	8
Assault	50	4	3	7	10	4	3	6	5	7	1
Robbery	48	15	2	7	1	3	6	1	5	7	1
Sexual abuse	40	8	3	4	7	3	1	2	3	6	3
Property offense	330	54	44	39	20	51	19	22	36	24	21
Fraud	125	26	20	15	6	20	10	8	12	5	3
Arson & explosives	65	4	8	10	6	13	4	4	11	2	3
Drug	528	70	67	32	37	80	59	69	41	35	38
Public-order offenses	580	76	56	67	36	85	55	49	39	50	67
Rackateer/Extortion	112	20	19	27	4	13	11	5	5	6	2
Non-violent sex	168	9	4	8	6	12	25	20	15	21	48
Traffic offenses	161	23	19	20	14	35	12	11	11	9	7
Weapon offenses	156	13	16	10	8	27	18	21	13	14	16
Immigration offenses	330	29	42	18	25	34	32	39	40	35	36
Other offenses	28	3	6	3	2	3	2	5	3	1	0
<b>Total (All Offenses)</b>	<b>2,135</b>	<b>284</b>	<b>242</b>	<b>195</b>	<b>147</b>	<b>292</b>	<b>203</b>	<b>222</b>	<b>188</b>	<b>176</b>	<b>186</b>

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

#### *Judicial District*

Nearly half of all non-Indian Country juvenile suspects in criminal matters referred for federal prosecution in the United States occurred in just 6 federal judicial districts (Arizona, New Mexico, California-Southern, North Carolina-Eastern, Texas-Western, and Montana) over the ten-year period from 1999-2008 (Table B13).

Arizona (21%) accounted for the largest share of Indian Country juvenile suspects in criminal matters referred during this period, followed by New Mexico (11%), and California (7%).

**Table B13. Non-IC Juvenile Suspects in Criminal Matters Received by U.S. Attorneys, 1999-2008, by Judicial District**

Judicial District	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>2,135</b>	<b>284</b>	<b>242</b>	<b>195</b>	<b>147</b>	<b>292</b>	<b>203</b>	<b>222</b>	<b>188</b>	<b>176</b>	<b>186</b>
Arizona	455	57	71	25	39	53	49	64	42	30	25
New Mexico	242	16	21	10	19	47	31	24	21	29	24
California-Southern	146	22	19	8	13	13	8	21	13	19	10
North Carolina-Eastern	81	21	1	7	3	3	5	10	11	11	9
Texas-Western	71	10	4	4	1	12	9	3	14	3	11
Montana	59	3	1	4	6	11	6	3	5	11	9
Other districts	1,081	155	125	137	66	153	95	97	82	73	98

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Received, annual, 1999-2008

### Disposition of Non-Indian Juveniles Suspects in Criminal Matters Concluded

Upon receiving a criminal matter, a U.S. attorney will either immediately decline it for prosecution or investigate further. Upon conclusion of the investigation, a matter may be filed as a criminal case in U.S. district court, referred to a U.S. magistrate, or declined for federal prosecution. From 1999-2008, there were a total of 2,036 non-Indian Country juvenile suspects in criminal matters concluded, of which 51% were prosecuted in U.S. district court, 9% were disposed by U.S. magistrates, and 40% were declined for federal prosecution (Table B14).

**Table B14. Disposition of Non-IC Juvenile Suspects in Criminal Matters Concluded, 1999-2008**

Disposition	Total	Year Criminal Matter Concluded									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>2,036</b>	<b>190</b>	<b>237</b>	<b>203</b>	<b>172</b>	<b>276</b>	<b>208</b>	<b>199</b>	<b>181</b>	<b>187</b>	<b>183</b>
Prosecuted in U.S. District Court	51%	61%	54%	37%	47%	48%	60%	57%	52%	53%	43%
Disposed by U.S. Magistrates	9%	9%	5%	6%	10%	10%	7%	10%	10%	10%	11%
Declined	40%	30%	41%	56%	43%	42%	33%	34%	37%	37%	46%

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008

### Declinations

Of the 2,036 non-Indian Country juvenile suspects in matters concluded between 1999 and 2008, 814 (or 40%) were declined for federal prosecution by U.S. attorneys. The declination reason cited for the majority (69%) of non-Indian Country suspects was simply “juvenile suspect” (69%) (Table B15).

**Table B15. Basis of Declination of Prosecution by U.S. Attorneys, for Non-IC Juvenile Suspects**

Basis for declination	Total	Year Criminal Matter Declined									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total declinations</b>	<b>814</b>	<b>57</b>	<b>96</b>	<b>114</b>	<b>74</b>	<b>116</b>	<b>69</b>	<b>67</b>	<b>67</b>	<b>70</b>	<b>84</b>
<b>No crime</b>	<b>42</b>	<b>2</b>	<b>10</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>7</b>
No federal offense	15	1	0	4	0	2	2	2	1	0	3
Lack of criminal intent	27	1	10	3	3	2	0	1	1	2	4
<b>Referred/handled in other prosecution</b>	<b>73</b>	<b>3</b>	<b>11</b>	<b>14</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>7</b>	<b>5</b>	<b>7</b>	<b>4</b>
Removed	5	0	1	0	0	1	0	1	2	0	0
Prosecuted on other charges	5	1	0	0	1	0	0	0	1	1	1
Prosecuted by other authorities	63	2	10	14	10	7	3	6	2	6	3
<b>Alternative Resolution</b>	<b>33</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>10</b>	<b>2</b>
Civil or administrative alternative	12	2	0	1	1	0	0	0	4	4	0
Restitution	6	0	0	0	0	0	0	0	0	6	0
Pretrial diversion	15	0	2	3	1	2	1	2	2	0	2
<b>Suspect-related reason</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
Suspect serving sentence	0	0	0	0	0	0	0	0	0	0	0
No known suspect	1	0	1	0	0	0	0	0	0	0	0
Suspect deceased	1	0	0	0	0	0	0	0	1	0	0
Suspect a fugitive	1	0	1	0	0	0	0	0	0	0	0
Suspect deported	1	0	1	0	0	0	0	0	0	0	0
<b>Case-related reasons</b>	<b>45</b>	<b>3</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>10</b>	<b>4</b>	<b>2</b>
Stale case	7	0	0	0	0	0	0	0	6	0	1
Weak evidence	34	2	5	5	5	4	2	3	3	4	1
Jurisdiction or venue problems	3	1	1	0	0	0	0	0	1	0	0
Witness problems	1	0	0	0	0	0	0	1	0	0	0
<b>All other reasons</b>	<b>617</b>	<b>47</b>	<b>64</b>	<b>84</b>	<b>53</b>	<b>98</b>	<b>61</b>	<b>51</b>	<b>43</b>	<b>47</b>	<b>69</b>
Minimal federal interest	15	1	1	3	0	5	1	1	1	2	0
Petite policy	2	0	0	0	1	0	0	0	1	0	0
DOJ Policy	5	0	0	0	0	2	3	0	0	0	0
Lack of resources	1	0	0	0	0	0	0	0	0	0	1
U.S. attorney policy	8	0	3	0	0	0	0	0	3	1	1
Agency request	16	1	4	3	0	0	1	1	1	3	2
Juvenile suspect	558	43	55	77	52	91	55	48	36	41	60
Offender's age, health, prior record, or other personal circumstance	11	2	1	1	0	0	1	0	1	0	5
Suspect cooperation	1	0	0	0	0	0	0	1	0	0	0

Source: Federal Justice Statistics Program: EOUSA LIONS data, Suspects in Criminal Matters Concluded, annual, 1999-2008

## **Tribal Youth PSA Data Analysis**

### **Pretrial Services**

For defendants facing charges in federal courts, the defendants may be released or detained prior to trial. At their first appearance before a judicial officer they may be released on personal recognizance, on bond or released with other types of conditions. They may be temporarily detained, or detained pending the outcome of a detention hearing. Another pretrial services outcome is diversion. Diversion is an agreement to defer prosecution conditional on the defendant's good behavior and/or participation in programs during a stated period. Pretrial Services considers a case closed when the case has been disposed and a verdict has been given. Case dispositions can be acquittals, convictions, dismissals, diversions, guilty pleas, transfers, or other types of case closures.

#### *Overview*

Between 1999 and 2008 the Pretrial Services caseload increased by sixteen percent (Table C1). The number of juvenile defendants in both cases commenced and closed was, on average, less than one percent of the caseload. The annual average of juvenile defendants in the years 1999 – 2008 was about 400 per year. We were not sure of the exact number of juvenile defendants in Indian Country before 2006, because there was no variable in the Pretrial data that recorded the title and section of the charged offense. Therefore, we used American Indian juveniles as a proxy for Indian Country juveniles. American Indian juveniles were nearly one-third of all juveniles in Pretrial Services cases, an average annual caseload of 127 juveniles.

#### *Identifying Indian Country Juveniles*

We were not able to determine the total number defendants who committed an offense in Indian Country (as defined in 18 USC § 1151) until 2006, when a variable that identified the title and section of the U.S. Code was added to the datasets. Indian Country juveniles in this section are defined as juveniles whose race is American Indian.

#### *Identifying Juveniles*

A federal juvenile delinquent is a person who has committed an offense while less than 18 years old, but has not attained his 21<sup>st</sup> birthday. Pretrial Services does not contain the age when the offense was committed, but does record the juvenile's age at arrest, as well as the age at the initial court appearance. Therefore, we defined juveniles in Pretrial cases as defendants who were less than 18 years old at arrest or at the initial appearance, if the charged offense was juvenile delinquency, or 18 USC § 5032. We also used the Pretrial services Juvenile flag variable and defendant's name variable to identify additional juveniles.

This chapter is divided into two sections: the first section presents descriptive statistics for all juveniles in pretrial cases commenced and closed. The second section presents statistics for all Indian Country juveniles in cases commenced and closed.

### **Juveniles in Pretrial Services Cases Commenced**

#### *Juvenile Pretrial Defendants*

Over 4,000 juveniles were defendants in criminal cases between 1999 and 2008, an average of 407 per year. However, juveniles were less than one percent of all cases (0.4% or 4,069 out of 971,886). The number of juveniles in pretrial cases has remained relatively constant, except for 2001 when the number of cases dipped to 301, and in 2008 there were only 338 cases. Nearly one-third of juvenile defendants were American Indian juveniles, an annual average of 127 juvenile cases.

**Table C1. Pretrial Services Cases Commenced, by Juvenile and Indian Country Status**

	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>All Juveniles</b>	<b>4,069</b>	<b>496</b>	<b>446</b>	<b>301</b>	<b>346</b>	<b>413</b>	<b>421</b>	<b>415</b>	<b>497</b>	<b>396</b>	<b>338</b>
Indian Country <sup>1</sup>	1,266	199	147	116	115	113	132	122	117	99	106
Non-IC	2,803	297	299	185	231	300	289	293	380	297	232
All Adults	967,817	85,840	91,443	92,058	95,297	101,572	103,918	103,080	96,540	98,002	100,067
<b>All Defendants</b>	<b>971,886</b>	<b>86,336</b>	<b>91,889</b>	<b>92,359</b>	<b>95,643</b>	<b>101,985</b>	<b>104,339</b>	<b>103,495</b>	<b>97,037</b>	<b>98,398</b>	<b>100,405</b>

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

<sup>1</sup> Since the Pretrial data does not contain a variable to identify crimes occurring in Indian Country, as a proxy we use American Indian juveniles.

### *Hearing Outcome*

After an initial appearance before the court, a juvenile can be released, detained or held over for further action prior to case disposition. The same outcomes are possible at the detention hearing. Eighty-nine percent of all juveniles were either released or detained after these two hearings. Of these, forty-six percent of juveniles were released and fifty-four percent were detained. However, the hearing outcomes were not similar in proportion across all years. The percentage of juveniles that were released decreased sharply beginning in 2000. Eighty-four percent of juveniles were released in 1999, but only thirty-two percent were released in 2008. After 1999, the number of juveniles that were held over pending a release decision after the initial or detention hearing remained fairly constant.

**Table C2. Juveniles in Pretrial Services Cases Commenced,, by Hearing Outcome**

Hearing Outcome	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>4,069</b>	<b>496</b>	<b>446</b>	<b>301</b>	<b>346</b>	<b>413</b>	<b>421</b>	<b>415</b>	<b>497</b>	<b>396</b>	<b>338</b>
Released	1,646	201	208	152	143	193	211	185	150	103	100
Detained	1,971	39	211	128	178	210	194	213	313	271	214
Held over/continued	452	256	27	21	25	10	16	17	34	22	24

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

### *Most Serious Offense Charged*

Twenty-three percent of juveniles were charged with violent offenses such as assault (8%), sexual abuse (7%), and murder (5%). With the exception of kidnapping, violent offenses decreased after 1999. The majority of offenses were for nonviolent offenses of drug trafficking (19%), immigration offenses and juvenile delinquency (12% each), and larceny (6%). Other offenses charged were regulatory offenses (7%), weapons offenses (4%), drug offenses other than trafficking (3%), and fraud (2%). The numbers of drug trafficking and weapons charges were fairly stable across these ten years, but immigration and larceny offenses increased over the period. Juvenile delinquency offenses decreased by forty-three percent between 1999 and 2008.

**Table C3. Juveniles in Pretrial Services Cases Commenced,, by Most Serious Charged Offense**

Charged Offense	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>4,069</b>	<b>496</b>	<b>446</b>	<b>301</b>	<b>346</b>	<b>413</b>	<b>421</b>	<b>415</b>	<b>497</b>	<b>396</b>	<b>338</b>
Murder	174	49	21	7	21	13	15	13	15	11	9
Negligent manslaughter	4	1	1	0	0	0	1	1	0	0	0
Assault	311	42	27	34	30	23	38	29	33	30	25
Robbery	80	22	13	14	10	3	3	4	10	1	0
Sexual abuse	255	26	23	20	27	30	27	41	23	19	19
Kidnapping	14	0	0	0	1	4	3	2	2	0	2
Threats against the President	2	0	1	0	0	0	1	0	0	0	0
Embezzlement	5	0	1	0	0	1	0	2	0	0	1
Fraud	57	8	2	2	6	3	3	8	18	6	1
Forgery	2	0	1	0	0	0	0	1	0	0	0
Counterfeiting	12	5	4	1	1	0	0	1	0	0	0
Burglary	109	30	23	4	13	13	13	2	2	2	7
Larceny	219	9	9	4	2	31	47	43	35	16	23
Motor vehicle theft	24	9	1	3	3	3	1	1	1	1	1
Arson and explosives	41	1	3	5	4	10	1	1	2	4	10
Transportation of stolen property	1	0	0	0	0	0	0	1	0	0	0
Other property offenses	30	2	3	0	4	0	3	3	4	6	5
Drug trafficking	685	80	85	39	63	85	81	77	71	67	37
Other drug offenses	122	7	20	11	7	19	14	5	17	8	14
Transportation	1	0	0	0	0	0	0	1	0	0	0
Civil Rights	5	3	0	0	1	0	1	0	0	0	0
Communications	2	1	0	0	0	0	0	0	0	0	1
Custom laws	6	0	6	0	0	0	0	0	0	0	0
Other regulatory offenses	240	42	39	32	27	29	27	16	16	6	6
Weapon offenses	145	12	8	15	12	11	24	13	18	24	8
Immigration offenses	435	33	53	28	27	35	39	53	65	65	37
Bribery	1	1	0	0	0	0	0	0	0	0	0
Perjury, contempt & intimidation	6	0	4	0	0	1	0	0	1	0	0
National defense offenses	8	0	0	0	0	0	0	4	2	2	0
Tax law violations	1	0	0	0	1	0	0	0	0	0	0
Escape	12	3	0	1	1	1	1	3	0	0	2
Racketeering and extortion	19	5	0	2	4	0	2	2	3	0	1
Nonviolent sex offenses	40	6	3	10	4	9	7	0	1	0	0
Traffic offenses	73	6	5	7	7	16	13	12	4	1	2
Wildlife offenses	3	0	0	0	0	1	0	0	0	1	1
All other offenses	61	6	7	4	3	10	9	4	4	2	12
Juvenile delinquency	446	61	67	50	46	50	36	27	35	39	35
Unclassifiable	2	0	0	0	0	1	0	0	1	0	0

Note: Totals include juveniles whose offense was missing.

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

*District Court of Jurisdiction*

Over half of all juvenile Pretrial Services cases occurred in five judicial districts: Arizona (739, 18%), New Mexico (503, 12%), California Southern (403, 10%), South Dakota (327, 8%), and Montana (280, 7%). Forty percent of all juvenile cases were in just three districts: Arizona, New Mexico, and California Southern. The number of cases varied widely by year for most districts.

**Table C4. Juveniles in Pretrial Services Cases Commenced, by District Court of Jurisdiction**

Judicial District	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>4,069</b>	<b>496</b>	<b>446</b>	<b>301</b>	<b>346</b>	<b>413</b>	<b>421</b>	<b>415</b>	<b>497</b>	<b>396</b>	<b>338</b>
AZ	739	98	88	42	66	75	76	89	84	71	50
CAS	403	19	18	6	10	11	4	54	113	91	77
MT	280	37	39	16	30	21	27	26	29	28	27
NCE	140	31	22	6	11	7	6	7	21	9	20
ND	113	18	19	16	15	9	12	5	5	5	9
NM	503	48	45	23	44	66	68	61	60	48	40
SD	327	46	25	36	28	23	41	34	32	32	30
TXS	152	13	15	11	17	24	19	14	11	23	5
TXW	110	7	8	9	5	7	7	6	34	15	12
Other	1,302	179	167	136	120	170	161	119	108	74	68

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

*Demographics*

Eighty-three percent of juveniles in Pretrial cases commenced were male; seventeen percent were female. The average age at arrest was 16.3 years. Over half were 17 years or older (58%), thirty-six percent were between 14 and 16 years old, and six percent were younger than 14 years. Eighty-four percent of juvenile defendants were either White (44%), or American Indian (40%), and the remainder was Black (14%) or Asian (2%). Fifty-seven percent of juvenile defendants were not Hispanic, and a similar percentage of juveniles were U.S. citizens (60%). A third of juveniles were illegal aliens (31%) and two percent of juveniles were legal aliens. Nearly half of all juvenile defendants that were illegal aliens were in cases commenced in 2006 – 2008.

A large majority of juveniles had not graduated from high school (83%), were unemployed at arrest (74%), and had no prior convictions (76%). Two thirds had no known history of drug abuse (67%).

Table C5. Juveniles in Pretrial Services Cases Commenced, by Characteristic

Characteristic	Year Pretrial Services Cases Commenced										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>4,069</b>	<b>496</b>	<b>446</b>	<b>301</b>	<b>346</b>	<b>413</b>	<b>421</b>	<b>415</b>	<b>497</b>	<b>396</b>	<b>338</b>
<b>Gender</b>											
Female	655	62	47	45	38	63	65	64	118	81	72
Male	3,309	411	382	247	286	341	344	341	378	313	266
<b>Race</b>											
Asian/Pacific Islander	66	17	11	9	4	7	2	3	8	1	4
Black	434	71	58	37	38	44	44	29	59	29	25
American Indian	1,266	199	147	116	115	113	132	122	117	99	106
Other	17	3	3	1	2	2	2	0	2	1	1
White	1,386	183	201	125	161	232	227	248	305	263	202
<b>Ethnicity</b>											
Hispanic	1,646	121	152	89	120	172	168	188	257	224	155
Non-Hispanic	2,225	338	268	200	203	218	230	202	228	162	176
<b>Age at arrest or initial hearing</b>											
Under 13 years	137	10	16	5	11	6	7	9	31	20	22
13 years	103	20	11	6	6	11	8	10	13	5	13
14 years	232	30	30	21	18	19	26	28	25	21	14
15 years	457	64	49	29	47	55	58	38	44	38	35
16 years	765	111	78	64	56	84	95	97	74	55	51
17 years	1,495	168	179	112	137	168	161	166	143	145	116
Over 17 years	806	93	81	64	71	69	66	66	136	94	66
<b>Citizenship</b>											
U.S. Citizen	2,591	361	295	224	235	268	287	256	257	208	200
Legal alien	80	21	12	6	11	9	6	5	3	5	2
Illegal alien	1,209	78	103	58	75	118	102	136	224	182	133
<b>Education</b>											
Not high school grad	2,867	355	291	211	248	291	302	284	351	280	254
High school graduate	284	33	29	31	20	22	34	18	41	33	23
Some college	81	12	9	2	10	13	9	9	9	8	0
College graduate	9	3	1	0	1	2	0	2	0	0	0
<b>Employment</b>											
Not employed	2,558	310	273	182	208	254	271	245	332	263	220
Employed	665	90	75	63	69	65	62	67	70	61	43
<b>Criminal history</b>											
No prior convictions	3,111	362	330	227	269	322	318	334	393	296	260
One prior conviction	551	58	52	31	32	39	35	31	101	98	74
More than one	398	76	64	43	45	52	68	50	0	0	0
<b>Drug Abuse<sup>1</sup></b>											
No known abuse	1,799	231	189	162	172	191	225	206	206	156	61
History of drug abuse	881	93	83	62	69	100	94	82	171	127	0

**Source:** Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

Note: Totals include juveniles whose characteristics were missing

<sup>1</sup> Pretrial Services used a different variable in 2008 to record substance abuse, which may be the reason for the shift in the distribution of the data.

*Hearing Outcome by Judicial District*

Overall, forty-six percent of all juveniles were released after either an initial or detention hearing, but the release decision varied by judicial district. The Southwest border districts of Texas Southern, Texas Western, California Southern and Arizona were the districts that detained over seventy percent of their cases -- nearly half of all detentions. Texas Southern did not release any of its juveniles after either hearing beginning in 2005. North Carolina Eastern (89%), North Dakota (78%), and Montana (78%) released the greatest percentage of juveniles after either the initial or detention hearing.

**Table C6. Juveniles in Pretrial Services Cases Commenced, by Hearing Outcome and District Court of Jurisdiction**

District	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total cases</b>	<b>4,069</b>	<b>496</b>	<b>446</b>	<b>301</b>	<b>346</b>	<b>413</b>	<b>421</b>	<b>415</b>	<b>497</b>	<b>396</b>	<b>338</b>
<b>Total Released</b>	<b>1,646</b>	<b>201</b>	<b>208</b>	<b>152</b>	<b>143</b>	<b>193</b>	<b>211</b>	<b>185</b>	<b>150</b>	<b>103</b>	<b>100</b>
<b>Total Detained</b>	<b>1,971</b>	<b>39</b>	<b>211</b>	<b>128</b>	<b>178</b>	<b>210</b>	<b>194</b>	<b>213</b>	<b>313</b>	<b>271</b>	<b>214</b>
<b>AZ</b>	<b>739</b>	<b>98</b>	<b>88</b>	<b>42</b>	<b>66</b>	<b>75</b>	<b>76</b>	<b>89</b>	<b>84</b>	<b>71</b>	<b>50</b>
Released	180	21	24	14	18	17	16	37	17	7	9
Detained	474	1	62	25	46	58	59	52	67	63	41
<b>CAS</b>	<b>403</b>	<b>19</b>	<b>18</b>	<b>6</b>	<b>10</b>	<b>11</b>	<b>4</b>	<b>54</b>	<b>113</b>	<b>91</b>	<b>77</b>
Released	71	8	3	1	3	0	1	19	2	2	32
Detained	318	2	14	4	6	10	3	34	111	89	45
<b>MT</b>	<b>280</b>	<b>37</b>	<b>39</b>	<b>16</b>	<b>30</b>	<b>21</b>	<b>27</b>	<b>26</b>	<b>29</b>	<b>28</b>	<b>27</b>
Released	210	32	35	13	23	16	21	18	24	14	14
Detained	59	1	3	3	4	4	5	8	5	14	12
<b>NCE</b>	<b>140</b>	<b>31</b>	<b>22</b>	<b>6</b>	<b>11</b>	<b>7</b>	<b>6</b>	<b>7</b>	<b>21</b>	<b>9</b>	<b>20</b>
Released	94	17	20	4	7	7	6	5	13	5	10
Detained	11	0	2	1	2	0	0	1	4	0	1
<b>ND</b>	<b>113</b>	<b>18</b>	<b>19</b>	<b>16</b>	<b>15</b>	<b>9</b>	<b>12</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>9</b>
Released	83	11	15	11	12	6	10	5	5	4	4
Detained	24	1	4	5	3	3	2	0	0	1	5
<b>NM</b>	<b>503</b>	<b>48</b>	<b>45</b>	<b>23</b>	<b>44</b>	<b>66</b>	<b>68</b>	<b>61</b>	<b>60</b>	<b>48</b>	<b>40</b>
Released	209	25	27	13	15	22	29	26	24	26	2
Detained	260	0	17	10	25	43	36	33	36	22	38
<b>SD</b>	<b>327</b>	<b>46</b>	<b>25</b>	<b>36</b>	<b>28</b>	<b>23</b>	<b>41</b>	<b>34</b>	<b>32</b>	<b>32</b>	<b>30</b>
Released	127	23	15	20	8	11	17	7	11	14	1
Detained	170	0	10	16	19	12	23	26	20	18	26
<b>TXS</b>	<b>152</b>	<b>13</b>	<b>15</b>	<b>11</b>	<b>17</b>	<b>24</b>	<b>19</b>	<b>14</b>	<b>11</b>	<b>23</b>	<b>5</b>
Released	18	1	2	1	3	5	6	0	0	0	0
Detained	117	0	12	8	14	18	12	14	11	23	5
<b>TXW</b>	<b>110</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>5</b>	<b>7</b>	<b>7</b>	<b>6</b>	<b>34</b>	<b>15</b>	<b>12</b>
Released	15	0	2	4	0	0	1	1	6	0	1
Detained	45	0	6	4	5	7	5	4	8	3	3
<b>Other</b>	<b>1,302</b>	<b>179</b>	<b>167</b>	<b>136</b>	<b>120</b>	<b>170</b>	<b>161</b>	<b>119</b>	<b>108</b>	<b>74</b>	<b>68</b>
Released	639	63	65	71	54	109	104	67	48	31	27
Detained	493	34	81	52	54	55	49	41	51	38	38

**Source:** Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

Note: Totals include juveniles who were neither released nor detained after an initial or detention hearing.

## Juveniles in Pretrial Services Cases Closed

### Case Disposition

Between 1999 and 2008 4,008 juvenile Pretrial Services cases were disposed or closed in federal courts. Most cases were closed by the defendant pleading guilty or by a conviction (64%). An additional fifteen percent were dismissed, and four percent of juveniles were diverted. Less than one percent was acquitted of charges. Beginning in 2006, approximately twenty-five percent of juvenile cases were closed by “other” methods. We do not know what these methods involve.

**Table C7. Juveniles in Pretrial Services Cases Closed, by Case Disposition**

Case Disposition	Total	Year Pretrial Services Cases Closed									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>4,008</b>	<b>469</b>	<b>442</b>	<b>405</b>	<b>273</b>	<b>405</b>	<b>414</b>	<b>425</b>	<b>488</b>	<b>387</b>	<b>300</b>
Acquitted	16	3	2	2	2	2	1	0	1	2	1
Convicted	291	68	62	30	31	30	20	22	19	9	0
Dismissed	587	75	76	76	41	76	63	57	50	44	29
Fugitive/FTA*	25	2	5	2	2	2	1	7	2	1	1
Guilty plea	2,293	254	248	231	157	231	245	239	287	210	191
Not guilty (insanity)	5	0	0	1	0	1	1	0	1	0	0
Closed-Courtesy	113	26	14	19	9	19	13	13	0	0	0
Other	447	21	16	14	17	14	19	45	115	110	76
Pretrial diversion	156	11	3	24	5	24	46	30	9	4	0
Transferred	75	9	15	6	9	6	5	12	4	7	2

**Source:** Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

FTA=Failure to Appear

### Behavior on Release

Few released juveniles under Pretrial Services supervision violated the conditions of their release. Ninety percent did not commit a technical violation or a new crime while on release. Only seven percent of juveniles committed a violation during this period, and only three percent had more than 1 release violation.

**Table C8. Juveniles in Pretrial Services Cases Closed, by Number of Release Violations**

Behavior on release	Total	Year Pretrial Services Cases Closed									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>4,008</b>	<b>469</b>	<b>442</b>	<b>405</b>	<b>273</b>	<b>405</b>	<b>414</b>	<b>425</b>	<b>488</b>	<b>387</b>	<b>300</b>
No violations	3,613	421	391	372	238	372	374	378	436	363	268
One violation	283	29	28	24	28	24	28	40	38	19	25
More than one violation	112	19	23	9	7	9	12	7	14	5	7

**Source:** Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

## Indian Country Juveniles in Pretrial Services Cases Commenced

### *Indian Country Defendants*

Pretrial cases commenced for Indian Country juveniles were one-tenth of one percent of the annual case load (an average of 127 cases per year out of an average of 97,189 total cases). Of the 4,069 juveniles in Pretrial Services cases commenced between 1999 and 2008, 1,266 were Indian Country juveniles. The number of cases has remained constant since 2001.

**Table C9. Pretrial Services Cases Commenced, by Juvenile and Indian Country Status**

	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>All Juveniles</b>	<b>4,069</b>	<b>496</b>	<b>446</b>	<b>301</b>	<b>346</b>	<b>413</b>	<b>421</b>	<b>415</b>	<b>497</b>	<b>396</b>	<b>338</b>
Indian Country <sup>1</sup>	1,266	199	147	116	115	113	132	122	117	99	106
Non-IC	2,803	297	299	185	231	300	289	293	380	297	232
All Adults	967,817	85,840	91,443	92,058	95,297	101,572	103,918	103,080	96,540	98,002	100,067
<b>All Defendants</b>	<b>971,886</b>	<b>86,336</b>	<b>91,889</b>	<b>92,359</b>	<b>95,643</b>	<b>101,985</b>	<b>104,339</b>	<b>103,495</b>	<b>97,037</b>	<b>98,398</b>	<b>100,405</b>

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

<sup>1</sup> Since the Pretrial data does not contain a variable to identify crimes occurring in Indian Country, as a proxy we use American Indian juveniles.

### *Hearing Outcome*

After an initial appearance before the court, Indian Country juveniles can be released, detained or held over for further action prior to case disposition. The same outcomes are possible at the detention hearing. Ninety-two percent of Indian Country juveniles were either released or detained after these two hearings. Of these, fifty-six percent of IC juveniles were released and forty-four percent were detained. For all juveniles, only forty-six percent were released.

The hearing outcomes were not similar in proportion across all years. The percentage of juveniles that were released decreased sharply beginning in 2007. Ninety-five percent of juveniles were released in 1999, but only twenty-seven percent were released in 2008. After 1999, very few IC juveniles were held over pending a release decision after the initial or detention hearing.

**Table C10. Indian Country Juveniles in Pretrial Services Cases Commenced, by Hearing Outcome**

Hearing Outcome	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,266</b>	<b>199</b>	<b>147</b>	<b>116</b>	<b>115</b>	<b>113</b>	<b>132</b>	<b>122</b>	<b>117</b>	<b>99</b>	<b>106</b>
Released	<b>651</b>	106	93	71	64	55	65	64	62	44	27
Detained	<b>518</b>	5	54	45	51	58	67	57	54	54	73
Held over/continued	<b>97</b>	88	0	0	0	0	0	1	1	1	6

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

### *Most Serious Offense Charged*

The most commonly charged offense for Indian Country juveniles was juvenile delinquency (22%). However, fifty-four percent of juveniles were charged with a violent offense: assault (21%), sexual abuse (18%), murder (12%) and robbery (2%). This is more than double the percentage of all juveniles charged with a violent offense

(26%). Fewer Indian Country juveniles were charged with drug trafficking and immigration offenses than were all juveniles (2% vs 19% for drugs and 12% vs 0.4% for immigration offenses).

**Table C11. Indian Country Juveniles in Pretrial Services Cases Commenced, by Most Serious Charged Offense**

Charged Offense	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,266</b>	<b>199</b>	<b>147</b>	<b>116</b>	<b>115</b>	<b>113</b>	<b>132</b>	<b>122</b>	<b>117</b>	<b>99</b>	<b>106</b>
Murder	154	42	19	6	18	11	12	12	15	10	9
Negligent manslaughter	4	1	1	0	0	0	1	1	0	0	0
Assault	264	37	25	28	23	20	32	26	26	24	23
Robbery	26	3	2	6	5	1	1	2	6	0	0
Sexual abuse	226	24	20	18	19	28	27	38	19	16	17
Kidnapping	6	0	0	0	1	2	1	2	0	0	0
Embezzlement	3	0	0	0	0	0	0	2	0	0	1
Fraud	1	0	0	0	0	0	0	0	0	1	0
Burglary	98	27	20	4	12	10	13	2	2	2	6
Larceny	47	3	0	0	0	2	9	18	7	4	4
Motor vehicle theft	5	1	0	0	0	3	0	0	1	0	0
Arson and explosives	29	0	2	3	4	5	1	1	0	4	9
Drug trafficking	25	2	2	1	1	2	1	2	6	6	2
Other drug offenses	1	0	0	0	0	0	0	0	0	1	0
Other regulatory offenses	7	0	3	2	1	0	0	0	0	1	0
Weapon offenses	51	6	2	6	5	2	9	4	6	7	4
Immigration offenses	5	1	0	0	0	0	1	0	0	3	0
Perjury, contempt & intimidation	1	0	1	0	0	0	0	0	0	0	0
Escape	4	0	0	0	0	0	1	1	0	0	2
Nonviolent sex offenses	23	5	1	6	1	6	4	0	0	0	0
Traffic offenses	1	0	0	0	0	0	0	1	0	0	0
All other offenses	3	0	0	0	0	0	1	0	1	0	1
Juvenile delinquency	278	47	49	36	25	19	18	10	28	19	27

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

Note: Totals include juveniles whose offense was missing.

### *District Court of Jurisdiction*

Eighty-seven percent of all Indian Country juvenile Pretrial Services cases were held in five judicial districts. There were: South Dakota (309, 24%), Arizona (250, 20%), Montana (248, 20%), New Mexico (186, 15%) and North Dakota (106, 8%).

**Table C12. Indian Country Juveniles in Pretrial Services Cases Commenced, by District Court of Jurisdiction**

Judicial District	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,266</b>	<b>199</b>	<b>147</b>	<b>116</b>	<b>115</b>	<b>113</b>	<b>132</b>	<b>122</b>	<b>117</b>	<b>99</b>	<b>106</b>
AZ	250	50	33	15	23	19	21	25	25	22	17
MT	248	33	38	14	23	20	22	26	28	20	24
ND	106	15	18	15	15	8	12	5	4	5	9
NM	186	26	17	13	14	22	24	25	16	15	14
SD	309	45	23	30	26	22	39	32	31	31	30
Other	167	30	18	29	14	22	14	9	13	6	12

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

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*Demographics*

Indian Country juveniles were overwhelmingly male, non-Hispanic U.S. citizens that were unemployed and had not graduated from high school. Two-thirds had no prior criminal history and three-quarters had no history of drug abuse. The average age of Indian Country juveniles at arrest (or initial hearing) was 16.3, the same average age that all juveniles were arrested. Half of Indian Country juveniles were at least 17 years old at arrest. (Since we are using American Indian juveniles as a proxy for Indian Country juveniles, all of the defendants in this section are American Indians).

**Table C13. Indian Country Juveniles in Pretrial Services Cases Commenced, by Characteristic**

Characteristic	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,266</b>	<b>199</b>	<b>147</b>	<b>116</b>	<b>115</b>	<b>113</b>	<b>132</b>	<b>122</b>	<b>117</b>	<b>99</b>	<b>106</b>
<b>Gender</b>											
Female	127	23	14	17	9	8	11	8	18	11	8
Male	1,138	176	133	99	106	105	121	114	99	87	98
<b>Ethnicity</b>											
Hispanic	27	3	3	1	3	2	8	1	4	1	1
Non-Hispanic	1,207	192	137	114	111	109	122	116	110	93	103
<b>Age at arrest or initial hearing</b>											
Under 13 years	23	4	10	1	1	2	2	1	0	1	1
13 years	54	10	11	4	1	2	4	7	6	1	8
14 years	101	18	19	13	6	5	12	12	2	9	5
15 years	195	33	27	22	25	23	20	10	20	4	11
16 years	244	42	23	23	19	21	32	26	24	20	14
17 years	330	59	35	33	38	32	30	31	24	23	25
Over 17 years	314	33	22	20	25	28	32	35	40	40	39
<b>Citizenship</b>											
U.S. Citizen	1,257	198	143	116	115	110	132	121	117	99	106
Legal alien	3	1	0	0	0	1	0	1	0	0	0
Illegal alien	1	0	0	0	0	1	0	0	0	0	0
<b>Education</b>											
Not high school grad	1,047	179	117	100	103	100	107	98	87	81	75
High school graduate	89	13	7	4	3	7	13	6	11	11	14
Some college	12	1	3	0	0	1	2	2	1	2	0
<b>Employment</b>											
Not employed	1,075	171	130	90	96	98	113	100	99	87	91
Employed	101	16	13	15	11	9	12	6	7	7	5
<b>Criminal history</b>											
No prior convictions	846	138	105	86	84	66	83	86	76	62	60
One prior conviction	230	24	23	14	10	15	12	11	41	37	43
More than one	187	37	19	16	21	32	37	25	0	0	0
<b>Drug Abuse<sup>1</sup></b>											
No known abuse	725	130	82	77	71	62	72	65	80	74	12
History of drug abuse	255	24	20	21	22	34	43	29	37	25	0

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

<sup>1</sup> Pretrial Services used a different variable in 2008 to record substance abuse, which may accounts for the shift in the distribution of the data.

Note: Totals include juveniles whose characteristics were missing.

*Hearing Outcome by Judicial District*

While fifty-six percent of Indian Country juveniles were released after an initial hearing or a detention hearing, the release decision varied by judicial district. Three districts, Montana, North Dakota, and New Mexico granted release to the majority of Indian Country juveniles. Arizona and South Dakota detained the majority of their juveniles (63% and 55%, respectively). Except for New Mexico, these patterns are similar to the release decisions made for all juveniles in these judicial districts. New Mexico detained fifty-five percent of all juveniles, whereas only forty-three percent of Indian Country juveniles were detained in this district.

**Table C14. Indian Country Juveniles in Pretrial Services Cases Commenced, by Hearing Outcome and District Court of Jurisdiction**

District	Total	Year Pretrial Services Cases Commenced									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total Cases</b>	<b>1,266</b>	<b>199</b>	<b>147</b>	<b>116</b>	<b>115</b>	<b>113</b>	<b>132</b>	<b>122</b>	<b>117</b>	<b>99</b>	<b>106</b>
<b>Total Released</b>	<b>651</b>	<b>106</b>	<b>93</b>	<b>71</b>	<b>64</b>	<b>55</b>	<b>65</b>	<b>64</b>	<b>62</b>	<b>44</b>	<b>27</b>
<b>Total Detained</b>	<b>518</b>	<b>5</b>	<b>54</b>	<b>45</b>	<b>51</b>	<b>58</b>	<b>67</b>	<b>57</b>	<b>54</b>	<b>54</b>	<b>73</b>
<b>AZ</b>	<b>250</b>	50	33	15	23	19	21	25	25	22	17
Released	<b>79</b>	13	11	5	8	6	3	14	10	4	5
Detained	<b>134</b>	1	22	10	15	13	18	11	15	17	12
<b>MT</b>	<b>248</b>	33	38	14	23	20	22	26	28	20	24
Released	<b>194</b>	32	35	12	22	16	17	18	23	8	11
Detained	<b>52</b>		3	2	1	4	5	8	5	12	12
<b>ND</b>	<b>106</b>	15	18	15	15	8	12	5	4	5	9
Released	<b>80</b>	10	14	11	12	6	10	5	4	4	4
Detained	<b>22</b>	1	4	4	3	2	2	0	0	1	5
<b>NM</b>	<b>186</b>	26	17	13	14	22	24	25	16	15	14
Released	<b>101</b>	18	13	8	7	8	14	17	6	9	1
Detained	<b>77</b>		4	5	7	14	10	8	10	6	13
<b>SD</b>	<b>309</b>	45	23	30	26	22	39	32	31	31	30
Released	<b>117</b>	22	13	16	8	10	16	6	11	14	1
Detained	<b>143</b>		10	14	18	12		26	20	17	26
<b>Other</b>	<b>167</b>	30	18	29	14	22	14	9	13	6	12
Released	<b>80</b>	11	7	19	7	9	5	4	8	5	5
Detained	<b>90</b>	3	11	10	7	13	32	4	4	1	5

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

Note: Totals include juveniles who were neither released nor detained after an initial or detention hearing.

## Indian Country Juveniles in Pretrial Services Cases Closed

### Case Disposition

Over twelve hundred Indian Country Pretrial Services cases were disposed or closed between 1999 and 2008. Eighty-seven percent of juveniles pled guilty or were convicted of the charged offenses, compared with sixty-

four percent of all juvenile cases. Another seven percent of cases were dismissed, two percent were transferred to another district, and less than one percent was acquitted. The distribution varied little across years after 2000.

**Table C15. Indian Country Juveniles in Pretrial Services Cases Closed, by Case Disposition**

Case Disposition	Total	Year Pretrial Services Cases Closed									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,260</b>	<b>169</b>	<b>165</b>	<b>129</b>	<b>97</b>	<b>106</b>	<b>137</b>	<b>127</b>	<b>135</b>	<b>97</b>	<b>98</b>
Acquitted	8	0	0	1	2	0	1	0	1	2	1
Convicted	88	19	17	6	10	8	9	10	6	3	0
Dismissed	93	6	22	7	4	7	13	11	13	5	5
Fugitive/FTA	2	0	2	0	0	0	0	0	0	0	0
Guilty plea	1,009	137	116	104	76	85	106	100	112	84	89
Not guilty (insanity)	1	0	0	0	0	0	0	0	1	0	0
Closed-Courtesy	18	1	1	2	1	3	6	0	1	2	1
Other	14	5	1	5	1	1	0	1	0	0	0
Pretrial diversion	27	1	6	4	3	2	2	5	1	1	2
Transferred	8	0	0	1	2	0	1	0	1	2	1

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

### Behavior on Release

Few Indian Country juveniles violated their release conditions, however, they committed more violations or new crimes than did all juveniles (81% compared to 90%). Twice as many IC juveniles committed one violation (13% compared to 7%) or more than one violation (6% compared to 3%). There was little variation in the number of release violations across years.

**Table C16. Indian Country Juveniles in Pretrial Services Cases Closed, by Number of Release Violations**

Behavior on release	Total	Year Pretrial Services Cases Closed									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,260</b>	<b>169</b>	<b>165</b>	<b>129</b>	<b>97</b>	<b>106</b>	<b>137</b>	<b>127</b>	<b>135</b>	<b>97</b>	<b>98</b>
No violations	1,023	140	132	112	72	89	112	99	110	84	73
One violation	162	16	18	9	19	10	15	21	22	11	21
More than one violation	75	13	15	8	6	7	10	7	3	2	4

Source: Federal Justice Statistics Program: PSA data, Pretrial Services Cases Commenced, annual, 1999-2008

## **Tribal Youth PSA Methodology**

### **Dataset Construction**

After consulting the Pretrial Services Agency documentation obtained through the FJSP at the Urban Institute, we identified variables that had information about either Indian Country offenses or juveniles. We used the agency's datasets acquired by the FJSP. These datasets were not subset in any way, but they did contain the FJSRC unique ID variable to facilitate linking with other agencies data. Only the datasets for cases commenced and cases closed were used in this analysis of pretrial data.

### **Analysis Variables**

#### **Indian Country Offenses**

We were not able to search for Indian Country offenses until 2006, when a variable that identified the title and section of the U.S. Code was added to the datasets. Indian Country offenses were identified as USC 18:1152 through 18:1170 and included both felony and misdemeanor charges. Unfortunately, only one statute was available per case, and our search did not yield useful information. Therefore we decided to use offenses committed by American Indian juveniles as a proxy for Indian Country offenses.

#### **Juveniles**

A juvenile is generally defined in this report as someone who committed an offense before the age of eighteen years. Since we did not have the offense date in the Pretrial Services data, we defined a juvenile as someone who was less than eighteen at arrest or at the initial hearing (only if the age at arrest was missing). Juveniles were also identified if the charged offense code was "juvenile delinquency" or if the name field of the defendant contained "juvenile." For years 2006 - 2008, two additional agency variables were available to determine juveniles: a juvenile flag variable, and the title and section of the charged offense (18:5032 equals juvenile delinquency). If any of these variables indicated that the defendant was a juvenile, then the defendant was flagged as a juvenile and used in the analysis.

To calculate the age at arrest we found the difference in years between the arrest date and date of birth. The arrest date was missing for some offenders, but nearly all offenders' have date of birth. In these cases we used the initial hearing date instead of the arrest date to calculate the age at initial hearing. The initial hearing date was nearly always present.

Using derived variables rather than agency variables to define juveniles presents a problem in that there is potential for misidentifying juveniles if either of the date variables is incorrect, especially if the created age variable is the only variable used to define a juvenile defendant.

#### **Race**

The PSA agency variable for race was used to identify American Indians and American Indian juveniles.

#### **Most Serious Charged Offense**

The PSA variable for most serious charged offense was used to define offense categories for cases commenced. The variable uses the AOUSC four-digit code for most serious offense. We converted this code to the Bureau of Justice Statistics offense classifications.

#### **Pretrial Release Decision**

To determine if a defendant was released or detained before case disposition, we used variables that recorded the outcome of two hearings: the initial hearing or appearance and the detention hearing. If the defendant was released at either of these hearings, we flagged the defendant as released and did the same when the defendant was detained. A defendant can be flagged as both released and detained if he is released at the initial hearing, commits a release violation and then is detained at the detention hearing.

### **Other Variables of Interest**

We used the PSA variables to determine the Federal judicial district of the case, the defendant's gender, race, ethnicity, citizenship status, education level, employment status at arrest, criminal history, history of drug abuse, case disposition and behavior upon released under Pretrial supervision.

## Juvenile Defendants in Cases Filed in U.S. District Court (EOUSA)

### OVERVIEW

Our analysis of federal prosecution data from the Executive Office for U.S. Attorneys identified 2,069 juvenile defendants in cases filed in U.S. district court between FY1999 and FY2008, which comprised a very small percentage (0.2%) of all defendants in cases filed in U.S. district court (N=878,158) over this ten-year period. A total of 990 (or 48%) of these juvenile defendants had committed a crime in Indian Country. On average, there were 206 juvenile defendants and 99 Indian Country juvenile defendants in cases filed in U.S. district court per year over this ten-year period, although both of these groups experienced net decreases during those years. The number of juvenile defendants in cases filed overall decreased from 254 in 1999 to 152 in 2008 (a 40% reduction). The number of Indian Country juvenile defendants in cases filed decreased by 50%, from 139 in 1999 to 70 in 2008, while the number of non-Indian Country juvenile defendants decreased by 29%, from 115 to 82. (Table D1).

Of the 1,920 juvenile defendants in cases terminated in U.S. district court over this 10-year period, 60% were found guilty, most through a guilty plea, while 39% had their case dismissed and less than 1% were found not guilty at trial (Table D5). There were a total of 944 Indian Country juvenile defendants in cases terminated in U.S. district court (comprising 49% of the 1,920 juvenile defendants in case terminated). About 65% of these Indian Country juvenile defendants were convicted (or adjudicated<sup>1</sup>), mostly through a guilty plea (61%) although a small percentage were found guilty at trial, while 35% were not convicted, either because their case was dismissed or because they were found not guilty at trial (Table D11).

**Table D1. Defendants in Cases Filed in U.S. District Court, by Juvenile and Indian Country Status**

	Total	Year Case Filed in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Juveniles</b>	<b>2,069</b>	<b>254</b>	<b>242</b>	<b>165</b>	<b>182</b>	<b>272</b>	<b>228</b>	<b>220</b>	<b>179</b>	<b>175</b>	<b>152</b>
<i>Indian Country</i>	990	139	114	87	102	108	105	103	85	77	70
<i>Non-IC</i>	1,079	115	128	78	80	164	123	117	94	98	82
Adults	876,089	79,777	83,009	82,449	87,545	91,813	92,417	91,358	87,471	88,567	91,683
Total (All Suspects)	878,158	80,031	83,251	82,614	87,727	92,085	92,645	91,578	87,650	88,742	91,835

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed, annual, 1999-2008

<sup>1</sup> The EOUSA case disposition outcome variable does not distinguish between conviction (for juveniles prosecuted as adults) and adjudication (for juveniles processed as delinquents). The EOUSA case disposition variable only contains a set of general disposition codes for all offenders that applied to both types of juveniles (those prosecuted as adults and those prosecuted as juvenile delinquents). Therefore, due to these data limitations we are not able to definitively determine the number of juveniles who were convicted as adults versus the number of juveniles who were adjudged guilty as juvenile delinquents. For the balance of this section, including the data tables, the term “convicted” should be interpreted to include both juveniles prosecuted as adults who were convicted and juveniles processed as juvenile delinquents who were adjudicated guilty.

This chapter is divided into two sections: the first provides descriptive statistics for all juvenile defendants in cases filed in U.S. district court, while the second focuses on Indian Country juvenile defendants in cases filed in U.S. district court.

## JUVENILES

### Identification of Juvenile Defendants in Cases Filed in U.S. District Court

We used several different criterion variables in the EOUSA LIONS database to identify juveniles<sup>2</sup>. If any of the following conditions were met, we identified the defendant as a juvenile:

- If the participant role in the offense was coded as ‘DJ’ (Juvenile Defendant);
- If the name fields (first\_name and last\_name) contained the strings ‘JUVENILE’, ‘JUV’, ‘(A JUV’, or ‘JUV’;
- If the lead charge (or any supplemental charge) was 18 USC § 5032 (the juvenile delinquency statute);
- If the disposition variable was coded as GD (Adjudged Juvenile Delinquent);
- If the disposition reason variable was coded as JUVN (Juvenile Suspect/Delinquent).

### Analysis of Juvenile Defendants in Cases Filed in U.S. District Court

There were a total of 2,069 juvenile defendants in cases filed in U.S. district court between 1999 and 2008. However, the annual number of juvenile defendants in cases filed decreased by 40% during this ten-year period, from 254 to 152 juvenile defendants, with an annual average of 206 juvenile defendants per year.

#### *Delinquency Status*

Of the 2,069 juvenile defendants in cases filed in U.S. district court between 1999 and 2008, the data suggest that 698 of them (34%) were processed as juvenile delinquents. The annual number of juvenile delinquents in cases filed, which averaged 70 per year, decreased from 102 to 54 over the 1999-2008 period, while the share of juveniles classified as juvenile delinquents averaged 34% but fluctuated between 25% and 41% over the period (Table D2). As noted in the text, these figures should be viewed with caution, as they are likely to underestimate the portion of juveniles adjudicated delinquent (see BOP analysis.)

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<sup>2</sup> This methodology for identifying juveniles was discussed with EOUSA staff at a meeting with the research team.

**Table D2. Number of Defendants in Cases Filed in U.S. District Court, by Delinquency Status**

	Total	Year Case Filed in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Juveniles</b>	<b>2,069</b>	<b>254</b>	<b>242</b>	<b>165</b>	<b>182</b>	<b>272</b>	<b>228</b>	<b>220</b>	<b>179</b>	<b>175</b>	<b>152</b>
Juvenile delinquent	698	102	99	67	63	103	57	50	52	51	54
Not Juvenile delinquent	1,371	152	143	98	119	169	171	170	127	124	98

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed, annual, 1999-2008

### *Most Serious Offense at Case Filing*

The most common filing offense for juveniles in cases filed federally were violent offenses (32%) and drug offenses (21%), followed by public order (15%), immigration (14%), property (9%) and weapons offenses (5%). Of the violent offenses, sexual abuse and assault were the most common (each comprising 34% of all violent offenses in an average year), followed by murder (24%) and robbery (7%). Traffic offenses (including DUI) comprised the largest share of public-order offense (48%) over the ten-year period (Table D3).

**Table D3. Juvenile Defendants in Cases Filed in U.S. District Court, by Lead Charge**

Lead Charge	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	672	84	58	66	77	57	82	76	69	56	47
Murder	158	28	16	13	19	15	13	15	15	13	11
Assault	231	27	17	35	25	11	32	25	27	20	12
Robbery	48	12	2	5	4	5	6	5	3	4	2
Sexual abuse	231	17	21	12	28	26	31	31	24	19	22
Property offense	192	34	16	10	12	39	13	14	12	21	21
Drug	441	42	58	22	26	70	59	63	39	35	27
Public-order offenses	391	64	61	40	38	64	26	27	28	20	23
Racketeering	15	2	1	2	2	1	3	1	1	1	1
Non-violent sex	6	1	0	2	0	1	0	0	1	0	1
Environmental	77	13	22	6	12	2	5	6	2	5	4
Traffic offenses	188	23	21	23	18	41	16	11	14	13	8
Weapon offenses	94	6	8	5	6	12	17	9	6	15	10
Immigration offenses	263	23	37	19	21	29	29	31	23	27	24
Other offenses	16	1	4	3	2	1	2	0	2	1	0
<b>Total (All Offenses)</b>	<b>2,069</b>	<b>254</b>	<b>242</b>	<b>165</b>	<b>182</b>	<b>272</b>	<b>228</b>	<b>220</b>	<b>179</b>	<b>175</b>	<b>152</b>

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed, annual, 1999-2008

*Judicial District*

Nearly 80% of all juvenile defendants in cases filed in U.S. district court occurred in just 6 federal judicial districts (Arizona, South Dakota, New Mexico, Montana, North Dakota, and California-Southern) each year, consistently over the 1999-2008 period (Table D4). The judicial districts accounting for the largest share of juvenile defendants in cases filed during the period included Arizona (28%), New Mexico (16%), South Dakota (13%) and Montana (12%).

**Table D4. Juvenile Defendants in Cases Filed in U.S. District Court, by Judicial District**

Judicial District	Total	Year Case Filed in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>2,069</b>	<b>254</b>	<b>242</b>	<b>165</b>	<b>182</b>	<b>272</b>	<b>228</b>	<b>220</b>	<b>179</b>	<b>175</b>	<b>152</b>
Arizona	584	71	90	41	56	70	63	73	51	41	28
California-Southern	106	19	18	6	10	5	6	16	11	12	3
Montana	255	34	33	17	25	24	21	26	26	25	24
New Mexico	335	26	26	14	19	67	53	37	29	36	28
North Dakota	108	14	19	12	15	10	11	4	5	5	13
South Dakota	265	28	17	33	26	24	36	34	22	27	18
Other districts	416	62	39	42	31	72	38	30	35	29	38

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed, annual, 1999-2008

**Disposition of Juveniles Defendants in Cases Terminated in U.S. District Court**

From 1999-2008, there were a total of 1,920 juvenile defendants in cases terminated in U.S. district court. About 85% of these juvenile defendants were convicted (or adjudicated), mostly through guilty plea but a small percentage (5% overall) were also found guilty at trial, and 15% were not convicted, either because their case was dismissed (15%) or because they were found not guilty at trial (less than 1% of all cases). However, the annual percentage of juvenile defendants who were found guilty increased during the period from 79% in 1999 to 94% by 2008 (Table D5).

**Table D5. Disposition of Juvenile Defendants in Cases Terminated in U.S. District Court**

Case Disposition	Total	Year Case Terminated in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total (N)</b>	<b>1,920</b>	<b>152</b>	<b>257</b>	<b>184</b>	<b>135</b>	<b>237</b>	<b>239</b>	<b>229</b>	<b>176</b>	<b>162</b>	<b>149</b>
<b>Convicted (%)</b>	<b>85%</b>	<b>79%</b>	<b>78%</b>	<b>81%</b>	<b>76%</b>	<b>83%</b>	<b>89%</b>	<b>90%</b>	<b>88%</b>	<b>86%</b>	<b>94%</b>
Guilty at trial	5%	12%	5%	3%	1%	3%	3%	5%	2%	7%	4%
Guilty plea	80%	67%	73%	78%	75%	80%	86%	85%	86%	80%	90%
<b>Not Convicted (%)</b>	<b>15%</b>	<b>21%</b>	<b>22%</b>	<b>19%</b>	<b>24%</b>	<b>17%</b>	<b>11%</b>	<b>10%</b>	<b>12%</b>	<b>14%</b>	<b>6%</b>
Dismissed	15%	20%	22%	19%	22%	16%	11%	10%	12%	13%	6%
Not guilty at trial	0%	1%	1%	0%	2%	1%	0%	0%	0%	1%	0%

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Terminated, annual, 1999-2008

## Juveniles Defendants Sentenced in U.S. District Court

Our analysis of Executive Office for U.S. Attorneys data indicates that 1,487 juvenile defendants (819 Indian Country juvenile and 668 non-IC juvenile defendants) were sentenced in U.S. district court between 1999 and 2008. Of all juvenile defendants sentenced, 504 (or 34%) were sentenced to BOP custody with an average sentence of 36 months, and 983 (or 66%) were sentenced to probation with an average sentence of 37 months (Table D6).

Of the 819 Indian Country juvenile defendants sentenced, 33% were sentenced to BOP custody with an average sentenced of 39 months, and 67% were sentenced to probation with an average probation sentence of 39 months.

Of the 668 non-IC juvenile defendants sentenced, 35% were sentenced to BOP custody with an average sentenced of 34 months, and 65% were sentenced to probation with an average probation sentence of 34 months.

**Table D6. Juvenile Defendants Convicted and Sentenced in U.S. District Court**

	Year Case Sentenced in U.S. District Court										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>All Juveniles Sentenced (Total)</b>	<b>1,487</b>	<b>120</b>	<b>205</b>	<b>140</b>	<b>99</b>	<b>170</b>	<b>186</b>	<b>189</b>	<b>130</b>	<b>132</b>	<b>116</b>
<b>Juveniles Sentenced to BOP Custody</b>	504	33	58	41	34	59	72	66	48	55	38
<i>Average Prison Sentence (months)</i>	36.4	36.03	35.9	48.1	25.8	37.1	58.1	24.8	34.2	30.1	25.3
<b>Juveniles Sentenced to Probation</b>	983	87	147	99	65	111	114	123	82	77	78
<i>Average Probation Sentence (months)</i>	36.6	38.2	37.2	35.1	36.7	40.0	36.7	36.4	34.5	33.8	35.7
<b>IC Juveniles Sentenced (Total)</b>	<b>819</b>	<b>68</b>	<b>106</b>	<b>91</b>	<b>65</b>	<b>81</b>	<b>103</b>	<b>94</b>	<b>82</b>	<b>67</b>	<b>62</b>
<b>IC Juveniles Sentenced to BOP Custody</b>	268	22	22	28	18	27	42	30	31	31	17
<i>Average Prison Sentence (months)</i>	38.5	43.2	31.6	48.7	32.8	50.9	32.2	35.3	41.2	33.6	35.4
<b>IC Juveniles Sentenced to Probation</b>	551	46	84	63	47	54	61	64	51	36	45
<i>Average Probation Sentence (months)</i>	38.6	36.7	40.2	35.3	38.0	41.8	38.9	40.4	37.6	40.0	37.2
<b>Non-IC Juveniles Sentenced (Total)</b>	<b>668</b>	<b>52</b>	<b>99</b>	<b>49</b>	<b>34</b>	<b>89</b>	<b>83</b>	<b>95</b>	<b>48</b>	<b>65</b>	<b>54</b>
<b>Non-IC Juveniles Sentenced to BOP</b>	236	11	36	13	16	32	30	36	17	24	21
<i>Average Prison Sentence (months)</i>	34.2	21.7	38.6	46.9	17.9	24.5	94.3	16.2	21.4	25.3	17.1
<b>Non-IC Juveniles Sentenced to Probation</b>	432	41	63	36	18	57	53	59	31	41	33
<i>Average Probation Sentence (months)</i>	34.0	39.9	33.2	34.6	33.4	38.2	34.2	32.1	29.5	29.2	33.7

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Terminated, annual, 1999-2008

## INDIAN COUNTRY JUVENILES

### Identification of Indian Country Juvenile Defendants in Cases Filed in U.S. District Court

In order to identify Indian Country in the EOUSA LIONS database, we used several criteria. If any of the following conditions were met, we identified the suspect as an Indian Country juvenile:

- If the PROGRAM CATEGORY was coded as “065” or “092”
- If the AGENCY variable was coded as “INIA” or “HHPI”;
- If LEAD CHARGE (or any supplemental charge) took values ranging from 18 USC § 1152-1170 (the statutes for crimes in Indian Country);
- If the TRIBE or RESERVATION fields were populated.

### Analysis of Indian Country Juvenile Defendants in Cases Filed in U.S. District Court

There were a total of 990 Indian Country defendants in cases filed in U.S. district court between 1999 and 2008, comprising 48% of all juvenile defendants in cases filed during this period. The annual number of Indian Country juvenile defendants in cases filed in U.S. district court decreased by 50% during this ten-year period, decreasing steadily each year from 139 in 1999 to 70 juvenile suspects in 2008.

#### *Delinquency Status*

Of the 990 Indian Country juvenile defendants in cases filed in U.S. district court, 295 (30%) were processed in federal court as juvenile delinquents. The average annual number of Indian Country juvenile delinquents in cases filed over the 1999-2008 period was 30, ranging from a low of 12 (12% of all Indian Country juveniles) in 2005 to a high of 43 (31% of all Indian Country juveniles in cases filed) in 2008 (Table D7).

**Table D7. Number of Indian Country Juvenile Defendants in Cases Filed in U.S. District Court, By Delinquency Status**

	Total	Year Criminal Matter Received by U.S. Attorneys									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Juveniles</b>	<b>990</b>	<b>139</b>	<b>114</b>	<b>87</b>	<b>102</b>	<b>108</b>	<b>105</b>	<b>103</b>	<b>85</b>	<b>77</b>	<b>70</b>
Juvenile delinquent	295	43	40	28	45	30	19	12	14	25	39
Not Juvenile delinquent	695	96	74	59	57	78	86	91	71	52	31

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

*Most Serious Offense at Case Filing*

Over the 1999-2008 period, the majority (60%) of Indian Country juvenile defendants in cases filed in U.S. district had as their most serious filing charge an offense involving violence (though the annual share of offenses that were violent varied from 46% to 73%). Among violent offenses, the most common charges were for sexual abuse or assault (each comprised 35% of all violent offenses, on average over the period) while murder accounted for 26% of violent offenses per year, on average (Table D8).

The next most common filing charge involved public-order offenses (including traffic offenses such as DUI and environmental offenses) which accounted for 17% of all offenses, followed by property offenses which comprised 12% of all offenses. Weapons offenses and drug offenses accounted for minimal shares (3% and 1%, respectively) of the offenses charged over the period, and there were no Indian Country juveniles with a lead charge associated with immigration violations (Table D8). It should be noted that the offense distribution for Indian Country juveniles (60% Violent; 1% Drug; 1% Public Order; 0% Immigration; 12% Property; 3% Weapons) differs substantially from that of juveniles in general (32% Violent; 21% Drug; 15% Public order; 15% Immigration, 14% Property; 5% weapon).

**Table D8. Indian Country Juvenile Defendants in Criminal Cases Filed in U.S. District Court, by Most Serious Offense**

Offense	Total	Year Criminal Case Filed in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Violent offenses</b>	598	65	53	58	63	53	77	74	61	50	44
Murder	155	26	16	13	18	15	13	15	15	13	11
Assault	208	26	16	31	19	11	30	24	23	16	12
Robbery	22	1	0	3	4	2	3	5	0	4	0
Sexual abuse	210	12	19	11	21	25	31	30	23	17	21
<b>Property offense</b>	123	22	9	6	9	26	11	11	6	13	10
Larceny	52	10	4	1	4	9	9	5	3	1	6
Arson & explosives	43	5	4	5	2	14	0	0	3	8	2
<b>Drug</b>	11	1	2	0	0	0	1	1	1	5	0
<b>Public-order offenses</b>	217	45	43	18	28	22	10	15	16	6	14
Transportation	72	19	13	4	5	9	0	7	9	0	6
Environmental	68	12	20	6	10	2	5	4	1	4	4
Traffic offenses	60	10	7	6	10	11	5	3	5	2	1
<b>Weapon offenses</b>	30	5	4	2	2	6	4	2	1	2	2
<b>Immigration offenses</b>	0										
<b>Other offenses</b>	11	1	3	3	0	1	2	0	0	1	0
<b>Total (All Offenses)</b>	<b>990</b>	<b>139</b>	<b>114</b>	<b>87</b>	<b>102</b>	<b>108</b>	<b>105</b>	<b>103</b>	<b>85</b>	<b>77</b>	<b>70</b>

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

*Judicial District*

Over 90% of all Indian Country juvenile defendants in cases filed in U.S. district court in the United States occurred in just 5 federal judicial districts (South Dakota, Arizona, Montana, New Mexico, and North Dakota) over the ten-year period from 1999-2008 (Table D8). South Dakota (25%) accounted for the largest share of Indian Country juvenile defendants in cases filed during this period, followed by Montana (22%), Arizona (19%), and North Dakota (11%).

**Table D9. Indian Country Juvenile Defendants in Criminal Cases Filed in U.S. District Court, by Judicial District**

Judicial District	Total	Year Case Filed in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	990	139	114	87	102	108	105	103	85	77	70
Arizona	186	29	28	15	22	22	15	19	13	15	8
Montana	217	33	32	15	22	20	12	24	25	16	18
North Dakota	106	13	19	12	15	9	11	4	5	5	13
New Mexico	141	20	13	5	8	22	25	19	11	10	8
South Dakota	249	28	15	26	25	22	36	31	22	26	18
Other districts	91	16	7	14	10	13	6	6	9	5	5

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

*Tribe*

The EOUSA data contains information on the tribal land/reservation where the criminal offense occurred. In Table D10 we present the number of juvenile defendants in federal cases filed by the tribe/reservation where the offense occurred. The Navajo Nation of Arizona (AZNN) was the tribe with the largest number of juvenile defendants, accounting for 17% of the total number of Indian Country juvenile defendants in cases filed in federal district court, followed by the Navajo Nation of New Mexico (NMNN) with 12%, SDRS (10%), the Tohono Oodham Nation (AZTO) (7%), and San Carlos Apache (ZZ%) with 6%.

**Table D10. Distribution of Indian Country Juvenile Defendants, by Tribe/Reservation where the Criminal Offense Occurred (Arizona district)**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AZCR	0	1	1	0	0	1	0	0	0	0
AZFD	0	0	0	0	0	0	0	0	0	0
AZGR	0	0	2	0	0	2	7	2	2	0
AZHI	0	0	0	0	0	0	0	0	1	0
AZHT	0	0	0	0	1	0	0	0	0	0
AZKB	0	0	0	0	0	0	0	0	0	0
AZMA	0	0	0	0	0	0	0	0	0	0
AZNN	4	8	13	6	15	10	4	7	7	2
AZPY	0	0	0	0	0	0	0	1	0	0
AZSC	6	8	2	3	1	3	2	2	0	0
AZSR	0	1	2	0	1	2	0	2	0	0
AZTA	0	0	0	0	0	0	0	0	0	0
AZTO	3	3	1	1	2	6	4	1	5	5
AZVT	1	0	0	0	0	0	0	0	1	0
AZWM	0	0	1	1	0	0	0	2	1	0
AZYP	0	0	0	0	0	0	0	0	0	0
MIBM	0	0	0	0	0	0	0	0	0	1
MISC	0	0	1	0	0	0	0	0	0	0
MNRL	2	6	9	1	2	0	0	0	0	0
MTAS	1	4	4	3	1	0	0	0	0	0
MTCT	0	2	3	1	0	0	0	0	0	0
MTNC	0	3	0	0	3	0	0	0	0	0
NDDL	0	0	0	0	0	1	0	0	1	1

Tribal Youth Data Analysis – Appendix D: Prosecution and Adjudication Stage

NDSR	0	0	0	0	0	0	0	0	2	0
NDTA	0	0	0	0	0	0	0	0	1	0
NDTM	0	0	0	0	0	0	0	0	0	1
NMJA	0	0	0	0	0	0	0	2	1	0
NMMA	1	1	0	0	2	0	0	0	0	0
NMNN	3	3	1	2	3	16	10	7	5	4
NMPA	0	0	0	0	0	0	1	1	1	0
NMPB	0	0	0	0	0	0	1	0	0	0
NMPC	0	0	0	0	0	0	0	0	1	0
NMPD	0	0	0	0	0	4	4	1	0	2
NMPE	0	0	0	0	0	0	0	0	0	0
NMPF	0	0	0	0	0	3	0	2	0	0
NMPH	0	0	0	0	0	0	0	0	0	0
NMPJ	0	0	0	0	0	0	1	0	0	0
NMPL	0	0	0	0	2	1	3	1	0	2
NMPP	1	0	0	0	0	0	0	0	0	0
NMPT	0	0	3	0	0	0	0	1	0	0
NMPZ	0	0	0	0	1	0	0	0	0	0
NMZT	1	4	0	0	0	2	1	0	2	2
OKCM	0	0	0	0	0	0	0	0	0	0
OKKI	0	0	0	0	0	0	0	0	0	0
OKPT	0	0	0	1	0	0	0	0	0	0
OKSF	0	0	0	0	0	0	0	0	0	0
OKWA	0	0	0	0	0	0	0	0	0	0
ORWS	0	0	0	0	0	1	0	0	0	0

SDCC	1	1	2	1	0	1	0	2	1	0
SDCR	2	2	0	7	4	0	1	0	4	0
SDFS	0	0	0	0	0	1	0	1	0	0
SDLB	0	1	1	1	0	1	0	0	0	2
SDOS	1	0	0	0	0	0	0	0	0	1
SDRS	4	8	5	4	3	4	5	3	5	3
SDSR	3	0	0	0	0	2	1	1	1	1
SDSW	0	0	0	0	0	0	7	0	0	0
SDYS	5	0	1	1	2	2	1	0	0	0
WACV	0	0	0	0	0	0	0	0	0	0
WYAT	0	0	0	0	0	0	0	0	0	1

### Disposition of Indian Country Juveniles Defendants in Cases Terminated in U.S. District Court

From 1999-2008, there were a total of 944 Indian Country juvenile defendants in cases terminated in U.S. district court. About 89% of these juvenile defendants were convicted (or adjudicated), mostly through guilty plea (84%) but a small percentage (6% overall) were also found guilty at trial, while nearly 11% were not convicted, either because their case was dismissed or because they were found not guilty at trial (though less than 1% were found not guilty at trial). However, the annual percentage of juvenile defendants who were found guilty fluctuated throughout the period, from a high of 95% in 1999 and a low of 79% in 2000 (Table D11).

**Table D11. Disposition of Indian Country Juvenile Defendants in Cases Terminated in U.S. District Court**

Case Disposition	Total	Year Case Terminated in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total (N)</b>	<b>944</b>	<b>74</b>	<b>126</b>	<b>103</b>	<b>77</b>	<b>99</b>	<b>119</b>	<b>106</b>	<b>97</b>	<b>76</b>	<b>67</b>
<b>Convicted (%)</b>	<b>89%</b>	<b>95%</b>	<b>79%</b>	<b>88%</b>	<b>82%</b>	<b>91%</b>	<b>92%</b>	<b>94%</b>	<b>91%</b>	<b>91%</b>	<b>91%</b>
Guilty at trial	6%	12%	8%	4%	2%	4%	1%	8%	4%	7%	3%
Guilty plea	84%	83%	72%	84%	80%	86%	91%	85%	87%	84%	88%
<b>Not Convicted (%)</b>	<b>11%</b>	<b>5%</b>	<b>21%</b>	<b>12%</b>	<b>18%</b>	<b>9%</b>	<b>8%</b>	<b>6%</b>	<b>9%</b>	<b>9%</b>	<b>9%</b>
Dismissed	11%	5%	21%	12%	14%	9%	8%	6%	10%	9%	9%
Not guilty at trial	0%	0%	0%	0%	5%	0%	0%	0%	0%	0%	0%

Source: Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Terminated, annual, 1999-2008

*Most Serious Offense at Case Filing*

Over the 1999-2008 period, drug offenses (40%) were the most common type of filing offense for non-Indian Country juvenile defendants in cases filed in U.S. district. The next most common filing charges involved immigration offenses (24%), followed by public-order offenses (16%). Traffic offenses comprised 74% of all public-order offenses (Table D13)

**Table D13. Non-Indian Country Juvenile Defendants in Criminal Cases Filed in U.S. District Court, by Most Serious Offense**

Offense	Total	Year Criminal Case Filed in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Violent offenses</b>	74	19	5	8	14	4	5	2	8	6	3
Robbery	26	11	2	2	0	3	3	0	3	0	2
<b>Property offense</b>	69	12	7	4	3	13	2	3	6	8	11
Fraud	17	1	2	3	1	5	0	2	1	2	0
Arson & explosives	13	2	2	0	1	4	1	0	1	2	0
<b>Drug</b>	430	41	56	22	26	70	58	62	38	30	27
<b>Public-order offenses</b>	174	19	18	22	10	42	16	12	12	14	9
Traffic offenses	128	13	14	17	8	30	11	8	9	11	7
<b>Weapon offenses</b>	64	1	4	3	4	6	13	7	5	13	8
<b>Immigration offenses</b>	263	23	37	19	21	29	29	31	23	27	24
<b>Other offenses</b>	5	0	1	0	2	0	0	0	2	0	0
<b>Total (All Offenses)</b>	<b>1,079</b>	<b>115</b>	<b>128</b>	<b>78</b>	<b>80</b>	<b>164</b>	<b>123</b>	<b>117</b>	<b>94</b>	<b>98</b>	<b>82</b>

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

*Judicial District*

Over 705 of all Non-Indian Country juvenile defendants in cases filed in U.S. district court in the United States occurred in just 5 federal judicial districts (Arizona, New Mexico, California-Southern, Montana and Texas-Western) over the ten-year period from 1999-2008 (Table D14). Arizona (37%) accounted for the largest share of non-Indian Country juvenile defendants in cases filed during this period, followed by New Mexico (18%), and California-Southern (10%).

**Table D14. Non-Indian Country Juvenile Defendants in Criminal Cases Filed in U.S. District Court, by Judicial District**

Judicial District	Total	Year Case Filed in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	1079	115	128	78	80	164	123	117	94	98	82
Arizona	398	42	62	26	34	48	48	54	38	26	20
New Mexico	194	6	13	9	11	45	28	18	18	26	20
California-Southern	106	19	18	6	10	5	6	16	11	12	3
Montana	38	1	1	2	3	4	9	2	1	9	6
Texas-Western	30	2	2	2	0	2	8	3	3	4	4
Other districts	313	45	32	33	22	60	24	24	23	21	29

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

### Disposition of Non-Indian Country Juveniles Defendants in Cases Terminated in U.S. District Court

From 1999-2008, there were a total of 976 non-Indian Country juvenile defendants in cases terminated in U.S. district court. About 80% of these non-IC juvenile defendants were convicted (or adjudicated), mostly through guilty plea (76%) but a small percentage (4% overall) were also found guilty at trial, while nearly 20% were not convicted, either because their case was dismissed or because they were found not guilty at trial (though only 1% were found not guilty at trial). However, the annual percentage of juvenile defendants who were found guilty increased from 58% in 1999 to 89% in 2008 (Table D15).

**Table D15. Disposition of Non-Indian Country Juvenile Defendants in Cases Terminated in U.S. District Court**

Case Disposition	Total	Year Case Terminated in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total (N)</b>	<b>976</b>	<b>78</b>	<b>131</b>	<b>81</b>	<b>58</b>	<b>138</b>	<b>120</b>	<b>123</b>	<b>79</b>	<b>86</b>	<b>82</b>
<b>Convicted (%)</b>	<b>80%</b>	<b>58%</b>	<b>77%</b>	<b>70%</b>	<b>72%</b>	<b>78%</b>	<b>85%</b>	<b>85%</b>	<b>85%</b>	<b>83%</b>	<b>95%</b>
Guilty at trial	4%	13%	3%	0%	0%	6%	5%	2%	0%	6%	5%
Guilty plea	76%	45%	74%	70%	72%	72%	80%	83%	85%	77%	91%
<b>Not Convicted (%)</b>	<b>20%</b>	<b>42%</b>	<b>23%</b>	<b>30%</b>	<b>28%</b>	<b>22%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>17%</b>	<b>5%</b>
Dismissed	19%	39%	22%	30%	28%	21%	15%	15%	10%	15%	5%
Not guilty at trial	1%	3%	1%	0%	0%	1%	0%	0%	0%	2%	0%

**Source:** Federal Justice Statistics Program: EOUSA LIONS data, Defendants in Cases Terminated, annual, 1999-2008

## Adjudication (AOUSC Defendants in Cases Filed in U.S. District Court)

### OVERVIEW

Based on our examination of information available in the AOUSC criminal master data file, we identified 2,174 juvenile defendants in cases filed in U.S. district court between FY1999 and FY2008, a number which comprised a very small percentage (0.25%) of all defendants in cases filed in U.S. district court over this ten-year period. According to AOUSC data, the annual number of juvenile defendants in cases filed decreased<sup>1</sup> by 64% from 348 in FY1999 to 124 in FY2008 (Table E1).

**Table E1. Defendants in Cases Filed in U.S. District Court, by Juvenile Status**

	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Juveniles	2,174	348	316	252	209	245	191	199	138	152	124
Adults	881,863	80,389	83,595	82,949	88,088	92,420	93,105	91,973	88,029	89,116	92,199
<b>Total (All Suspects)</b>	<b>884,037</b>	<b>80,737</b>	<b>83,911</b>	<b>83,201</b>	<b>88,297</b>	<b>92,665</b>	<b>93,296</b>	<b>92,172</b>	<b>88,167</b>	<b>89,268</b>	<b>92,323</b>

**Source:** Federal Justice Statistics Program: AOUSC criminal master file, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

This section presents descriptive statistics for all juvenile defendants in cases filed in U.S. district court only; the AOUSC data do not permit the accurate identification of Indian Country juveniles.

### JUVENILES

#### Identification of Juvenile Defendants in Cases Filed in U.S. District Court

We used several different criterion variables in the AOUSC criminal master file database to identify juvenile delinquents and juveniles charged as adults<sup>2</sup>. If any of the following conditions were met, we identified the defendant record as a juvenile:

- If any of the five filing (FLINDEX1-5) or terminating charges (TRINDEX1-5) recorded in the AOUSC database were the juvenile delinquency statute (18 USC § 5032), we classified the defendant as a juvenile delinquent;
- If the proceeding code (PROC\_CD) variable was coded as '9' (juvenile proceeding) the record was identified as a juvenile delinquent record;

<sup>1</sup>Due to changes in AOUSC data reporting and data entry practices after 2002 (described in more detail in footnote 3), we must caution that we have less confidence in the number of juvenile defendants that we could identify in the AOUSC data for years 2003-2008. It is possible that a certain proportion of the decrease in the number of juvenile defendants that we observe/report over the ten-year period may be attributable to the revised data entry procedures implemented by the AOUSC in 2003 that precluded us from identifying some juvenile records during the 2003-2008 period.

<sup>2</sup> This methodology for identifying juveniles in the AOUSC data was discussed with an AOUSC staff member during a conference call with the research team.

- Juveniles charged as adults were identified as any defendant-cases not flagged as juvenile delinquents as defined above, but which either had text in the name field containing the strings “JUVENILE” or “(JUV)”, or else had an age of less than 18 at the time the case was filed<sup>3</sup>.

## Analysis of Juvenile Defendants in Cases Filed in U.S. District Court

### *Delinquency Status*

Of the 2,147 juvenile defendants in cases filed in U.S. district court between 1999 and 2008 that we identified in the AOUSC, 1,917 of them (90%) were classified as juvenile delinquents. The annual number of juvenile delinquents in cases filed averaged 197 per year but decreased by 57% from 287 to 123 over the 1999-2008 period. The annual number of juveniles charged as adults decreased from 61 in 1999 to 20 in 2003 (a 68% reduction), before decreasing dramatically to 3 in 2004 and remaining at a very low level<sup>4</sup> every year through 2008.

**Table E2. Defendants in Cases Filed in U.S. District Court, by Delinquency Status**

	Year Case Filed in U.S. District Court										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Juveniles	2,174	348	316	252	209	245	191	199	138	152	124
Juvenile Delinquents	1,971	287	275	206	194	225	188	192	135	146	123
Charged as Adults	203	61	41	46	15	20	3	7	3	6	1

**Source:** Federal Justice Statistics Program: AOUSC criminal master file, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

<sup>3</sup> It should be noted that using the name field to define juveniles became problematic starting with 2003 data, as the AOUSC changed its practice of recording the text “JUVENILE” or “(JUV)” for juveniles and instead entered the text “SEALED DEFENDANT” for juveniles, yet not all sealed cases involved juveniles. According to our interviews with AOUSC staff, in recent years some judges have become reluctant to report such (juvenile) cases at all in the data, thus introducing an additional challenge for trying to identify juveniles in the AOUSC data after 2002. We were also advised by AOUSC staff that a proceeding code (PROC\_CD) value of “-“ (Transfer (Rule 20A, Juvenile)) should not be used to identify juveniles transferred to adult status, so we did not. Given all of the challenges with recent AOUSC data described above, we must caution that we have less confidence about the number of juvenile defendants tried as adults that we could identify and report using the AOUSC data for years 2003-2008.

<sup>4</sup> As already indicated in footnotes 1 and 3, we must caution that changes in data entry practices at AOUSC that were introduced with the 2003 data cause us to have low confidence our estimation the number juveniles processed as adults that we can identify in the 2003-2008 period. Thus, much of what we observe as a dramatic decrease in the number of juveniles handled as adults between 2002-2003 likely reflects changes in AOUSC data recording practices as opposed to any real changes in the numbers. This fact must also be considered when evaluating the decreases in the number of juvenile defendants overall, though in the earlier (1999-2002) period, only 16% of all juvenile defendants identified were juveniles charged as adults. Thus, a very rough estimate would be that the decreases in the number of juveniles observed in the 10-year period are overstated by about 16%. The lion’s share of the number of juveniles identified are juvenile delinquents, the recording of which did not change in the AOUSC database over the period.

*Most Serious Offense*

The most common most serious offense at case filing for juvenile defendants in U.S. district court were for violent offenses (24%), drug offenses (20%), property (16%), public order (14%), immigration offenses (9%), and weapons offenses (3%).

**Table E3. Defendants in Cases Filed in U.S. District Court, by Most Serious Offense**

Lead Charge	Total	Year Case Filed in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	505	91	58	55	56	42	43	48	40	40	32
Property offense	353	71	75	52	37	31	24	19	7	11	26
Drug offenses	430	57	64	21	33	59	49	55	38	35	19
Public-order offenses	308	16	33	26	17	18	54	42	33	38	31
Weapon offenses	67	8	9	5	5	6	5	8	10	7	4
Immigration offenses	183	19	30	10	12	21	20	23	13	16	19
Other offenses	295	86	52	52	54	51	0	0	0	0	0
<b>Total (All Offenses)</b>	<b>2,141</b>	<b>348</b>	<b>321</b>	<b>221</b>	<b>214</b>	<b>228</b>	<b>195</b>	<b>195</b>	<b>141</b>	<b>147</b>	<b>131</b>

**Source:** Federal Justice Statistics Program: AOUSC criminal master file, Defendants in Cases Filed in U.S. District Court, annual, 1999-2008

## Sentencing (United States Sentencing Commission)

### OVERVIEW

Our examination of United States Sentencing Commission data led to an estimate of 3,437 youth<sup>1</sup> sentenced as adults<sup>2</sup> pursuant to the Sentencing Reform Act in U.S. District Court from 1999 to 2008, comprising a very small percentage (0.5%) of all defendants sentenced in federal court during that 10-year span.

A total of just 75 of these juveniles (2% of all juveniles sentence as adults) were found to be Indian Country (IC) juveniles, using the IC statutes and not the race variable. On average, there were 344 juveniles and 7 IC juveniles per year over this ten-year period, but both of these groups experienced significant decreases during those years. The number of juveniles sentenced as adults remained fairly steady throughout the period generally staying in the 340-370 range most years, while the number of IC juveniles sentenced as adults also remained constant at around 7-8 per year. (Table F1).

**Table F1. Juvenile Offenders Sentenced as Adults in U.S. District Court, by Juvenile and Indian Country Status**

	Total	Year Sentenced Pursuant to the Sentencing Reform Act									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Juveniles	3,437	346	343	371	337	395	330	279	304	363	369
<i>Indian Country*</i>	75	6	8	10	6	6	7	11	9	5	7
<i>Non-IC</i>	3,437	346	343	371	337	395	330	279	304	363	369
Adults	668,845	55,211	58,503	58,426	64,029	69,863	69,738	72,183	72,281	72,502	76,109
<b>Total (All Offenders)</b>	<b>672,282</b>	<b>55,557</b>	<b>58,846</b>	<b>58,797</b>	<b>64,366</b>	<b>70,258</b>	<b>70,068</b>	<b>72,462</b>	<b>72,585</b>	<b>72,865</b>	<b>76,478</b>

**Source:** Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

This chapter is divided into two sections: the first provides descriptive statistics for all juvenile offenders sentenced, while the second provides descriptive statistics for IC juvenile offenders sentenced.

<sup>1</sup> Since there is no indicator variable for juveniles in the USSC data, we relied on age at sentencing and included all defendants age 18 and under. We recognize that this will likely overstate the number of juveniles sentenced as adults considerably (since some individuals who were age 18 at the time of sentencing may have also committed their offense at age 18, and thus would not be defined as juveniles), but as we are limited in how we can identify juveniles in this dataset, it is the best method available. Still, we will refer to this group of youth as “juveniles” hereafter.

<sup>2</sup> Since the federal sentencing guidelines do not apply to juvenile delinquents, all juveniles contained in the USSC data are juveniles who were convicted and sentenced as adults in U.S. district court.

## JUVENILES

### Identification of Juvenile Offenders Sentenced as Adults

The USSC data does not include a specific indicator variable to identify juveniles, nor does it record age at arrest, but it does record age at the time of sentencing. Therefore, our methodology used age at sentencing as a proxy to identify juveniles in the USSC data, selecting those who were age 18 or under at the time of sentencing to comprise our analytic cohort.

### Analysis of Juvenile Defendants Sentenced as Adults

We found a total of 3,437 juvenile between 1999 and 2008. The annual number of juvenile offenders sentenced as adults remained in the 330-370 range for most years during the 10-year period.

#### *Offense*

Drug offenses (46%) comprised the most common offense category for juveniles sentenced as adults in federal court, followed by immigration offenses (21%), property offenses (16%), violent offenses (6%), weapon offenses (6%), and public order offenses (4%). These distributions remained fairly consistent over the period (Table 2).

**Table F2. Juvenile Offenders Sentenced as Adults in Federal Court, by Adjudicated or Convicted Offense**

Offense	Total	Year Sentenced in Federal Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	223	32	30	37	27	18	18	18	15	15	13
Property offense	535	58	67	40	49	56	50	35	32	84	64
Drug offenses	1,569	170	161	205	184	189	152	120	111	147	130
Public-order offenses	152	11	17	14	17	33	12	8	12	11	17
Weapon offenses	212	18	22	27	16	22	24	7	31	26	19
Immigration offenses	729	53	45	47	42	70	73	91	102	80	126
<b>Total (All Offenses)</b>	<b>3,437</b>	<b>346</b>	<b>343</b>	<b>371</b>	<b>337</b>	<b>395</b>	<b>330</b>	<b>279</b>	<b>304</b>	<b>363</b>	<b>369</b>

**Source:** Federal Justice Statistics Program: USSC data, Offenders Sentenced, annual, 1999-2008

#### *Offender Characteristics*

In terms of offender characteristics, juvenile offenders sentenced as adults were mostly White (66%), Male (85%), Hispanic (63%), and a majority (76%) had not completed high school (Table F3).

**Table F3. Characteristics of Juvenile Offenders Sentenced as Adults in Federal Court**

Characteristic	Total	Year Sentenced in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Race</b>											
White	2,292	215	234	247	231	277	206	202	229	222	229
Black	466	74	68	72	60	41	31	21	31	34	34
American Indian	110	15	17	13	10	12	9	10	9	7	8
Other	51	5	10	5	4	8	8	5	3	1	2
<b>Gender</b>											
Male	2,770	291	292	315	286	335	234	231	245	271	270
Female	472	54	50	54	47	52	48	31	45	43	48
<b>Ethnicity</b>											
Hispanic	1,865	177	178	212	183	217	164	165	195	197	177
Non-Hispanic	1,094	154	159	154	142	152	82	65	57	62	67
<b>Education</b>											
Some High School	2,100	225	233	231	259	251	168	150	193	184	206
High School Grad	379	34	32	46	47	44	34	28	38	41	35
GED	127	18	14	19	14	15	8	14	5	4	16
Some College	146	15	8	12	9	11	21	16	23	20	11
<b>Total (All Offenders)</b>	<b>3,437</b>	<b>346</b>	<b>343</b>	<b>371</b>	<b>337</b>	<b>395</b>	<b>330</b>	<b>279</b>	<b>304</b>	<b>363</b>	<b>369</b>

Source: Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

### *District*

About 6 in 10 juveniles sentenced as adults were sentenced in just 5 federal judicial districts (Texas-Western, Texas-Southern, Arizona, California-Southern, and New Mexico) all located on the Southwest border during the 10 year period. Nearly 21% of all juveniles sentenced as adults in federal court were sentenced in Texas-Western, while 12% each were sentenced in both the Arizona and Texas-Southern districts, and 10% were sentenced in California-Southern (Table F4).

**Table F4. Juvenile Offenders Sentenced as Adults, by Judicial District**

Judicial District	Total	Year Sentenced in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,437</b>	<b>346</b>	<b>343</b>	<b>371</b>	<b>337</b>	<b>395</b>	<b>330</b>	<b>279</b>	<b>304</b>	<b>363</b>	<b>369</b>
Arizona	401	30	42	33	30	44	69	41	31	50	31
New Mexico	182	13	17	20	17	17	17	18	14	22	27
Texas-Southern	398	45	32	35	35	53	38	50	53	30	27
Texas-Western	735	60	68	83	75	79	61	53	68	92	96
California-Southern	344	41	27	46	30	24	19	27	37	48	45
Other districts	1,377	157	157	154	150	178	126	90	101	121	143

Source: Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

### *Type of Sentence*

The majority (76%) of juveniles sentenced as adults in federal court received a prison only sentence, while 13% received probation sentences, 4% were sentenced to prison plus alternative confinement, 4% were sentenced to Probation with alternative confinement conditions, and 3% were given only a fine. These distributions held fairly constant over the 10-year period.

**Table F5. Type of Sentence for Juveniles Sentenced as Adults in Federal Court**

Sentence Type	Total	Year Sentenced in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,437</b>	<b>346</b>	<b>343</b>	<b>371</b>	<b>337</b>	<b>395</b>	<b>330</b>	<b>279</b>	<b>304</b>	<b>363</b>	<b>369</b>
Prison Only	2,614	248	257	288	246	271	251	227	245	285	296
Prison plus Alternatives	133	16	7	10	11	19	10	8	16	20	16
Probation plus Alternatives	108	10	11	12	12	12	8	10	9	9	15
Probation Only	447	59	52	45	58	70	47	24	26	37	29
No Prison / Fine only	111	11	12	13	5	20	12	8	7	10	13

Source: Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

### *Sentence Imposed*

The mean prison sentence imposed on juveniles sentenced as adults over the 10 year period was 28 months, while the mean probation sentenced imposed was 25 months. The annual average prison sentence decreased from 33 months in 1999 to 23 months in 2008. The annual average probation sentence decreased from 26 months in 1999 to 20 months in 2004, before increasing to 30 months in 2008.

**Table F5. Mean Sentence Imposed for Juveniles Sentenced as Adults in Federal Court**

Sentence Type	Total	Mean Sentence Imposed (in months)									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Prison	27.8	32.8	31.6	32.3	25.9	29.9	27.2	24.3	25.4	25.7	22.5
Probation	24.9	25.5	23.9	22.6	25.0	21.7	19.9	24.4	26.1	29.7	29.9

**Source:** Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

### *Prior Criminal History*

A substantial proportion (47%) of all juveniles sentenced as adults during the 1999-2008 period had some prior criminal history.

**Table F7. Criminal History for Juveniles Sentenced as Adults in Federal Court**

Criminal History	Total	Year Sentenced in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,437</b>	<b>346</b>	<b>343</b>	<b>371</b>	<b>337</b>	<b>395</b>	<b>330</b>	<b>279</b>	<b>304</b>	<b>363</b>	<b>369</b>
No Criminal History	1,532	161	146	185	163	178	132	117	156	137	157
Criminal History	1,377	142	166	138	137	155	115	112	119	141	152

**Source:** Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

## **INDIAN COUNTRY JUVENILES**

### **Identification of Indian Country Juvenile Defendants Sentenced as Adults**

In order to identify IC defendants in the USSC data we relied on the set of statutes (18 USC § 1151-1170) pertaining to IC crimes. The USSC data maintains up to 3 statutes for each count of conviction, all of which we scanned through to search for the IC statutes. Any juvenile record that contained an IC statute recorded in these fields in the database was flagged as IC juveniles for inclusion in our analysis. We note that there were 110 Native American defendants that met our definition of juvenile; it is possible that some of the 35 not included in the Indian Country defendants identified were juveniles who committed crimes in Indian Country.

### **Analysis of Indian Country Juvenile Defendants Sentenced as Adults**

We were only able to identify a very small number (N=75) of IC juveniles sentenced as adults between 1999 and 2008 in the USSC data. The annual number of IC juvenile offenders sentenced as adults remained fairly constant at about 6-8 per year during the 10-year period.

*Offense*

Violent offenses comprised the majority (75%) of the offenses committed by IC juveniles sentenced in federal court. Among violent offenses, murder was the offense committed most (49% of all violent offense and 37% of all offenses) by sentenced IC juveniles, followed by assault (25% of all offenses). Other offenses committed included sexual abuse, burglary and weapons charges (each comprised 6% of all offenses).

**Table F8. Indian Country Juvenile Offenders Sentenced as Adults in Federal Court, by Offense of Conviction**

Offense	Total	Year Sentenced in Federal Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	57	5	4	10	4	5	4	9	7	4	5
Murder	29	3	3	10	2	2	1	4	3	0	1
Assault	19	2	1	0	0	1	3	3	4	2	3
Robbery	3	0	0	0	0	0	0	2	0	1	0
Sexual abuse	6	0	0	0	2	2	0	0	0	1	1
Property offense	10	1	2	0	2	0	2	1	0	0	2
Burglary	6	1	2	0	1	0	2	0	0	0	0
Larceny	2	0	0	0	0	0	0	0	0	0	2
Embezzlement	1	0	0	0	0	0	0	1	0	0	0
Arson and explosives	1	0	0	0	1	0	0	0	0	0	0
Public-order offenses	1	0	0	0	0	0	0	1	0	0	0
Weapon offenses	6	0	1	0	0	1	1	0	2	1	0
Missing/unexpected	1	0	1	0	0	0	0	0	0	0	0
<b>Total (All Offenses)</b>	<b>75</b>	<b>6</b>	<b>8</b>	<b>10</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>11</b>	<b>9</b>	<b>5</b>	<b>7</b>

**Source:** Federal Justice Statistics Program: USSC data, Offenders Sentenced, annual, 1999-2008

*Offender Characteristics*

In terms of offender characteristics, IC juvenile offenders sentenced as adults were overwhelmingly American Indian (90%), Male (95%), Non-Hispanic (96%), and most had not completed high school (Table F9).

**Table F9. Characteristics of Indian Country Juvenile Offenders Sentenced as Adults in Federal Court**

Characteristic	Total	Year Sentenced in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Race</b>											
White	2	0	0	0	0	0	0	0	0	1	1
Black	4	0	1	1	1	0	0	1	0	0	0
American Indian	68	6	7	9	5	6	6	10	9	4	6
Other	0	0	0	0	0	0	0	0	0	0	0
<b>Gender</b>											
Male	70	6	8	10	6	6	6	10	7	5	6
Female	4	0	0	0	0	0	0	1	2	0	1
<b>Ethnicity</b>											
Hispanic	3	0	0	1	0	0	1	0	0	0	1
Non-Hispanic	64	6	8	9	6	6	5	10	6	3	5
<b>Education</b>											
completed 6 years	1	1	0	0	0	0	0	0	0	0	0
completed 8 years	20	1	1	3	3	1	2	2	3	1	3
completed 9 years	11	1	2	0	2	2	1	0	1	1	1
completed 10 years	14	1	1	3	0	1	1	3	3	1	0
completed 11 years	11	2	1	1	1	2	1	0	1	0	2
High School Grad	6	0	2	2	0	0	0	2	0	0	0
GED	3	0	0	1	0	0	0	2	0	0	0
Some High School	7	0	0	0	0	0	1	3	1	1	1
<b>Total (All Offenders)</b>	<b>75</b>	<b>6</b>	<b>8</b>	<b>10</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>11</b>	<b>9</b>	<b>5</b>	<b>7</b>

Source: Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

*District*

About 6 in 10 IC juveniles sentenced as adults were sentenced in just 4 federal judicial districts (Arizona, South Dakota, New Mexico, and North Dakota) over the 10 year period. About 30% of all juveniles sentenced as

adults in federal court were sentenced in Arizona, 24% were sentenced in South Dakota, and 9% were sentenced in New Mexico.

**Table F10. Indian Country Juvenile Offenders Sentenced as Adults, by Judicial District**

Judicial District	Total	Year Sentenced in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>75</b>	<b>6</b>	<b>8</b>	<b>10</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>12</b>	<b>9</b>	<b>5</b>	<b>6</b>
Arizona	23	2	2	3	1	2	3	4	2	3	1
North Dakota	5	1	2	0	1	1	0	0	0	0	0
New Mexico	7	0	0	3	0	1	0	1	2	0	0
South Dakota	18	2	2	0	3	1	1	3	2	0	4
Other districts	22	1	2	4	1	1	3	4	3	2	1

**Source:** Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

### *Type of Sentence*

The majority (92%) of IC juveniles sentenced as adults received a prison only sentence. Only 2 IC juveniles out of 74 received a probation sentence while one received a sentence of prison with alternative confinement, one received probation with confinement decisions, and 2 IC juveniles received a sentence of a fine only, with no prison time.

**Table F11. Type of Sentence for Indian Country Juveniles Sentenced as Adults in Federal Court**

Sentence Type	Total	Year Sentenced in U.S. District Court									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>74</b>	<b>6</b>	<b>7</b>	<b>10</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>11</b>	<b>9</b>	<b>5</b>	<b>7</b>
Prison Only	68	5	5	10	6	6	6	10	9	5	6
Prison plus Alternatives	1	0	0	0	0	0	0	1	0	0	0
Probation plus Alternatives	1	0	0	0	0	0	1	0	0	0	0
Probation Only	2	0	1	0	0	0	0	0	0	0	1
No Prison / Fine only	2	1	1	0	0	0	0	0	0	0	0

**Source:** Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

### *Sentence Imposed*

The mean prison sentence imposed on IC juveniles sentenced as adults over the 10 year period was 97 months, while the mean probation sentenced imposed was 66 months. The annual average prison sentence varied from a

low of 60 months in 2007 to 233 months in 2004, though the sample size (average of 7) IC juveniles sentenced to prison per year) was small.

**Table F12. Mean Sentence Imposed for Indian Country Juveniles Sentenced as Adults in Federal Court**

Sentence Type	Mean Sentence Imposed (in months)										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Prison	97.2	69.6	58.4	81.6	46.5	168.5	233.2	76.4	102.3	59.6	76.2
Probation	66.0	n/a	36.0	n/a	n/a	n/a	60.0	n/a	n/a	n/a	6.0

**Source:** Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

### *Prior Criminal History*

A substantial proportion (82%) of IC juveniles sentenced as adults during the 1999-2008 period had some prior criminal history.

**Table F13. Criminal History for Indian Country Juveniles Sentenced as Adults in Federal Court**

Criminal History	Year Sentenced in U.S. District Court										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>73</b>	<b>6</b>	<b>8</b>	<b>10</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>10</b>	<b>9</b>	<b>5</b>	<b>7</b>
No Criminal History	13	1	3	1	1	0	2	0	4	0	1
Criminal History	60	5	5	9	5	6	4	10	5	5	6

**Source:** Federal Justice Statistics Program: USSC data, Offenders Sentenced , annual, 1999-2008

## OVERVIEW

### Imprisonment/Detention (Federal Bureau of Prisons)

The Federal Bureau of Prisons (BOP) is responsible for the custody and care of about 209,000<sup>1</sup> offenders. Approximately 82 percent of these inmates are confined in Bureau-operated facilities, while the balance is confined in secure privately-managed or community-based facilities and local jails. Overall, the BOP is comprised of 115 institutions, 6 regional offices, a Central Office (headquarters), 2 staff training centers, and 28 community corrections offices.

Admissions to the Federal Bureau of Prisons increased steadily until 2007, resulting in a prison population of over 200,000 by 2008. With the exception of 2007, the numbers of persons released from prison has also increased steadily since 1999. Juveniles were, on average, less than 0.5% of the total prison population, and juveniles who committed Indian Country<sup>2</sup> offenses were 0.2% of the population.

On average, the BOP admitted and released approximately 350 juveniles a year, of whom one-half were Indian Country juveniles. Typically, juveniles committed to the custody of the BOP were male, 16 years old at offense, American Indians, non-Hispanic, U.S. citizens, convicted of a violent offense, and sentenced by courts in five judicial districts: Arizona, Montana, North Dakota, South Dakota, or New Mexico. Released juveniles served on average twenty months in BOP custody before being released, or 78% of their sentence.

Indian Country juveniles (i.e., juveniles admitted to BOP custody for committing crimes in Indian Country) committed between 1999 and 2008 had a similar profile as all juveniles. They also were male, American Indians, non-Hispanic, U.S. citizens, convicted of a violent offense, and sentenced by courts in the same five judicial districts. Indian Country juveniles were on average fifteen years old when the offense was committed. Juveniles released during this period served an average of sixteen months before being released – approximately 81% of their sentence.

**Table G1. Admissions to the Custody of the Federal Bureau of Prisons, 1999 – 2008, by Inmate Status**

Admissions	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>All Juveniles</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
Indian Country Juveniles	1,909	241	252	219	234	212	231	208	164	76	72
Non-Indian Country Juveniles	1,619	272	219	190	169	159	152	140	136	98	84
<b>All Adults</b>	<b>697,840</b>	<b>60,460</b>	<b>63,212</b>	<b>65,159</b>	<b>66,500</b>	<b>71,496</b>	<b>73,623</b>	<b>76,825</b>	<b>77,803</b>	<b>71,446</b>	<b>71,316</b>
Indian Country Adults	14,766	1,491	1,558	1,493	1,653	1,645	1,771	1,648	1,431	1,024	1,052
Non-Indian Country Adults	683,074	58,969	61,654	63,666	64,847	69,851	71,852	75,177	76,372	70,422	70,264
<b>Total Admissions</b>	<b>701,368</b>	<b>60,973</b>	<b>63,683</b>	<b>65,568</b>	<b>66,903</b>	<b>71,867</b>	<b>74,006</b>	<b>77,173</b>	<b>78,103</b>	<b>71,620</b>	<b>71,472</b>

<sup>1</sup> Source: the Federal Bureau of Prisons website: <http://www.bop.gov/about/index.jsp>

<sup>2</sup> Juveniles are persons under age 18 when the offense occurred or (for those missing information on age at time of offense) under age 21 at sentencing. Additional juveniles were identified using the name variable (name="JUVENILE") when age was missing or when the sentence procedure code identified the offender as a juvenile.

<sup>2</sup> Indian Country is defined in USC 18:1151.

This appendix is divided into four sections, each presenting statistics for different groups of juveniles in the custody of the BOP. The first section covers all juveniles committed to BOP custody; the second section is for Indian Country juveniles committed to BOP; and the third section is for non-Indian country juveniles. The fourth section presents statistics and a map of Indian Country juveniles in the custody of the BOP in 2003.

## Juveniles entering the custody of the Federal Bureau of Prisons

### *Overview*

The number of juveniles admitted to BOP each year comprises an extremely small percentage (< 1%) of total admissions into BOP custody. Between 1999 and 2008, an average of 353 juveniles were admitted to BOP custody each year out of a total of about 70,000 offenders admitted annually to BOP. On average, over half of these 353 annual juvenile admissions were juveniles who had committed a crime in Indian Country.

### *Identifying Juveniles*

The Federal Bureau of Prisons' database records age at the time of offense for offenders committed into the custody of the BOP. This information allows us to identify juveniles<sup>3</sup> who entered the custody of the BOP. In addition to recording age at the time that the offense was committed, the BOP data also contain a sentence procedure code variable which can be used to determine whether the juvenile was committed as a juvenile delinquent (JJDPa commitment) or as an adult (non-JJDPa commitment, i.e., a juvenile sentenced as an adult).

Federal juvenile delinquents are persons who have committed offenses while less than 18 years old, but have not attained their 21<sup>st</sup> birthday at sentencing. All juvenile offenders are placed in juvenile contract facilities, supervised by the BOP. Title 18 U.S.C. 5039 says that no federal juvenile can be placed in an adult facility. But, a juvenile can be admitted to a BOP institution serving adult inmates if the juvenile was sentenced as an adult and is 18 years old; or if sentenced as a juvenile, but is 21 years old. This report does not distinguish between juveniles in contract facilities and juveniles placed in adult facilities under the circumstances mentioned above.

### *Delinquency status*

Between 1999 and 2008, the number of juveniles admitted to BOP custody decreased substantially, from 513 to 156 juveniles (a 70% decline), although much of this decline occurred after 2004. Most of these juveniles entered federal custody as juvenile delinquents. The number of juveniles committed to BOP as delinquents (JJDPa commitments) decreased from 328 to 89, while the number of juveniles committed as adults decreased from 185 to 67 persons. Again, though, much of the drop-off in the numbers for both of these groups occurred between 2005 and 2008 (Table G2). Sixty-two percent of all juveniles were committed as juvenile delinquents.

**Table G2. Juveniles Entering BOP Custody, by Delinquency Status**

Delinquency status	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total	3,528	513	471	409	403	371	383	348	300	174	156
Juvenile delinquent	2,193	328	310	269	254	232	239	207	167	98	89
Juvenile charged as adult	1,335	185	161	140	149	139	144	141	133	76	67

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

*Commitment Type*

There are several methods by which juveniles may enter the custody of the BOP, including through: (1) U.S. district court commitments; (2) commitments for supervision violations; (3) commitments for probation sentences with confinement conditions; and (4) other types of commitments. The number of juveniles committed into the BOP from U.S. district courts decreased from 173 to 80 between 1999 and 2008, although as a share of all commitments, the percentage of juveniles actually increased from 34% to 51% (Table G3).

Juveniles may be committed to the BOP for violations of post-conviction supervision (either probation or supervised release). A term of supervised release (post-prison supervision in the federal system) may be imposed by the judge at the time of sentencing, to follow the prison term imposed. The number of juveniles committed for supervision violations fluctuated between 66 and 114 juveniles, but the proportion of juveniles entering prison on this type of commitment more than doubled, from 22% in 1999 to 49% in 2008 (Table G3).

Juveniles may also be committed into BOP through a probation sentence that requires a special condition of confinement or a term of supervised release that includes confinement (i.e., confinement options that satisfy the federal sentencing guidelines obligation that the judge assigns as substitutes for imprisonment). Such offenders are most often confined in residential reentry centers (RRCs) – formerly known as community corrections centers (CCCs) – pursuant to 18 U.S.C. § 3563 and 18 U.S.C. § 3583. There were 211 juveniles committed to BOP on probation sentences with confinement requirements in 1999 (comprising 41% of all juvenile commitments) but by 2007, there were no juveniles committed in this manner. Between 2005 and 2006, the number of juveniles committed to BOP for probation confinement conditions declined dramatically (59% drop), from 152 to 63 juveniles, and by 2007 had reached zero (Table G3).

Finally, there are a variety of other types of commitments by which a small number of juveniles entered into BOP custody. These types included commitments for medical treatment, study or examination. By 2007 there were no juveniles in BOP custody on “other” commitment types (Table G3).

**Table G3. Juveniles Entering BOP Custody, by Type of Commitment into BOP**

Commitment Type	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
U.S. district court commitment	1,223	173	160	132	95	112	124	115	124	108	80
Supervision violator	844	114	92	73	91	75	73	77	107	66	76
Probation confinement conditions	1,390	211	212	194	199	175	184	152	63	0	0
Other	71	15	7	10	18	9	2	4	6	0	0

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

*Type of Offense*

Nearly half of all offenses (44%) committed by juveniles admitted to BOP custody were violent offenses. Fifteen percent of all juvenile offenses were assaults, thirteen percent were sexual abuse, and seven percent were robbery or murder/manslaughter (including attempted murder). Burglary, while not a violent offense, comprised thirteen percent of all offenses committed by juveniles entering federal custody; drug trafficking was twelve percent. Less common offenses were weapon and immigration offenses (5% and 6%, respectively).

Figure G1 below shows the average number of these offenses per year committed by juveniles from 1999 through 2008.

**Table G4. Juveniles Committed to BOP Custody, by Offense**

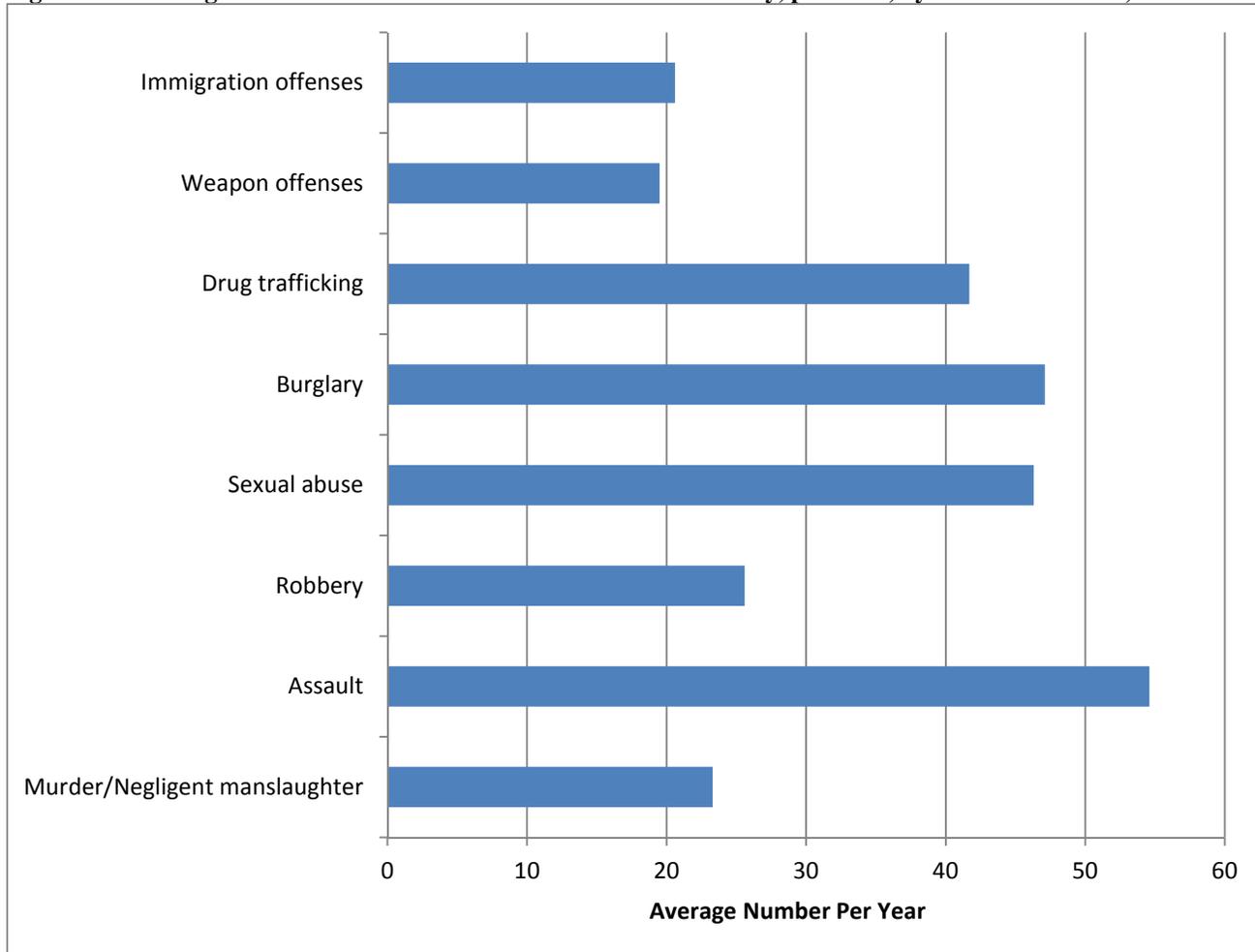
Type of Offense	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
Murder/Negligent manslaughter	233	35	30	26	20	23	25	26	20	17	11
Assault	546	52	72	77	65	59	68	54	56	23	20
Robbery	256	54	34	36	22	24	25	21	21	8	11
Sexual abuse	463	57	53	37	67	54	57	57	41	18	22
Kidnapping	36	11	7	7	3	2	3	0	1	0	2
Threats against the President	10	2	2	0	5	1	0	0	0	0	0
Embezzlement	3	1	1	0	1	0	0	0	0	0	0
Fraud	66	10	2	6	5	9	11	7	9	5	2
Forgery	1	0	0	0	0	0	1	0	0	0	0
Counterfeiting	2	1	0	0	1	0	0	0	0	0	0
Burglary	471	71	71	66	63	54	43	44	31	12	16
Larceny	88	20	8	8	10	9	8	11	6	3	5
Motor vehicle theft	11	2	2	1	0	2	0	2	2	0	0
Arson and explosives	78	2	6	5	7	12	20	10	6	7	3
Other property offenses	56	16	8	7	6	6	3	4	1	2	3
Drug trafficking	417	54	60	45	35	46	36	46	40	34	21
Other drug felonies	38	8	10	1	3	4	5	4	1	1	1
Other regulatory offenses	56	9	3	10	10	6	12	1	2	2	1
Weapon offenses	195	30	24	21	26	8	18	14	24	14	16
Immigration offenses	206	38	36	23	14	18	21	18	20	10	8
National defense	1	0	1	0	0	0	0	0	0	0	0
Perjury	2	1	0	0	0	0	0	1	0	0	0
Escape	5	1	1	0	1	1	0	0	0	1	0
Racketeering and extortion	94	11	10	11	10	7	7	11	7	12	8
Nonviolent sex offenses	38	4	4	1	5	7	7	3	6	0	1
Obscene materials	1	0	0	0	1	0	0	0	0	0	0
Traffic offenses	24	3	5	1	4	6	1	1	1	2	0
Wildlife offenses	2	0	0	0	0	2	0	0	0	0	0
Other public order	14	2	2	2	2	1	0	2	0	0	3

\*Includes attempted murder

**Note:** Total includes juveniles whose offenses were missing or unclassifiable

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

**Figure G1. Average Number of Juveniles Committed to BOP Custody, per Year, by Selected Offenses, 1999 - 2008**



Note: Murder includes attempted murder

*Judicial District (Court of Jurisdiction)*

More than half of all juveniles entering BOP custody were processed in just 5 federal judicial districts (Arizona, Montana, North Dakota, New Mexico, and South Dakota) throughout the United States each year, consistently over the 1999 - 2008 period. The judicial districts accounting for the largest share of juveniles admitted to BOP during the period include South Dakota (22%), Arizona (16%), and Montana (8%).

**Table G5. Juveniles Committed to BOP custody, by Judicial District (Court of Jurisdiction)**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
Arizona	561	77	77	53	57	64	66	63	40	32	32
Montana	284	16	25	29	25	35	27	32	37	35	23
New Mexico	262	29	26	23	31	37	39	26	28	10	13
North Dakota	208	31	28	25	36	27	30	16	8	4	3
South Dakota	792	120	111	103	103	76	83	100	60	17	19
Other districts	1,419	239	204	176	151	132	138	110	127	76	66

Note: Total includes juveniles whose judicial district was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

## Demographics

The majority of juveniles committed into BOP custody during this period were male (92%), American Indian (53%), Non-Hispanic (84%), over 15 years old (65%), and U.S. citizens (89%). These distributions remained fairly consistent across years. The average age at offense<sup>4</sup> was nearly sixteen (15.8 years). Forty percent of juveniles were 17 years old at the time of the offense, while three percent were under 13 years old. The age at offense was missing for five percent of all juveniles.

**Table G6. Juveniles Committed to BOP Custody, by Characteristic**

Characteristic	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
<b>Gender</b>											
Male	3,254	477	420	375	369	342	358	325	282	162	144
Female	274	36	51	34	34	29	25	23	18	12	12
<b>Race</b>											
White	1,011	161	142	110	110	97	100	94	82	63	52
Black	515	80	76	65	49	54	46	41	51	27	26
American Indian	1,977	260	252	232	242	219	236	211	165	82	78
Asian	25	12	1	2	2	1	1	2	2	2	0
<b>Ethnicity</b>											
Hispanic	581	89	74	62	56	54	58	59	57	36	36
Non-Hispanic	2,947	424	397	347	347	317	325	289	243	138	120
<b>Age at offense</b>											
Under 13 years	101	17	16	11	18	5	13	4	6	5	6
13 years	183	25	27	20	32	25	15	14	10	5	10
14 years	362	49	57	48	48	42	35	33	29	14	7
15 years	528	86	69	56	61	54	66	48	38	28	22
16 years	768	105	94	96	74	73	82	96	73	37	38
17 years	1,347	184	175	138	142	147	156	136	124	75	70
Over 17 years	67	13	7	10	5	8	6	8	7	2	1
<b>Citizenship</b>											
U.S. citizen	3,149	450	421	374	370	337	343	306	266	150	132
Not U.S. citizen	374	61	48	34	33	34	40	42	34	24	24

**Note:** Total includes juveniles whose characteristics were missing or unknown

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

## Commitment Type, by Delinquency Status

Most juvenile delinquents were committed to the custody of the BOP with probation confinement conditions (54% compared with only 16% of those juveniles charged as adults). The majority of juveniles with adult status was committed for the first time by a U.S. District Court (48%), 31% were supervision violators and 5% were other types of commitments.

<sup>4</sup> The average age at offense was calculated using only juveniles that were between 7 and 21 years old. The ages of juveniles older or younger than this range may be the result of data error. It should be noted that all age estimates are derived from BOP data variables (recorded data at offense and date of birth), so they may reflect a small degree of data quality problems (data entry error).

**Table G7. Juveniles Committed to BOP Custody, by Commitment Type and Delinquency Status**

Commitment Type	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
<b>Juvenile delinquent</b>	<b>2,193</b>	<b>328</b>	<b>310</b>	<b>269</b>	<b>254</b>	<b>232</b>	<b>239</b>	<b>207</b>	<b>167</b>	<b>98</b>	<b>89</b>
U.S. district court commitment	585	69	72	49	34	57	70	60	67	61	46
Supervision violator	427	61	42	38	50	38	31	32	55	37	43
Probation confinement conditions	1,181	198	196	182	170	137	138	115	45	0	0
<b>Juvenile charged as an adult</b>	<b>1,335</b>	<b>185</b>	<b>161</b>	<b>140</b>	<b>149</b>	<b>139</b>	<b>144</b>	<b>141</b>	<b>133</b>	<b>76</b>	<b>67</b>
U.S. district court commitment	638	104	88	83	61	55	54	55	57	47	34
Supervision violator	417	53	50	35	41	37	42	45	52	29	33
Probation confinement conditions	209	13	16	12	29	38	46	37	18	0	0
Other	71	15	7	10	18	9	2	4	6	0	0

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

#### *Commitment Type, by Judicial District*

As shown in Table G5, the district court responsible for the greatest number of all juvenile commitments was South Dakota, followed by Arizona. However, Arizona had the largest number of district court commitments, and South Dakota had the largest number of supervision violators and probation confinements. Most of the juveniles committed by the districts of North Dakota (79%) and New Mexico (57%) were for probation confinement conditions. The district of Texas Western had more district court commitments than did South Dakota or North Dakota.

**Table G8. Juveniles committed to BOP custody, by Commitment Type and Judicial District (Court of Jurisdiction)**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
<b>U.S. district court commitment</b>	<b>1,223</b>	<b>173</b>	<b>160</b>	<b>132</b>	<b>95</b>	<b>112</b>	<b>124</b>	<b>115</b>	<b>124</b>	<b>108</b>	<b>80</b>
Arizona	242	26	26	14	16	23	29	36	24	25	23
Montana	117	2	7	9	2	15	8	17	19	25	13
New Mexico	66	7	2	6	3	11	17	4	7	6	3
North Dakota	5	3	1	1	0	0	0	0	0	0	0
South Dakota	51	12	4	1	4	7	4	7	6	4	2
Texas Western	59	11	9	10	5	1	7	3	11	1	1
Other districts	683	112	111	91	65	55	59	48	57	47	38
<b>Supervision violator</b>	<b>844</b>	<b>114</b>	<b>92</b>	<b>73</b>	<b>91</b>	<b>75</b>	<b>73</b>	<b>77</b>	<b>107</b>	<b>66</b>	<b>76</b>
Arizona	114	19	17	8	14	10	11	7	12	7	9
Montana	92	11	8	6	7	11	6	8	15	10	10
New Mexico	46	5	1	3	5	2	3	4	9	4	10
North Dakota	39	8	3	3	7	1	6	1	3	4	3
South Dakota	153	14	14	13	18	12	9	18	25	13	17
Other districts	396	56	49	40	40	39	38	38	42	27	27
<b>Probation confinement conditions</b>	<b>1,390</b>	<b>211</b>	<b>212</b>	<b>194</b>	<b>199</b>	<b>175</b>	<b>184</b>	<b>152</b>	<b>63</b>	<b>0</b>	<b>0</b>
Arizona	199	32	34	30	25	30	26	19	3		
Montana	75	3	10	14	16	9	13	7	3		
New Mexico	150	17	23	14	23	24	19	18	12		
North Dakota	163	19	24	21	29	26	24	15	5		
South Dakota	579	94	93	87	79	55	69	75	27		
Other districts	224	46	28	28	27	31	33	18	13		
<b>Other commitment</b>	<b>71</b>	<b>15</b>	<b>7</b>	<b>10</b>	<b>18</b>	<b>9</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>0</b>	<b>0</b>

Note: Totals include juveniles whose judicial district was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### *Delinquency Status, by Age at Offense*

Juveniles charged as adults were slightly older than those charged as juvenile delinquents when the offense occurred. The average age of juvenile delinquents was 15.5 years; the average age of juveniles with adult status was 16.2 years. Eighty percent of juveniles charged as adults were older than 15 when the offense was committed, compared with only 56% of juvenile delinquents. Only fifteen percent of adult status juveniles were between 13 and 15 years old, while forty-one percent of juvenile delinquents were between those ages. There was little variation across years of the average age at offense by delinquency status.

**Table G9. Juveniles Committed to BOP Custody, by Delinquency Status and Age When Offense Committed**

Age at offense	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
<b>Juvenile delinquent</b>	<b>2,193</b>	<b>328</b>	<b>310</b>	<b>269</b>	<b>254</b>	<b>232</b>	<b>239</b>	<b>207</b>	<b>167</b>	<b>98</b>	<b>89</b>
Under 13 years	69	13	14	6	12	3	9	3	3	2	4
13 years	164	25	24	17	29	21	14	13	9	4	8
14 years	313	44	53	45	43	29	29	27	24	12	7
15 years	421	70	58	44	53	42	52	34	28	22	18
16 years	525	72	70	74	48	52	51	65	48	20	25
17 years	636	91	86	73	64	77	78	57	48	36	26
Over 17 years	65	13	5	10	5	8	6	8	7	2	1
<b>Charged as an adult</b>	<b>1,335</b>	<b>185</b>	<b>161</b>	<b>140</b>	<b>149</b>	<b>139</b>	<b>144</b>	<b>141</b>	<b>133</b>	<b>76</b>	<b>67</b>
Under 13 years	32	4	2	5	6	2	4	1	3	3	2
13 years	19	0	3	3	3	4	1	1	1	1	2
14 years	49	5	4	3	5	13	6	6	5	2	0
15 years	107	16	11	12	8	12	14	14	10	6	4
16 years	243	33	24	22	26	21	31	31	25	17	13
17 years	711	93	89	65	78	70	78	79	76	39	44
Over 17 years	2	0	2	0	0	0	0	0	0	0	0

Note: Totals include juveniles whose age at offense was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### *Delinquency Status, by Judicial District*

South Dakota district courts committed one third of all juvenile delinquents, more than any other district. Arizona district courts committed nineteen percent of all juvenile delinquents and committed more juveniles charged as adults than any other district (11%). The district of Texas Western committed more juveniles with adult status than Montana, North Dakota, or South Dakota.

**Table G10. Juveniles committed to BOP custody, by Delinquency Status and Judicial District (Court of Jurisdiction)**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>3,528</b>	<b>513</b>	<b>471</b>	<b>409</b>	<b>403</b>	<b>371</b>	<b>383</b>	<b>348</b>	<b>300</b>	<b>174</b>	<b>156</b>
<b>Juvenile delinquent</b>	<b>2,193</b>	<b>328</b>	<b>310</b>	<b>269</b>	<b>254</b>	<b>232</b>	<b>239</b>	<b>207</b>	<b>167</b>	<b>98</b>	<b>89</b>
Arizona	414	52	62	40	42	53	47	40	29	28	21
Montana	255	14	22	26	21	33	25	29	31	33	21
New Mexico	185	27	25	20	30	13	30	12	14	4	10
North Dakota	188	28	28	24	30	25	26	14	7	3	3
South Dakota	733	118	107	100	96	67	70	91	50	16	18
Other districts	418	89	66	59	35	41	41	21	36	14	16
<b>Charged as adult</b>	<b>1,335</b>	<b>185</b>	<b>161</b>	<b>140</b>	<b>149</b>	<b>139</b>	<b>144</b>	<b>141</b>	<b>133</b>	<b>76</b>	<b>67</b>
Arizona	147	25	15	13	15	11	19	23	11	4	11
Montana	26	2	3	3	4	2	2	3	3	2	2
New Mexico	77	2	1	3	1	24	9	14	14	6	3
North Dakota	20	3	0	1	6	2	4	2	1	1	0
South Dakota	59	2	4	3	7	9	13	9	10	1	1
Texas Western	63	13	8	10	7	4	3	2	12	1	3
Other districts	940	137	130	107	109	87	94	87	82	60	47

Note: Totals include juveniles whose judicial district was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### *Average Time Served, by Commitment Type*

The average time served for juveniles released from BOP custody increased significantly over the 1999-2008 period, from 14 months to 31 months. For juveniles committed to BOP on a U.S. district court commitment, average time served increased from 28 to 46 months, while time served for supervision violators remained fairly stable over the period (12-14 months). The average time served for those juveniles released from confinement as a condition of their (probation) supervision term also remained stable until 2007 when it tripled from 7 to 21 months. However, the number of juveniles released from this type of commitment dwindled from 210 juveniles in 1999 to just 24 juveniles in 2007 and only 6 juveniles in 2008 (not shown in a table).

**Table G11. Mean Time Served in Months for Juveniles Released From BOP Custody, by Commitment Type**

Commitment Type	Year of Release from BOP Custody										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
<b>Total</b>	<b>13.7</b>	<b>14.9</b>	<b>21.3</b>	<b>15.5</b>	<b>15.9</b>	<b>20.8</b>	<b>19.5</b>	<b>19.3</b>	<b>28.8</b>	<b>30.5</b>	
U.S. district court commitment	27.9	29.0	44.4	34.8	34.6	43.2	39.1	34.2	41.4	45.6	
Supervision violator	12.1	13.5	14.9	14.2	13.1	12.1	16.9	11.1	14.3	13	
Probation confinement conditions	7.4	7.1	8.4	7.4	7.8	7.4	7.1	8.2	21.3	--	
Other	2.5	--	--	5.4	2.5	--	--	--	--	--	

--Too few cases to obtain statistically reliable data.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (release cohort), annual, 1999-2008

## Indian Country Juveniles entering the custody of the Federal Bureau of Prisons

### *Identifying Indian Country Juveniles*

Indian country juveniles were identified in the BOP data by using the BOP offense variable which contains a separate category of offenses committed on state and government reservations (BOP offense codes 701-795). See Methodology for more information regarding the specific BOP offense codes used to define Indian Country juveniles.

Consistent with the trend observed for juveniles as a whole, the number of Indian Country juveniles committed to BOP custody decreased dramatically during the 1999-2008 period, from 241 to 72 juveniles (a 70% decrease), though a large share of that drop occurred after 2005. A majority of these Indian Country juveniles (over 82%) entered into federal custody as delinquents each year, although the actual number of Indian Country juveniles committed as delinquents decreased markedly, from 212 to 60. The number of juveniles charged as adults also declined from 29 to 12 persons (Table G12).

**Table G12. Indian Country Juveniles Entering BOP Custody, by Delinquency Status**

Delinquency status	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
Juvenile delinquent	1,570	212	219	195	198	169	178	155	121	63	60
Juvenile charged as adult	339	29	33	24	36	43	53	53	43	13	12

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### *Commitment Type*

The number of Indian Country juveniles committed into BOP custody from U.S. district courts decreased from 51 to 28 between 1999 and 2008, although as a share of all commitments actually increased from 21% to 39%. More than half of all commitments were for probation sentences with confinement requirements. There were 154 Indian country juveniles committed to BOP in this manner in 1999 (comprising 64% of all Indian Country juvenile commitments) but that number had decreased to 51 by 2006, and by 2007 no Indian Country juveniles were committed in this manner (Table G13). The number of Indian Country juveniles committed for supervision violations annually fluctuated between 29 and 62 during the period, decreasing from 35 Indian country juveniles in 1999 to 31 by 2004, before increasing to 62 in 2006 and then decreasing to 44 juveniles by 2008. Yet, as a proportion of the whole, Indian country juveniles entering custody on this type of commitment more than doubled, from 15% in 1999 to 61% in 2008 (Table G13).

**Table G13. Indian Country Juveniles Entering BOP Custody, by Type of Commitment into BOP**

Commitment Type	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
U.S. district court commitment	413	51	47	39	25	39	54	44	47	39	28
Supervision violator	388	35	39	29	42	32	31	37	62	37	44
Probation confinement conditions	1,089	154	165	146	164	138	145	126	51	0	0
Other	19	1	1	5	3	3	1	1	4	0	0

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### *Type of Offense*

Nearly two-thirds (64%) of all commitments of juveniles for Indian Country offenses were violent offenses, and 33 percent were for property offenses. The majority of commitments for violent offenses were for assault (26%), sexual abuse (23%), and murder/manslaughter (12%). The most common property offense was for burglary (24%). There were no commitments for drug trafficking, as was the case for commitments for all juveniles, where twelve percent of all commitments were for drug trafficking. Likewise, there were no commitments for immigration offenses, and only nine Indian Country juveniles were committed for weapon offenses, compared with 195 for all juveniles. This distribution of offense types was consistent across years. Beginning in 2006, the numbers of Indian Country commitments decreased to 164 in 2006, with only 72 commitments by 2008 (Table G14).

**Table G14. Juveniles Committed to BOP Custody, by Offense**

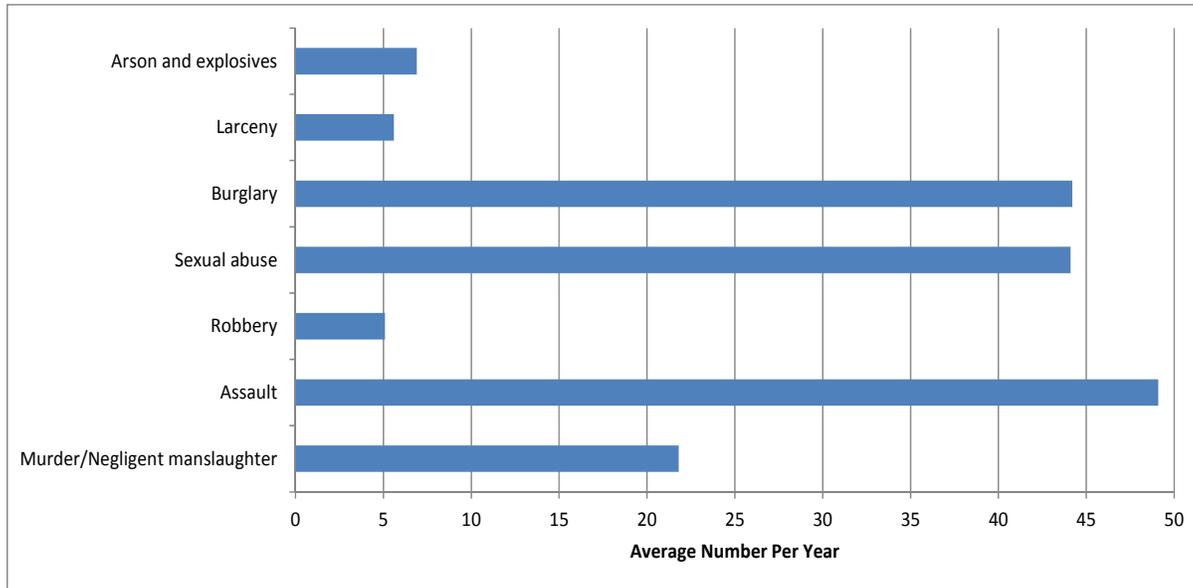
Type of Offense	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
Murder/Negligent manslaughter*	218	31	27	25	18	20	24	26	20	16	11
Assault	491	44	65	70	57	52	64	52	49	20	18
Robbery	51	7	5	9	4	7	9	4	3	1	2
Sexual abuse	441	55	52	33	65	46	55	57	40	17	21
Embezzlement	1	1	0	0	0	0	0	0	0	0	0
Burglary	442	62	66	59	61	53	43	42	30	12	14
Larceny	56	12	7	5	8	4	4	6	6	2	2
Motor vehicle theft	8	2	1	1	0	1	0	1	2	0	0
Arson and explosives	69	2	6	3	5	11	17	9	6	7	3
Other property offenses	38	13	6	6	4	1	3	3	1	1	0
Other drug felonies	3	0	1	0	0	1	0	1	0	0	0
Weapon offenses	9	1	2	0	2	1	2	1	0	0	0
Nonviolent sex offenses	36	4	4	1	4	7	7	3	5	0	1
Traffic offenses	13	2	5	1	1	3	1	0	0	0	0

\*Includes attempted murder

Note: Total includes juveniles whose offenses were missing or unclassifiable.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

Figure G2. Average Number of Offenses Committed by Indian Country Juveniles Admitted to BOP, 1999-2008



### *Judicial District (Court of Jurisdiction)*

The same five judicial districts that committed a majority of juveniles to the BOP were responsible for committing 87% of Indian Country juveniles to the custody of the BOP. South Dakota alone processed 37% of Indian Country juveniles, while Arizona was responsible for 16% of all Indian Country commitments. Of these 5 districts, only Montana was not affected by the large decrease in the number of commitments beginning in 2006. The number of commitments by Montana varied across years, beginning with 13 in 1999 and increasing to 34 in 2006 before dropping to 21 in 2008.

**Table G15. Indian Country Juveniles committed to BOP custody, by Judicial District (Court of Jurisdiction)**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
Arizona	307	42	45	30	33	35	42	36	17	14	13
Montana	250	13	22	24	19	32	23	30	34	32	21
New Mexico	213	23	25	20	26	29	32	22	21	4	11
North Dakota	180	27	20	22	33	25	29	11	6	4	3
South Dakota	709	106	102	91	91	68	73	93	56	14	15
Other districts	248	30	38	32	32	23	32	16	29	7	9

Note: Total includes juveniles whose judicial district was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

## Demographics

The overwhelming majority of Indian Country juveniles were male (93%), American Indian (93%), Non-Hispanic (95%), and United States citizens (99.8%). Indian Country juveniles were slightly younger when the offense was committed than all juveniles in the custody of the Bureau of Prisons. The average of all juveniles was 15.8 years, compared to 15.3 years for Indian Country juveniles. Fifty-two percent of Indian Country juveniles were over 15 years old at offense, compared to 65% of all juveniles. Four percent of Indian Country juveniles were under 13 years old, with the majority between 12 and 11 years old. Of the 72 juveniles under 13 years, 40 juveniles were 12 years old, 17 were 11 years old, six were ten years old, six were nine years old, and three were eight years old at offense.

**Table G16. Indian Country Juveniles Committed to BOP Custody, by Characteristic**

Characteristic	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
<b>Gender</b>											
Male	1,772	224	220	201	218	197	221	197	158	70	66
Female	137	17	32	18	16	15	10	11	6	6	6
<b>Race</b>											
White	101	13	23	10	16	8	10	5	11	3	2
Black	27	3	5	4	1	2	4	2	4	1	1
American Indian	1,779	225	224	205	217	202	217	199	149	72	69
Asian	2	0	0	0	0	0	0	2	0	0	0
<b>Ethnicity</b>											
Hispanic	89	2	4	0	2	1	4	2	3	0	71
Non-Hispanic	1,820	239	248	219	232	211	227	206	161	76	1
<b>Age at offense</b>											
Under 13 years	72	12	13	6	13	4	10	4	4	2	4
13 years	153	22	23	14	27	22	14	13	8	3	7
14 years	304	32	51	40	41	38	29	30	25	11	7
15 years	385	55	50	39	46	37	55	41	28	19	15
16 years	463	62	49	57	47	45	53	63	49	18	20
17 years	491	53	59	59	57	61	68	52	44	20	18
Over 17 years	17	5	2	2	0	4	0	2	1	0	1
<b>Citizenship</b>											
U.S. citizen	1,904	239	252	218	234	212	231	207	163	76	72
Not U.S. citizen	3	1	0	1	0	0	0	1	0	0	0

**Note:** Total includes juveniles whose characteristics were missing or unknown.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

## Commitment Type, by Delinquency Status

Fifty-seven percent of all Indian Country juveniles and sixty-two percent of juvenile delinquents were committed to BOP custody through probation confinement conditions (Table G17). The share of U.S. district court commitments was greater for juveniles charged as adults (30%, compared with 20% for juvenile delinquents). Supervision violators also were a greater proportion of those charged as adults, 30% compared to 18% of juvenile delinquents. This distribution of commitment types by delinquency status is comparable to that of all juveniles committed to BOP custody.

**Table G17. Indian Country Juveniles Committed to BOP Custody, by Commitment Type and Delinquency Status**

Commitment Type	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
<b>Juvenile delinquent</b>	<b>1,570</b>	<b>212</b>	<b>219</b>	<b>195</b>	<b>198</b>	<b>169</b>	<b>178</b>	<b>155</b>	<b>121</b>	<b>63</b>	<b>60</b>
U.S. district court commitment	311	33	33	27	17	30	40	30	40	36	25
Supervision violator	286	27	25	25	33	26	22	23	43	27	35
Probation confinement conditions	973	152	161	143	148	113	116	102	38	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
<b>Juvenile charged as an adult</b>	<b>339</b>	<b>29</b>	<b>33</b>	<b>24</b>	<b>36</b>	<b>43</b>	<b>53</b>	<b>53</b>	<b>43</b>	<b>13</b>	<b>12</b>
U.S. district court commitment	102	18	14	12	8	9	14	14	7	3	3
Supervision violator	102	8	14	4	9	6	9	14	19	10	9
Probation confinement conditions	116	2	4	3	16	25	29	24	13	0	0
Other	19	1	1	5	3	3	1	1	4	0	0

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

#### *Commitment Type, by Judicial District*

The districts responsible for the greatest number of Indian Country commitments were South Dakota (37%) and Arizona (16%). The distribution by commitment type varied slightly when compared to all juvenile commitments (Tables G8 and G18). The greatest share of U. S. district court commitments was by Arizona and Montana (54%); South Dakota and Montana committed 54% of supervision violators; and for probation confinement conditions South Dakota committed 48%.

**Table G18. Indian Country Juveniles committed to BOP custody, by Commitment Type and Judicial District (Court of Jurisdiction)**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
<b>U.S. district court commitment</b>	<b>413</b>	<b>51</b>	<b>47</b>	<b>39</b>	<b>25</b>	<b>39</b>	<b>54</b>	<b>44</b>	<b>47</b>	<b>39</b>	<b>28</b>
Arizona	118	22	17	10	8	4	13	16	9	12	7
Montana	111	2	7	7	2	15	7	17	18	24	12
New Mexico	39	4	2	6	1	6	12	3	4	0	1
South Dakota	46	11	3	1	4	7	4	5	6	3	2
Other districts	99	12	18	15	10	7	18	3	10	0	6
<b>Supervision violator</b>	<b>388</b>	<b>35</b>	<b>39</b>	<b>29</b>	<b>42</b>	<b>32</b>	<b>31</b>	<b>37</b>	<b>62</b>	<b>37</b>	<b>44</b>
Arizona	51	3	8	4	6	6	8	3	5	2	6
Montana	77	8	7	6	6	9	4	7	13	8	9
New Mexico	37	4	0	1	4	1	2	3	8	4	10
North Dakota	33	7	3	3	5	1	5	1	1	4	3
South Dakota	131	10	12	12	16	10	7	16	24	11	13
Other districts	56	3	9	3	5	5	5	6	10	7	3

<b>Probation confinement conditions</b>	<b>1,089</b>	<b>154</b>	<b>165</b>	<b>146</b>	<b>164</b>	<b>138</b>	<b>145</b>	<b>126</b>	<b>51</b>	<b>0</b>	<b>0</b>
Arizona	133	17	20	15	18	24	21	16	2		
Montana	62	3	8	11	11	8	12	6	3		
New Mexico	137	15	23	13	21	22	18	16	9		
North Dakota	144	18	17	18	28	24	24	10	5		
South Dakota	523	85	87	76	69	49	61	72	24		
Other districts	90	16	10	13	17	11	9	6	8		
<b>Other commitment</b>	<b>19</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>0</b>

Note: Totals include juveniles whose judicial district was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### *Delinquency Status, by Age*

Eighty-two percent of Indian Country juveniles were committed as juvenile delinquents, compared with 62% of all juveniles. The average age at offense of Indian County juvenile delinquents was 15.2 years; the average age of adult status juveniles was 16.0 years – nearly one year older. There was little variation across years of the average age at offense for either group. The average age varied between 14.9 and 15.4 years for juvenile delinquents and between 15.2 and 16.5 years for adult status juveniles. Over 70% of those charged as adults were 16 or older.

**Table G19. Indian Country Juveniles Committed to BOP Custody, by Delinquency Status and Age When Offense Committed**

<b>Age at offense</b>	<b>Year of Commitment to BOP Custody</b>										
	<b>Total</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
<b>Juvenile delinquent</b>	<b>1,570</b>	<b>212</b>	<b>219</b>	<b>195</b>	<b>198</b>	<b>169</b>	<b>178</b>	<b>155</b>	<b>121</b>	<b>63</b>	<b>60</b>
Under 13 years	64	12	13	5	10	3	9	3	3	2	4
13 years	148	22	23	14	26	20	13	12	8	3	7
14 years	277	31	50	40	39	25	25	26	23	11	7
15 years	333	49	44	36	42	31	44	31	24	18	14
16 years	371	51	44	51	39	35	36	50	36	13	16
17 years	360	42	43	47	42	51	51	31	26	16	11
Over 17 years	17	5	2	2	0	4	0	2	1	0	1
<b>Charged as an adult</b>	<b>339</b>	<b>29</b>	<b>33</b>	<b>24</b>	<b>36</b>	<b>43</b>	<b>53</b>	<b>53</b>	<b>43</b>	<b>13</b>	<b>12</b>
Under 13 years	8	0	0	1	3	1	1	1	1	0	0
13 years	5	0	0	0	1	2	1	1	0	0	0
14 years	27	1	1	0	2	13	4	4	2	0	0
15 years	52	6	6	3	4	6	11	10	4	1	1
16 years	92	11	5	6	8	10	17	13	13	5	4
17 years	131	11	16	12	15	10	17	21	18	4	7

Note: Totals include juveniles whose age was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

*Delinquency Status, by Judicial District*

South Dakota district courts committed over 40% of all juvenile delinquents, more than any other district, but only 15% of adult status juveniles were committed by South Dakota courts. After 2002, the annual average number of juvenile delinquents committed by Montana courts grew to 26 juveniles from 17 juveniles. For juveniles charged as adults, Arizona district courts committed the greatest share (32%), followed by New Mexico and South Dakota courts. The average number of adult status juveniles committed by New Mexico courts increased between 2002 and 2006 to 12 juveniles from an average of 2 per year.

**Table G20. Indian Country Juveniles Committed to BOP Custody, by Delinquency Status and Judicial District (Court of Jurisdiction)**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,909</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
<b>Juvenile delinquent</b>	<b>1,570</b>	<b>212</b>	<b>219</b>	<b>195</b>	<b>198</b>	<b>169</b>	<b>178</b>	<b>155</b>	<b>121</b>	<b>63</b>	<b>60</b>
Arizona	200	24	33	21	21	27	29	16	11	11	7
Montana	224	11	20	22	15	30	21	27	29	30	19
New Mexico	154	21	24	17	25	11	24	10	11	2	9
North Dakota	166	25	20	21	29	23	25	11	6	3	3
South Dakota	658	104	99	89	86	60	62	85	46	13	14
Other districts	168	27	23	25	22	18	17	6	18	4	8
<b>Charged as adult</b>	<b>339</b>	<b>29</b>	<b>33</b>	<b>24</b>	<b>36</b>	<b>43</b>	<b>53</b>	<b>53</b>	<b>43</b>	<b>13</b>	<b>12</b>
Arizona	107	18	12	9	12	8	13	20	6	3	6
Montana	26	2	2	2	4	2	2	3	5	2	2
New Mexico	59	2	1	3	1	18	8	12	10	2	2
North Dakota	14	2	0	1	4	2	4	0	0	1	0
South Dakota	51	2	3	2	5	8	11	8	10	1	1
Other districts	79	3	15	7	10	5	15	9	11	3	1

Note: Totals include juveniles whose judicial district was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

*Average Time Served, by Commitment Type*

The average time served by Indian Country juveniles in BOP facilities doubled from 12 months in 1999 to 25 months by 2008. This increase in time served was driven by the increase in time served for U.S. district court commitments from 28 months in 1999 to 36 months in 2008. By 2008 only five juveniles that had been committed for probation confinement conditions were released. Throughout the period, the number of Indian Country juveniles released from other types of commitments (medical, study or examination) were too few to derive statistically reliable information.

**Table G21. Mean time Served in Months for Indian Country Juveniles Released from BOP Custody, by Commitment Type**

Commitment Type	Year of Release from BOP Custody									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>11.7</b>	<b>11.7</b>	<b>16.7</b>	<b>10.7</b>	<b>12.5</b>	<b>13.2</b>	<b>16</b>	<b>15.1</b>	<b>23.6</b>	<b>24.7</b>
U.S. district court commitment	28.3	30.5	50.3	27.2	35.5	32.8	40.2	32.8	34.5	36.2
Supervision violator	13.1	16.3	13.8	11.4	15.6	11.2	16	11.5	15.2	13.6
Probation confinement conditions	7.8	6.8	8.5	7.5	8.3	8.1	7.5	8.7	21.5	--
Other	--	...	--	--	--	...	...	--	...	--

--Too few cases to obtain statistically reliable data.

... No case of this type occurred in the data.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (release cohort), annual, 1999-2008

## Non-Indian Country Juveniles Entering the Custody of the Federal Bureau of Prisons

### *Identifying Non-Indian Country Juveniles*

Non-Indian Country juveniles were identified in the BOP data by excluding records where the BOP offense variable indicated that the offense was committed on state and government reservations (BOP offense codes 701-795). See Methodology for more information regarding the specific BOP offense codes used to define Indian Country offenses.

Consistent with the trend observed for juveniles as a whole and Indian County juveniles, the number of non-IC juveniles committed to BOP custody decreased dramatically during the 1999-2008 period, from 272 to 84 juveniles (a 69% decrease), though a large share of that drop occurred after 2004.

### *Delinquency Status*

Only 38% of non-IC juveniles entered federal prison as delinquents each year, and the actual number of non-IC juveniles committed as delinquents decreased markedly, from 116 to 29, while the number of juveniles committed as adults also declined from 156 to 55 persons (Table G22).

**Table G22. Non-IC Juveniles (under Age 18 at Offense) Entering BOP Custody, by Delinquency Status**

Delinquency Status	Total	Year of Commitment to BOP Custody									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
Juvenile delinquent	623	116	91	74	56	63	61	52	46	35	29
Juvenile charged as adult	996	156	128	116	113	96	91	88	90	63	55

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

*Commitment Type*

The number of non-IC juveniles committed into BOP custody from U.S. district courts decreased from 122 to 52 between 1999 and 2008, although as a share of all commitments, non-IC juveniles actually increased. The number of non-IC juveniles committed for supervision violations annually fluctuated between 79 and 32 during the period. There were 57 non-IC juveniles committed to BOP on probation sentences with confinement requirements in 1999 (comprising only 21% of all non-IC juvenile commitments), but that number had decreased to 12 by 2006, and by 2007, no non-IC juveniles were committed in this manner.

**Table G23. Non-Indian Country Juveniles Entering BOP Custody, by Type of Commitment**

Commitment Type	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
U.S. district court commitment	810	122	113	93	70	73	70	71	77	69	52
Supervision violator	456	79	53	44	49	43	42	40	45	29	32
Probation confinement conditions	301	57	47	48	35	37	39	26	12	0	0
Other	52	14	6	5	15	6	1	3	2	0	0

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

*Type of Offense*

Seventy-seven percent of non-IC juveniles were committed for drug, violent, immigration and weapon offenses, whereas, 64% of IC juveniles were committed for violent offenses and 33% for property offenses. More than one-quarter (29%) of all commitments of juveniles for non-IC offenses were for drug offenses, 22% were for violent offenses, 13% were immigration offenses, and 12% were weapons offenses. Only 9% of commitments were for property offenses. The majority of commitments for violent offenses were for robbery (13%). The most common property offense was for fraud (4% of all commitments). This distribution of offense types was consistent across years. Beginning in 2005, the number of non-IC commitments began to decrease, with 140 commitments in 2005 and only 84 commitments by 2008, (Table G24).

**Table G24. Non-IC Juveniles (under Age 18 at Offense) Entering BOP Custody, by Offense**

	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
Murder/Negligent manslaughter*	15	4	3	1	2	3	1	0	0	1	0
Assault	55	8	7	7	8	7	4	2	7	3	2
Robbery	205	47	29	27	18	17	16	17	18	7	9
Sexual abuse	22	2	1	4	2	8	2	0	1	1	1
Kidnapping	36	11	7	7	3	2	3	0	1	0	2
Threats against the President	10	2	2	0	5	1	0	0	0	0	0
Embezzlement	2	0	1	0	1	0	0	0	0	0	0
Fraud	66	10	2	6	5	9	11	7	9	5	2
Counterfeiting	3	1	0	0	1	0	1	0	0	0	0
Burglary	29	9	5	7	2	1	0	2	1	0	2
Larceny	32	8	1	3	2	5	4	5	0	1	3
Motor vehicle theft	3	0	1	0	0	1	0	1	0	0	0
Arson and explosives	9	0	0	2	2	1	3	1	0	0	0

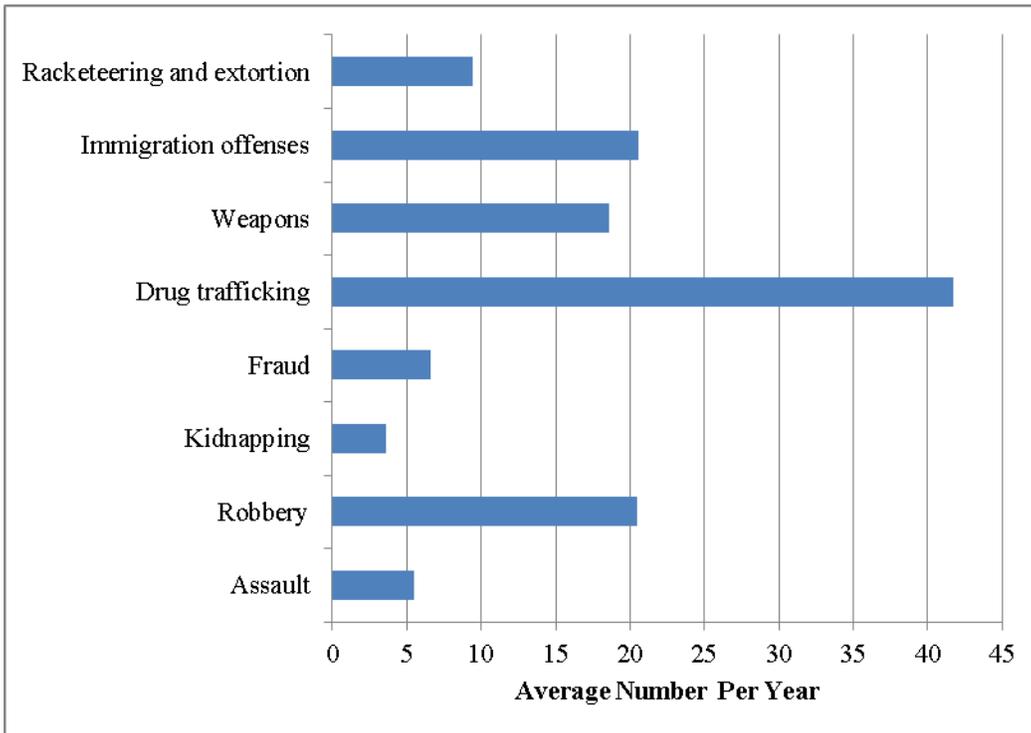
Other property offenses	18	3	2	1	2	5	0	1	0	1	3
Drug trafficking	417	54	60	45	35	46	36	46	40	34	21
Other drug felonies	35	8	9	1	3	3	5	3	1	1	1
Other regulatory offenses	56	9	3	10	10	6	12	1	2	2	1
Weapons	186	29	22	21	24	7	16	13	24	14	16
Immigration offenses	206	38	36	23	14	18	21	18	20	10	8
Perjury	2	1	0	0	0	0	0	1	0	0	0
National defense	1	0	1	0	0	0	0	0	0	0	0
Escape	5	1	1	0	1	1	0	0	0	1	0
Racketeering and extortion	94	11	10	11	10	7	7	11	7	12	8
Nonviolent sex offenses	2	0	0	0	1	0	0	0	1	0	0
Obscene materials	1	0	0	0	1	0	0	0	0	0	0
Traffic offenses	11	1	0	0	3	3	0	1	1	2	0
Wildlife offenses	2	0	0	0	0	2	0	0	0	0	0
Other public order	14	2	2	2	2	1	0	2	0	0	3

\*Includes attempted murder

Note: Total includes juveniles whose offenses were missing or unclassifiable

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

Figure G3. Average Number of Offenses Committed by Non-IC Juveniles Admitted to BOP custody, 1999-2008



*Judicial District (Court of Jurisdiction)*

The districts responsible for the greatest number of non-IC commitments to BOP custody were Arizona (16%), South Dakota, (5%) and Texas Western (5%). Several districts were responsible for greater shares of commitments that occurred in Indian Country commitments: California Eastern, California Southern, New York Southern, Puerto Rico, Minnesota, Texas Western, and Virginia Eastern. Each of these districts committed more non-IC juveniles than did Montana or North Dakota. They were responsible for 21% of all non-IC juvenile commitments.

**Table G25. Non-Indian Country Juveniles committed to BOP custody, by Judicial District (Court of Jurisdiction)**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
Arizona	254	35	32	23	24	29	24	27	23	18	19
California Eastern	43	12	11	8	1	3	4	2	1	0	1
California Southern	65	13	15	9	5	5	4	5	3	4	2
Minnesota	35	12	5	3	5	4	1	0	4	1	0
Montana	34	3	3	5	6	3	4	2	3	3	2
New Mexico	49	6	1	3	5	8	7	4	7	6	2
New York Southern	40	8	4	4	4	3	2	5	6	3	1
North Dakota	28	4	8	3	3	2	1	5	2	0	0
Puerto Rico	40	11	2	7	6	5	5	1	2	1	0
South Dakota	83	14	9	12	12	8	10	7	4	3	4
Texas Western	74	13	8	9	7	3	7	5	16	3	3
Virginia Eastern	43	5	7	7	1	10	2	3	4	3	1
Other districts	830	135	114	97	90	76	81	74	61	53	49

Note: Total includes juveniles whose judicial district was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### Demographics

The majority of non-IC juveniles were male (92%), white (56%), non-Hispanic (65%), and United States citizens (77%). Non-IC juveniles were slightly older when the offense was committed than all juveniles and all IC juveniles. The average age of non-IC juveniles was 16.3 years, compared to 15.8 for all juveniles, and 15.3 years for IC juveniles. Eighty-two percent of non-IC juveniles were over 15 years old at offense, compared to 52% of IC juveniles. Two percent of non-IC juveniles were under 13 years old.<sup>5</sup>

**Table G26. Non-Indian Country Juveniles Committed to BOP Custody, by Characteristic**

Characteristic	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>241</b>	<b>252</b>	<b>219</b>	<b>234</b>	<b>212</b>	<b>231</b>	<b>208</b>	<b>164</b>	<b>76</b>	<b>72</b>
<b>Gender</b>											
Male	1482	224	220	201	218	197	221	197	158	70	66
Female	137	17	32	18	16	15	10	11	6	6	6
<b>Race</b>											
White	910	13	23	10	16	8	10	5	11	3	2
Black	488	3	5	4	1	2	4	2	4	1	1

<sup>5</sup> These findings should be examined further. Since these are derived ages, they may reflect data entry errors or other problems with the data or our assumptions.

American Indian	198	225	224	205	217	202	217	199	149	72	69
Asian	23	0	0	0	0	0	0	2	0	0	0
<b>Ethnicity</b>											
Hispanic	562	2	4	0	2	1	4	2	3	0	71
Non-Hispanic	1057	239	248	219	232	211	227	206	161	76	1
<b>Age at offense</b>											
Under 13 years	29	12	13	6	13	4	10	4	4	2	4
13 years	30	22	23	14	27	22	14	13	8	3	7
14 years	58	32	51	40	41	38	29	30	25	11	7
15 years	143	55	50	39	46	37	55	41	28	19	15
16 years	305	62	49	57	47	45	53	63	49	18	20
17 years	856	53	59	59	57	61	68	52	44	20	18
Over 17 years	50	5	2	2	0	4	0	2	1	0	1
<b>Citizenship</b>											
U.S. citizen	1245	239	252	218	234	212	231	207	163	76	72
Not U.S. citizen	368	1	0	1	0	0	0	1	0	0	0

Note: Total includes juveniles whose characteristics were missing or unknown.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### *Commitment Type, by Delinquency Status*

Half of non-IC juveniles were committed to BOP custody by a district court, with juvenile delinquents and adult status juveniles having similar shares of district court commitments. The same is true for supervision violators with 32% charged as adults, compared to 23% of juvenile delinquents. However, for non-IC juveniles committed through probation confinement conditions, most were juvenile delinquents (208 out of 301).

**Table G27. Non-Indian Country Juveniles Committed to BOP Custody, by Commitment Type and Delinquency Status**

Commitment Type	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
<b>Juvenile delinquent</b>	<b>623</b>	<b>116</b>	<b>91</b>	<b>74</b>	<b>56</b>	<b>63</b>	<b>61</b>	<b>52</b>	<b>46</b>	<b>35</b>	<b>29</b>
U.S. district court commitment	274	36	39	22	17	27	30	30	27	25	21
Supervision violator	141	34	17	13	17	12	9	9	12	10	8
Probation confinement conditions	208	46	35	39	22	24	22	13	7	0	0
<b>Juvenile charged as an adult</b>	<b>996</b>	<b>156</b>	<b>128</b>	<b>116</b>	<b>113</b>	<b>96</b>	<b>91</b>	<b>88</b>	<b>90</b>	<b>63</b>	<b>55</b>
U.S. district court commitment	536	86	74	71	53	46	40	41	50	44	31
Supervision violator	315	45	36	31	32	31	33	31	33	19	24
Probation confinement conditions	93	11	12	9	13	13	17	13	5	0	0
Other	52	14	6	5	15	6	1	3	2	0	0

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### *Commitment Type, by Judicial District*

The districts responsible for the greatest number of non-IC commitments were Arizona, South Dakota, and Texas Western. The distribution by district varied greatly when compared to all juvenile commitments or IC commitments. Across all commitment types, several districts were responsible for greater shares of commitments that occurred in the Indian Country commitments: Texas Western, California Eastern, California Southern, New York Southern, and Virginia Eastern. The greatest share of U.S. district court commitments was by Arizona and Texas Western; Arizona, Virginia Eastern, and South Dakota committed 24% of supervision violators; and for probation confinement conditions Arizona and South Dakota processed nearly half of these cases (41%).

**Table G28. Non-Indian Country Juveniles committed to BOP custody, by Commitment Type and Judicial District (Court of Jurisdiction)**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
<b>U.S. district court commitment</b>	<b>810</b>	<b>122</b>	<b>113</b>	<b>93</b>	<b>70</b>	<b>73</b>	<b>70</b>	<b>71</b>	<b>77</b>	<b>69</b>	<b>52</b>
Arizona	124	4	9	4	8	19	16	20	15	13	16
California Eastern	38	11	10	7	1	2	4	2	0	0	1
California Southern	34	3	7	4	3	3	2	5	2	3	2
Minnesota	10	6	1	0	0	1	0	0	1	1	0
New Mexico	27	3	0	0	2	5	5	1	3	6	2
New York Southern	23	6	1	4	3	3	1	3	2	0	0
Puerto Rico	34	8	2	7	5	5	3	1	2	1	0
Texas Western	55	9	7	8	5	1	7	3	11	3	1
Virginia Eastern	17	1	3	5	0	2	2	2	1	1	0
Other districts	448	71	73	54	43	32	30	34	40	41	30
<b>Supervision violator</b>	<b>456</b>	<b>79</b>	<b>53</b>	<b>44</b>	<b>49</b>	<b>43</b>	<b>42</b>	<b>40</b>	<b>45</b>	<b>29</b>	<b>32</b>
Arizona	63	16	9	4	8	4	3	4	7	5	3
California Southern	16	4	4	2	2	1	1	0	1	1	0
Minnesota	12	1	2	3	2	2	1	0	1	0	0
Montana	15	3	1	0	1	2	2	1	2	2	1
New York Southern	17	2	3	0	1	0	1	2	4	3	1
Puerto Rico	5	2	0	0	1	0	2	0	0	0	0
South Dakota	22	4	2	1	2	2	2	2	1	2	4
Texas Western	15	3	1	1	2	1	0	1	4	0	2
Virginia Eastern	23	4	4	2	0	6	0	1	3	2	1
Other districts	268	40	27	31	30	25	30	29	22	14	20
<b>Probation</b>	<b>301</b>	<b>57</b>	<b>47</b>	<b>48</b>	<b>35</b>	<b>37</b>	<b>39</b>	<b>26</b>	<b>12</b>	<b>0</b>	<b>0</b>
Arizona	66	15	14	15	7	6	5	3	1		
California Southern	14	6	3	3	0	1	1	0	0		
Montana	13	0	2	3	5	1	1	1	0		
New Mexico	13	2	0	1	2	2	1	2	3		
North Dakota	19	1	7	3	1	2	0	5	0		
South Dakota	56	9	6	11	10	6	8	3	3		
Other districts	120	24	15	12	10	19	23	12	5		
<b>Other commitment</b>	<b>52</b>	<b>14</b>	<b>6</b>	<b>5</b>	<b>15</b>	<b>6</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>

Note: Totals include juveniles whose judicial district was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

*Delinquency Status, by Age*

Thirty-eight percent of non-IC juveniles were committed as juvenile delinquents, compared with 62% of all juveniles and 82% of IC juveniles. The average age at offense of non-IC juvenile delinquents was 16.2 years, nearly one year older than IC juvenile delinquents who were 15.2 years when the offense was committed. The average age of adult status juveniles was 16.4 years. Almost 86% of those charged as adults were 16 or older, compared with 77% of juvenile delinquents.

**Table G29. Non-IC Juveniles Committed to BOP Custody, by Delinquency Status and Age When Offense Committed**

Age at Offense	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
<b>Juvenile delinquent</b>	<b>623</b>	<b>116</b>	<b>91</b>	<b>74</b>	<b>56</b>	<b>63</b>	<b>61</b>	<b>52</b>	<b>46</b>	<b>35</b>	<b>29</b>
Under 13 years	5	1	1	1	2	0	0	0	0	0	0
13 years	16	3	1	3	3	1	1	1	1	1	1
14 years	36	13	3	5	4	4	4	1	1	1	0
15 years	88	21	14	8	11	11	8	3	4	4	4
16 years	154	21	26	23	9	17	15	15	12	7	9
17 years	276	49	43	26	22	26	27	26	22	20	15
Over 17 years	48	8	3	8	5	4	6	6	6	2	0
<b>Charged as adult</b>	<b>996</b>	<b>156</b>	<b>128</b>	<b>116</b>	<b>113</b>	<b>96</b>	<b>91</b>	<b>88</b>	<b>90</b>	<b>63</b>	<b>55</b>
Under 13 years	24	4	2	4	3	1	3	0	2	3	2
13 years	14	0	3	3	2	2	0	0	1	1	2
14 years	22	4	3	3	3	0	2	2	3	2	0
15 years	55	10	5	9	4	6	3	4	6	5	3
16 years	151	22	19	16	18	11	14	18	12	12	9
17 years	580	82	73	53	63	60	61	58	58	35	37
Over 17 years	2	0	2	0	0	0	0	0	0	0	0

Note: Totals include juveniles whose age was missing.

Source: Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

*Delinquency Status, by Judicial District*

Arizona district courts committed 34% of all juvenile delinquents, more than any other district, but only 4% of adult status juveniles were committed by Arizona courts. For juveniles charged as adults, Texas Western district courts committed the greatest number of juveniles (6%), followed by California Eastern and Arizona courts.

**Table G30. Non-IC Juveniles Committed to BOP Custody, by Delinquency Status and Judicial District**

Judicial District	Year of Commitment to BOP Custody										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,619</b>	<b>272</b>	<b>219</b>	<b>190</b>	<b>169</b>	<b>159</b>	<b>152</b>	<b>140</b>	<b>136</b>	<b>98</b>	<b>84</b>
<b>Juvenile delinquent</b>	<b>623</b>	<b>116</b>	<b>91</b>	<b>74</b>	<b>56</b>	<b>63</b>	<b>61</b>	<b>52</b>	<b>46</b>	<b>35</b>	<b>29</b>
Arizona	214	28	29	19	21	26	18	24	18	17	14
California Southern	45	11	12	8	2	4	0	4	2	1	1
Montana	31	3	2	4	6	3	4	2	2	3	2
New Mexico	31	6	1	3	5	2	6	2	3	2	1
North Dakota	22	3	8	3	1	2	1	3	1	0	0

South Dakota	75	14	8	11	10	7	8	6	4	3	4
Other districts	205	51	31	26	11	19	24	11	16	9	7
<b>Charged as adult</b>	<b>996</b>	<b>156</b>	<b>128</b>	<b>116</b>	<b>113</b>	<b>96</b>	<b>91</b>	<b>88</b>	<b>90</b>	<b>63</b>	<b>55</b>
Arizona	40	7	3	4	3	3	6	3	5	1	5
California Eastern	41	12	11	8	1	3	2	2	1	0	1
New York Southern	38	7	4	4	4	3	2	4	6	3	1
Puerto Rico	36	10	2	6	6	5	4	1	1	1	0
Texas Western	56	12	8	8	7	3	2	1	11	1	3
Virginia Eastern	38	5	6	5	1	8	2	3	4	3	1
Other districts	746	102	94	81	91	71	73	74	62	54	44

**Note:** Totals include juveniles whose judicial district was missing.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (entry cohort), annual, 1999-2008

### *Average Time Served, by Commitment Type*

The average time served by non-IC juveniles in BOP custody more than doubled from 16 months in 1999 to over 36 months by 2008. This increase in time served was caused by the increase in time served for U.S. district court commitments from 28 months in 1999 to nearly 53 months in 2008. In 2007 and 2008, fewer than ten released juveniles per year had been committed for probation confinement conditions. In most years, fewer than ten juveniles were released from a commitment by other means.

**Table G31. Mean Time Served in Months for Non-IC Juveniles Released from BOP Custody, by Commitment Type**

Year of Release from BOP Custody

Commitment Type	Year of Release from BOP Custody										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	
<b>Total</b>	<b>15.7</b>	<b>18.1</b>	<b>26.4</b>	<b>21.4</b>	<b>20.2</b>	<b>30.5</b>	<b>24.6</b>	<b>24.3</b>	<b>33.6</b>	<b>36.4</b>	
U.S. district court commitment	27.7	28.5	41.9	37.6	34.4	47.6	38.3	35.0	45.2	52.8	
Supervision violator	11.6	12.3	15.5	16.4	11.2	12.8	17.7	10.8	13.2	12.2	
Probation confinement conditions	6.2	8	8.4	7	5.9	4.5	5.4	5.8	--	--	
Other	2.4	--	--	2.9	--	--	--	--	--	...	

--Too few cases to obtain statistically reliable data.

... No case of this type occurred in the data.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (release cohort), annual, 1999-2008

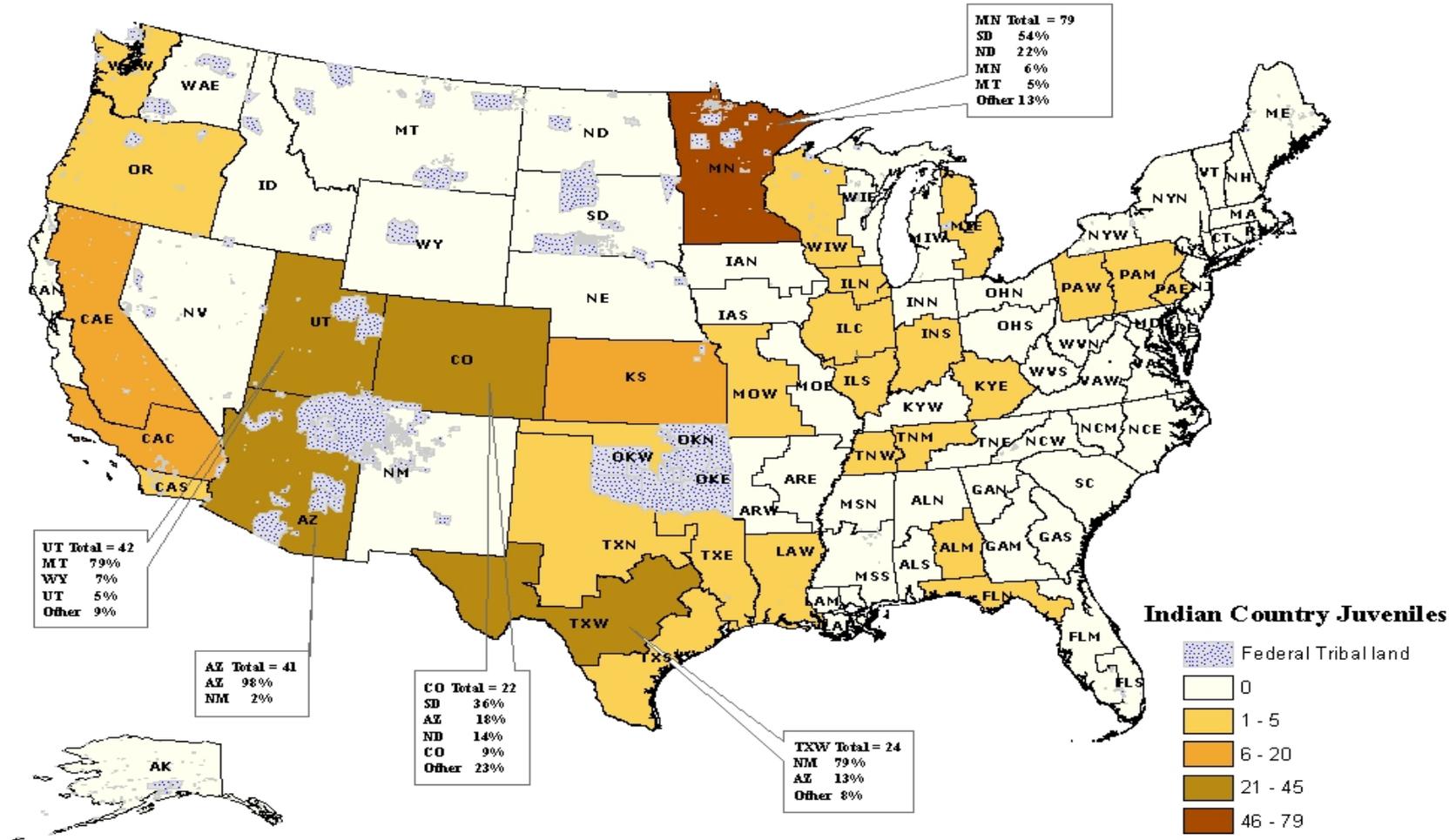
### **BOP Population at Yearend, for Indian Country Juveniles**

At yearend 2003, there were 298 Indian Country juveniles in BOP custody, both juvenile contract facilities and adult facilities. Sixty-six percent were committed as juvenile delinquents and thirty-four percent were given adult status. Seventy-four percent of these juveniles were housed in BOP facilities in just five districts: Minnesota, Arizona, Utah, Texas Western, and Colorado (Figure G4 below). Out of these five districts, only one (Arizona) contained a majority of juveniles who resided in that district. For example, Minnesota housed the greatest number of juveniles and only six percent of the seventy-nine juveniles lived in Minnesota. Juveniles whose legal residence was South Dakota were over half of the juveniles in BOP facilities in Minnesota.

No juveniles were placed in BOP facilities in four of the districts containing large Indian Country populations and that committed a large number of Indian Country juveniles: South Dakota, North Dakota, Montana, and New Mexico.



**Figure G4. Number and Location of Indian Country Juveniles in BOP Custody at Yearend 2003, by Federal Judicial District (where detention located)**



**Note:** Each text box indicates the total number of Indian Country juveniles (both adjudicated and convicted as adults) housed in facilities in the selected judicial district, as well as information about the states of residence for the detained juveniles.

**Source:** Federal Justice Statistics Program: Federal Bureau of Prisons' data file (stock population), 2003

## Tribal Youth BOP Methodology

### Dataset Construction

After consulting the Bureau of Prisons documentation obtained through the FJSRC program at the Urban Institute, we identified variables that had information about either Indian Country offenses or juveniles. We used the agency's datasets acquired by the FJSRC program. These datasets were subset to remove offenders sentenced by the District of Columbia Superior Court and any other nonfederal offenders. They contain the FJSRC unique ID variable to facilitate linking with other agencies data. All three cohorts of data (In, Out, and Stock) were used in this analysis of BOP data.

### Analysis Variables

#### Indian Country Offenses and Non-Indian Country Offenses

Indian Country is defined in USC 18:1151 as Indian reservations or other lands belonging to American Indians. The Bureau of Prisons data does not have a variable for title/section of the U.S. Code, but it does have categories within its offense variable for offenses committed on state and government reservations and Indian liquor laws. These offenses are the most serious offense of conviction and have the same type of offenses as non-Indian Country offenses.

#### Juveniles

A juvenile is generally defined in this report as someone who committed an offense before the age of eighteen years. The BOP data does contain the offense date, but the date is missing for some records. When the offense date was missing, we identified juveniles as being under twenty-one years at sentencing. The sentencing date was nearly always present in the data.

Juveniles were also identified when the name of the offender contained a variation of "juvenile". If any of these variables indicated that the person was a juvenile, then the offender was flagged as a juvenile and used in the analysis. There was no offense code for juvenile delinquency in the BOP data. Another variable, the sentence procedure code, was used to determine if the offender was a juvenile and was also used to determine the delinquency status of an offender.

Using derived variables rather than agency variables to define juveniles presents a problem in that there is potential for misidentifying juveniles if either of the date variables is incorrect, especially if the created age variable is the only variable used to define a juvenile offender.

#### Race

The BOP variable for race was used to identify American Indian juveniles.

#### Most Serious Offense of Conviction

The BOP variable for most serious offense of conviction (i.e., the offense with the longest sentence) was used to define offense categories for all three cohorts. This variable is the underlying data source of the BJS detailed offense variable that is used in the report tables.

#### Federal Judicial District

The federal judicial district was constructed using three BOP variables: the state, type and section of the court of jurisdiction.

#### Prison Term

To calculate the term to be served we used the BOP variable TERM. Term is the sentence imposed and can include multiple concurrent sentences. Only sentence adjustments affect TERM. Good time credit and jail credit only affect the actual release date. Prisoners given life or death sentences are not included in the

term.

### **Time Served**

The BOP variable TIMESRV (SENTSRV beginning in 2004) was used to calculate the amount of time served in custody. Time served is calculated from the date a prisoner starts serving his sentence (is in the custody of the BOP) to the release date. Jail credit and good time credit can affect the release date. Prisoners given life or death sentences are not included in the amount of time served.

### **Other Variables of Interest**

We used the BOP variables to determine prisoners' age at commitment and release, gender, ethnicity and citizenship status.

## Federal Offenders Entering Post-Conviction Community Supervision

### OVERVIEW

Based on our analysis of information available in the AOUSC’s Federal Probation Supervision Information System (FPSIS) database, we identified 2,524 juvenile offenders entering federal post-conviction community supervision between FY1999 and FY2008, which comprised a very small percentage (0.5%) of all offenders entering federal supervision (508,739) over this ten-year period. The best methods that we could apply to the data indicated that approximately 48% (1,202 of these juveniles) who entered federal supervision committed a crime in Indian Country<sup>1</sup>. On average, there were 252 juvenile offenders overall and 120 Indian Country juvenile offenders entering federal community supervision per year over this ten-year period. However, the number of juveniles entering federal supervision decreased from 282 in 1999 to a low of 195 in 2001, before rising to a high of 302 and then leveling back off to 282 in 2009, thus returning back its original 1999 level. At the same time, the number of Indian Country juvenile offenders entering federal supervision increased from 135 in 1999 to 175 in 2008 (a 30% increase) (Table H1).

**Table H1. Juvenile Offenders entering Federal Community Supervision, by Juvenile and Indian Country Status**

	Total	Year Entering Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Juveniles	2,524	282	239	195	217	218	259	260	302	270	282
<i>Indian Country*</i>	1,202	135	119	99	97	89	99	113	133	143	175
<i>Non-IC</i>	1,322	147	120	96	120	129	160	147	169	127	107
Adults	506,215	42,581	43,782	45,556	48,881	50,102	52,552	54,833	54,585	55,163	58,180
<b>Total (All Suspects)</b>	<b>508,739</b>	<b>42,863</b>	<b>44,021</b>	<b>45,751</b>	<b>49,098</b>	<b>50,320</b>	<b>52,811</b>	<b>55,093</b>	<b>54,887</b>	<b>55,433</b>	<b>58,462</b>

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

\* Since the FPSIS data does not contain a variable to identify crimes occurring in Indian Country, as a rough proxy we use race=Native American

This chapter is divided into two sections: the first provides descriptive statistics for all juvenile offenders entering federal community supervision, while the second provides descriptive statistics for specifically Indian Country juvenile offenders entering federal community supervision (including juvenile delinquency supervision, probation, supervised release, and old law parole).

<sup>1</sup> Since the FPSIS data does not contain a specific variable to identify crimes occurring in Indian Country, as a rough proxy we had to use the offender’s race (Native American) as a rough proxy measure. We recognize that not all Native American juveniles will have committed a crime in Indian Country; we further recognize that we could be missing some non-Native American juveniles who committed crimes on Indian lands by employing this method. However, given the constraints of the FPSIS data, it is the best we can do.

## JUVENILES

### Identification of Juvenile Offenders Entering Federal Community Supervision

We used several different criterion variables in the FPSIS database to identify juveniles. If any of the following conditions were met, we identified the offender as a juvenile:

- If the offender record was coded as a juvenile (JUVENILE=1) for a special juvenile indicator variable (available only starting with the 2006 data) ;
- If the name fields (first\_name and last\_name) contained the strings ‘JUVENILE’, or ‘JUV’;
- If the offender was coded on supervision type as receiving juvenile delinquency supervision;
- If the agency (AOUSC) offense variable contained a code of 7991 (juvenile delinquency);
- If the title and section charge variable contained 18 USC § 5032 (the juvenile delinquency statute).

### Analysis of Juvenile Offenders Entering Federal Community Supervision

We found a total of 2,524 juvenile offenders entering federal community supervision between 1999 and 2008. During that period, the annual number of juvenile offenders entering federal supervision first decreased to a low of 195 in 2001 and then increased to a high of 302 in 2006 before leveling off in 2008 to 282 (the same place where it started the period).

#### *Type of Supervision*

Of the 2,524 juvenile offenders entering federal supervision between 1999 and 2008, roughly two-thirds received probation sentences, while 23% (n=583) entered to serve a term of supervised release, 6% received juvenile delinquency supervision and just 3% entered (pre-SRA) parole after long prison sentences. The new juvenile delinquency supervision only began to be coded in the FPSIS database in 2006, but comprised about. At the beginning of the period a vast majority of all juveniles (nearly 9 in 10) were entering to serve a probation sentence, but by the end of the period that percentage had fallen to 40%, supplanted in part by the new form of “juvenile delinquency supervision” which began to be coded in FPSIS only starting in 2006. Those juveniles receiving this new form of juvenile delinquency supervision comprised 19% of all juveniles entering federal supervision from 2006-2008. Meanwhile the share of offenders entering supervision on a term of supervised release following prison quadrupled from just under 10% in 1999 to nearly 40% by 2008.

#### **Table H2. Juvenile Offenders entering Federal Community Supervision, by Supervision Type**

Type of Supervision	Year Entering Federal Post-Conviction Community Supervision										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>2,524</b>	<b>282</b>	<b>239</b>	<b>195</b>	<b>217</b>	<b>218</b>	<b>259</b>	<b>260</b>	<b>302</b>	<b>270</b>	<b>282</b>
Juvenile Delinquency Supervision	162	0	0	0	0	0	0	0	49	58	55
Probation	1,700	250	209	173	179	179	192	185	122	97	114
Term of Supervised Release	583	27	20	16	33	30	50	62	122	112	111
Parole (Pre-SRA)*	79	5	10	6	5	9	17	13	9	3	2

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

\*SRA=Sentencing Reform Act

### *Adjudicated or Convicted Offense*

The most common adjudicated or convicted offenses for juveniles entering federal supervision were violent offenses (29%) and misdemeanor offenses (such as drug possession and DUI) (20%), followed by drug felonies (14%), property offenses (14%) such as burglary and larceny, immigration (8%), and weapons offenses (5%). Of the violent offenses, assault was the most common (38% of all violent offenses in an average year), followed by sexual abuse (36%), murder (15%) and robbery (10%). (Table H3).

**Table H3. Juvenile Offenders entering Federal Community Supervision, by Adjudicated or Convicted Offense**

Offense	Year Entering Federal Post-Conviction Community Supervision										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	734	49	52	42	54	47	66	75	109	104	136
Murder	109	7	7	3	6	8	6	8	20	19	25
Assault	279	19	21	21	21	14	24	26	43	40	50
Robbery	76	10	5	2	10	5	12	6	12	4	10
Sexual abuse	264	13	19	15	17	20	23	35	32	41	49
Property offense	302	31	32	18	25	24	24	35	30	38	45
Burglary	107	13	19	6	12	8	11	9	11	6	12
Larceny	82	9	3	2	3	7	1	15	9	18	15
Arson and explosives	48	2	1	3	2	4	8	6	2	10	10
Drug offenses	359	38	23	21	25	21	36	49	60	46	40
Public-order offenses	101	12	24	7	6	7	14	5	15	7	4
Weapon offenses	135	7	10	8	4	14	11	19	26	24	12
Immigration offenses	78	3	7	4	4	10	3	9	13	13	12
Misdemeanor offenses	498	70	52	48	64	62	62	41	41	34	24
Missing/unexpected	334	72	56	47	35	33	43	27	8	4	9
<b>Total (All Offenses)</b>	<b>2,524</b>	<b>282</b>	<b>239</b>	<b>195</b>	<b>217</b>	<b>218</b>	<b>259</b>	<b>260</b>	<b>302</b>	<b>270</b>	<b>282</b>

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

### *Offender Characteristics*

In terms of offender characteristics, the average juvenile offender entering federal supervision was American Indian, Male, Non-Hispanic, and 18 years of age or younger.

**Table H4. Characteristics of Juvenile Offenders entering Federal Community Supervision**

Offense	Total	Year Entering Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Race</b>											
White	824	102	78	68	74	80	93	84	92	80	73
Black	450	42	39	24	43	41	58	58	68	46	31
American Indian	1,202	135	119	99	97	89	99	113	133	143	175
Other	32	3	1	2	2	5	4	5	6	1	3
<b>Gender</b>											
Male	2,225	237	207	160	182	190	229	235	274	254	257
Female	295	45	31	35	35	28	30	25	25	16	25
<b>Ethnicity</b>											
Hispanic	394	31	34	26	24	39	38	40	53	55	54
Non-Hispanic	2,081	247	204	168	192	177	210	210	242	207	224
<b>Age</b>											
18 and under	1,235	168	132	112	114	121	126	131	105	101	125
19-20	388	23	28	31	38	32	33	28	48	67	60
21-30	371	17	16	13	23	21	37	27	77	80	60
31-40	133	11	9	4	8	10	12	25	26	8	20
Over 40 years old	102	8	8	5	10	11	24	14	15	4	3
<b>Total (All Offenders)</b>	<b>2,524</b>	<b>282</b>	<b>239</b>	<b>195</b>	<b>217</b>	<b>218</b>	<b>259</b>	<b>260</b>	<b>302</b>	<b>270</b>	<b>282</b>

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

### *Judicial District*

About 6 in 10 juvenile entrants onto federal supervision were processed and sentenced in courts located in just 6 federal judicial districts (Arizona, South Dakota, New Mexico, Montana, Maryland, and North Dakota) each year, fairly consistently over the 1999-2008 period (Table 5). The judicial districts accounting for the largest share of juvenile suspects in criminal matters referred during the period included Arizona (16%), South Dakota (14%), New Mexico (13%), and Montana (7%).

**Table H5. Juvenile Offenders Entering Federal Community Supervision, 1999-2008, by judicial district**

Judicial District	Total	Year Entering Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>2,524</b>	<b>282</b>	<b>239</b>	<b>195</b>	<b>217</b>	<b>218</b>	<b>259</b>	<b>260</b>	<b>302</b>	<b>270</b>	<b>282</b>
Arizona	414	45	36	34	29	26	38	35	63	53	55
Maryland	136	15	16	8	17	13	22	17	13	11	4
Montana	181	27	24	4	8	17	19	15	18	21	28
North Dakota	92	11	12	9	17	10	10	7	5	4	7
New Mexico	338	17	22	14	25	33	35	41	46	52	53
South Dakota	355	44	44	34	25	28	24	34	26	44	52
Other districts	1,008	123	85	92	96	91	111	111	131	85	83

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

### Supervision Outcomes for Juvenile Offenders Terminating Federal Supervision

Of the 2,720 juvenile offenders terminating federal community supervision during the 1999-2008 period, just over half completed their supervision term successfully, while 17% terminated due to general technical violations of supervision, 13% terminated unsuccessfully for committing new crimes, 8% absconded as fugitives, and 7% had their supervision revoked due to continued drug use (Table H6).

**Table H6. Outcomes for Juvenile Offenders Terminating Federal Community Supervision**

Outcome	Total	Year Terminating Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>2,720</b>	<b>310</b>	<b>282</b>	<b>232</b>	<b>263</b>	<b>246</b>	<b>225</b>	<b>268</b>	<b>303</b>	<b>307</b>	<b>284</b>
No violation	1,399	158	131	124	129	140	137	138	169	142	131
Drug use	166	20	26	11	25	12	11	15	19	12	15
Fugitive status	225	26	23	21	26	18	17	21	24	25	24
Other technical violations	452	48	42	34	43	37	35	53	46	61	53
New crime	352	46	36	32	37	34	18	31	39	49	30
Administrative case closure	126	12	24	10	3	5	7	10	6	18	31

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders terminating Federal Post-Conviction Supervision, annual, 1999-2008

## INDIAN COUNTRY JUVENILES

### Identification of Indian Country Juvenile Suspects in Criminal Matters

Unfortunately the FPSIS database does not contain any sort of indicator variable to identify crimes occurring in Indian Country; therefore, our only option to approximate Indian Country crimes was to rely on race=Native American as a very rough proxy to estimate the number of offenders who committed their crimes in Indian Country. We recognize fully the limitations of this approach and therefore recommend that the reader use caution when interpreting the findings in this section and exercise care when drawing any conclusions.

**Analysis of Indian Country Juvenile Offenders Entering Federal Community Supervision**

We found a total of 1,202 Indian Country juvenile offenders entering federal community supervision between 1999 and 2008. During the period, the annual number of juvenile offenders entering federal supervision first decreased by a factor of one-third from 135 in 1999 to 89 in 2003, before nearly doubling to a high of 175 in 2008.

*Type of Supervision*

Of the 1,202 Indian Country juvenile offenders entering federal supervision between 1999 and 2008, nearly 75% received probation sentences, while 15% entered to serve a term of supervised release. However, an overwhelming majority (95%) received probation from 1999-2005, before the new juvenile delinquency supervision was introduced in the FPSIS data system. During the 2006-2008 period, only 6 in 10 Indian Country juvenile offenders entered on probation, while nearly 3 in 10 entered on the new juvenile delinquency supervision, and about one-third entered on supervised release (Table H7).

**Table H7. Indian Country Juvenile Offenders entering Federal Community Supervision, by Supervision Type**

Type of Supervision	Year Entering Federal Post-Conviction Community Supervision										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,202</b>	<b>135</b>	<b>119</b>	<b>99</b>	<b>97</b>	<b>89</b>	<b>99</b>	<b>113</b>	<b>133</b>	<b>143</b>	<b>175</b>
Juvenile Delinquency Supervision	132	0	0	0	0	0	0	0	43	48	41
Probation	885	134	115	98	97	84	90	98	57	42	70
Term of Supervised Release	185	1	4	1	0	5	9	15	33	53	64

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

*Adjudicated or Convicted Offense*

Nearly 50% of those Indian Country juveniles entering federal supervision were adjudicated or convicted for violent offenses, while 17% were adjudicated or convicted for property offenses, such as burglary, larceny, and arson and explosives. Of the violent offenses, assault was the most common (comprising 42% of all violent offenses in an average year), followed closely by sexual abuse (41% of all violent) (Table H8).

**Table H8. Indian Country Juvenile Offenders entering Federal Community Supervision, by Adjudicated/Convicted Offense**

Offense	Total	Year Entering Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Violent offenses	580	36	41	36	42	40	49	57	67	94	118
Murder	89	6	7	3	6	8	5	2	11	18	23
Assault	245	17	19	20	19	13	21	22	27	39	48
Robbery	10	2	0	1	2	0	1	0	1	1	2
Sexual abuse	235	11	15	12	15	19	22	33	28	36	44
Property offense	203	20	23	9	13	16	15	30	16	26	35
Burglary	94	13	19	5	11	7	7	8	6	6	12
Larceny	59	3	2	1	0	5	1	15	7	14	11
Arson and explosives	33	2	1	2	2	2	6	5	1	4	8
Drug offenses	25	4	1	2	0	0	0	2	1	10	5
Public-order offenses	39	8	7	6	4	4	2	1	2	3	2
Weapon offenses	29	3	0	2	1	2	4	4	2	7	4
Immigration offenses	2	0	0	0	0	0	0	0	0	1	1
Misdemeanor offenses	56	9	5	11	10	7	5	2	2	1	4
Missing/unexpected	230	55	42	33	27	20	24	17	5	1	6
<b>Total (All Offenses)</b>		<b>135</b>	<b>119</b>	<b>99</b>	<b>97</b>	<b>89</b>	<b>99</b>	<b>113</b>	<b>95</b>	<b>143</b>	<b>175</b>

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

*Offender Characteristics*

In terms of offender characteristics, the average Indian Country juvenile offender entering federal supervision was overwhelmingly Male, Non-Hispanic, and 18 years of age or younger. These trends were fairly consistent over the period, although as the period progressed, an increasing percentage of offenders were in the 21-30 age category (Table H9).

**Table H9. Characteristics of Indian Juvenile Offenders entering Federal Community**

**Supervision**

Offense	Total	Year Entering Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Gender</b>											
Male	1,094	114	101	83	89	83	92	104	126	136	166
Female	108	21	18	16	8	6	7	9	7	7	9
<b>Ethnicity</b>											
Hispanic	36	2	3	2	2	3	1	2	6	7	8
Non-Hispanic	1,140	130	115	97	94	85	93	107	126	130	163
<b>Age</b>											
18 and under	618	78	65	58	63	56	57	67	49	54	71
19-20	237	13	13	14	16	19	19	18	36	41	48
21-30	131	2	6	1	2	2	9	4	27	39	39
31-40	8	0	0	0	0	1	0	1	0	1	5
Over 40 years old	0	0	0	0	0	0	0	0	0	0	0
<b>Total (All Offenders)</b>	<b>1,202</b>	<b>135</b>	<b>119</b>	<b>99</b>	<b>97</b>	<b>89</b>	<b>99</b>	<b>113</b>	<b>133</b>	<b>143</b>	<b>175</b>

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

*Judicial District*

About 6 in 10 Indian juvenile entrants onto federal supervision were processed and sentenced in courts located in just 5 federal judicial districts (Arizona, South Dakota, New Mexico, Montana, and North Dakota) each year, fairly consistently over the 1999-2008 period (Table 5). The judicial districts accounting for the largest share of juvenile offenders entering federal supervision during the period included Arizona (16%), South Dakota (14%), New Mexico (13%), and Montana (7%) (Table H10).

**Table H10. Indian Country Juvenile Offenders Entering Federal Community Supervision, 1999-2008, by Judicial District**

Judicial District	Total	Year Entering Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,202</b>	<b>135</b>	<b>119</b>	<b>99</b>	<b>97</b>	<b>89</b>	<b>99</b>	<b>113</b>	<b>133</b>	<b>143</b>	<b>175</b>
Arizona	247	29	21	17	20	14	22	14	36	36	38
Montana	179	26	23	20	5	16	15	14	17	16	27
North Dakota	88	11	11	9	17	9	10	7	5	4	5
New Mexico	234	13	15	10	22	20	23	29	32	35	35
South Dakota	341	44	42	27	23	26	23	34	26	44	52
Other districts	113	12	7	16	10	4	6	15	17	8	18

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders entering Federal Post-Conviction Supervision, annual, 1999-2008

### Supervision Outcomes for Indian Country Juvenile Offenders Terminating Federal Supervision

Of the 1,289 Indian Country juvenile offenders terminating federal community supervision during the 1999-2008 period, 43% completed their supervision term successfully (a lower rate than for non-Indian Country juveniles), while 22% terminated due to general technical violations of supervision, 15% terminated unsuccessfully for committing new crimes, 12% absconded as fugitives, and 5% had their supervision revoked due to continued drug use (Table H11).

**Table H11. Outcomes for Indian Country Juvenile Offenders Terminating Federal Community Supervision**

Outcome	Total	Year Terminating Federal Post-Conviction Community Supervision									
		1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,289</b>	<b>111</b>	<b>136</b>	<b>106</b>	<b>143</b>	<b>121</b>	<b>107</b>	<b>126</b>	<b>125</b>	<b>151</b>	<b>163</b>
No violation	530	33	46	48	58	60	54	61	58	52	60
Drug use	69	10	12	1	10	2	3	8	9	6	8
Fugitive status	154	15	14	13	20	12	14	15	13	19	19
Other technical violations	285	21	25	19	31	27	25	26	28	41	42
New crime	188	30	21	17	24	18	6	13	16	24	19
Administrative case closure	63	2	18	8	0	2	5	3	1	9	15

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders terminating Federal Post-Conviction Supervision, annual, 1999-2008

### Supervision Outcomes for Non-IC Juvenile Offenders Terminating Federal Supervision

Of the 1,431 Indian Country juvenile offenders terminating federal community supervision during the 1999-2008 period, 61% completed their supervision term successfully, while 12% terminated due to general technical violations of supervision, 11% terminated unsuccessfully for committing new crimes, 5% absconded as fugitives, and 7% had their supervision revoked due to continued drug use (Table H12).

**Table H12. Outcomes for Non-IC Juvenile Offenders Terminating Federal Community Supervision**

Tribal Youth Data Analysis – Appendix H: Corrections Stage

Outcome	Year Terminating Federal Post-Conviction Community Supervision										
	Total	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Total</b>	<b>1,431</b>	<b>199</b>	<b>146</b>	<b>126</b>	<b>120</b>	<b>125</b>	<b>118</b>	<b>142</b>	<b>178</b>	<b>156</b>	<b>121</b>
No violation	869	125	85	76	71	80	83	77	111	90	71
Drug use	97	10	14	10	15	10	8	7	10	6	7
Fugitive status	71	11	9	8	6	6	3	6	11	6	5
Other technical violations	167	27	17	15	12	10	10	27	18	20	11
New crime	164	16	15	15	13	16	12	18	23	25	11
Administrative case closure	63	10	6	2	3	3	2	7	5	9	16

111

**Source:** Federal Justice Statistics Program: FPSIS data, Offenders terminating Federal Post-Conviction Supervision, annual, 1999-2008