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Juveniles Adjudicated in Adult Court: The Effects of  
Age, Gender, Race, Previous Convictions, and Severity of Crime  
on Sentencing Decisions

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A thesis  
presented to  
the faculty of the Department of Criminal Justice and Criminology  
East Tennessee State University

In partial fulfillment  
of the requirements for the degree  
Master of Arts in Criminal Justice and Criminology

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by  
Ashley Michelle Holbrook  
May 2007

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Michael Braswell, Ph.D.  
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Keywords: juvenile, criminal court, adult court

## ABSTRACT

Juveniles Adjudicated in Adult Court: The Effects of  
Age, Gender, Race, Previous Convictions, and Severity of Crime  
on Sentencing Decisions

by

Ashley Michelle Holbrook

The purpose of this study was to analyze the influences such as age at current offense, gender, race, previous convictions, and the seriousness of crimes that contributed to the decisions received by juveniles in adult court. This study examined a secondary data set from the United States Department of Justice entitled Juvenile Defendants in Criminal Courts (JDCC): Survey of 40 Counties in the United States, 1998. The cases from these 40 jurisdictions represented all filings during 1 month in 75 of the most populous counties. The current study found significant differences among race, prior criminal history, current offense severity, and juveniles adjudicated in adult court. Future research should therefore continue to examine the impact of juveniles adjudicated in adult court to better inform the debate surrounding the potential dangers associated with juvenile offending and adult criminal sanctions.

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## CHAPTER 1

### INTRODUCTION

In contrast to the conventional juvenile court's emphasis on serving the "best interests" of the children, the "get-tough" philosophy, which originated in the adult criminal justice system, currently extends into the juvenile system as well (Myers, 2003). A central issue was the transfer of juveniles to adult court. The increasing trend to treat children as adults in the justice system was directly related to a broader discourse concerning how young people were perceived. Juvenile arbitration to adult court represented a point where meanings of childhood and adolescence were continually being contested. Labeling a juvenile as an adult for justice system purposes involved a determination that this individual possessed adult qualities and characteristics that removed him or her from inclusion in the category of juvenile (Ainsworth, 1991). No longer was it presumed that juvenile offenders possessed less criminal culpability and responsibility than adults, and, thus, would be treated differently under the law. The population of youth eligible to be treated as adults had broadened by legislatures lowering the minimum age for transfer eligibility and added offenses to transfer provisions. As a result, the number of youth transferred increased substantially over the last several decades. Available data indicated that transferred youth were becoming increasingly younger, that the disproportionate representation of children of color among transferred youth was increasing, and that the offenses for which youth were transferred included a variety of person, property, drug, and public order offenses. Despite the increased willingness of society to treat juveniles as adults, relatively little was known about the effects of these changes.

## Current Study

In recent years, the number of juveniles transferred into the criminal justice system had increased. The current researcher sought to understand how juveniles adjudicated in adult court differed in a variety of factors, the issues that systems were facing, and to raise some important concerns that lie ahead. While much literature on adult court sentencing of juveniles acknowledged legal factors, such as the seriousness of the offense and criminal history of the offender, the current study focused on extralegal factors as well. Age at present offense, gender, race, prior criminality of the offender, and severity of the current offense were studied in relationship to sentencing decisions received by juveniles adjudicated in the criminal justice system. This research explored to what extent legal variables and extralegal offender characteristics impacted sentencing decisions of juveniles in criminal court. There had been few prior research studies exploring the sentencing of juveniles to an adult standard of citizenship when they had not been provided these rights in the first place (Shook, 2005). This study examined a secondary data set from the United States Department of Justice entitled *Juvenile Defendants in Criminal Courts (JDCC): Survey of 40 Counties in the United States, 1998*. The cases from these 40 jurisdictions represented all filings during 1 month in 75 of the most populous counties. Influences such as age, gender, race, previous convictions, and severity of the crime were analyzed to determine what relationship these factors had on sentencing decisions of juveniles in adult court. The researcher hoped to contribute to previous research on juveniles adjudicated in adult court and to further emphasize future policy changes on the way that society viewed and treated youth charged with criminal offenses.

### Theoretical Perspective

Sociological approaches to crime and deviance provided a broader viewpoint on the causes and consequences of juvenile offending. Theories of differential association and social learning assumed that associating with delinquent and criminal others was an important immediate cause of delinquent behavior, a proposition that had been documented extensively in criminological research. Labeling theory broadened the viewpoint of this research, pointing out that deviant groups provided social shelter from stigma as well as provided collective rationalizations, definitions, peer pressure, and opportunities that encouraged and facilitated deviant behavior (Becker, 1963). Specifically, juveniles adjudicated in criminal court could in some cases increase association with deviant peers by placing the individual in the company of deviant others.

The classic labeling theory argued that formal societal reaction to crime could have been a stepping stone in the development of a criminal career. Theorists suggested several different processes through which public labeling could influence subsequent involvement in crime and deviance. For example, Becker (1963) focused on the general impact the deviant label had on further embedding the juvenile into deviant social groups. Deviant groups represented a source of social support in which deviant activities of youth were accepted. The labeled juvenile was thus increasingly likely to become involved in social groups that consisted of social deviants and unconventional others. The role of deviant networks explained how public labeling increased the likelihood of subsequent deviance. Becker thus implied that involvement in deviant networks should have mediated the influence of public deviant labeling on subsequent involvement in deviance.

In other words, formal adjudication for an offense possibly would have created or enhanced the reputation of a juvenile as a criminal in his or her community, most notably among other teenagers in the school and among parents in the community (Bernburg, Krohn, & Rivera, 2006). When an act of deviance was publicly announced and defined as immoral, as occurred during formal sanctions, the immoral character of the juvenile was highlighted (Bernburg et al.). Insofar as the information about the formal sanction spread throughout the community, others tended to define the juvenile as a criminal deviant. Thus, labeled teenagers might become aware of stereotypical beliefs in their communities, or they might think that these beliefs existed based on their learned perception of what people think about criminals; fearing rejection, they might withdraw from interaction with conventional peers (Bernburg et al.).

Official labeling highlighted the similarity shared by delinquents while also differentiating them from those who were not labeled. As one study found, adolescents who became known as delinquents in their communities often said that they felt most comfortable associating with delinquent peers in safe distance from the righteous gaze of concerned parents in the community (Bernburg et al., 2006). Researchers have documented negative effects of official labeling on structured opportunities and studied the effects of labeling on the development of a deviant self-concept and on deviant attitudes (Matsueda, 1992). These consequences might result in the juvenile seeking deviant groups in order to be with those who were in a similarly disadvantaged social position, who shared their deviant self-concept and attitudes, who perhaps provided opportunities that the conventional world no longer does (Matsueda). If so, increased

association with deviant peers would be of particular importance in translating official labeling into subsequent deviance during adolescence.

There was some evidence supporting the idea that perceived deviant labeling by significant others lead to subsequent association with deviant peers. Adams (1996) studied the impact of subjective labeling on subsequent association with delinquent peers and involvement in delinquency. Subjective labeling was measured by asking respondents if they thought that significant others perceived them as a “bad kid” and as someone who “breaks rules” and “gets into trouble” (Bernburg et al., 2006). As predicted, subjective labeling had positive effects on ties to delinquent peers and involvement in delinquency in successive periods (Adams).

In addition to the direct impact of official labeling on associating with deviant others, there was also the probability that the official label would lead indirectly to increased participation in deviant groups through exclusion from conventional peer groups. The negative stereotypes associated with the criminal label may create feelings of fear and mistrust among peers and other members of the community toward juveniles known to have been officially treated as criminals (Liska & Messner, 1999). The perception that negative beliefs exist in the community might also lead youths to avoid publicly known deviants, “fearing that social stigma may rub off” (Liska & Messner). Hence, the labeled juvenile was at increased risk of being excluded from conventional social networks in the community, resulting in movement into deviant group.

Recent attempts to elaborate and specify labeling theory emphasized that deviant labeling did not have a direct influence on deviant behavior but, rather, tended to bring about conditions that were conducive to crime and delinquent behavior (Liska &

Messner, 1999). Official labeling tended to embed the individual in deviant social groups, thereby increasing the likelihood of subsequent deviance and crime. Official labeling played a significant role in the maintenance and stability of delinquency and crime at a crucial period in early and middle adolescence (Loeber & Farrington, 2000).

Thus, Paternoster and Iovanni (1989) suggested that although deviant labeling might have various consequences, including exclusion from others and an alteration of the self-concept, secondary deviance was unlikely to occur unless actor found the company of others who both supported and exemplified the deviant status. Exclusion from conventional others and changes in the self-concept were thus seen to contribute to deviance maintenance insofar as these factors lead to increased association with deviant others (Paternoster & Iovanni).

The deviant label might not necessarily be a permanent status but could still have important consequences for the development of delinquency if it occurred at a critical period in the life course. Prior research indicated that official deviant labeling during adolescence possibly would have been a consequential event for the life course, pushing or leading youths on a pathway of blocked structured opportunities and delinquency in young adulthood (Loeber & Farrington, 2000). The effects of formal criminal labeling on peer networks during adolescence could play a substantial role in mediating the pejorative impact of official deviant labeling on the life course.

Theories of legitimacy became important if the normative values on which they focused play an important role in the legal system. Fagan and Tyler suggested that these attributes of law shaped norms and law-related behaviors among adolescents, not just the

views of adults (2005). Accordingly, beginning in adolescence legitimacy was an important force shaping law-related behavior.

### Juvenile Definition

Legal regulations prohibited youth from consuming alcohol until the age of 21, smoking until 18, driving until 16 (in most states), and voting until 18, yet did not prohibit a juvenile from being tried as an adult in the criminal justice system. In the United States, the law tolerated substantial differences in the definitions of juveniles both across and within states. In 37 states and the District of Columbia, the oldest age for original juvenile court jurisdiction in delinquency matters was 17 (Snyder, Howard, & Sickmund, 2006). In 10 states (Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas, and Wisconsin) it was 16. In the remaining three states (Connecticut, New York, and North Carolina) it was 15 (Snyder et al.). For the purpose of this study, juveniles were defined as those youthful offenders aged 17 years old and under.

Under ordinary circumstances, however, states maintained the primary authority for establishing the boundaries, structure, and function of their juvenile justice systems, producing substantial variation in how states had defined the category of juvenile (Shook, 2005). These differences included the minimum age set for transfer, the offenses for which a youth possibly would have been transferred, the criteria upon which the decision was based, and the individual who made the decision. State laws did not change the legal status of a juvenile who was criminally prosecuted to an adult. Rather, the transfer mechanisms provided for the prosecution of juveniles as if they were adults, subjecting them to a possible criminal conviction and sentence in a court exercising criminal

jurisdiction, in the same manner as an adult offender (Griffin, Torbet, & Szymanski, 1998). However, it was common jargon to refer to a juvenile who was criminally prosecuted as one who was being prosecuted “as an adult” or in “adult court” (Griffin et al.).

Differences also existed within states and even courts with regard to who was transferred and why. In an analysis of decisions to treat juveniles as adults, Shook found that offender and offense characteristics shape the way that decision-makers interpret these characteristics and influence their decisions (2005). These characteristics could include the ideologies of judges or prosecutors, political considerations within jurisdictions, perceived community norms and characteristics, and even the resources that individual courts possess for rehabilitating juvenile offenders (Podkopacz & Feld, 1996).

#### Background of Juvenile Justice System

The special and distinctive treatment of juvenile offenders in the United States was a long-standing practice derived from English common law. Even before the creation of the juvenile court, children were exempted from the full penalties of the criminal law. In 1899 in Cook County, Illinois, the nation’s first juvenile court established the separation of jurisdiction for juvenile offenders under the age of 18 (Fagan, Forst, & Vivona, 1987). Resting on the notion that “children were more innocent and less guilty of criminal intent” than adults, this legislation created an entirely separate system of justice for youth in which the role of the state was to rehabilitate and care for delinquent children rather than to punish them for illegal acts (Fagan et al.).

Changing ideas about differences between children and adults led reformers to create a separate system that would remove children from the harmful potential of the



criminal justice system and provide intervention that focused on the specific needs of children and youth rather than their offenses. The idea behind the juvenile court was that it served as a diversionary system of justice that considered the special characteristics of childhood and the absence of sufficient culpability among most young offenders who were likely to respond favorably to rehabilitation (Lemmon, Austin, Verrecchia, & Fetzer, 2005).

A fundamental premise of the position taken by child advocates at the time was that youth differed from adults in fundamental ways, particularly with respect to amenability to treatment, and needed to be separated from adult offenders for their own safety and well-being (Woolard, Odgers, Lanza-Kaduce, & Daglis, 2005). The juvenile justice system was designed to intervene in the lives of wayward youth by acting in the “best interests of the child” (Feld, 1988). Juvenile cases were handled individually and often informally. The focus was on the offender rather than the offense, reformation rather than retribution. The juvenile court acknowledged changing conceptions of youth by extending jurisdiction past common law markers of adult responsibility, serving to recognize differences between juveniles and adults and helping to create the separate category of adolescence (Ainsworth, 1991). Jurisdiction was extended by the creation of a set of offenses called ‘status offenses’ that applied only to children and youth (Ainsworth). By identifying youth as different from adults in terms of their needs and interactions with the world, the juvenile court reflected and legitimated important social meanings concerning the categories of childhood and adolescence.

In addition, the juvenile court determined which cases were more appropriate to be heard in the criminal court and retained a mechanism to transfer such cases. The

statutory criteria for such waiver statutes called for evidence in two areas: that the child was not amenable to the rehabilitative ministrations of the juvenile court and that the juvenile would constitute a serious threat to the community if not processed within the criminal justice system (Feld, 1988). Although some jurisdictions had experimented with reforms that separated youth from adults in the justice system during the 19<sup>th</sup> century, it was not until the early 20<sup>th</sup> century that these reforms were implemented on a more systematic and widespread basis (Boehnke & Bergs-Winkels, 2002).

As attention to the juvenile court increased, transfer processes became an increased focus of both legal and policy reform. As the juvenile crime rates rose steadily in the 1970s, traditional concern for the best interest of the child was replaced by concern for community protection, retribution, and deterrence (Fagan et al., 1987). Conservatives argued that the rehabilitative-driven juvenile justice system was soft on crime and advocated instead a retributive approach to juvenile crime (Feld, 1988). Their position was not without empirical support. Juvenile violence began to rise in the 1970s and escalated substantially in the 1980s. The arrest rate for violent juvenile crime rose 58% between 1980 and 1994 (Snyder, Sickmund, & Poe-Yamagata, 2000). Moreover, the juvenile homicide rate doubled between 1987 and 1993, and although it declined in the late 1990s it remained notably above the rate of the early 1980s (Snyder et al., 2000). During the late 1980s and early 1990s, the rate of violent crime among juveniles peaked and the image of juveniles as dangerous and out of control led to an expansion of mechanisms for processing and incarcerating youth within the adult criminal justice system (Woolard et al., 2005). The image of juvenile offenders as “superpredators” helped fuel the proliferation of transfer legislation (Shook, 2005). It was argued that these

dangerous youth would age out of juvenile court jurisdiction too quickly and would fail to respond to the services available within the juvenile system.

While conservatives were criticizing the juvenile justice systems for their perceived failure to reduce crime and for being too lenient in their treatment of offenders, liberals were also becoming dissatisfied with the individualized justice approach. They decried the fact that offenders suffered unfair treatment at the hands of the judiciary officials and argued for procedural protections for offenders (Steiner, Hemmens, & Bell, 2006). The conservative denigration and liberal disenchantment, coupled with a due process movement by the United States Supreme Court affording juveniles many of the same due process rights guaranteed adult defendants, prompted the once informal juvenile justice system to become formalized and accountability driven (Jensen & Metsger, 1994). This criminalized juvenile court has been called the “just desserts” or justice model (Feld). Thus, a shift in the justice system toward more punitive and control-oriented goals began. By far the most common and controversial change was to remove increasing numbers of juveniles from the jurisdiction of the juvenile court and to process them as adults (Torbet, Griffin, Hurst, & MacKenzie, 2000).

#### Pathways of Juveniles to the Criminal Justice System

Despite recent national decreases in violent juvenile arrest rates, youth violence continues to receive a considerable amount of public attention (Myers, 2003). Many commentators have asserted that youthful offenders get off with a “slap on the wrist” in juvenile court, which in turn greatly contributes to overall levels of serious juvenile crime (Myers). In adult court, it was argued, a message can be sent that the lenient treatment of the juvenile system was no longer an option. Instead, harsh criminal court sanctions

would be imposed that would increase accountability and public safety while potentially decreasing motivations to commit future crimes.

One of the areas where the “just desserts” or “get tough” trend has been epitomized was the transfer, or waiver, of juvenile offenders to adult criminal court for prosecution (Steiner et al., 2006). Juvenile transfer to adult criminal courts involves the process by which children and adolescents can be removed from the jurisdiction of the juvenile justice system and placed in the jurisdiction of the adult criminal justice system (Salekin, Neumann, Yff, Leistico, & Zalot, 2002). Transfer laws address which court (juvenile or criminal) has jurisdiction over certain cases involving offenders of juvenile age.

Historically, judicial hearings determined which juveniles should be transferred from the jurisdiction of the juvenile court to that of the criminal court, known as judicial waivers (Griffin, Torbet, & Szymanski, 1998). The Supreme Court considered the issue of juvenile transfer in *Kent v. United States* (1966). In its decision, the court held that youths had an interest in being tried as juveniles and that due process safeguards (judicial hearing) were necessary in the transfer decision (*Kent v. United States*). *Kent v. United States* precipitated what may be viewed as the ‘modern era’ of transfer, a period where transfer has assumed a more primary position in juvenile justice administration.

After the U.S. Supreme Court required basic due process procedural protections during waiver hearings, most states adopted some version of the criteria used in *Kent v. United States*, which stated that transfer decisions were to consider the following: (1) seriousness of the alleged offense, (2) whether the offense was

committed in a willful, aggressive, or violent manner, (3) whether it was committed against a person or property, (4) the prosecutorial merit of the complaint, (5) the desirability of trial and disposition, (6) the sophistication and maturity of the juvenile, (7) the prior record and history of the juvenile, and (8) the prospects of protecting the public and likelihood of rehabilitation.

The *Kent* criteria, as they have come to be known, were offered as guidelines; in any individual case, courts were neither required to consider all factors nor limited to those enumerated (*Kent v. United States*). The implication, therefore, is that transferred youth should comprise a relatively narrow range of juvenile offenders – the screening should identify a relatively serious group of juvenile offenders who were thought to be a risk to public safety or less amenable to juvenile treatment.

Beginning in the 1970s, however, state legislatures have changed laws regarding the transfer of juvenile offenders into the criminal justice system. Concern about juvenile crime has led legislatures to revise procedures for prosecuting adolescents charged with offending. By 1979, every state allowed some form of transfer option (Steiner, Hemmen, & Bell, 2006). State transfer provisions changed extensively in the 1990s. Over the last 20 years, nearly every state has gone beyond judicial waiver implementing or expanding other mechanisms for bringing juveniles into adult jurisdictions that usually do not require an equivalent level of case scrutiny (Woolard et al., 2005).

All states have provisions that allow juveniles to be tried in adult court, and in modern times, few states have resisted the trend toward amending their juvenile codes to facilitate this process (Griffin et al., 1998). State transfer mechanisms differed from one

another primarily in where they located the responsibility for deciding whether or not a given juvenile should be prosecuted in a court exercising civil or criminal jurisdiction. There were several ways a juvenile can be transferred to criminal courts. Varieties of mechanisms were available to treat juveniles as adult offenders – judicial waiver, concurrent jurisdiction, statutory exclusion, and blended sentences. In practice, states often enacted different combinations of judicial waiver, concurrent jurisdiction, statutory exclusion, and blended sentencing schemes; few states relied on a single mechanism.

The judicial waiver model was the oldest and remains the most common model in the United States (Marczyk, Heilbrun, Lander, & DeMatteo, 2005). Under judicial discretion, jurisdiction begins in the juvenile court, but individual cases were considered for transfer upon the filing of a motion, typically by a prosecutor, and following a due process hearing where a judge made the transfer decision based upon enumerated criteria (Griffin et al., 1998). If a transfer petition was filed, the court typically considered prior exposure to the juvenile justice system and amenability to treatment in that system in deciding whether the juvenile should be transferred.

Concurrent jurisdiction was when original jurisdiction for certain cases was shared by both criminal and juvenile courts, and the prosecutor had discretion to file such cases in either court. Transfer under concurrent jurisdiction was also known as prosecutorial waiver, prosecutor discretion, or direct file. Prosecutorial discretion provided concurrent jurisdiction in the juvenile and criminal courts over statutorily specified youth and allowed the prosecutor to decide where to file individual cases (Griffin et al., 1998). As of the end of the 2004 legislative session, 15 states had concurrent jurisdiction provisions that gave both juvenile court and criminal court

original jurisdiction in certain cases (Snyder et al., 2006). Concurrent jurisdiction was typically limited by age and offense criteria. Often, concurrent jurisdiction was limited to cases involving violent or repeat crimes or offenses involving weapons. While data exist on the number of youth transferred through judicial discretion, there was little systematic information on the numbers and characteristics of youth transferred through concurrent provisions.

Statutory exclusion occurred when state statutes excluded certain juvenile offenders from juvenile court jurisdiction. Under statutory exclusion provisions, cases originated in criminal rather than juvenile court. Statutory exclusion was also known as legislative exclusion. Statutory exclusion provisions excluded particular youth who would otherwise have been processed in the juvenile court from its jurisdiction based upon specific criteria. Under the legislative exclusion model, a state's legislature defined certain offenses that automatically resulted in initial charges for a juvenile being filed in the adult system (Marczyk et al., 2005). Under statutory exclusion, most states had "once an adult, always an adult" provisions (Snyder et al., 2006). In 34 states, juveniles who have been tried as adults must be prosecuted in criminal court for any subsequent offenses (Snyder et al., 2006). Nearly all these provisions required that the youth must have been convicted of the offenses that triggered the initial criminal prosecution.

Statutory exclusion accounted for the largest number of juveniles transferred to criminal court (Snyder et al., 2006). Legislatures transferred large numbers of juvenile offenders to criminal court by enacting statutes that exclude certain cases from juvenile court jurisdiction. Early reports found the use of expanded statutory exclusion provisions alone had accounted for an additional 218,000 juveniles being tried in adult courts

between 1996 and 1999 (Kurlychek & Johnson, 2004). As of the end of the 2004 legislative session, 29 states had statutory exclusion provisions (Snyder et al., 2006). The offenses most often excluded were murder, capital crimes in general, and other serious offenses against persons. Although not typically thought of as transfers, large numbers of youth younger than 18 were tried in criminal court in the 13 states where the upper age of juvenile court jurisdiction was set at 15- or 16-years-old (Snyder et al., 2006).

Additionally, a number of states enacted blended sentencing statutes. Blended sentencing laws were also used to impose a combination of juvenile and adult criminal sanctions on some juvenile offenders. Juvenile court blended sentencing allowed the juvenile court to impose adult criminal sanctions on certain juvenile offenders. If the youth did not cooperate or failed in the juvenile system, the adult criminal sanction was then imposed. Juvenile court blended sentencing gave the juvenile court the power to send uncooperative youth to adult prison (Snyder et al., 2006). Juvenile court blended sentencing provisions defined certain juvenile offenders as eligible to be handled in the same manner as adult offenders and exposed those juvenile offenders to potentially harsher penalties. As of the end of the 2004 legislative session, 15 states had blended sentencing laws that enabled juvenile courts to impose criminal sanctions on certain juvenile offenders (Snyder et al., 2006).

On the other hand, criminal court blended sentencing statutes allowed criminal courts sentencing certain transferred juveniles to impose sanctions otherwise only available to offenders in juvenile court. Criminal court blended sentencing gave juveniles prosecuted in criminal court one last chance at a juvenile disposition, thus mitigating the effects of transfer laws, at least in individual cases. Under criminal court blended



sentencing, juvenile offenders who had been convicted in criminal court could receive juvenile dispositions. Seventeen states allowed criminal court blended sentencing (Snyder et al., 2006).

Although the mechanisms for transfer were relatively straightforward, the criteria underlying these mechanisms were often vague (Salekin et al., 2002). Moreover, disparity existed regarding the number of factors that ought to be considered in transfer decisions. Most state statutes limited judicial waiver to juveniles who were “no longer amenable to treatment” (Salekin et al.). The specific factors that determined lack of amenability varied, but they typically included the juvenile’s offense history and previous dispositional outcomes. Further, many state statutes instructed juvenile courts to consider other factors when making transfer decisions, such as the availability of dispositional alternatives for treating the juvenile, the time available for sanctions, public safety, and the best interest of the child (Snyder et al., 2006). Despite the centrality of these factors to juvenile court judges’ decision making in transfer cases, the criteria that underpinned each were not well articulated (Salekin et al.).

The result of these provisions has been a dramatic increase in the population of juveniles being processed and sentenced in adult court. Currently, all states allow certain juveniles to be tried in criminal court or otherwise faced adult sanctions, yet the expansion of state transfer laws has slowed considerably in recent years.

### Hypotheses

The current study investigated the influences of age, gender, race, previous convictions, and the seriousness of crimes on the sentences received by juveniles in adult

court. The researcher sought to understand the effects of these factors on sentencing decisions of juveniles in the criminal justice system.

The first set of hypotheses dealt with the influences that contributed to sentences received by juveniles adjudicated in adult court. Hypothesis 1 was that juveniles' over the age of 17 were more likely to be tried as adults in criminal court than juveniles' age 17 and under. Hypothesis 2 was that sex differences would be found in juveniles adjudicated in criminal court and that rates among boys would be higher, as had been found in previous studies. Hypothesis 3 maintained that juveniles tried in adult court were disproportionately comprised of minorities. Hypothesis 4 upheld that juveniles with prior convictions were more likely to be adjudicated in criminal court. Hypothesis 5 was that juvenile offenders with the most severe offenses, such as murder, were more often tried in adult court.

This study sought to compare youths involved in serious delinquency – which were reasonably expected to more likely be adjudicated in adult court – with those who were not. Hypothesis 6 upheld that juvenile offenders in the adult system convicted of personal (for example, violent) crimes would have been sentenced more severely than those convicted of property crimes. The next hypothesis addressed the sentences received by juveniles in criminal court. Hypothesis 7 was that for the most part juveniles adjudicated in adult court were more likely to have received the harshest punishment available, such as jail or prison sentencing.

#### Limitations

Transfer, conviction, and incarceration rates and sentence lengths varied widely between and within states and local jurisdictions, and thus adjudication outcomes had

been mixed. The current researcher acknowledged that two states were rarely alike and thus limited possible choices for controls. Likewise, findings could not be generalized to youth in suburban or rural communities. It was important to remember that the sample was not nationally representative for community characteristics of race, population density, income, or region. Also, it was important to acknowledge that the results of the current study may have differed if the variables were measured across time rather than for a specific period.

Finally, because the data used pertain explicitly to juveniles sentenced in adult court, the current study could not offer information on those transferred juveniles not convicted or otherwise having their charges dismissed before conviction. These findings for juveniles were, therefore, specific to the sentencing phase of adult court processing and could have missed leniency – such as decisions to reduce charges or dismiss cases altogether – applied earlier in the process. On the other hand, some youthful offenders reported being deterred by the sentences imposed in adult criminal court. However, this study has not allowed for conclusions regarding what types of juveniles these may have been.

### Summary

The standard response to the rise in juvenile crime had been to “get tough” with the youthful offenders who come to the attention of the juvenile court (Snyder et al., 2000). One way in which the states have gotten tougher with juvenile offenders is to transfer them to adult criminal court where the range of sanctions is presumably greater. Likewise, most states have modified their waiver statutes to make it easier to transfer juveniles to the adult criminal court. As a result, over the last couple of decades more

juveniles have found themselves subject to criminal prosecution. The goal of the current study has been to determine the characteristics found to be most typical of juveniles who were later waived to adult courts based on juvenile court decision making.

## CHAPTER 2

### LITERATURE REVIEW

Nationwide, the number of juveniles being transferred had increased substantially over the past 2 decades, in part because of changes in state laws, although it has remained constant that only one percent to two percent of all cases formally processed in the juvenile court were transferred (Redding, 2003). This review focused on previous research that addressed the age at current offense, gender, race, previous convictions, and severity of the offenses that were associated with the current study. Most of the research discussed dealt with these variables as they related to sentencing decisions for juveniles who were adjudicated in the adult criminal justice system. The current study compared the above mentioned variables of juveniles adjudicated in adult court with the sentences received. Prior studies on perceptions of juveniles in the adult justice system were reviewed to provide an empirical backdrop for this study.

#### Factors for Juvenile Sentencing Decisions in Adult Court

##### Age

The historical treatment of juveniles in the legal system suggested that youth below a certain age were generally viewed as less blameworthy for their behavior than adults. However, slogans such as, “If you’re old enough to do the crime, you’re old enough to do the time,” have dominated media headlines and political campaigns across the nation beginning in the 1990s (Zimring, 1998). Further, Kurlychek and Johnson found that even when all legal and extralegal factors were controlled for, juveniles waived to criminal court were sentenced more stringently than 18-24 year-olds sentenced over the same period of time (2004).

Research has suggested that one of the characteristics of the entry into adolescence was an increase in moodiness and intensity of moods and some evidence suggested that moods may be more intense during the young adolescent period. In addition to the pubertal changes of early adolescence, with age also comes increasing exposure to rules, norms, and legal controls across multiple contexts of social control, and the accumulation of these experiences could influence the development of children's notions about law and legal actors (Fagan & Tyler, 2005). During early adolescence, how children experienced the law, or how they believed others experienced the law, shaped their evaluations of legal actors and the underlying social norms that informed their perception of law.

Moreover, Fagan and Tyler (2005) showed that rejection of the legal and social norms underlying law increased with age. Their research demonstrated that cynicism grows over time, beginning at age 12 and increasing nearly monotonically from age 14 (Fagan & Tyler). Not surprisingly, perceptions of legitimacy declined with age. Legitimacy declined sharply and monotonically from age 10 through age 14 before stabilizing in middle adolescence (Fagan & Tyler). When adolescents perceived that interaction quality was poor, they were more likely to develop weak ties with law that might justify either lack of cooperation with legal actors or antisocial behavior. The significant negative effect for age suggested that these processes were more likely among younger adolescents (Fagan & Tyler).

Early initiation of violence or delinquency (particular prior to age 14) was associated with increased risk for violent recidivism and predicted more chronic and serious violence (Loeber & Farrington, 2000). Likewise, harsher penalties tended to be

associated with older offenders rather than with younger offenders who were starting their delinquent careers, and an older age at the time of offense was found to predict waiver to adult criminal court (Eigen, 1981). Research has consistently found that those most likely to reach adult court were older juveniles with accumulated court histories. According to judicial discretion data, the vast majority of youth transferred through judicial discretion provisions were 16- and 17-year-olds, although the share of those under 16 rose from 7% to 13% between 1987 and 1999 (Puzzanchera, Stahl, Finnegan, Snyder, & Tierney, 2003). This increase could be attributed both to the lowering of minimum ages and to changing considerations of culpability with regard to youthful offending. Based on a review of all available data sources, Bishop estimated that between 210,000 and 260,000 individuals under the age of 18 were processed annually in the U.S. criminal court (2000). These estimates represented vast increases in the number of youth processed in the criminal justice system.

Fagan et al. (1987) reported the most consistent contributors that explained transfer decisions were the age at offense (older youth were more often transferred) and age at onset (youth whose delinquent histories started at an earlier age were more often transferred). Age appeared to be related to jurisdiction. As youth approached the maximum age of juvenile court jurisdiction, prosecutors and judges evidently weighed the capacity for punishment in the juvenile justice system. Age seemed to even exert a powerful influence on jurors' judgments of defendants. For example, research suggested that the age of the defendants was correlated with their perceived culpability (Tang & Nunez, 2003). The younger the age, the less culpable the defendants appeared and the less likely to be convicted.

However, states differed substantially with regard to the minimum age at which youth could be transferred. In 23 states, no minimum age was specified in at least one judicial waiver, concurrent jurisdiction, or statutory exclusion statute for transferring juveniles to criminal court (Snyder et al., 2006). Approximately half the states that used transfer set the minimum age at 15 or 16, while several other states that allowed for transfer at younger ages did so in limited situations. Among states where statutes specified age limits for all transfer provisions, age 14 was the most common minimum age specified across provisions (Snyder et al., 2006).

Salekin et al. (2002) surveyed 191 juvenile court judges with substantial experience with juvenile transfer cases. The average age of transferred juveniles reported by judges was 15 (Salekin et al.). Age appeared to be a more consistent predictor of exclusion with evidence suggesting that older youths were more likely to be transferred than younger ones (Poulos & Orchowsky, 1994). Investigators reported that the majority of cases filed directly in the adult criminal system involved males older than the age of 17 (Poulos & Orchowsky). These studies recommended that, overall, younger defendants be treated more leniently.

For whatever the reason, age has continued to significantly influence people's choice of appropriate punishment. Youths who were older were typically thought to be more likely to have received significantly more severe sentences in the adult justice system. Of those juveniles tried in criminal court in states where the criminal court's jurisdiction begins at age 15 or 16, 54% were sentenced to prison (with an average maximum sentence of 7.25 years), 11% were sentenced to jail, and 34% were sentenced



to probation (Redding, 2003). In contrast, probation was found to be the most common disposition in juvenile court.

On a typical day in 2004, about 7,000 persons younger than 18 were inmates in adult jails; nearly 9 in 10 were being held as adults (Snyder et al., 2006). Between 1999 and 2004, the adult jail population increased 19%, while the under- 18 jail population dropped 25% (Snyder et al., 2006). The decline was driven by the reduction in the number of under- 18 inmates held as juveniles.

### Gender

Research on the development of delinquency has been conducted primarily among boys. This was in part because of lower prevalence rates among girls. Girls who have been adjudicated as adults were still considered a minor constituency among the thousands of cases that were processed every day in courts of law (Gaarder & Belknap, 2002). Recently, however, studies have begun to address sex and gender differences in the attempt to better understand the root causes of delinquency (Nichols, Graber, Brooks-Gunn, & Botvin, 2006).

Rates of delinquent behaviors and violence for females have shown an increase in recent years and are approaching the rates for males. From 1980 to 2001 juvenile arrests increased proportionately more for females than males (Odgers & Moretti, 2002). This was particularly true for violent crimes, with aggravated assault having increased by 24% for females, yet decreased by 21% for males (Odgers & Moretti). In addition, simple assault increased by 66% for females but only by 18% for males (Odgers & Moretti). Sex differences were also found in trends for less serious forms of delinquency, with

vandalism having increased by 7% for females and decreased by 32% for males (Odgers & Moretti).

Another study tested the direct and indirect effects of self-control on both major and minor delinquency among high school students, considering male and female students separately (Mason & Windle, 2002). For boys, low self-control had a direct effect on both major delinquency (e.g., major theft, aggression, vandalism, and encounters with the law) and minor delinquency (e.g., oppositional behavior, school deviance, minor theft, and risky sexual behavior) as well as an indirect effect through an association with delinquent peers (Mason & Windle). For girls, however, low self-control had a direct effect on major delinquency, with no partial mediation through any other tested channels and no direct effect on minor delinquency (Mason & Windle). Instead, girls' engagement in minor delinquency was fully mediated through their association with delinquent peers, their academic performance, and family support. These findings proposed that developmental pathways to problem behaviors may have been dependent upon the type of delinquency for girls but not for boys, with low self-control being particularly salient among girls engaged in more serious forms of aggression and delinquency (Mason & Windle).

Moreover, numerous research studies revealed police practices as deeply gendered. Few investigations had considered how gender intersects with neighborhood context in determining how police behaviors are experienced. It was taken for granted that young minority men are the primary targets of negative police experiences (Brunson & Miller, 2006). Feminist scholars suggested that young women were far from immune from negative experiences with the justice system. Furthermore, Brunson and Miller's

research offered compelling evidence that the aggressive policing strategies used in urban poor neighborhoods posed harms to their adolescent residents and that these harms were shaped by gender. In keeping with previous research, Brunson and Miller found that young men were the disproportionate recipients of aggressive policing tactics such as stops and searches. The young men in Brunson and Miller's sample illustrated that these messages were powerfully conveyed in adolescence.

Females in comparison with males were usually treated more harshly in the earlier stages of the criminal processing system for less serious offenses (Gaarder & Belknap, 2002). Girls were processed far more harshly than were boys for status offenses and were more likely to be picked up by police for such offenses. Most often girls who reported participating in delinquency described being stopped by the police for curfew or truancy violations rather than for their involvement in criminal offenses (MacDonald & Chesney-Lind, 2001). Research on the adjudication of delinquent girls suggested they were disproportionately placed in detention and treatment-oriented programs (Brunson & Miller, 2006). Although boys constituted about 95% of youth transferred and remanded to adult facilities in the United States, well over 400 girls were sent to adult women's prisons in 1994 and 1996 (Gaarder & Belknap, 2002). Females made up a small share of the juvenile custody population in correctional facilities. Juvenile girls who have been adjudicated as adults and were serving time in adult women's prisons constituted only a fraction of those juveniles processed in the criminal justice system. While the vast majority of juvenile cases adjudicated in adult court involved males, the trend of processing and incarcerating youth as adults continued to gain ground.

## Race

With regard to race, youth of color disproportionately experienced the consequences of transfer. Race might have influenced the transfer decision directly or indirectly through legal or extralegal factors (such as neighborhood or social status). The image of young Black men as “symbolic assailants,” whereby they were defined and responded to as criminals, was deeply entrenched in American culture but also deeply gendered (Ferguson, 2001). In fact, research demonstrated that such responses to African American boys began in early childhood and had reverberating consequences (Ferguson). In addition, research showed that the police were more likely to arrest younger African American women than white women, but little research had examined other discretionary aspects of policing for young women (MacDonald & Chesney-Lind, 2001).

Early onset of violence and living in a high-crime environment were both significantly higher among African Americans. These were risk factors for violent behavior in youth. Researchers found neighborhood disorganization to be a prime risk factor for violent delinquent behavior. In various settings, exposure to risk increased and inner-city African American youth were more likely to have multiple risks than were their rural counterparts (Farmer, Price, O’Neal, Leung, Goforth, Cairns, et al., 2004). Additionally, experience with racial discrimination was a strong predictor of violent behavior among African American youth transitioning into adulthood. In one study of African American adolescents exposed to discrimination and other risk factors, a cumulative effect was found. Exposure to a single risk factor slightly increased the likelihood of later problematic school and legal behaviors, whereas exposure to multiple

risks led to significantly greater levels of school and criminal problems (Caldwell et al., 2004).

Although more minority youth have been reported to be transferred, Fagan et al. (1987) suggested race effects disappeared when other variables were controlled. Instead, minority youth were more often charged with murder, and murder was a significant predictor in multivariate models. Similarly, the age of onset (that is, first arrest and length of career) was earlier for minority youth, an age-related variable predictive of transfer. Thus, Fagan et al. concluded it appeared that the effects of race are indirect but visible, nonetheless. Given the higher rates and concentration of poverty experienced by people of color, it was not surprising that children of color had higher rates of juvenile crime.

In addition, prosecutors have filed transfer motions for minority youth at a lower age than Anglo youth. A study by Fisher (1985) evaluated 21 counties in New Jersey during 1984 when 115 motions for waiver were filed, of which 84 (73%) were against minority youth. Fisher concluded that proportionately more Black 15 and 16 year olds were processed for waiver than were White or Hispanic juveniles of the same age. The disproportionately high rate of transfer for minorities has had implications for adult corrections. The majority of transferred youth were often convicted in criminal court and sentenced to lengthy prison terms. Thus, these processes may have accelerated the already increasing prevalence of minorities in jails, detention centers, and prisons (Fagan et al., 1987).

Several scholars have directly associated race with punitive shifts in discourses around crime and punishment in both the criminal and juvenile justice systems (Feld, 1999). During the past 20 years, advocates and professionals in the justice systems have

become increasingly concerned with the overrepresentation of minorities and their disproportionate confinement in the U.S. justice system. A 1992 addendum to the Juvenile Justice and Delinquency Prevention Act of 1974 placed disproportionate minority confinement (DMC) among the nation's most critical juvenile justice issues (Chapman, Desai, Falzer, & Borum, 2006). States risked losing federal grant funds if they did not agree to undertake studies to determine if DMC existed, uncover the causes, and develop strategies to intervene. A decade later, the Juvenile Justice and Delinquency Prevention Act of 2002, broadened the DMC initiative from DMC to disproportionate minority contact by requiring an examination of possible disproportionate representation of minority youth at all decision points along the juvenile justice system (Chapman et al.). However, efforts were poorly guided and inconsistently implemented and ultimately produced mixed results.

Most youth in adult correctional facilities were African American or Hispanic, but the disproportionate representation of minority youth in the adult system appeared to exceed that of minority adults. Black youth comprised approximately 60% of youth in state prisons and local jails (Strom & Smith, 1998). Between 1985 to 1997, the number of black youth admitted to state facilities increased from 1,900 to 4,300, while the number of white inmates grew from 1,300 to 2,600 (Bureau of Justice Statistics, 2000). Alternatively, between 1997 and 2003, black juveniles led the overall custody population decline. The number of black youth in custody dropped 12%, while the number of white youth held dropped 5% (Snyder et al., 2006). Even with the large drop in the African American juvenile custody population, the 2003 custody rate was still highest for black youth.

## Previous Convictions

Another core risk factor associated with juvenile offending and recidivism included the number of prior referrals or arrests. Various studies demonstrated a strong relationship that existed between early onset and subsequent serious, violent, and chronic offending. The statutes that either expanded the criteria for transfer or reduced the jurisdiction of the juvenile court primarily concentrated on chronic offenders with lengthy juvenile court records (Feld, 1988). Consequently, it was thought that juveniles adjudicated in adult court had a significantly greater prior record as opposed to youth retained in juvenile court.

Researchers speculated that leniency existed because the criminal court judges tended to view juveniles as youthful first-time offenders. However, studies that carefully controlled for prior offenses had not found criminal courts to be more lenient than juvenile courts (Butts & Connors-Beatty, 1992). Such contradictions in juvenile and criminal court sentencing studies appeared to be resolved by controlling for defendants' prior offense records (Redding, 2003).

Grisso, Tomkins, and Casey (1988) systematically examined the characteristics of juveniles who were transferred to adult courts. In their research in juvenile law, Grisso et al. surveyed 127 courts located in 34 states and obtained data relevant to juvenile waiver. The authors found that juvenile waivers were positively associated with "greater prior offense record" (Grisso et al.). Prior offense records were more likely to be found appropriate for transfer to adult courts given that they posed a greater threat to the community. In a sample of juvenile court judges with experience in juvenile transfer cases, Salekin et al. (2002) reported the vast majority (94.9%) of the sample transferred

to adult court had records of previous convictions. Also, almost all jurors said that they would be influenced toward voting guilty because of knowledge of a criminal history (Tang & Nunez, 2003).

Conversely, other research suggested that the majority of juvenile offenders with charges filed directly in the criminal system included first-time offenders, and many others had no more than two prior referrals (Bishop, 2000). These results indicated that the waiver methods had not identified the juvenile offenders who had committed the most violent crimes and who had demonstrated an inability to benefit from the juvenile justice system (Bishop). Both juvenile court judges and clinical child psychologists believed that assessments of dangerousness should include current and past violent offenses and the extent to which that violence might have been unprovoked (Salekin et al., 2002). This research indicated that extremely violent crimes and prior history of violence were predictive of continued violence and severe antisocial behavior (Salekin et al.).

### Severity of Crime

All states and the District of Columbia allowed adult criminal prosecution of juveniles under some circumstances. As a result, the commission of an act might have characterized individuals as an adult in one state while in another they were still considered a juvenile. For example, a 13-year-old youth charged with murder would be ineligible for transfer in Ohio, automatically excluded from the juvenile court in Illinois, subject to being tried as an adult in the family court in Michigan based on the discretion of the prosecutor, and subject to being transferred to the criminal court by a judge in Indiana (Bishop, 2000).



Consequently, being juvenile was strongly associated with sentence severity. Because the legislative activity in the 1990s changed transfer provisions to specifically target violent offenders, one could logically assume that the proportion of violent offenders in this population might be increasing (Bishop). Surprisingly, however, reviews of the consequences of these new transfer provisions were mixed with some studies suggesting that the new laws provide for the explicit transfer of less-serious property and drug offenders and others showing an increasing proportion of violent offenders reaching adult court (Snyder et al., 2000).

For example, between 1994 and 2001 the juvenile arrest rate for Violent Crime Index offenses (murder, rape, robbery, and aggravated assault) fell 44% (Snyder et al., 2000). Law enforcement agencies made 2.2 million arrests of persons under the age 18 in 2003 (Snyder et al., 2006). The most serious charge in almost half of all juvenile arrests in 2003 was larceny-theft, simple assault, a drug abuse violation, disorderly conduct, or a liquor law violation (Snyder et al., 2006). In addition, when juvenile court judges were asked whether they believed certain charges should be a prerequisite for a juvenile waiver, the majority of judges (79.2%) believed that only those individuals charged with serious offenses against persons or felony charges should be considered for juvenile waiver (Salekin et al., 2002).

The idea of adjudicating juveniles in adult court originated in the attempt to exclude violent crimes, such as murder, from the juvenile justice system. In 2002, 1 in 12 murders in the U.S. involved a juvenile offender (Snyder et al., 2006). While the conventional wisdom was that youth were transferred to the adult court for violent offenses like murder, there had been much research data indicating that youth were

transferred for a variety of crimes. According to judicial discretion data from 1999, 34% of cases transferred via judicial discretion were person offenses, whereas 40% were property offenses, 16% drug offenses, and 11% public order offenses (Puzzanchera et al., 2003). For most years between 1985 and 2002 person offense cases were the most likely type of cases to be waived to criminal court (Bishop, 2000).

Schwalbe, Fraser, Day, and Cooley (2006) conducted a study using the administrative records of all adjudicated juveniles in North Carolina from 2001 through 2003. The majority of offenders across all groups were adjudicated for a misdemeanor offense (e.g., simple assault, shoplifting) (Schwalbe et al.). The next most common offense category was less serious felony offenses (e.g., breaking and entering, arson, assault on a government officer) (Schwalbe et al.). Finally, fewer juveniles were adjudicated for the most severe felony offenses (e.g., assault with a deadly weapon, rape, murder).

Despite the fact that numerous studies had demonstrated that most youths were transferred to adult court for nonviolent property and drug crimes, research advised that those convicted of violent crimes received especially harsh sentences (Champion, 1989). Several research studies indicated that the sentence outcome was contingent on offense type, with non-violent offenders receiving harsher sentences in the juvenile court and violent offenders receiving tougher sentences in the criminal court. For instance, juveniles who were waived for property and drug crimes were sentenced to community sanctions more often in criminal court when compared to juveniles sentenced in juvenile court, while juveniles waived for violent offenses were incarcerated more often in criminal court than in juvenile court (Steiner et al., 2006).

For example, Rudman, Harstone, Fagan, and Moore (1986) found that violent juvenile offenders convicted in criminal court were more likely to be incarcerated and received sentences about five times longer than those of violent juvenile offenders adjudicated in juvenile court. Podkopacz and Feld (1996) established that juveniles convicted of violent offenses in criminal court received longer sentences (966 days on average) than juveniles convicted for similar offenses in juvenile court (266 days on average), whereas juveniles convicted of property offenses received shorter sentences in criminal court (134 days on average) than in juvenile court (182 days on average).

Correspondingly, Myers (2003) also found that violent juvenile offenders who were transferred were more likely to be convicted and incarcerated and received longer sentences. What is more, Brown and Langan (1998) established that for particularly serious person offenses, the average prison sentence for transferred juveniles was longer than that for convicted adults. Thus, the majority of the above studies revealed that when charged with violent offenses, juveniles tried as adults were judged just as harshly as adult defendants, and often times they were judged even more harshly.

#### Public Perceptions of Juvenile Crimes

Research indicated that transfer continued to rise during the 1990s despite decreasing juvenile crime rates and was now significantly above levels from only a decade ago when violent and serious juvenile crime was considerably higher (Bishop, 2000). Thus, juveniles have been adjudicated in adult court at younger ages, for additional crimes, and through different means, representing a shift in the way that society views these youth, not necessarily in their actual dangerousness. Research by

political scientists has shown that both federal and local courts were affected by shifts in public opinion (Tang & Nunez, 2003).

How adolescence was perceived has a great deal to do with how juvenile offenders were treated. Much research has been devoted specifically to the period of adolescence, a time of incredible diversity within and among youth. Recent studies on adolescent development have focused new interest on children's behavior toward law. Juvenile status is a unique identifier for this category of offender that is not present in the majority of sentencing decisions (Kurlychek & Johnson, 2004). Still, it has remained unclear as to what extent the public truly embraces this tough stance or how these views were balanced by perceptions of the immaturity of youths.

#### Adolescence Development

The law has recognized reduced responsibility as a mitigating factor in sentencing, and some researchers recommended specific sentence reductions for juveniles when tried as adults. Adolescent development has not only been important in explaining how often and perhaps why children have broken the law but also their behavior in interactions with legal actors (Grisso, 2000). Fagan and Tyler (2005) proposed that there was a developmental process of legal socialization, and that this process unfolded during childhood and adolescence as part of a vector of developmental capital that promoted compliance with the law and cooperation with legal actors.

The literature on adolescence showed that juveniles differed from adults in unique ways. Adolescents were more susceptible to peer influence, tended to place relatively greater emphasis on short-term than on long-term consequences, were less risk averse, and more impulsive (Grisso, 2000). These differences in psychosocial functioning

indicated immature decision-making capabilities among adolescents (Zimring, 1998). In other words, youths, particularly those who were at the lower end of adolescence, may be less responsible for any criminal behavior. For example, some juveniles may be able to think in quite sophisticated ways but be emotionally immature. Two 15-year-olds may vary widely in their physical appearances, cognitive abilities, and social experiences (Zimring).

The argument about immaturity, as commonly used, held that if the decision to commit crime could be meaningfully distinguished from adult judgments, then adolescent culpability was reduced. Most studies of adolescent decision-making of 15-year-olds on issues such as health care were not significantly different from the decision-making capacities of adults (Grisso, 2000). Below age 15, capacity fell off fairly quickly: about half of 13- to 14-year-olds' decision-making capacity was significantly worse than that of adults (Grisso, 2000). Adolescents may not weigh the severity or swiftness of punishment in the same way as adults. Thus, age was not a consistent marker of maturity (Woolard et al., 2005).

Some professionals and members of the public, however, have viewed that late adolescents thought just as well as adults, making it seem sensible to hold them criminally responsible as adults (Fox, 1996). Concern for public safety and the fear that such adolescent offenders would get away with serious and violent crime by aging out of the juvenile system led to more punitive approaches under the "adult crime, adult time" mantra (Fox). The recent shift in the mission of juvenile justice in the U.S. toward more punitive and control-oriented goals revealed profound changes in how society viewed the delinquent behavior of children and youth (Shook, 2005).

## Juveniles in Adult Court

With the recent increase in juvenile crime, the number of juveniles being charged in criminal court and the increased emphasis on punishment, juvenile competency to stand trial has received a great deal of attention. Juvenile competency to stand trial has become more critical because of the social trend toward sentencing and prosecuting juveniles who were facing serious charges as adults in criminal court (Cooper, 1997). A study by McKee (1998) compared the trial competency of 108 juveniles and 145 adult defendants evaluated for competency to stand trial. McKee stated that “preteens’ extensive deficits clearly challenged the law’s presumption of competence to stand trial in persons facing criminal charges.” Adolescents were presumed as not being competently equivalent to adults, and cognitive maturation and intellectual ability were related to competency (Burnett, Noblin, & Prosser, 2004).

Transfer laws, however, have reflected to a certain extent the view that some juveniles who committed serious crimes were fully culpable and deserving of adult punishment. The view of the offender as a troubled adolescent who deserved help was replaced by a view of the adolescent offender as a remorseless criminal (Fox, 1996). The problem was not that juvenile murderers were treated too leniently – most states already had laws allowing most adolescent murder defendants to be dealt with in criminal court – but that a large group of nonmurderous adolescents have since become viewed as hardened criminals (Fox). Ultimately, transfer decisions were driven by political considerations particularly the public’s fear of crime.

Likewise, courtroom decision making may have been influenced by public perceptions. Knowing that a juvenile was tried in adult court might lead potential jurors

to believe that the juvenile committed a serious crime, that the juvenile was a chronic offender, or that the juvenile was not amenable to treatment (Tang & Nunez, 2003). Furthermore, certain types of offending have been viewed as outside the realm of juvenile capability. Indeed, research suggested that a juvenile who was adjudicated in adult court was then viewed as a more serious offender relative to other juveniles (Kurlychek & Johnson, 2004). The court's reputation in the community may also have been an important practical consideration (Kurlychek & Johnson). If the judge sentenced leniently and the individual reoffended, the court's standing in the community suffered. To the degree that the juvenile justice reforms of the 1990s reflected a heightened concern with juvenile violence and crime, judges may have been reluctant to show leniency towards transferred juveniles regardless of the availability of appropriate facilities (Kurlychek & Johnson).

#### Politics of Sentencing

With the increase of juveniles in the adult criminal justice system, it was increasingly important to better understand the criminal processing and sentencing outcomes associated with this unique population. The traditional question addressed in the literature had been whether juveniles processed in adult court received more severe treatment than those in juvenile court. Evidence was mixed. Most research suggested that even in adult court the historical tendency to treat youths with compassion and clemency continued to linger. Yet, other findings suggested that the adult system was harder on juvenile offenders than the juvenile system.

#### Waiver and Sentencing Practices

It was not entirely clear as to whether juvenile waiver to adult court provided a significant increase in the likelihood of conviction (Myers, 2006). Some researchers

argued that a “leniency gap” occurred in adult court, whereby waived offenders typically received more lenient sentencing than they would have been given in juvenile court (Champion, 1989). These studies implied that youth in criminal court were not seen as serious offenders because of their younger age and lack of experience.

Research findings on sentencing outcomes for juveniles in criminal court lacked consensus. Some studies found that more than half of the juveniles tried in criminal court were incarcerated, but other studies found that few of these juveniles faced jail or prison. There were also statistically significant differences in the mean sentence lengths for juvenile offenders sentenced in adult court. Accordingly, a number of researchers compared the sentences that juvenile offenders received in juvenile court with the sentences that similarly situated youthful offenders received in criminal court. Several studies indicated that juveniles typically received lighter sentences (i.e., probation) when transferred to criminal court than they would have received had they remained in the juvenile system (Kurlychek & Johnson, 2004). According to a study by Champion (1989), of the juvenile transfers in four states between 1980 and 1988, only 11% of transferred juveniles were incarcerated, whereas 55% were placed on probation, 8% received community-based dispositions, and charges were dismissed or offenders were acquitted in 26% of cases.

On the other hand, research addressing this issue has also offered evidence that juveniles received more severe sentencing outcomes than their adult counterparts. Juvenile status may have exerted a significant influence on courtroom decision making, resulting in a substantial penalty for juveniles tried in adult court. Courtroom actors were therefore willing not only to apply adult punishments to these transferred juveniles, but



also did so more severely than to adult offenders (Kurlychek & Johnson, 2004). This tendency appeared to override general age effects and provides an influence above and beyond traditional legal sentencing considerations. Although the intended purpose of juvenile transfer policies was to apply adult punishments to certain juvenile offenders, few would argue that transferred juveniles deserve more severe treatment than adult offenders. Yet, these research findings suggested that being a juvenile in adult court held a penalty all its own (Kurlychek & Johnson).

Studies comparing the outcomes of juveniles tried in juvenile and criminal courts have largely found that criminal courts tend to treat violent and serious juvenile offenders more severely than do juvenile courts, while juvenile courts tend to treat property offenders with lengthy prior records more harshly than do criminal courts (Podkopacz & Feld, 1996). Violent offenses have garnered longer sentences than those typically imposed in the juvenile system, while non-violent offenses have yielded longer sentences in the juvenile system. However, it was still somewhat unclear if these incarceration rates in criminal court were very different from those of similar offenders in juvenile court because few studies had employed comparison groups (Myers, 2003).

#### Waiver and Time Served

With regard to the severity of punishment, studies have examined both incarceration rates and length of incarceration. Various studies showed that for those transferred youth who were incarcerated, lengthy sentences were common. A 1996 report released by the U.S. Department of Justice finds that juveniles transferred to adult court were more likely than adults to be sentenced to prison. More recently, Rainville and Smith (2003) reported on juvenile felony defendants from 39 urban counties in 19 states

and found that juveniles were as likely as adult offenders to be convicted (about 66%) and that once convicted, they were more likely to receive sentences of incarceration (63.6% of juveniles versus 59.6% of adults), and to be confined in state prisons (60% of juveniles versus 43% of adults).

Youth who were sentenced within the adult system may spend a significant amount of time incarcerated. Although the average state prison sentence length among persons under the age of 18 decreased from 86 months in 1985 to 82 months in 1997, sentencing reforms increased the average time served from 35 months to 44 months during the same period (Strom & Smith, 1998). Sentence lengths for juveniles in adult corrections varied by offense. Most often, juveniles received longer sentences for weapon-related offenses and shorter sentences for most drug and property offenses (Levin, Langan, & Brown, 1996).

The average sentence for youth convicted of a violent offense in 1997 was 98 months, with an estimated 59 months to be served. Offenders sentenced for property and drug offenses received, on average, sentences of 57 and 54 months respectively. Overall, 3% of offenders under the age of 18 admitted to adult facilities were sentenced to life imprisonment.(Rainville & Smith, 2003).

Although juveniles waived to adult court generally received longer sentences than similar youth retained in juvenile court, those in the adult system may only serve a small portion of their original sentence, thereby eliminating the apparent difference in incarceration length (Fritsch, Caeti, & Hemmens, 1996). Researchers have found that even when criminal courts imposed substantial sentences, parole authorities have

typically released youthful offenders after serving less time than the offenders would have served had they remained in the juvenile system (Bortner, 1986). Only two studies had examined the length of prison time actually served by juveniles sentenced in criminal court. Fritsch, Caeti, and Hemmens studied 946 cases of juveniles transferred to criminal court in Texas between 1981 and 1993 and discovered that for all offenses except rape, the average prison time actually served was only 3.5 years (about 27% of the sentence imposed), shorter than the maximum possible sentence length in a juvenile facility (1996). Myers (2003) found that 57% of violent juveniles sentenced to prison by criminal courts in Pennsylvania were released within 4 years. These findings suggested a possible inconsistency between sentences imposed by criminal courts and actual time served.

In contrast, other studies reported that of those juveniles adjudicated in adult court, the transferred juveniles experienced longer periods of confinement. The youth in adult court encountered much longer periods of case processing, thereby delaying final resolution of case outcomes (Myers). Nevertheless, a majority of the transferred juveniles were released from incarceration while they were still in their late teens or early twenties, the known peak years of violent offending (Podkopacz & Feld, 1996).

#### Young Offenders in Juvenile Versus Adult Facilities

Although many juveniles sentenced in criminal court served their sentences in adult correctional facilities, a substantial minority served at least a portion of their sentences in juvenile facilities. In 1997, about 106,000 juveniles were held in juvenile correctional facilities on any given day (Bureau of Justice Statistics, 2000). Most of these juveniles were minorities, 56% African American, 21% Hispanic, the average age at admission was 16, and the relative numbers of minorities and females in the system was

increasing (Redding, 2003). More than half of the juveniles were convicted of drug or property crimes and had not been previously incarcerated. Twenty-one percent had committed serious or violent offenses (40% aggravated assault, 35% robbery, 12% sex crimes, and 11% homicide or manslaughter); of these offenders, 27% had been incarcerated previously (Snyder et al., 2000).

Overcrowded conditions were an increasing problem in many juvenile detention and correctional facilities. Seventy percent of juveniles were held in locked rather than staff-secure settings; this environment countered the goal of national accreditation standards, which was to house juveniles in the least restrictive placement alternative (Snyder et al., 2000). According to Feld (1999), “The daily reality of juveniles confined in many treatment facilities was one of violence, predatory behavior, and punitive incarceration.” Feld also noted that many juvenile correctional facilities provided little rehabilitative treatment.

Legislative reforms have produced substantial increases in the number of youth convicted of felonies in criminal courts and incarcerated in adult facilities. Juveniles in state prisons represented a small percentage of all state prisoners (2%) and a small percentage of all juveniles held in confinement across juvenile and adult facilities (5%) (Bureau of Justice Statistics, 2000). Data from a census of state and federal correctional facilities indicated that approximately 2,927 of 4,095 juveniles under state or federal adult correctional authority as of June 30, 2000, were housed in state adult correctional confinement facilities, defined as facilities in which less than half of the population was able to leave unaccompanied for employment or education activities (Stephan & Karberg,

2003). Of these, 2,007 were held in maximum security, 1,127 in medium security, and 437 in minimum security (Stephan & Karberg).

The number of youth held in adult jails peaked at 9,458 in 1999, dropping to 6,869 in 2003 (Harrison & Karberg, 2004). Since that time, rates of juveniles in state prisons have decreased. The most recent estimates documented 3,006 state prisoners under the age of 18, representing 0.2% of all state prisoners nationwide (Harrison & Karberg). This number represented a significant degree of variability across states, with a handful of states (e.g., Maine, Kentucky, West Virginia) reporting no juveniles within state prisons, and 10 states (e.g., Texas, Connecticut, Florida, New York) reporting estimates that range from 100 to 500 juveniles being held in state prisons (Harrison & Karberg).

Compared with offenders confined in juvenile facilities, juveniles in adult prison were found eight times more likely to commit suicide, five times more likely to be sexually assaulted, and almost twice as likely to be attacked with a weapon by inmates and beaten by staff (Beyer, 1997). On the other hand, juveniles in juvenile facilities were more likely to report that staff helped them achieve goals, feel good about themselves, learn skills, and improve their interpersonal relations (Forst, Fagan, & Scott, 1989). Staff members in juvenile facilities were also more likely to be trained in and rewarded for helping and counseling residents. Juveniles in juvenile facilities gave higher marks to case management services, which they regarded as helpful in obtaining needed services, providing counseling, encouraging participation in programs, teaching the consequences of breaking rules, and orienting offenders to facility rules and procedures (Forst et al.). Thus, juvenile facilities were more oriented toward rehabilitation and skills development,

were more likely to encourage staff to develop relationships with residents, and had more staff trained to provide specific services to youthful offenders.

Juveniles in adult prisons reported that much of their time was spent learning criminal behavior from the adult inmates and that there was pressure to prove their toughness through aggression (Redding, 2003). The prison environment and the resentment that juveniles felt from being punished in the criminal justice system caused many juveniles to become confrontational and defiant in prison. Because juveniles in adult prisons were exposed to a criminal culture in which inmates committed crimes against each other, these institutions may socialize wayward juveniles into career criminals (Redding).

#### Managing Juveniles in Adult Correctional Placements

Although estimates varied, national statistics and recent survey data have consistently identified a significant number of youth under the age of 18 who were placed within adult correctional settings. Juveniles sentenced to time in adult corrections have become a small but noteworthy new class of offenders, some without extensive juvenile court or corrections exposure, who will spend the formative years of adolescence in an environment designed for adults (Woolard et al., 2005).

Relatively little was known about the conditions of confinement for juveniles incarcerated in adult facilities, although some studies suggested what juveniles may experience in these facilities. General knowledge of adolescent development indicated that many of these youth were likely to present unique challenges within a system designed for adult offenders. Transfer could have “tremendous consequences for the juvenile,” including lengthy incarceration and abuse in adult prisons (*Kent v. United*

*States*, 1966). Thus, the practice of adjudicating juveniles in adult court may not have impacted the individual youth it targets in an effective manner. Available evidence indicated that adult facilities differed considerably from juvenile facilities with regard to the educational and treatment programs offered, safety and victimization, staffing, employment opportunities, criminal socialization opportunities, and organizational characteristics (Bishop, 2000).

Whether housed in state, local, or private facilities, juveniles presented unique challenges. In an already overcrowded prison system, there was little space to separately house yet another group of offenders. Austin et al. (2000) surveyed 181 adult correctional facilities across the nation and reported that 44 states housed juveniles in adult facilities – typically in medium or maximum security facilities. Only 13% of the facilities surveyed maintained separate housing units for youthful offenders (Austin). Overall, adult systems lacked the funding to build separate juvenile facilities.

Housing juvenile offenders posed a number of challenges for adult correctional facilities, particularly in managing the behavior of juvenile inmates. These juveniles often exhibited significant behavioral problems that required enhanced security measures and specialized programming, behavioral interventions, and staff training. Most adult correctional staff were unaccustomed to working with a juvenile population and receive little to no training to this effect. Juvenile offenders produced approximately twice as many disciplinary reports than adult inmates yet correctional staff were typically not trained or encouraged to provide differential responses based on age (Gaarder & Belknap, 2004). Instead, the tactics that they employed with juveniles were derived from their adult-based training.

A potential danger was that housing youth within adult corrections could lead to iatrogenic effects, causing youth who would otherwise have exited their delinquent trajectory to become entrenched in a criminal lifestyle. By exposing juveniles to a criminal culture where inmates committed crimes against each other, adult institutions might socialize juveniles into true career criminals (Fagan et al., 1987). An early study by Eisikovits and Baizerman reported that the daily survival of the inmates required young inmates to find ways to fit into the inmate culture: this often involved adopting an identity that concealed their youthful status with respect to both physical and intellectual ability and forced them to accept violence as a routine part of institutional life (Fagan et al.). While some older prisoners served as positive mentors in juveniles' lives, others wielded negative influences over impressionable youth. The possibility of older prisoners abusing, harassing, or manipulating juveniles in adult prisons indicated a strong need for separate housing.

One of the main concerns involving contact with adult prisoners was the question of sexual relationships between juveniles and adult prisoners. Studies advised that as compared to similar youth in juvenile institutions, young offenders in adult prisons experienced greater victimization by both inmates and staff (Beyer, 1997). Juvenile offenders in adult facilities were at greater risk for victimization and self-inflicted harm as compared to adult inmates and adolescents in the juvenile justice system. Beyer reported that juvenile inmates in adult facilities were 500 times more likely to be sexually assaulted and 200 times more likely to be beaten by staff than juveniles held within juvenile facilities. Further, a recent Justice Policy Institute survey found that young



inmates within adult prisons made up the “prototype” of a rape victim in prison (Schiaraldi & Zeidenberg, 1997).

Juveniles were a vulnerable population within adult correctional facilities. There were few safeguards in adult institutions to prevent the victimization of juveniles. Specifically, the inability of adult classification instruments to correctly have separated aggressive and non-aggressive inmates, as well as to account for the victimization and self harm potential of juveniles, has been cited as contributing to increased security risks (Redding, 2003). Of particular importance was the need for prisons to address the developmental, emotional, and mental health needs of juveniles and to implement effective behavioral management techniques for handling disruptive youth. However, the limited availability and poor quality of health care at the prison denied juveniles the basic health information and care they need. Many adult prisons were ill equipped to identify and respond to the mental health needs of juvenile inmates. A number of scholars discussed the developmental differences between juveniles and adults and have questioned the ability of the adult criminal system to deal with immature and disadvantaged adolescents. Perhaps in response to various research findings, some facilities were beginning to provide specific services for juveniles transferred to the adult system.

The lack of information on the impact of adult imprisonment on the life-chances of adjudicated juveniles has raised additional questions concerning the utility of the current policy trend, particularly given research that documents strong links between imprisonment and unemployment (Fagan et al., 1987). The level of educational services available to juveniles in county jails and prisons was a cause for concern. A substantial

number of juveniles were found below grade level upon admission to state prison. For example, 99% of juvenile admissions were age 15 or higher, but only 72% achieved a 9<sup>th</sup> grade or higher education level (Strom & Smith, 1998). The main difference between youth and adults is that with adequate educational intervention youth have the possibility of getting “back on track” developmentally by remaining on-grade or obtaining grade-level proficiency during their adolescents (Woolard et al., 2005). Many youth were below grade level upon system entry and access to educational services was a critical factor in the likelihood that they would have stayed on track for high school completion. Still, imprisoned juveniles were much less likely to be enrolled in an educational program (34%) as compared with their counterparts who were on probation (52%) or in juvenile facilities (59%) (LaFree, 2002).

However, given the growing number of juveniles sentenced to adult facilities, states were increasingly implementing special correctional programs for juvenile offenders who were sentenced as adults. In the absence of legal requirements for treatment programs, many state criminal justice systems have adopted special initiatives for responding to the practical challenges of managing increasing numbers of juvenile offenders (Torbet et al., 2000). Some states (e.g., Florida, Virginia) designated young people in the criminal justice system as “youthful offenders” which in turn provided them with special programming and legal protections (Torbet et al.). Such youthful offender facilities included GED programs, special education programming, vocational training, and mental health treatment services.

Other states (e.g., Delaware, Georgia, Maryland, Missouri, North Dakota, Ohio, Oregon, Tennessee, Utah, Washington, and West

Virginia) applied graduated incarceration where inmates under the age of 18 began serving their sentence in a juvenile facility that provided specialized programming, and were then transferred to adult facilities, typically once they reached the age of 18 (Torbet et al.).

Adult correctional facilities still have many questions about how to house, manage, and provide programming for their juvenile offenders. The housing, programming, education, and staff provided for delinquent youth in adult corrections should match the specific needs of juvenile offenders in order to provide a safe, secure environment and meaningful rehabilitation. As adult correctional systems respond to the increasing number of juvenile inmates, new facilities and programs for youthful offenders must be implanted.

### Summary

A variety of influences have been cited as contributing to juveniles adjudicated in adult court. The effects of these variables have been documented in much of the aforementioned research on this topic. Much of the prior research has suggested that the majority of juveniles who were adjudicated in adult court tended to be between the ages of 15 and 17, male, minority, charged with more serious offenses, younger at the time of first contact with the juvenile system, and arrested more frequently than juveniles who were not transferred to adult court.

The overall harshness of sentencing in criminal court further increased the severity and consequences of transfer. With respect to severity of punishment, a study by Lemmon et al. (2005) found the adult court to be significantly more likely to incarcerate

than the juvenile court, 87% compared to 55%. Although it was unclear whether transfer laws deterred juvenile crime in the long run, the criminal court adjudication of juveniles and incarceration of juveniles in adult prisons appeared to offer few advantages and instead posed many potential disadvantages. Earlier studies supported current research indicating that severe treatment of juvenile offenders in the criminal justice system did not necessarily ensure greater community protection and possibly even created a number of unintended consequences.

CHAPTER 3  
METHODOLOGY

Hypotheses

The intention of this study was to examine the factors that led to the sentencing decisions of juveniles tried in adult court. Influences such as age at current offense, gender, race, previous convictions, and the seriousness of crimes were analyzed to determine the relationship these factors had on the different sentences juveniles received in the criminal justice system. It was predicted that juveniles over the age of 17 were more likely to be adjudicated as adults in criminal court than those juveniles age 17 and under. It was further predicted that sex differences would be found in juveniles adjudicated in criminal court and that rates among boys transferred would be higher, as had been found in previous studies. Also, it was anticipated that juveniles tried in adult court would be disproportionately comprised of minorities. Next, it was assumed that juveniles with prior juvenile arrests and convictions were more likely to be adjudicated in criminal court. Subsequently, it was believed that juvenile offenders with the most severe offenses, such as murder, were more often tried in adult court. Furthermore, it was expected that juvenile offenders in the adult system convicted of personal (for example, violent) crimes would have been sentenced more severely than those convicted of property crimes. Finally, it was hypothesized that juveniles in adult court were more likely to have received the harshest sentencing punishment available, such as jail or prison sentencing. The following section discussed the variables used to test the hypotheses and the statistical analysis employed in the current study.

## Data

The data used for the current study were available from the Inter-university Consortium for Political and Social Research (ICPSR), which was accessed through the University of Michigan's website. The data sample used in the current study was collected by the Juvenile Defendants in Criminal Courts (JDCC) as an independent sample drawn from the State Court Processing Statistics (SCPS) for 1998 (United States Department of Justice). The JDCC data collection presented cases filed in approximately 40 of the nation's 75 most populous counties in 1998. These 75 counties accounted for more than a third of the United States population and approximately half of all reported crimes. The collection of counties was a non-probabilistic sample. Nineteen states contributed counties to the sample. The states included were Alabama, Arizona, California, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas, Washington, and Wisconsin. For each selected county, all such cases filed in 1998 were included in the data collection. Each case was tracked through to adjudication and sentencing or for at least 1 year. Data were collected on 7,135 juvenile defendants. The varying number of cases in each county reflected population size and composition, different state laws regarding the treatment of juveniles in criminal courts, local prosecutorial practices, and the general level of relevant criminal activity.

## Variables

### Dependent

The current study investigated how certain variables affected sentencing decisions of juveniles adjudicated in adult court. The dependent variable was the penalty received

by juveniles adjudicated in adult court. For this study, the sentencing decisions received by juveniles in the criminal justice system were measured by the nominal level and included probation (0=no probation sentence and 1=probation sentence); juvenile sentence facility (0=no juvenile sentence facility and 1=juvenile sentence facility); jail sentence (0=no jail sentence and 1=jail sentence); prison minimum sentence (0=no minimum prison sentence and 1=minimum prison sentence); and prison maximum sentence (0=no prison sentence maximum and 1=prison sentence maximum).

### Independent

There were five independent variables of interest in this study. Age at current offense, gender, race, prior criminal history, and current offense severity were used to analyze the sentencing decisions of juveniles adjudicated in adult court. The first independent variable, age, was defined as an individual being age of 17 or under at the time of the offense. The age at current offense was coded 0=over age 17 at arrest and 1=age 17 and under at arrest.

Second, the gender of the offender was measured at the nominal level and coded with 1=male offenders and 2=female offenders. Third, race was measured at the nominal level and recoded as 1=White, 2=Black or African-American, 3=Other. Fourth, the prior criminality of the juvenile offender was measured by the individual's prior record and was determined by prior juvenile arrests and convictions. The juvenile's prior criminal history was measured at the nominal level and coded as 1=prior juvenile arrests or convictions and 2=no prior juvenile arrests or convictions).

Finally, the current offense severity included factors involving offense type such as property offenses, personal offenses, and drug offenses. The seriousness of the initial

charge was measured at the nominal level as well and coded as 1=crimes against persons, 2=crimes against properties, 3=drug offenses, and 4=other offenses. Crimes against persons included offenses such as murder, rape, robbery, assault, and other violent offenses. Crimes against properties included burglary, theft, motor vehicle theft, fraud, forgery, and other property offenses. Drug offenses included drug trafficking and other drug charges such as possession. Lastly, other offenses included public order offenses and driving-related violations.

## Analyses

### Univariate

At the univariate level, frequency and descriptive statistics for each of the variables were involved in the current study. The descriptive statistics included in the present study summarized a large amount of numerical information through the technique of frequency distributions. The frequency distribution displayed the frequency with which sentencing decisions among juveniles adjudicated in adult court occurred. These statistics included the mean, median, mode, and standard deviation along with the frequency of the responses for each of the variables. Other variables of interest that dealt with juveniles adjudicated in adult court such as prior criminal history and current offense severity offered an even better understanding of sentencing severity of juveniles in adult court. These descriptive statistics were analyzed to provide a representation of the juveniles studied in the current research.

### Bivariate

Bivariate analyses conducted on the aforementioned factors determined if any relationships existed between the dependent and independent variables. The Chi-square



statistic allowed the current study to make conclusions about the entire population of juveniles adjudicated as adults. In addition, Chi-square statistics were computed to determine if there were any relationships between several of the variables. The Chi-square statistic determined whether or not the relationship between the dependant and independent variables were significant or not. Then the Cramer's V statistic showed the strength of this relationship if in fact it existed.

Several cross-tabs were performed to determine if any relationships existed among the nominal level variables. Crosstabulation was performed in lieu of regression because of the level of measurement used. Crosstabulation helped to determine whether or not a relationship existed. The cross-tabs used in the current research allowed the study to look at more than one frequency distribution at the same time. The following cross-tabs were prepared: age at initial offense and sentencing decisions; gender and sentencing decisions; race and sentencing decisions; prior criminal history and sentencing decisions; and seriousness of initial charge and sentencing decisions.

### Summary

The present study sought to recognize the relationship between sentencing decisions of juveniles adjudicated in adult court and the age at initial offense, gender, race, prior criminal history, and seriousness of initial charge. Prior studies had also addressed the effects of sentencing decisions on juveniles adjudicated in the criminal justice system.

## CHAPTER 4

### RESULTS

The current researcher wanted to examine the association between sentencing decisions of juveniles adjudicated in adult court and age at current offense, gender, race, prior criminal history, and current offense severity. Accordingly, several different analytical strategies were used that included univariate and bivariate statistics.

#### Univariate Statistics

The univariate statistics demonstrated descriptive characteristics of the dependant and independent variables. Frequency and descriptive statistics were presented for both the dependant and independent variables of interest. Table 1 demonstrated frequencies on age at current offense, gender, race, prior juvenile arrests and convictions, and current offense severity. There were 178 (2.5%) juveniles over 17 involved, 6,956 (97.5%) juveniles age 17 and under, and one juvenile of unknown age. Of the total group, 95.7% (6,830) were male, 4.2% (303) were female, and 2 (.1%) juveniles were unknown. There were 1,404 (19.7%) Whites, 4,396 (61.6%) African-Americans, 129 (1.8%) Others, and 1,206 (16.9%) unknowns. Juvenile prior criminal history was distributed as 2,651 (36.9%) prior arrests and convictions, 890 (12.5%) no prior arrest and convictions, and 3,594 (50.6%) juveniles with unknown prior criminal history. Current offense severity included 4,528 (63.5%) crimes against persons (murder, rape, robbery, assault, and other violent offenses), 1,264 (17.7%) crimes against property (burglary, theft, motor vehicle theft, fraud, forgery, and other property offenses), 1,078 (15.1%) drug offenses (drug trafficking and other drug offenses), 66 (0.9%) other offenses (public order offenses and

driving-related offenses), and 199 (2.8%) labeled as unknown because of pending or dismissed charges.

Table 1

Frequencies for Juveniles Adjudicated in Adult Court

Variable	Frequency	Percent
<b>Age</b>		
Over 17	178	2.5
17 and Under	6,956	97.5
Unknown	1	.0
Total	7,135	100.0
<b>Gender</b>		
Male	6,830	95.7
Female	303	4.2
Unknown	2	.1
Total	7,135	100.0
<b>Race</b>		
White	1,404	19.7
African-American	4,396	61.6
Other	129	1.8
Unknown	1,206	16.9
Total	7,135	100.0
<b>Juvenile Prior Criminal History</b>		
Prior Arrests or Convictions	2,651	36.9
No Prior Arrests or Convictions	890	12.5
Unknown	3,594	50.6
Total	7,135	100.0
<b>Current Offense Severity</b>		
Crimes against Persons	4,528	63.5
Crimes against Property	1,264	17.7
Drug Offenses	1,078	15.1
Other	66	0.9
Unknown	199	2.8
Total	7,135	100.0

The juveniles included in the data were either over age 17 (0) or age 17 and under (1) with a majority of juveniles age 17 and under. The gender of the juveniles was either

male (1) or female (2) with a majority of males. The race of the included juveniles consisted of White (1), African-American (2), and Other (3) with a majority of African-Americans. Prior juvenile criminal history included prior juvenile arrests or convictions (1) and no prior juvenile arrests or convictions (2) with a majority of prior juvenile arrests or convictions. For current offense severity, the offenses ranged from 1 to 4 (1=crimes against persons, 2=crimes against property, 3=drug offenses, and 4=other offenses) with a majority of crimes against persons.

Table 2 analyzed frequency statistics for sentencing decisions among juveniles adjudicated in adult court. These variables were included in order to have a more comprehensive picture of juveniles in adult court. This set of frequencies entailed the different sentences ordered by the criminal justice system toward juveniles. Of the 7,135 juvenile cases included in the data 42.5% (3,034) of the sentencing decisions were unknown.

The variables included in the sentencing decisions juveniles received in the criminal justice system were probation, juvenile facility, jail, prison minimum, and prison maximum sentence. The sentencing practice that occurred most frequently was maximum prison sentence for juveniles followed by probation, jail sentence, a minimum prison sentence, and juvenile facility sentence.

Table 2

## Frequencies of Sentencing Decisions Among Juveniles Adjudicated in Adult Court

Variable	Frequency	Percent
Probation Sentence		
No	2,979	70.2
Yes	1,122	29.8
Total	4,101	100.0
Juvenile Sentence Facility		
No	3,916	95.5
Yes	185	0.5
Total	4,101	100.0
Jail Sentence		
No	3,255	79.4
Yes	846	20.6
Total	4,101	100.0
Prison Minimum Sentence		
No	3,593	87.6
Yes	508	12.4
Total	4,101	100.0
Prison Sentence Maximum		
No	2,594	63.3
Yes	1,507	36.7
Total	4,101	100.0

Bivariate Statistics

Bivariate analyses were performed to illustrate if any relationships existed between the dependant and independent variables. Crosstabulations and Chi-square tests were generated on all ordinal level variables. These statistics showed whether or not there was a significant relationship between variables. Both crosstabulations and Chi-square tests described the 4,101 known sentencing decisions.

The first set of cross-tabs compared the age of juveniles adjudicated in the criminal justice system to probation sentences, juvenile sentence facility, jail, minimum

prison sentences, and maximum prison sentences (see Table 3). The second set of cross-tabs evaluated the gender of juveniles adjudicated in adult court to probation sentences, juvenile sentence facility, jail, minimum prison sentences, and maximum prison sentences (see Table 5). The third set of cross-tabs measured the race of juveniles to probation sentences, juvenile sentence facility, jail, minimum prison sentences, and maximum prison sentences received in the criminal justice system (see Table 7). The fourth set of cross-tabs compared the juveniles' prior criminal history to probation sentences, juvenile sentence facility, jail, minimum prison sentences, and maximum prison sentences received in adult court (see Table 10). The final set of cross-tabs measured the severity of the juveniles' offense to probation sentences, juvenile sentence facility, jail, minimum prison sentences, and maximum prison sentences received in adult court received in adult court (see Table 13).

The Chi-square statistic was generated for each of the above mentioned cross-tabs in order to determine if significant differences existed. The Chi-square test of independence investigated the difference between the observed and expected frequencies. For the current study, an alpha level of .01 was selected. Accordingly, in order for the Chi-square statistic to be significant the critical value of the Chi-square must be equal or greater to the critical region as defined by the .01 alpha level.

Table 3

## Age at Initial Offense Cross-Tabs

	Age at Initial Offense	
	Percent Over 17	Percent 17 or Younger
Probation Sentence		
No	68.1	70.3
Yes	31.9	29.7
Total	100.0	100.0
Juvenile Sentence Facility		
No	99.2	95.4
Yes	.8	4.6
Total	100.0	100.0
Jail Sentence		
No	80.8	79.3
Yes	19.2	20.7
Total	100.0	100.0
Prison Minimum Sentence		
No	95.0	87.4
Yes	5.0	12.6
Total	100.0	100.0
Maximum Prison Sentence		
No	52.5	63.6
Yes	47.5	36.4
Total	100.0	100.0

The Chi-square test was performed for the independent variable, age at initial charge (see Table 4). The alpha level was .01 and the degree of freedom was 1. For the dependent variable, decisions in sentencing, no significant differences were found. However, at the .05 and .10 alpha levels a significant difference was found between the age at initial charge and juvenile sentence facility, minimum prison sentence, maximum prison sentence, and probation. By referring to the cross-tabs table, it was shown that most juveniles adjudicated in adult court were age 17 and under (see Table 1). This was

interesting to note because much of the public assumes that the transfer of juveniles to the criminal justice system was reserved for those older offenders nearing 18 years old.

Table 4

Age at Initial Offense Chi-Square Tests

Variables	$\chi^2$ value	df	Sig.
Age*Probation Sentence	3.686	1	.055
Age*Juvenile Sentence Facility	3.882	1	.049
Age*Jail Sentence	.161	1	.688
Age*Prison Minimum Sentence	6.216	1	.013
Age*Maximum Prison Sentence	6.149	1	.013

The second set of crosstabulations involved the independent variable gender of juveniles adjudicated in adult court with the dependent variable of the sentencing decisions (see Table 5). Once again, the alpha level was .01 and the degree of freedom was 1. The Chi-square test for independence indicated that there were no significant differences found between the gender of the juvenile and the sentencing decisions received in the criminal justice system (see Table 6). However, at the .10 alpha level a significant difference was found between the gender of the juvenile and probation, prison minimum sentence, and maximum prison sentence.



Table 5

## Gender Cross-Tabs

	Gender	
	Percent Male	Percent Female
Probation Sentence		
No	70.3	65.3
Yes	29.7	34.7
Total	100.0	100.0
Juvenile Sentence Facility		
No	95.5	96.4
Yes	4.5	3.6
Total	100.0	100.0
Jail Sentence		
No	79.3	82.0
Yes	20.7	18.0
Total	100.0	100.0
Prison Minimum Sentence		
No	87.8	82.0
Yes	12.2	18.0
Total	100.0	100.0
Maximum Prison Sentence		
No	63.0	71.2
Yes	37.0	28.8
Total	100.0	100.0

Table 6

## Gender Chi-Square Tests

Variables	$\chi^2$ value	df	Sig.
Gender*Probation Sentence	3.168	1	.075
Gender*Juvenile Sentence Facility	.218	1	.640
Gender*Jail Sentence	.475	1	.491
Gender*Prison Minimum Sentence	3.333	1	.068
Gender*Maximum Prison Sentence	3.078	1	.079

Chi-square statistics and cross-tabs were also conducted for the independent variable race. The dependent variable for these tests was the sentencing decisions of juveniles adjudicated in adult court. After the Chi-square test for independence was generated, it was discovered that race did have a significant relationship with probation sentencing, jail sentencing, and maximum prison sentencing (see Table 8). By consulting the cross-tabs table, it was revealed that the majority of juveniles adjudicated in adult court were African-American (see Table 7). African-American juveniles adjudicated in the criminal justice system were more likely to experience maximum prison sentences than were White juveniles.

Table 7

Race Cross-Tabs

	Race		
	Percent White	Percent African-American	Percent Other
<b>Probation Sentence</b>			
No	57.3	73.7	76.1
Yes	42.7	26.3	23.9
Total	100.0	100.0	100.0
<b>Juvenile Sentence Facility</b>			
No	95.9	94.6	96.7
Yes	4.1	5.4	3.3
Total	100.0	100.0	100.0
<b>Jail Sentence</b>			
No	73.2	82.9	75.0
Yes	26.8	17.1	25.0
Total	100.0	100.0	100.0
<b>Prison Minimum Sentence</b>			
No	87.3	87.4	93.5
Yes	12.7	12.6	6.5
Total	100.0	100.0	100.0
<b>Maximum Prison Sentence</b>			
No	77.0	59.9	50.0
Yes	23.0	40.1	50.0
Total	100.0	100.0	100.0

Table 8

## Race Chi-Square Tests

Variables	$\chi^2$ value	df	Sig.
Race*Probation Sentence	48.676	2	.000
Race*Juvenile Sentence Facility	2.762	2	.251
Race*Jail Sentence	39.890	2	.000
Race*Prison Minimum Sentence	3.069	2	.216
Race*Maximum Prison Sentence	90.679	2	.000

Because the independent variable race was found significant at the .01 alpha level, an additional test was conducted to determine the magnitude or strength of the relationship. In order to establish the strength of the relationship between race and the sentencing variables of probation, jail, and maximum prison sentence, the Cramer's V statistic was generated (see Table 9).

Table 9

## Race Cramer's V Measure of Association Test

Variables	value
Race*Probation Sentence	.112
Race*Jail Sentence	.109
Race*Maximum Prison Sentence	.165

Chi-square statistics and cross-tabs were also conducted for the independent variable juvenile prior criminal history. The dependent variable for these tests was the sentencing decisions of juveniles adjudicated in adult court. After the Chi-square test for

independence was generated, it was discovered that juvenile prior criminal history did have a significant relationship with jail and prison minimum sentencing decisions (see Table 11). By consulting the cross-tabs table, it was revealed that a majority of juveniles adjudicated in adult court had experienced prior juvenile criminal convictions or arrests (see Table 10).

Table 10

Juvenile Prior Criminal History Cross-Tabs

	Juvenile Prior Criminal History	
	Percent Yes, Prior	Percent No, Prior
<b>Probation Sentence</b>		
No	75.7	76.5
Yes	24.3	23.5
Total	100.0	100.0
<b>Juvenile Sentence Facility</b>		
No	94.1	96.2
Yes	5.9	3.8
Total	100.0	100.0
<b>Jail Sentence</b>		
No	78.5	84.8
Yes	21.5	15.2
Total	100.0	100.0
<b>Prison Minimum Sentence</b>		
No	93.1	83.6
Yes	6.9	16.4
Total	100.0	100.0
<b>Maximum Prison Sentence</b>		
No	56.9	56.1
Yes	43.1	43.9
Total	100.0	100.0

Table 11

## Juvenile Prior Criminal History Chi-Square Tests

Variables	$\chi^2$ value	df	Sig.
Prior History*Probation Sentence	4.812	1	.028
Prior History*Juvenile Sentence Facility	3.678	1	.055
Prior History*Jail Sentence	9.802	1	.002
Prior History*Prison Minimum Sentence	43.282	1	.000
Prior History*Maximum Prison Sentence	.092	1	.761

Because the independent variable juvenile prior criminal history was found significant at the .01 alpha level, an additional test was conducted to determine the magnitude or strength of the relationship. In order to establish the strength of the relationship between juvenile prior criminal history and the sentencing variables of jail and prison minimum sentence the Cramer's V statistic was generated (see Table 12).

Table 12

## Juvenile Prior Criminal History Cramer's V Measure of Association Test

Variables	value
Prior History*Jail Sentence	.065
Prior History*Prison Minimum Sentence	.137

Chi-square statistics and cross-tabs were also conducted for the independent variable juvenile current offense severity. The dependent variable for these tests was the sentencing decisions of juveniles adjudicated in adult court. After the Chi-square test for independence was generated, it was discovered that the current offense severity of juveniles adjudicated in adult court did have a significant relationship with all sentencing

decisions except juvenile sentence facility (which was significant at .05) at the .01 level (see Table 14). By consulting the cross-tabs table, it was revealed that the majority of juveniles adjudicated in the criminal justice system committed crimes against persons such as murder, rape, robbery, assault, and other violent crimes, and were most likely to receive prison minimum sentences (17.8%) and maximum prison sentences (49.8%) than other juvenile crimes (see Table 13). A statistic of interest was that most juveniles sentenced for drug offenses received sentences of probation (62.9%).

Table 13

Current Offense Severity Cross-Tabs

	Current Offense Severity Percentages			
	Personal Offenses	Property Offenses	Drug Offenses	Other Offenses
<b>Probation Sentence</b>				
No	79.4	58.4	61.0	57.8
Yes	20.6	41.6	39.0	42.2
Total	100.0	100.0	100.0	100.0
<b>Juvenile Sentence Facility</b>				
No	95.5	93.9	96.8	96.4
Yes	4.5	6.1	3.2	3.6
Total	100.0	100.0	100.0	100.0
<b>Jail Sentence</b>				
No	85.7	68.8	76.3	57.1
Yes	14.3	31.2	23.7	42.9
Total	100.0	100.0	100.0	100.0
<b>Prison Minimum Sentence</b>				
No	82.2	92.6	95.7	92.9
Yes	17.8	7.4	4.3	7.1
Total	100.0	100.0	100.0	100.0
<b>Maximum Prison Sentence</b>				
No	50.2	79.6	79.5	76.8
Yes	49.8	20.4	20.5	23.2
Total	100.0	100.0	100.0	100.0

Table 14

## Current Offense Severity Chi-Square Tests

Variables	$\chi^2$ value	df	Sig.
Offense Severity*Probation Sentence	245.236	3	.000
Offense Severity*Juvenile Sentence Facility	8.200	3	.042
Offense Severity*Jail Sentence	141.353	3	.000
Offense Severity*Prison Minimum Sentence	124.525	3	.000
Offense Severity*Maximum Prison Sentence	357.576	3	.000

Because the independent variable current offense severity was found significant at the .01 alpha level, an additional test was conducted to determine the magnitude or strength of the relationship. In order to establish the strength of the relationship between juvenile current offense severity and the sentencing variables of probation, jail, prison minimum sentence, and maximum prison sentence, the Cramer's V statistic was generated (see Table 15). The Cramer's V measure of association demonstrated a .199 value which indicated a weak relationship between juvenile current offense severity and probation sentencing. This meant that the error of prediction had been reduced by only 19.9%. The Cramer's V measure demonstrated a .189 value between current offense and jail sentencing which indicated that the error of prediction had been reduced by 18.9%. The Cramer's V measure of association revealed a .177 value between juvenile current offense severity and prison minimum sentencing which indicated that the error of prediction had been reduced by 17.7%. Finally, the measure of association between offense severity and maximum prison sentencing was represented by a value of .300 which meant that the error of prediction had been reduced by 30.0%.

Table 15

Current Offense Severity Cramer's V Measure of Association Test

Variables	value
Offense Severity*Probation Sentence	.217
Offense Severity*Jail Sentence	.189
Offense Severity*Prison Minimum Sentence	.177
Offense Severity*Maximum Prison Sentence	.300

Summary

Several of the hypotheses announced in Chapter 1 were supported by the previous statistical analyses. Measures of association were found to support the hypotheses dealing with sentencing decisions in comparison to race, prior criminal history, and offense severity. Only prior criminal history held significant relationships with all of the sentencing decisions included in the present study. However, when the strength of these Chi-square tests of independence was generated by using the Cramer's V measure of association it was revealed that the reduction of error was weak to moderate. There was no effect for age at initial offense or gender in regard to the sentencing decisions of juveniles adjudicated in adult court. The results were further explored in Chapter 5.



## CHAPTER 5

### DISCUSSION

The present researcher sought to understand how juveniles adjudicated in adult court differed in sentencing decisions for a variety of factors. While much literature on adult court sentencing of juveniles acknowledged legal factors, such as the seriousness of the offense and criminal history of the offender, the current study focused on extralegal factors as well. Age at present offense, gender, race, prior criminality of the offender, and severity of the current offense were studied in relationship to sentencing decisions received by juveniles adjudicated in the criminal justice system.

#### Sentencing Decisions of Juveniles in Adult Court

The population of youth eligible to be treated as adults had broadened by legislatures lowering the minimum age for transfer eligibility and added offenses to transfer provisions. As a result, the number of youth transferred increased substantially over the last several decades. Previous research indicated that transferred youth were becoming increasingly younger, disproportionately children of color, and including a variety of person, property, drug, and public order offenses. The purpose of the current study was to examine the variables that contributed to the sentencing decisions of juveniles in the criminal justice system. Influences such as age at initial offense, gender, race, prior criminal history, and the severity of offenses were analyzed to determine the relationship these factors had on the different penalties juveniles received in adult court.

In the literature review, sentencing severity tended to increase with age as the juvenile offender crossed from juvenile to adult. Prior research found that older juvenile offenders received longer sentences in the criminal justice system. The present study

predicted that juveniles over the age of 17 were more likely to be sentenced as adults in criminal court than those juveniles age 17 and under. However, the data supported the alternative hypothesis that juveniles age 17 and under were more likely to be sentenced in criminal court. Of the 4,101 juveniles for whom sentencing outcomes were known, the data suggested that the majority of youthful offenders sentenced in criminal court were 17 and under. Of those juveniles adjudicated in the criminal justice system, youthful offenders 17 years of age and under were more likely to have experienced sentences of juvenile facilities, jail, and prison minimum than were youthful offenders over the age of 17. Zimring (1998) argued that society created an image of these offenders as different from other juveniles. Consequently, younger juveniles adjudicated to adult court might have been separated from other youths and attributed with increased blameworthiness and dangerousness.

It was further predicted that sex differences would be found in juveniles adjudicated in criminal court and that rates among boys transferred would be highest, as had been found in previous studies. The data demonstrated that throughout the course of 1 year in the nation's most populated cities, male juvenile offenders compared to female juvenile offenders were sentenced in criminal court more often based on the known 4,101 sentencing decisions. Previous studies showed that the courts sentenced male juvenile offenders more harshly than female juvenile offenders. Nonetheless, in the current research, by comparing sentencing decisions among juveniles adjudicated in adult court between the genders, no significant relationship emerged. When the penalty probation was analyzed, it was found that 29.7% of males compared to 34.7% of females received probation sentences in the adult court. A juvenile sentence facility was ordered for 4.5%

of males compared to 3.6% of females. Jail sentencing occurred for 20.7% of males compared to 18.0% of females. A minimum prison sentence was given for 12.2% of males compared to 18.0% of females. Lastly, a maximum prison sentence was ordered for 37.0% of males compared to 28.8% of females. Finding no difference between the genders could have implied that a more equal approach had been taken towards juvenile punishment in criminal court.

Further, it was hypothesized that juveniles tried in adult court were comprised of minorities. Research on race and sentencing suggested that minority races (i.e. African American) were subjected to more severe criminal penalties when compared to Caucasians. The present study calculated cross-tab tables with Chi-square statistic to determine if a relationship between race and sentencing decisions existed. When compared to Whites (4.1%) and Others (3.3%), African-Americans were more likely to receive juvenile sentence facilities (5.4%). Likewise, African-Americans received maximum prison sentences (40.1%) more often than Whites (23.0%). The cross-tab table and Chi-square statistic found a significant relationship between juveniles' race and juvenile sentence facilities and maximum prison sentences in the criminal justice system. Moreover, media images of juvenile crime largely focused on youth of color charged with serious and violent crimes even though these images did not fit the overall reality of juvenile crime. Politicians, policymakers, and the public often associated young African American males with the image of juvenile offenders as superpredators (Beckett & Western, 2001).

Juvenile prior criminal history was another possible indicator of sentencing decisions of young offenders in adult court. Most of the previous research had found

evidence to support the notion that juveniles adjudicated in criminal court were more likely to have had previous convictions (Grisso et al., 1988; Salekin, 2002). Accordingly, it was hypothesized that youthful offenders with prior juvenile arrests and convictions were more likely to be adjudicated in criminal court. A cross-tab table and Chi-square statistic were computed to test this hypothesis. It was found that juveniles with prior juvenile arrests and convictions were significantly more likely to experience sentencing decisions in criminal court than their counterparts. Youthful offenders with prior criminal history were more likely to have experienced penalties in criminal court such as probation sentencing (24.3%), juvenile sentence facility (5.9%), and jail sentencing (21.5%) when compared to their counterparts. The Chi-square statistic further found a significant relationship between juvenile prior criminal histories in regard to sentencing decisions in the criminal justice system. In addition, various studies demonstrated a strong relationship that existed between early onset and subsequent serious, violent, and chronic offending.

Offense severity was another aspect that might have affected the sentencing practices ordered for juveniles adjudicated in the criminal justice system. Previous research showed that violent and serious offenders convicted in criminal court were often more likely to be incarcerated and received longer sentences than juveniles retained in the juvenile system (Podkopacz & Feld, 1996; Rudman et al., 1986). It was hypothesized that juvenile offenders in the adult system convicted of personal (for example, violent) crimes would have been sentenced more severely than those convicted of property crimes. Of the 7,135 juveniles included in the current study, 4,528 (63.5%) were convicted of crimes against persons, 1,264 (17.7%) were convicted of crimes against property, 1,078 (15.1%)

were convicted of drug offenses, 66 (0.9%) were convicted of other offenses, and 199 (2.8%) labeled unknown because charges were either pending or dismissed. A cross-tab with Chi-square statistic were calculated to determine if any relationship was found between the seriousness of the juveniles' offense and the sentence imposed by the criminal court. These tests indicated a significant relationship between the seriousness of the offense and the sentencing practices of probation, jail, prison minimum, and maximum prison when compared to less serious offenses.

Concerning the type of sentence imposed, prior studies indicated that youthful property offenders tended to be treated leniently in criminal court, often receiving sentences of probation in lieu of incarceration (Schwalbe et al., 2006). Previous research indicated that those juveniles convicted of violent offenses appeared to be treated harshly in criminal court, where a jail or prison term was often imposed (Steiner et al., 2006). A crosstab table and Chi-square statistic were computed to test this hypothesis. The current data indicated that of those 4,528 juveniles adjudicated in adult court for crimes against persons (murder, rape, robbery, assault, and other violent offenses), 17.8% received prison minimum and 49.8% received the maximum prison sentence. Subsequently, it was believed that juvenile offenders with the most severe offenses, such as murder, were more often arbitrated in adult court with the harshest penalties available.

Much of the previous research had found evidence to support the idea that juveniles adjudicated in the criminal justice system more often received the harshest penalties when compared to their counterparts (Champion, 1989; Steiner et al., 2006). Likewise, it was hypothesized that juveniles adjudicated in adult court were more likely to have received the harshest sentencing punishment available, such as jail or prison

sentencing. Of the valid 4,101 juvenile cases analyzed in the present study, 36.7% received maximum prison sentences, 29.8% received sentences of probation, 20.6% received jail sentences, 12.4% received prison minimum sentence, and 0.5% received juvenile sentence facilities. Overall, the majority of the juveniles included in these data received maximum prison sentences or probation sentences. These figures could have been attributed to the variety of crimes committed by juvenile adjudicated in adult court. This probably kept interaction between juveniles committing murder or other violent crimes at a minimum and did not give the opportunity for juveniles committing serious offenses from influencing less serious property crimes.

#### Limitations

Sentencing of juveniles in criminal courts varied considerably across jurisdictions. A major limitation involved in this study was the geographical location of the 75 counties included in the research data which were selected based on population. Nineteen states contributed counties to the sample. Therefore, the current data could not be generalized. Each state had its own set of laws, constitution, and rules of practice regarding juveniles adjudicated in adult court. Redding (2003) pointed out that justice by geography was endemic in the judicial process. His review cited evidence that exclusion, conviction, and incarceration rates vary widely between and within state jurisdictions. Likewise, a study by Hagan and McCarthy (1977) also reported that larger, urban courts emphasized the legal factors of the case and made decisions based on the severity of the offense; whereas, courts that were less bureaucratized tended to rely on extralegal factors such as age, employment status, and demeanor. However, other researchers have reported just the opposite. Poulos and Orchowsky (1994) cited serious youth offenders disposed in

metropolitan courts were less likely to be excluded than their counterparts in nonmetropolitan courts. Therefore, studies including a comparison group could have drawn a more definitive conclusion as to whether or not it was prejudicial to try a juvenile as an adult.

### Implications for Policy

Deciding what to do with youthful offenders involved weighing several factors: public safety, fair and just punishment, and fostering the development of productive and moral citizens (Grisso, 2000). Research suggested efforts to reverse the current direction of the juvenile justice system, which had eased the process by which juveniles could have been transferred to adult criminal courts, were necessary (Grisso, 2000). Implications of transfer policies should be evaluated for both the individual youths affected and society.

The abundance of diverse waiver options along with the variety in state transfer provisions have been cited by scholars as evidence of lacking a coherent policy concerning youth exclusion. Research suggested that newer mechanisms for transfer include many erroneous assumptions and have created substantial room for decision errors. In lieu of this, the blended sentencing approaches allowed the adult sentence to be suspended providing the juvenile completes the terms of the juvenile system. This approach permitted the juvenile offender a final chance at rehabilitation and an incentive to respond to treatment and provided a stronger accountability sanction (Redding, 2003). In addition, the court had more time to determine whether an offender was likely to continue offending into adulthood and whether the criminal justice system would be more appropriate punishment.

Adopting and implementing a nationwide standard for juveniles adjudicated in adult court could also refine the transfer decisions. Ensuring that judges, attorneys, and psychologists had the same understanding of these constructs was essential. Prior research studies provided evidence that states nationwide have varying interpretations and understanding of juveniles adjudicated in adult court. It was generally recognized that the reasoning and decision-making capacities of adolescents differ from those of adults (Gaarder & Belknap, 2004). Although current policies suggested that some juveniles were mature, there was no way to ensure that maturity was assessed and considered if it was not explicitly stated in statutes.

Policies should advocate that the harshest punishment available for juveniles adjudicated in adult court be reserved for only the most serious and chronic offenders. Long-term incarceration should only be used as a last resort, instead treatment alternatives such as intensive supervision should first be tried as punishment. Community-based alternatives (group homes, house arrest, detention, intensive supervision, etc.) could hold juveniles accountable, teach them the consequences of their actions, and help them learn skills in order to function appropriately in their communities. Incarceration alone has yet to successfully reintegrate juvenile offenders into the community and has not been very effective in reducing recidivism.

Another key consideration for research and policy initiatives would require corrections staff to undergo training in developmental issues to increase the likelihood of responding effectively to juvenile offenders. Austin et al. (2000) recommended that the staff within adult facilities should include individuals who had experience within juvenile facilities as well. To maximize the effects of correctional rehabilitation, it has become



necessary to understand the cognitive development stages of juvenile offenders and tailor the program initiatives accordingly. Adolescents require activities matched to their developmental stages of growth. Programming should be tailored to fit their particular needs and issues. These opportunities would provide them with the necessary skills to succeed in the outside world.

Discussions of transfer policy and practice in the future must openly contend with the issues of age, gender, race, previous convictions, and the severity of crime on sentencing decisions if transfer is to serve as a legitimate response to juvenile crime. While there was disagreement about the exact processes through which these inequalities impacted youth, their correlation with higher rates of crime and other indicators of disadvantage identify a relationship that must be considered in politics and practices designed to deal with juvenile crime.

#### Future Research

While the options available for adjudicating juveniles in the criminal justice system have expanded, research has not kept pace. The basic profiles and treatment needs of this population remain largely unknown. The lack of necessary data on juvenile offenders in various parts of the criminal justice system has impaired effective research and program development. Consequently, criminal justice officials have been forced to manage the juvenile offender population without a clear picture of their characteristics and needs. Future work should attempt to incorporate additional offender information such as socioeconomic status, which was absent from the majority of research on state-level sentencing outcomes. In addition, future studies were needed to examine actual case outcomes in a national sample based on representative sampling for a variety of

community characteristics that focused in more detail on the processes used to make decisions in these types of cases.

Therefore, future studies to predict patterns of violence in youth are needed because personality traits in adolescence and young adulthood are likely to be more changeable than in older persons (Grisso, 2000). Such research could help to designate juveniles who have unique causal factors underlying their violent behavior that lead to different patterns of emotional arousal related to violence and different motivations for violent acts (Kruh, Frick, & Clements, 2005). For example, risk assessment instruments could correctly classify offenders across diverse demographic groups. Under ideal conditions, group differences in rates of reoffending could have been accounted for by differences in the proportions of juveniles classified into lower and higher risk categories.

However, the most valid methods for assessing juvenile violence risk have generated considerable controversy. Unless youth transferred to adult systems truly were miniature adults, the assessment schemes that were used with adult populations were likely to miss their mark with adolescents by failing to correctly identify age-dependent risks. The task of future researchers would involve incorporating a broader range of predictors than had been used in past studies. Lemmon et al. (2005) suggested information on other legal variables including type of legal representation, mitigating and aggravating circumstances regarding the offense, and strength of evidence might explain why judicial background appears to affect certainty of punishment.

Finally, research needs to compare outcomes for juvenile offenders in the juvenile and criminal justice systems, including conviction rates, sentences imposed, and actual time served in the juvenile and criminal justice systems. Such research could potentially

illuminate the extent to which transfer laws served their intended purpose of enhancing community protection by ensuring that violent and other serious juvenile offenders were incarcerated and receive sufficient sentences (Redding, 2003). Additional research should examine the long-term effects of transfer laws and the question of whether such laws produced small long-term changes in offending rates that could not have been detectable in previous studies. Juvenile offenders might believe that transfer laws would not actually be applied to them. Because punishment may need to reach some threshold of certainty before acting as a deterrent, research should examine whether inadequate implementation of transfer laws or an insufficient threat of serious punishment explains the apparent failure of these laws to deter crime (Redding, 2003). Even if transfer laws do have short-term deterrent effects when properly implemented, policy makers need to balance those benefits against the long-term negative effects of adjudicating and sentencing juveniles as adults.

Likewise, research and policy must examine the broader implications of juvenile offenders spending their adolescence in criminal justice correctional facilities. Advanced research should address the short- and long-term psychological and behavioral effects of criminal court prosecution and incarceration in adult correctional facilities. Careful attention to developmentally appropriate services and interventions could help promote more successful management of juvenile offenders in adult facilities. Future research could determine whether developmentally appropriate training for staff in adult facilities could affect behavior management within the institution, the nature of interactions between staff and inmates, or recidivism outcomes. Such research could best serve juveniles and the unique management challenges they pose to the criminal justice system.

Perhaps instruments from juvenile justice could serve as a valuable starting point for juveniles in adult settings.

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