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Reverse Waiver and the Effects of Legal, Statutory, and Secondary Legal Factors on Sentencing Outcomes for Juvenile Offenders

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Over the past few decades, various forms of waiver have become increasingly used at the state level. Generally, the research literature has focused on three types of waiver: judicial, prosecutorial, and legislative. Reverse waiver, a fourth type, remains little studied. Moreover, little is known of the factors that judges consider when making the decision to either sentence juvenile offenders as adults or sentence them as juveniles after they have been waived. This article is an attempt to shed some light on how factors unrelated to the instant offense, often the case with reverse waiver, may affect sentencing outcomes for waived offenders. Several important findings were revealed. First, judges are sentencing the most violent and serious offenders as adults. Second, secondary legal factors such as pending charges and prior placements influence the sentencing decision. Third, the amount of experience that judges have in handling waiver cases significantly influences the sentencing decision.

Keywords: *juveniles; prosecutorial waiver; reverse waiver; sentencing decisions*

For several decades, there has been growing concern about the increased level of offending and violence, both real and imagined, among the nation's youth. These concerns are reflected in statistics that show that violence, especially gun violence, has increased at a rapid rate since the mid-1980s (Bilchik, 1999; Cook & Laub, 1998; Lynch, 2002; Podkopacz & Feld, 1996). Among these statistics are figures suggesting that juvenile

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offenders are getting younger and more violent and are committing more sexual offenses (Butts & Snyder, 1997; Righthand & Welch, 2001; Strom, 2000). At the same time, the overall level of offending among juveniles appears to be decreasing (Bernard, 1999). Nevertheless, concerns about youth violence have resulted in a reevaluation of the role of the juvenile court as a tool to address and combat youthful offending (Welch, Price, & Yankey, 2002).

Some states, at the urging of state- and national-level politicians, have rewritten their juvenile codes to accomplish two goals: (a) make juveniles accountable for their crimes and (b) protect the community (van Vleet, 1999). These goals fundamentally changed the juvenile justice system by shifting its philosophical orientation more toward punishment. For example, a number of states, including Michigan, explicitly stated that protection of the community was a priority (Bishop, Frazier, & Henretta, 1989; Bove, 1991). Other states, such as Florida, recognized that protection of the community was a very important goal of reforming the juvenile justice system (Frazier, Bishop, & Lanza-Kaduce, 1999). Florida was one of the first states to specifically single out "hard core offenders" from the juvenile justice system (Frazier et al., 1999). This philosophical shift has largely taken the form of waiver provisions that either reduce the jurisdiction of juvenile courts to hear certain cases or enlarge the jurisdiction of criminal courts to hear cases committed by juvenile offenders who have reached a predetermined age (Bishop et al., 1989; Feld, 1998, 2004; Griffin, Torbert, & Szymanski, 1998; Heilbrun, Thomas, & Huneycutt, 1997; Hunt, 1999; Torbert, Griffin, Hurst, & MacKenzie, 1996).

Waiver, once a rare event that was reserved for the most hardened and intractable juvenile offender, is now commonplace among the juvenile courts. Some studies have documented trends that suggest that the number of waiver petitions filed has increased in certain states. Snyder, Sickmund, and Poe-Yamagata (2000, p. 27), for example, found that the use of waiver increased in Pennsylvania by 84% between 1986 and 1994. Other studies have documented similar trends in waiver petitions that are filed (Bishop & Frazier, 1991; Champion, 1989; Feld, 1989). However, there is also research that suggests that the use of waiver has actually remained the same or declined since the mid-1990s (Bishop, Lanza-Kaduce, & Frazier, 2001; Frazier et al., 1999; Podkopacz & Feld, 2001). Given these mixed findings, some researchers question whether waiver is achieving the goals that were envisioned by policy makers (Bishop, Lanza-Kaduce, & Frazier, 1998; Lane, Lanza-Kaduce, Frazier, & Bishop, 2002; van Vleet, 1999; Winner, Lanza-Kaduce, Bishop, & Frazier, 1997). Not only has this new wave of

research called attention to the shortcomings of juvenile waiver, but it also has called into question its legitimacy as the antidote to the juvenile crime problem (Butts & Mears, 2001; Mears, 2003).

To be clear, *waiver* is a generic term that actually encompasses multiple transfer mechanisms. The three that are most commonly discussed in the literature are (a) judicial, (b) prosecutorial or concurrent jurisdiction, and (c) legislative.¹ All of the transfer mechanisms are accompanied by a host of strengths and weaknesses. For example, the research literature has elaborated on many of the concerns that are typically expressed about judicial waiver, including the belief that judges are vested with too much discretion and the belief that race influences the transfer decision (Clarke, 1996; Fagan, Forst, & Vivona, 1987). Moreover, there is research that suggests that there is a punishment gap largely attributable to the fact that similarly situated juvenile offenders face very different odds of receiving "adult time" (Kurlychek & Johnson, 2004; Myers, 2003; van Vleet, 1999).

There is far less research on prosecutorial waiver (Bishop, 2000; Bishop & Frazier, 1991, 1996; Thomas & Bilchik, 1985). Prosecutorial waiver, or concurrent jurisdiction, empowers prosecutors to determine the forum in which juvenile offenders will be tried. Under such a system, prosecutors are given an enormous grant of power. The charging decision in prosecutorial waiver cases is important for two reasons. First, prosecutors are not obligated to consider the best interests of the child. This is a very important distinction to make relative to judicial waiver because it signals an ideological change in conceiving juveniles as capable of criminal conduct rather than of merely immature and irresponsible conduct that can be potentially fixed through intensive juvenile justice interventions. Second, public safety becomes the dominant concern (Bishop et al., 1989). Nonetheless, a number of questions have been raised about prosecutorial waiver. McCarthy's (1994) research, for example, focused on whether prosecutorial waiver is necessary to avoid extreme outcomes in case processing. Similarly, Davis (2000) suggested that prosecutorial waiver may largely be an overreaction to a "phantom menace." Other concerns have focused primarily on the fact that the charging decisions of prosecutors are not reviewable; thus, it is unclear whether the most serious offenders are being charged or even whether some offenders should be charged as adults at all (Feld, 2004; Sabo, 1996; Sanborn, 2003). Although the research shows that there are differences of opinion with respect to the efficacy of prosecutorial waiver, there is mounting evidence that it may be the least favored method of addressing serious juvenile offending (Bishop, 2004; Bishop et al., 1998; Boyce, 1994; Cintron, 1996).

Legislative waiver vests complete power in legislatures to constrain the jurisdiction of juvenile courts (Logan, 1998). This waiver mechanism accomplishes two goals: (a) it defines, or narrows, the jurisdictional age at which juveniles can be tried as adults, and (b) it defines the range of cases over which juvenile and criminal courts have jurisdiction (Kole, 2001; Parent, Dunworth, McDonald, & Rhodes, 1997). Ostensibly, the goal of legislative waiver is to keep both public safety decisions and crime control in the hands of elected officials whose jobs include identifying dangers to the community and removing these dangers to secure locations. Still, a number of concerns have been raised about the ineffectiveness of legislative waiver (Jensen & Metsger, 1994; Risler, Sweatman, & Nackerud, 1998; Singer & McDowell, 1988). Risler et al. (1998), for example, found that legislative waiver provisions in Georgia did not result in significantly higher arrest rates for designated offenses. Significantly, arrest rates only increased for one major felony, robbery (Risler et al., 1998, p. 663). Others note that legislative waiver is extreme to the extent that it casts too wide a net and seems indifferent to the varied criminal backgrounds from which offenders come (Kole, 2001, p. 241; McCarthy, 1994). More pointedly, some researchers suggest that lawmakers fail to acknowledge that most juvenile offenders are immature, or they suggest that lawmakers tailor laws that take into account this immaturity and reduced blameworthiness (Scott & Steinberg, 2003). Even more, it is believed that policies such as legislative waiver are driven by legislative forces unconstrained by the limiting principles traditionally found in criminal law and theory (Cruz, 2002; Scott & Steinberg, 2003, pp. 810-811).

Although all waiver mechanisms have shortcomings of some sort, numerous states have continued to implement some variation of them notwithstanding consistent evidence that they are effective. If effectiveness is measured in terms of whether the most serious offenders are waived then there may be some support for this assertion in the literature (Fagan et al., 1987; Rudman, Hartstone, Fagan, & Moore, 1986; Sridharan, Greenfield, & Blakley, 2004; Thomas & Bilchik, 1985). At the same time, if *effectiveness* is taken to mean that serious and violent offenders are punished more severely, the research literature may provide support for this belief as well (Myers, 2003; Podkopacz & Feld, 1996; Rudman et al., 1986). However, there are examples in the literature that suggest that the most serious and violent offenders are neither waived nor receive lengthy sentences when processed in criminal court, and they recidivate at higher rates than non-transferred offenders (Bishop et al., 1998; Kurlychek & Johnson, 2004; Myers, 2001; Winner et al., 1997). In this regard, waiver would not be seen as effective.

In 1995, fewer than 12 states used prosecutorial waiver as a method for transferring juveniles to criminal court (General Accounting Office, 1995). However, by 2003, more than 30 states enacted provisions empowering prosecutors to file charges in criminal court (Mears, 2003). Michigan was among those states that had prosecutorial waiver laws on the books prior to 1995.

Overview of Prosecutorial Waiver

In 1987, the Michigan legislature enacted a series of laws that greatly expanded the power of prosecutors to make waiver decisions.² The legislature believed that the juvenile system could not effectively rehabilitate, punish, and incapacitate serious and violent juvenile offenders (Bove, 1991). With the passage of these new laws, the legislature believed that a new, less burdensome waiver system would be created that could more easily target serious and violent juvenile offenders who posed a threat to the safety of the community (Bove, 1991, p. 1084). These laws empowered prosecutors not only to consider the nature and seriousness of the offense and the traditional Kent criteria (*Kent v. United States*, 1966) but also to take into consideration (a) whether the offense was part of a repetitive pattern of crime committed by the juvenile, (b) whether the juvenile would remain a danger to the community if juvenile custody were terminated at age 19 or 21, and (c) whether the juvenile was better suited for custody in an adult setting (Bove, 1991, pp. 1084-1085).

Significantly, the new waiver statutes contained a provision that granted judges discretionary authority to make decisions regarding final sentences. Under the new waiver system, judges have the authority to sentence juvenile offenders who are convicted in criminal court to juvenile detention facilities until age 21 or, alternatively, to sentence them to adult correctional facilities (*People v. Conat*, 1999). Although this discretionary authority does not mirror the definition typically ascribed to reverse waiver, it did provide an avenue through which juvenile offenders could be returned to the juvenile justice system (General Accounting Office, 1995; Griffin et al., 1998). Thus, like reverse waiver, judges in Michigan were empowered to make the final decision regarding the ultimate sentence for juvenile offenders.

Feld (2004) raised several concerns regarding the efficacy of prosecutorial waiver. First, he expressed concern about the "institutional competence" of prosecutors to make waiver decisions in light of the fact that the offense-based criteria that are used ignore important considerations such as blameworthiness and maturity. Second, he expressed concern that the worst

offenders might not be consistently identified, whereas less deserving offenders are caught up in the system (p. 601). It is this second concern that has increasing significance for researchers who study waiver, largely due to the mixed findings that have appeared in the extant literature (Barnes & Franz, 1989; Bishop et al., 1989; Gillespie & Norman, 1984; Lanza-Kaduce, Frazier, & Bishop, 1999; Mears & Field, 2000; Myers, 2003; Podkopacz & Feld, 1996; Rudman et al., 1986; Singer & McDowall, 1988; Sridharan et al., 2004).

Lanza-Kaduce et al. (1999), for example, examined whether the “worst” offenders were identified by prosecutors. In their examination of 554 matched juvenile cases, Lanza-Kaduce and his colleagues found that there was nothing particularly extraordinary about the juveniles who were waived. They found that most of the waived juveniles committed property offenses (p. 292). In addition, these researchers found that prosecution patterns did not belie what would be construed as “particularly bad” offenders (p. 294). Moreover, the sentences given to waived offenders were not indicative of especially serious offenders (p. 295).

The findings of Lanza-Kaduce et al. (1999), as well as the concerns raised by Feld (2004), are at the center of the debate about the effectiveness of waiver. This research attempts to add to this debate by addressing issues related to sentencing outcomes in Michigan. At the crux of this research is what factors influence a judge’s decision to reverse-waive offenders who have been tried and convicted in criminal court. More specifically, this research addresses whether it is the offense-based criteria outlined in the statute that carries more weight with judges or if other factors unrelated to the instant offense drive this decision. The first part of this study examines the sociodemographic characteristics of the offenders who are waived and retained in the juvenile system versus those who are waived and sentenced as adults. These data provide the basis for determining whether the “worst” juvenile offenders have been identified. The second part of the study uses multivariate techniques to explore sentencing outcomes for these juvenile offenders.

The Present Research

With concurrent jurisdiction, or prosecutorial waiver, prosecutors are empowered to decide the venue in which to proceed against juvenile offenders (M.C.L.A. §712A.2, 1988). The primary criteria on which these decisions are made include the offense and the offender’s age. The prosecutor’s

decision to waive is wholly separate from any decision that judges may make regarding whether to sentence the offender as a juvenile or as an adult. Michigan's waiver statute, M.C.L.A. §769.1 (1988), contains a provision that gives judges discretion to sentence juvenile offenders to either the prescribed adult time or to a period of time in a juvenile institution. This research examines the factors that influence the decisions of judges to exercise this discretionary authority. More specifically, this research examines why judges choose not to sentence juveniles as adults, notwithstanding the fact they have already been waived and tried in adult court.

Data for this research were collected from case files maintained by the Detroit Recorder's Court and the Wayne County Prosecutor's Office between the years 1988 and 1996.³ The overall sample was composed of 516 juvenile offenders of whom 358 juveniles had waiver motions filed against them but were retained and sentenced in the juvenile court and another 149 juveniles had waiver motions filed against them and were sentenced as adults. Data values for the judges' commitment decisions were missing for 9 cases, so they were excluded from the analysis, bringing the final sample size to 507 cases.

The characteristics of juveniles who were sentenced as adults were compared to the characteristics of juveniles who were retained and sentenced in juvenile court. Information on these juveniles was collected for a number of legal and statutory criteria prescribed by the new laws. The legal criteria included triggering offense (offense that gave rise to waiver motion), age, use of weapons, accomplices, and injury to victim (or victims). More precisely, the legal factors used here relate directly to the age of the offender and the circumstances surrounding the crime in view that the law in Michigan constrains the prosecutor's charging decision to elements of the crime (M.C.L.A. §712A.2, 1988). In addition, a second set of legal factors was added to reflect aspects of the juvenile's prior offense history. These secondary legal factors included prior offense history, prior placements, prior probation, and pending charges.

The concurrent jurisdiction statute in Michigan does not require prosecutors to consider whether juvenile offenders are amenable to treatment. However, this research focuses on those factors that may influence judges to sentence offenders as juveniles or as adults after they have been waived and convicted in criminal court. Under M.C.L.A. §712A.4 (1988), judges retain the power to waive juveniles, but they must weigh certain statutory factors in addition to the alleged offense. As such, several statutory criteria are examined here, including amenability to treatment, pattern of living,

community safety, and pattern of violence. In addition, demographic information was collected on the following items: race, number of victims, method of guilt determination, experience of judge, and family history.

This study was an attempt to investigate the impact of the reverse waiver provision subsequent to the enactment of the new waiver statute in Michigan. Although only one jurisdiction was studied, I was able nonetheless able to evaluate whether meaningful differences existed between these two groups of offenders.

Dependent Measure

The dependent measure of interest was the decision to sentence an offender as either a juvenile or as an adult, a process known as reverse waiver. The coding scheme used the following designations: 0 if the offender was sentenced as a juvenile, and 1 if the offender was sentenced as an adult. Approximately 71% of the juveniles in the sample were sentenced as juveniles, whereas the remaining 29% were sentenced as adults. The sentencing decision rather than the decision to waive was selected as the dependent variable for one primary reason: All juveniles in this sample represent a subset of the entire universe of prosecutorial waiver-eligible offenders; thus, this current research is not testing the in-out decision but rather the factors that influence the sentencing decision.

Independent Measures

The extant literature identifies a number of factors that potentially influence the decision to sentence an offender as a juvenile or an adult. For the purposes of this study, these factors are categorized into four groups: legally relevant, secondary legal, statutorily relevant, and extralegal (see Table 1). The significance of these factors has been discussed in a number of empirical studies (Mears, 1998; Mears & Field, 2000; Redding, 1997; Rudman et al., 1986).

Triggering offense is defined as the initial charge that was brought by the prosecutor. By statute, prosecutors in Michigan may elect to charge juveniles as adults if 1 of 19 enumerated offenses are committed, including (a) Murder I, (b) Murder II, (c) attempted murder, (d) assault with intent to commit murder, (e) assault with intent to commit armed robbery, (f) Criminal Sexual Conduct I (CSC I), (g) armed robbery, and (h) possession with intent to manufacture or deliver 650 grams of Schedule 1 or 2 substances (M.C.L.A. §712A.4, 1988; M.C.L.A. §764.1f, 1994; MCR 6.931, 1989;

Table 1
Descriptive Statistics for Juveniles by Sentencing Status

Variable	Sentenced as Juvenile				Sentenced as Adult					
	<i>n</i>	Minimum	Maximum	<i>M</i>	<i>SD</i>	<i>n</i>	Minimum	Maximum	<i>M</i>	<i>SD</i>
Legal										
Age	350	15.0	19.0	16.01	0.74	143	15.0	19.0	16.4	0.834
Triggering offense	358	1	34	9.58	7.15	149	1	35	5.57	6.35
Multiple charges	350	0	1	0.622	0.485	142	0	1	0.676	0.469
Weapon	345	0	1	0.876	0.329	140	0	1	0.928	0.258
Accomplices	346	0	1	0.745	0.436	134	0	1	0.651	0.478
Victim injured	346	0	1	0.580	0.491	138	0	1	0.818	0.386
Secondary legal										
Pending charges	341	0	1	0.073	0.261	142	0	1	0.204	0.404
Prior placements	339	0	1	0.079	0.271	141	0	1	0.106	0.309
Probation	336	0	1	0.148	0.356	142	0	1	0.190	0.393
Prior felony adjudications	338	0	2	0.458	0.705	140	0	2	0.764	0.818
Guilt determination	340	1	5	1.80	1.49	137	1	5	2.22	1.57
Multiple charges at convict	358	0	1	0.472	0.499	149	0	1	0.610	0.489
Extralegal										
Experience in cases	355	1	3	2.11	0.842	149	1	3	1.64	0.698
Race	350	0	1	0.871	0.335	143	0	1	0.881	0.316
Family history	349	0	4	1.04	0.758	141	0	4	1.07	0.771
Relation to victim	340	0	1	0.038	0.192	137	0	1	0.014	0.120
Sex of victim	333	0	1	0.753	0.431	135	0	1	0.718	0.451
Statutory										
Treatment amenability	325	0	1	0.969	0.172	132	0	1	0.765	0.425
Time remaining	336	1	3	2.09	0.668	132	1	3	1.81	0.615
Danger to community	321	0	1	0.059	0.236	135	0	1	0.525	0.501
Pattern of violence	329	0	1	0.063	0.244	134	0	1	0.388	0.489

M.C.L.A. §769.1, 1988). To capture this population of offenders, the study was restricted only to those juveniles who committed these very serious felonies (lesser and included offenses are also retained in the analysis, per M.C.L.A. §764.1f, 1994). Approximately 35 different offenses were charged under these statutes. Rather than using seriousness weights (Sridharan et al., 2004) or offense gravity scores (Kurlychek & Johnson, 2004), 11 broad offense categories were created to capture this myriad of offenses (Barnes & Franz, 1989; Fagan & Deschenes, 1990; Mears & Field, 2000; Poulos & Orchowsky, 1994).⁴ In addition, this research attempted to account for whether offenders were charged with multiple offenses (Podkopacz & Feld, 1996). Thus, a variable was created (coded 1 for multiple offenses and 0 for no multiple offenses charged) to control for the influence of this legal factor.

The research literature has consistently documented the impact of age not only on waiver but also on sentencing decisions (Bishop, 2000; Fagan & Deschenes, 1990; Myers, 2003; Podkopacz & Feld, 2001; Sanborn, 2003; Sridharan et al., 2004). Because Michigan's waiver provision sets the minimum age for transfer at 14, this age served as a lower boundary for all groups in this research. For purposes of this analysis, age was derived from subtracting birth year from the date of the criminal incident. There were 15 cases in which the offender was either 18 or 19 years old. Nonetheless, these cases were kept in the analysis because almost half were retained in the juvenile system. The age categories were then dummy coded as follows: age 15 (*yes* = 1, *no* = 0), age 16 (*yes* = 1, *no* = 0), and age 17 (*yes* = 1, *no* = 0).

Offense history was defined as the number of prior felony adjudications. This variable has values that range from 0 (*no adjudications*) to 2 (*2 or more priors*). These values merely represent a count rather than the severity of the offenses that were committed. Presumably, juveniles who have long offense histories have a greater likelihood of being transferred and sentenced in adult court (Fagan & Deschenes, 1990; Fagan et al., 1987; Kurlychek & Johnson, 2004; Mears & Field, 2000; Myers, 2003; Poulos & Orchowsky, 1994).

The statutorily relevant factors examined in this research include amenability to treatment, community safety, and time remaining in the juvenile system. Michigan's waiver statute recognizes that not every specified juvenile offense requires an adult sentence (M.C.L.A. §769.1(3), 1988). If an adult sentence is not required, the judge must conduct a hearing to determine whether to sentence the offender as an adult or a juvenile. During the years in which this study was conducted, the Office of Delinquency Services (ODS) conducted extensive presentence interviews with all juveniles against whom waiver motions were made. As part of its recommendation

to the court, ODS assesses whether offenders should be placed in the juvenile system or sentenced as adults. Factors that are considered in making this decision include amenability to treatment. ODS determines whether an offender is amenable to treatment based on information that it gathers on four dimensions: repetitive pattern of behavior, past programming history, programming availability, and willingness to participate in such programs (see Myers, 2003).⁵ The ODS assessment determines whether a juvenile is amenable to treatment depending on what ODS uncovers during the pre-sentence interview. Thus, amenability in this study is measured by a dichotomous variable, coded 0 for an ODS assessment that an offender is not amenable to treatment and 1 for an ODS assessment that an offender is amenable to treatment.

Community safety considered two factors: (a) whether the offender engaged in crimes of violence or escalating severity and (b) the likelihood that the offender would pose a danger to the community if released at age 19 or 21. Two dummy variables were created to capture these dimensions. The first community safety measure was pattern of escalation (0 = *no pattern of violence or crimes escalating in seriousness*, 1 = *yes*). The second community safety measure was danger to community (0 = *no threat to the community*, 1 = *yes*).

Time remaining in the juvenile system was the final statutory consideration in this research. This variable is a rough estimation for not only whether the treatment modalities offered in the juvenile system would have time to effect some positive change in the offender but also whether the time remaining is adequate to hold him or her accountable for the offense (Podkopacz & Feld, 2001). For this measure, values were dummy coded as follows: Time 1 (1 = *less than 1 year remaining*, 0 = *no*), Time 2 (1 = *1 to 2 years remaining*, 0 = *no*), and Time 3 (1 = *more than 2 years remaining*, 0 = *no*).

Finally, this research included a number of extralegal factors. Extralegal factors are those that are not prescribed by law or statute that may influence the decision to retain offenders in the juvenile system or sentence them as adults. Two such factors that have received attention in the literature are guilt determinations and influence of judges (Kurlychek & Johnson, 2004; Podkopacz & Feld, 1996). *Guilt determination* refers to the manner in which the case was resolved. Research suggests that offenders who opt for a trial tend to be penalized—a *trial penalty*—more harshly than those who plea out. A dummy variable was created to capture this dimension: plea (1 = *yes*, 0 = *no*).

Also of interest in this study is the influence of the judge. Researchers have documented the importance of judges in waiver decisions (Podkopacz

& Feld, 1996, 2001; Singer, 1999). Moreover, some research has found that some judges may be reluctant to harshly sentence juveniles in part because their sanctioning beliefs are still oriented to rehabilitation and treatment (Bazemore & Feder, 1997, p. 103). Accordingly, this research controls for the influence of judges as measured by three dummy variables that take into account the number of cases they handled (Podkopacz & Feld, 1996): Experience 1 (1 = *judges that handled fewer than 15 waiver cases*, 0 = *no*), Experience 2 (1 = *judges that handled between 15 and 25 waiver cases*, 0 = *no*), and Experience 3 (1 = *judges that handled more than 25 waiver cases*, 0 = *no*).

Results

This analysis begins with a presentation of the bivariate correlations in Table 2. To test for multicollinearity among the independent variables, a series of diagnostics was run. Although logistic regression does not provide for such diagnostics, some researchers have suggested that the variance inflation factor (VIF) and tolerance statistics found in linear regression can be used (Menard, 1995). The rule of thumb adopted in this analysis is predicated on the belief that VIF values above 4 indicate a problem with collinearity (Messner, 1986; Messner & South, 1992). Using this rule, it was concluded that there were no problems with multicollinearity because all of the VIF values were below the threshold value of 4. Despite the fact that VIF did not exceed 3.6 for any of the variables used in the models, there were persistent concerns about high correlations between pattern of violence and future dangerousness (see Appendix A). To alleviate concerns that these two variables were tapping into similar constructs, both were dropped from the logistic models, especially in view that time remaining in the juvenile system is one of the criteria on which future dangerousness is based, and pattern of escalating violence includes aspects of the offender's prior felony adjudications.

The dependent variable of interest, sentenced as adult or juvenile, is a dichotomous variable. Accordingly, logistic regression is used because it provides for the simultaneous evaluation of multiple predictor variables on the dichotomous dependent variable. In addition, logistic regression is used because predicted probabilities of greater than 1 or less than 0 can result when dichotomous variables are used in linear regression models (DeMaris, 1995; King, 1986). Other pitfalls that have been noted relative to estimating dichotomous variables with OLS models include error heteroscedasticity

Table 2
Bivariate Correlations

Committed to	1.00
Age	
15	-.144**
16	-.081
17	.215**
Race	.023
Triggering offense	
Homicide I	.348**
Homicide II	.029
Robbery I	-.133**
Robbery II	-.082
Assault I	.103*
Assault other	-.020
Criminal Sexual Conduct (CSC) I	-.008
CSC other	-.058
Other person	-.114**
Other property	-.120**
Weapon/drug	.074
Multiple charges	.050
Weapon	
Gun	.091*
Accomplices	-.094*
Victim injured	.225**
Relationship to victim	-.061
Sex of victim	-.034
Multiple conviction counts	.126**
Guilt determination	
Plea	-.236**
Experience in cases	
Fewer than 15 cases	.173**
15 to 25 cases	.109*
25 or more cases	-.283**
Prior felony adjudications	
One prior	.074
Two or more	.148**
Pending charges	.189**
Probation	.051
Prior placements	.043
Family history	
One parent	-.032
Both parents	.001
Treatment amenability	-.324**
Time remaining in juvenile system	
Less than 1 year	-.129**
1 to 2 years	.042
More than 2 years	-.173**
Pattern of increasing violence	.403**

* $p < .05$, two-tailed. ** $p < .01$, two-tailed.

and the assumption of independence between predictors (DeMaris, 1995; Morgan & Teachman, 1988). Logistic regression models are easily interpreted by referencing the coefficients. These coefficients represent a change in the odds of an event occurring. The logistic function used in this analysis is represented by the following equation:

$$B = \Pr \{y = 1 | x_1, x_2, x_3\} \\ = \exp(\beta_0 + \beta_1 x_1 + \beta_2 x_2 + \beta_3 x_3) / (1 + \exp(\beta_0 + \beta_1 x_1 + \beta_2 x_2 + \beta_3 x_3))$$

where β_0 represents the constant, and $b_1 x_1 . . .$ represents the other covariates used in the model.

Table 3 presents the results for three logistic models. Model 1 contains all legal predictors, whereas Model 2 contains all legal and secondary legal predictors. Across both models, 10 variables were identified as significant predictors of the sentencing decision. These predictors increased the odds of being sentenced as an adult for some offenders by as much as 600%. The most influential predictors, as indicated by Exp (B), were Homicide I, pending charges, Homicide II, multiple charges sustained at conviction, CSC I, Assault I, two or more prior felony adjudications, plea, and age. Notwithstanding the importance of the triggering offense, judges seemed to view offenders who had charges pending prior to the instant offense ($\beta = 1.426, p < .001$) and offenders who had multiple charges sustained at conviction ($\beta = 1.178, p < .015$) in a very different light from other offenders. Overall, these models explained 30% and 41%, respectively, of the variation in the sentencing outcome.

Model 3 contains the legal, secondary legal, and statutory predictors. As noted in Table 3, legal predictors such as age (15 and 16) and triggering offense (Homicide I and CSC I) remained significant. In addition, secondary legal predictors such as multiple charges, two or more prior felony adjudications, and pending charges remained significant. Unlike Model 2, however, prior placements became a significant predictor of the sentencing decision. The odds of being sentenced as an adult increased by more than 200% for offenders who had prior placements ($\beta = 1.210, p < .013$). Among the statutory predictors, amenability to treatment influenced the sentencing decision, but its impact was far less than that of the legal and secondary legal predictors. This predictor decreased the odds of being sentenced as an adult by only 85% ($\beta = -1.923, p < .000$). One other statutory variable, time remaining in the juvenile system, was not a significant predictor of the final sentencing decision.

Table 3
Summary Logistic Regression Coefficients for Legal and Statutory Predictors

Measure	Model 1			Model 2			Model 3		
	Legal Only			Legal and Secondary			Legal, Secondary, and Statutory		
	β	SE	Exp (B)	β	SE	Exp (B)	β	SE	Exp (B)
Constant	-1.716	0.525	0.180	-2.250	0.687	0.105	0.018	1.094	1.018
Age									
15	-1.621	0.373	0.198**	-1.630	0.424	0.196**	-2.187	0.679	0.112**
16	-0.849	0.263	0.428**	-0.870	0.300	0.419**	-1.601	0.449	0.202**
Triggering offense									
Homicide I	1.998	0.391	7.372**	2.070	0.460	7.928**	1.993	0.505	7.336**
Homicide II	1.216	0.547	3.374*	1.324	0.604	3.757*	1.203	0.648	3.328
Robbery I	0.488	0.360	1.629	0.502	0.417	1.652	0.352	0.457	1.421
Robbery II	-6.479	20.285	0.002	-6.198	24.232	0.002	-6.012	25.774	0.002
Assault I	0.936	0.355	2.550**	0.795	0.416	2.215	0.631	0.449	1.879
Assault other	0.142	0.420	1.153	-0.061	0.495	0.941	-0.150	0.551	0.861
Criminal Sexual Conduct (CSC) I	1.147	0.476	3.149*	1.408	0.557	4.090*	1.187	0.600	3.277*
CSC other	-6.627	28.245	0.001	-5.513	28.879	0.004	-5.529	33.875	0.004
Other person	0.014	0.609	1.014	-0.055	0.727	0.946	0.033	0.821	1.033
Other property	-6.616	14.165	0.001	-6.757	15.255	0.001	-6.116	15.873	0.002
Weapon/drug	0.323	0.381	1.381	0.036	0.431	1.037	-0.073	0.483	0.930
Multiple charges	-0.184	0.434	0.832	-1.147	0.586	0.318	-1.478	0.653	0.228*

Weapon														
Gun	0.257	0.393	1.293	0.530	0.438	1.699	0.450	0.467	1.568					
Accomplish	-0.208	0.268	0.813	-0.074	0.309	0.928	-0.152	0.335	0.859					
Victim injured	0.248	0.384	1.281	0.546	0.470	1.727	0.447	0.525	1.564					
Multiple convictions	—	—	—	1.178	0.487	3.249*	1.597	0.571	4.936**					
Two or more prior felonies	—	—	—	0.845	0.386	2.327*	1.041	0.432	2.831*					
Pending charges	—	—	—	1.426	0.410	4.161**	0.941	0.460	2.563*					
Probation	—	—	—	0.441	0.388	1.554	0.158	0.420	1.171					
Prior placements	—	—	—	0.830	0.457	2.294	1.210	0.486	3.354*					
Guilt determination														
Plea				-0.631	0.299	0.532*	-0.872	0.337	0.418*					
Amenable							-1.923	0.500	0.146**					
Time remaining in juvenile system														
Time 1	—	—	—	—	—	—	-0.417	0.699	0.659					
Time 2	—	—	—	—	—	—	0.923	0.547	2.516					
Model -2 log likelihood		439.460			355.287			304.699						
Model χ^2		107.748			144.899			169.661						
		(df = 17)			(df = 23)			(df = 26)						
Nagelkerke R^2		.300			.418			.496						

*Indicates statistical significance at $p < .05$; **indicates statistical significance at $p < .01$.

Table 4 presents the results from Models 4 and 5, which respectively contain the full model (legal, secondary legal, statutory, and extralegal predictors) and the reduced model (legal and significant secondary legal, statutory, and extralegal predictors). Of the 33 variables entered in the full model (Model 4), 13 were found to be significant predictors of the final sentencing decision. Age, homicide, and assault continued to be strong predictors of the sentencing decision. Only one other legal predictor, multiple charges, approached significance.

Three secondary legal variables were significant in the full model. Offenders who had multiple counts sustained at conviction were more likely to be sentenced as adults compared with other juveniles ($\beta = 1.393$, $p < .025$). In addition, offenders who had prior placements were more likely to be sentenced as adults. Such offenders increased their odds of being sentenced as adults by more than 235%. This finding suggests that offenders who have had fewer opportunities to access and/or take advantage of the resources within the juvenile court are least likely to be dealt with as adults.

Of the extralegal variables in the model, four were significant predictors of the final sentencing decision. Importantly, the amount of experience that judges had with waiver cases, as measured by the number of waiver cases they had tried and disposed of, influenced whether the offender would be sentenced as an adult or a juvenile. Where offenders appeared before judges who had heard 15 or fewer waiver cases, their odds of being sentenced as adults increased by more than 360%. The likelihood of being similarly sentenced by judges who had previous experience in 15 to 25 waiver cases decreased by almost half. That is, the odds of being sentenced as adults for these offenders increased by only 185%. In addition, an offender's family history or living situation also influenced the final sentencing decision. For offenders who lived with both parents, the odds of being sentenced as adults decreased by 22%, whereas offenders who lived with only one parent decreased their odds by 60%.

Model 5 presents the results of the reduced model that contains only the significant predictors from the previous logistic models.⁶ Of the 17 variables in this model, 16 were significant. Notwithstanding the impact of homicide, more than half of the significant predictors were not legal variables. Extralegal predictors such as case experience ($\beta = 1.461$, $p < .000$), living situation ($\beta = -0.622$, $p < .042$), and victim relationship ($\beta = -2.632$, $p < .022$) were statistically significant in this final model. Among the secondary legal variables, multiple conviction counts ($\beta = 1.372$, $p < .010$) and pending charges ($\beta = 1.196$, $p < .004$) were statistically significant. A single statutory variable, amenable to treatment, was significant in this model;

Table 4
Summary Logistic Regression Coefficients Full Model and Reduced Model

Measure	Model 4			Model 5		
	Full Model (all predictors)			Reduced Model		
	β	SE	Exp (B)	β	SE	Exp (B)
Constant	0.206	1.497	1.229	-0.345	0.762	0.709
Age						
15	-2.390	0.753	0.092**	-1.856	0.499	0.156**
16	-1.639	0.511	0.194**	-0.840	0.315	0.432**
Triggering offense						
Homicide I	2.006	0.557	7.430**	2.122	0.378	8.351**
Homicide II	1.543	0.708	4.679*	1.766	0.536	5.848**
Robbery I	0.469	0.505	1.599	—	—	—
Robbery II	-6.461	25.166	0.002	—	—	—
Assault I	1.001	0.509	2.722*	1.126	0.384	3.082**
Assault other	-0.308	0.602	0.735	—	—	—
Criminal Sexual Conduct (CSC) I	0.516	0.748	1.676	1.257	0.460	3.516**
CSC other	-5.538	33.475	0.004	—	—	—
Other person	0.177	0.905	1.193	—	—	—
Other property	-6.324	16.636	0.002	—	—	—
Weapon/drug	0.172	0.552	1.188	—	—	—
Multiple charges	-1.419	0.752	0.242	-1.124	0.542	0.325*
Multiple conviction counts	1.393	0.621	4.025*	1.372	0.530	3.941*
Gun use	0.130	0.509	1.139	—	—	—
Accomplice	-0.519	0.362	0.595	—	—	—
Victim injured	0.615	0.551	1.849	—	—	—

(continued)

Table 4 (continued)

Measure	Model 4			Model 5		
	Full Model (all predictors)			Reduced Model		
	β	SE	Exp (B)	β	SE	Exp (B)
Victim relationship	-2.625	1.204	0.072*	-2.632	1.150	0.072*
Sex of victim	-0.731	0.450	0.481	—	—	—
Two or more prior felonies	1.256	0.476	3.513**	1.003	0.385	2.727**
Amenable to treatment	-2.224	0.582	0.108**	-2.110	0.509	0.121**
Time remaining in juvenile system						
Less than 1 year	-0.291	0.780	0.748	—	—	—
1 to 2 years	1.101	0.594	3.008	—	—	—
Race of offender	0.329	0.512	1.390	—	—	—
Experience						
Fewer than 15 cases	1.533	0.478	4.632**	1.461	0.418	4.310**
15 to 25 cases	1.046	0.483	2.846**	1.066	0.441	2.905*
Family history						
Parents 1	-0.249	0.563	0.780	—	—	—
Parents 2	-0.925	0.468	0.396*	-0.622	0.306	0.537*
Plea	-0.345	0.402	0.708	-0.256	0.337	0.774
Pending charges	1.003	0.517	2.727	1.196	0.419	3.307**
Probation	-0.296	0.457	0.744	—	—	—
Prior placements	1.211	0.547	3.358*	0.758	0.468	2.125
Model -2 log likelihood		267.710			312.251	
Model χ^2		189.934			176.315	
Nagelkerke R^2		.559			.501	

*Indicates statistical significance at $p < .05$; **indicates statistical significance at $p < .01$.

however, its impact in changing the odds of being sentenced as an adult was among the smallest of all predictors in the model. Offenders who were considered amenable to treatment decreased their odds of being sentenced as adults by only 88%.

Summary and Discussion

Waiver has had a profound impact on the way we view and treat juvenile offenders (Fass & Pi, 2002; van Vleet, 1999). Prior research, however, suggests that waiver may not be having the effect intended, given the level of recidivism that still occurs among these youth and the fact that less serious offenders tend to be targeted (Bishop et al., 1998; Lotke & Schiraldi, 1997; Winner et al., 1997). Much of the waiver research has focused on judicial waiver to the exclusion of other waiver mechanisms (Bishop et al., 1989; Thomas & Bilchik, 1985). This study was an attempt to fill in some of the gaps in our knowledge about these other waiver mechanisms, specifically what influences judges' decisions to reverse waive juveniles despite the fact that prosecutors have exercised their authority to get their cases into criminal court.

Waiver is premised on the belief that some offenders, serious and violent offenders, should be prosecuted and sentenced as adults. The findings presented in this research show that juveniles who committed homicides were significantly more likely to be sentenced as adults. Despite this fact, nearly 33% of serious and violent offenders, although tried in criminal court, were sentenced as juveniles. Thus, it appears that there are factors outside of the offense—that may not be altogether “rational”—that influence the sentencing decisions of judges (Sridharan et al., 2004).

The Michigan waiver law sought to elevate the importance of legal factors (aspects of the crime itself) over extralegal factors (factors unrelated to the crime but relevant to, among other things, aspects of the offender's past). The new waiver law also foresaw the need to reverse waive some offenders because the crime and/or offender did not merit punishment in the adult criminal system. The findings showed that despite the importance of purely legal predictors such as the offense, there are still extralegal and secondary legal factors that influence the decision to reverse waive juvenile offenders. Among these extralegal predictors were judicial experience and family history. Researchers have documented the influence of judges on waiver decisions (Feld, 1998). However, far less research literature on waiver has identified family history, or living situation, as an important consideration

for the sentencing decision. Sridharan et al. (2004), for example, found that family incarceration influenced the prosecutor's waiver decision. In addition, Myers (2003) found that an offender's family history may be among a number of factors that may garner closer prosecutorial scrutiny when it comes to the waiver decision. Despite these studies, no research to date has focused on the impact of family history on reverse waiver.

Because the results suggest that juveniles who have multiple prior felony adjudications are more likely than comparable offenders to be sentenced as adults, it is reasonable to believe that judges view these chronic reoffenders as more responsible than juveniles with shorter careers. Thus, judges may be reserving the proverbial youth discount for juveniles who are still early in their careers and may yet benefit from the services and beneficence of the juvenile court (Scott & Steinberg, 2003; Tanenhaus & Drizin, 2002). This reasoning may be in line with that of Ullman (2000), who believes that the prior records of juvenile offenders should be contextualized so that not only are similarly situated offenders treated the same but they are also given the opportunity to demonstrate that they still arguably deserve to be treated as juveniles.

The sentencing decisions of judges seemed to be guided by a number of legal, secondary legal, statutory, and extralegal cues that focus on aspects of the offense and the offender's prior juvenile court history (Mears & Field, 2000). For example, prior out-of-home placement was a significant predictor of the final sentencing decision. Offenders with prior out-of-home placements increased their odds of being sentenced as adults by more than 235%. These odds exceeded those for all triggering offenses, with the exception of homicide, as well as all for other legal variables. It is possible that judges are using out-of-home placements as a proxy for whether offenders can be helped or salvaged by the juvenile court system (Podkopacz & Feld, 2001).

Importantly, age was among the weakest predictors of the final sentencing decision. Offenders who were 15 or 16 decreased their odds of being sentenced as adults by 94% at most. Judges in this jurisdiction seemed to be far less concerned with the age of the offenders and focused more on the offense itself, especially the charges and counts at conviction. This finding seems to be in line with the research of Tanenhaus and Drizin (2002), who found that age, or youth, carries significantly less weight with the prosecutors who waive them to criminal court and the judges who sentence them. Moreover, this finding seems to confirm the belief that the principle of offense is the overriding consideration in waiver decisions (Feld, 1988; Podkopacz & Feld, 2001).

This research makes an important contribution to the extant literature because it focuses on the decision making of judges to sentence juveniles as adults or retain them in the juvenile system despite the waiver motions brought by prosecutors. Although reverse waiver may not be as widely used as other transfer mechanisms, it is important to know what drives the decision making of judges irrespective of charging decisions made by prosecutors. The findings seem to point to the fact that judges have additional information at their disposal that is unavailable to prosecutors. This additional information increases the certainty that not only the right decision is being made but also the right juveniles are being focused on (Bishop, 2004; Mears, 1998). The findings also suggest that the experience level of the judges, in terms of how many previous waiver cases they have tried and disposed of, is an important predictor of the final sentencing outcome. The experience level of judges has not yet been fully examined within the context of reverse waiver decisions. This research is a small but significant step not only in gaining a better understanding of the unique role of reverse waiver but also in providing an opportunity to better understand the impact of judges on the reverse waiver decision itself (Tanenhaus & Drizin, 2002).

As noted in the findings, offenders who come from single-parent households are less likely to be sentenced as adults as compared with offenders who come from intact homes. This is an important finding in light of the research that has shown that the actors within the criminal justice system may be attuned to the amount of supervision that is available to juveniles (Dornbusch et al., 1985; Leiber & Mack, 2003; Rebellon, 2002). Despite this finding, judges placed less emphasis on this extralegal factor when compared to other statutory and secondary legal factors.

This research provides context for previous research that has found that there is nothing "extraordinarily different" about the juveniles who are waived in some jurisdictions (Lanza-Kaduce et al., 1999). This research shows that the offenders who are sentenced as juveniles are indeed different from those who are sentenced as adults. Offenders who are sentenced as adults commit violent, person offenses of the greatest severity (Homicide I, Assault I, CSC I). Offenders who are sentenced as adults have multiple charges stemming from the initial offense brought against them. Offenders who are sentenced as adults are more likely to victimize strangers as opposed to family members. Also, offenders who are sentenced as adults have had prior out-of-home placements. These differences are recognized by the judges, and they translate into more severe sentences.

Although this research is a step forward in waiver research, it still has a few limitations. This research focused on reverse waiver in one court in one large city. Because there were no comparisons across jurisdictions (city vs. city, city vs. suburbs, city vs. rural), there are questions of how generalizable these findings are. If one subscribes to the notion of justice by geography (Feld, 1991), then it is quite important to know whether the patterns found in this city would also be as prominent in other jurisdictions. These potential variations are not captured in this study.

This research is an important component of the larger enterprise of waiver research. It answers some important questions about reverse waiver and the factors that judges consider in making the final sentencing decision for juveniles who have been waived to criminal court. More research is needed to replicate these findings and hopefully advance our understanding of not only reverse waiver but also the impact of extralegal influences, such as the experience of judges, on these decisions. This research shows that reverse waiver is not uncommon in this particular jurisdiction. The next step is to understand whether practices in this jurisdiction are indicative of reverse waiver in other courts.

Appendix A Correlations for Legal, Secondary Legal, Statutory, and Extralegal Predictors

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Commit to:	1.00															
Age 15	-.14**	1.00														
Age 16	-.08	-.50**	1.00													
Homicide 1	.35**	-.027	-.09*	1.00												
Homicide II	.03	.03	-.02	-.13**	1.00											
Robbery 1	-.13**	.05	.03	-.25**	-.21**	1.00										
Robbery II	-.08	-.03	.04	-.07	-.03	-.04	1.00									
Criminal Sexual Conduct (CSC) I	-.06	-.01	-.04	-.05	-.02	.02	-.01	.04	1.00							
CSC other		.10*	-.05	-.09*	-.03	-.12**	-.23**	-.18**	-.10*	1.00						
Assault 1	-.02	-.04	-.04	-.03	-.07	-.08	.04	-.07	-.03	-.07	1.00					
Assault other	-.11**	.17**	-.07	-.15**	-.08	.03	.02	-.06	-.02	-.10*	-.09	1.00				
Other person	-.12**	-.070	.11*	-.10*	-.05	.13**	.06	-.07	-.02	-.00	.00	-.05	1.00			
Weapon/drug	.07	.04	-.03	.09*	-.04	.02	.05	-.23**	-.08	.23**	.09**	-.03	-.05	1.00		
Gun	.09*	.07	.07	-.01	.20**	-.09	.13**	-.06	-.39**	-.12**	-.19**	-.05	.01	-.08	.41**	1.00
Multiple charges	.05	.02	.04	.11*	.06	.19*	.06	-.16**	.02	.22*	.14*	-.01	.12**	.68**	.34**	1.00
Multiple convictions	.13**	-.02	.05	.08	-.03	.07	.03	.16**	-.09*	.26**	.17**	-.11*	.07	.58**	.29**	.74**
Victim injured	.22**	.01	-.03	.39**	.19**	-.50**	-.01	.23**	-.03	.17**	.00	-.24**	-.15**	-.05	-.18**	.01
Plea	-.24**	.08	.01	-.28**	.00	.14**	-.03	.11*	-.03	-.25**	-.03	.12**	.10**	-.09*	-.17**	-.11*
Experience 1	.17**	-.12**	.01	.11*	-.04	-.11*	.05	.09	-.02	.03	-.04	-.04	-.02	-.10*	-.17**	-.05
Experience 2	.11*	.01	-.03	.16**	-.05	-.01	-.01	-.09*	-.01	-.03	.05	-.01	-.08	.07	.08	.02
Felony adjudications	.15**	.029	-.04	-.04	-.01	-.01	-.01	-.02	-.04	.03	.01	-.03	-.02	.03	-.04	.03
Pending charges	.19**	-.059	-.04	-.01	-.01	.06	-.05	-.03	-.03	-.00	.04	.06	.04	.03	.05	-.02
Prior placement	.04	-.04	.01	-.03	.01	.05	.02	.02	.05	-.06	.01	.09**	.11*	-.08	-.10*	.01
Parents 1	.00	-.15**	.08	-.00	-.04	-.07	.02	.09	-.02	-.04	.05	-.09**	.02	-.05	-.09**	.01
Parents 2	-.03	.08	-.03	-.01	.06	-.01	-.01	-.09**	-.02	.04	-.05	.04	.02	-.00	.05	.01
Victim's sex	-.03	.01	-.05	.19**	.05	-.09	-.03	-.45**	-.07	.18**	.08	.06	-.07	.20**	.29**	.09
Amenable	-.32**	.08	.05	-.13**	.02	.02	.04	-.07	-.03	.03	.06	.06	.06	.06	.00	-.01
Threat	.53**	-.08	-.09	.28**	.00	-.05	-.06	.07	-.04	.08	-.11*	-.05	-.08	.10**	.08	.09*
Pattern	.40**	-.06	-.02	.15**	.05	-.03	-.06	.08	.06	.08	-.083	-.03	-.08	.05	.05	.04

* $p < .05$, two-tailed. ** $p < .01$, two-tailed.

Appendix B

Summary Logistic Regression Coefficients for Legal and Statutory Predictors Excluding Homicide

Measure	Legal Excluding Homicide I			Legal and Secondary			Legal, Secondary, and Statutory			Full Model		
	β	SE	Exp (B)	β	SE	Exp (B)	β	SE	Exp (B)	β	SE	Exp (B)
Constant	-1.434	0.510	0.238	-1.813	0.656	0.163	0.716	1.033	2.046	1.037	1.431	2.819
Age												
15	-1.642	0.354	0.194**	-1.619	0.405	0.198**	-2.277	0.644	0.103**	-2.445	0.710	0.087**
16	-0.950	0.253	0.387**	-0.947	0.289	0.388**	-1.693	0.440	0.184**	-1.795	0.495	0.166**
Triggering offense												
Homicide I	—	—	—	—	—	—	—	—	—	—	—	—
Homicide II	-0.165	0.464	0.848	-0.104	0.510	0.901	-0.161	0.538	0.851	0.253	0.592	1.288
Robbery I	-0.171	0.320	0.843	-0.190	0.365	0.827	-0.312	0.402	0.732	-0.239	0.446	0.788
Robbery II	-7.172	20.138	0.001	-6.939	24.016	0.001	-6.684	26.106	0.001	-7.001	25.656	0.001
Assault I	0.029	0.295	1.029	-0.195	0.337	0.823	-0.240	0.377	0.786	0.101	0.420	1.106
Assault other	-0.421	0.380	0.656	-0.622	0.445	0.537	-0.664	0.506	0.515	-0.753	0.551	0.471
Criminal Sexual Conduct (CSC) I	-0.062	0.405	0.940	0.115	0.468	1.122	-0.072	0.496	0.931	-0.794	0.638	0.452
CSC other	-7.175	28.883	0.001	-6.140	29.556	0.002	-6.079	33.881	0.002	-6.101	33.208	0.002
Other person	-0.642	0.591	0.526	-0.744	0.723	0.475	-0.607	0.809	0.545	-0.432	0.889	0.649
Other property	-6.675	14.742	0.001	-6.469	16.069	0.002	-6.246	15.898	0.002	-6.716	15.901	0.001
Weapon/drug	-0.048	0.352	0.953	-0.239	0.399	0.787	-0.361	0.445	0.697	-0.193	0.507	0.825
Multiple charges	0.362	0.389	1.436	-0.570	0.551	0.566	-0.915	0.610	0.401	-0.869	0.699	0.419
Weapon												
Gun	0.636	0.367	1.889	0.874	0.416	2.296*	0.825	0.442	2.281	0.480	0.483	1.617
Accomplice	-0.059	0.258	0.943	0.063	0.299	1.065	-0.027	0.327	0.974	-0.371	0.353	0.690
Victim injured	1.099	0.331	3.001**	1.459	0.409	4.302**	1.357	0.454	3.885**	1.449	0.483	4.260**
Multiple convictions	—	—	—	1.070	0.464	2.917*	1.465	0.540	4.326**	1.366	0.589	3.919*
Two or more prior felonies	—	—	—	0.617	0.368	1.853	0.802	0.419	2.230	1.019	0.463	2.771*
Pending charges	—	—	—	1.497	0.397	4.468**	1.040	0.448	2.829*	1.016	0.500	2.763*
Probation	—	—	—	0.467	0.374	1.596	0.203	0.413	1.225	-0.223	0.443	0.800
Prior placements	—	—	—	0.847	0.440	2.334	1.223	0.471	3.431**	1.215	0.536	3.370*

Guilt determination	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Plea	—	—	—	-0.802	0.283	0.448**	-1.019	0.321	0.361**	-0.463	0.383	0.630	—	—	—	—	—	—	—	—	—
Amenable	—	—	—	—	—	—	-2.107	0.489	0.122**	-2.374	0.573	0.093**	—	—	—	—	—	—	—	—	—
Time remaining	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Time 1	—	—	—	—	—	—	-0.544	0.658	0.580	-0.502	0.738	0.605	—	—	—	—	—	—	—	—	—
Time 2	—	—	—	—	—	—	0.726	0.505	2.066	0.917	0.561	2.501	—	—	—	—	—	—	—	—	—
Experience of judge	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Experience 1	—	—	—	—	—	—	—	—	—	1.701	0.468	5.478**	—	—	—	—	—	—	—	—	—
Experience 2	—	—	—	—	—	—	—	—	—	1.292	0.472	3.641**	—	—	—	—	—	—	—	—	—
Sex of victim	—	—	—	—	—	—	—	—	—	-0.764	0.433	0.466	—	—	—	—	—	—	—	—	—
Family history	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Both parents	—	—	—	—	—	—	—	—	—	-0.457	0.537	0.633	—	—	—	—	—	—	—	—	—
One parent	—	—	—	—	—	—	—	—	—	-1.060	0.447	0.346*	—	—	—	—	—	—	—	—	—
Relation to victim	—	—	—	—	—	—	—	—	—	-2.307	1.205	0.100	—	—	—	—	—	—	—	—	—
Race	—	—	—	—	—	—	—	—	—	0.201	0.495	1.223	—	—	—	—	—	—	—	—	—
Model -2 log likelihood	468.431	—	—	—	378.255	—	—	321.964	—	—	281.900	—	—	—	—	—	—	—	—	—	—
Model χ^2	78.776	—	—	—	121.930	—	—	152.397	—	—	175.744	—	—	—	—	—	—	—	—	—	—
	(<i>df</i> = 16)	—	—	—	(<i>df</i> = 22)	—	—	(<i>df</i> = 25)	—	—	(<i>df</i> = 32)	—	—	—	—	—	—	—	—	—	—
Nagelkerke <i>R</i> ²	.226	—	—	—	.361	—	—	.454	—	—	.526	—	—	—	—	—	—	—	—	—	—

*Indicates statistical significance at $p < .05$; **indicates statistical significance at $p < .01$.

Notes

1. Some researchers have noted that legislative waiver is not a true transfer procedure, as it merely reflects a decision to exclude certain offenses and age groups from the jurisdiction of the juvenile court.

2. House Bill No. 4730 (1987); House Bill No. 4731 (1987); House Bill No. 5203 (1987); House Bill No. 5203 (1987).

3. These files contained case information on 1,967 juveniles who committed serious and violent offenses as defined by the newly enacted waiver law. Of these 1,967 files, there were only 516 usable cases in light of the fact that prosecutors elected not to bring waiver motions against 1,140 juveniles, and another 311 cases were either still pending before a court, charges had been dismissed, mistrials had been declared, offenders were acquitted of the charges, or the files were incomplete.

4. These offense categories are Homicide I (1 = *yes*, 0 = *no*), Homicide II (1 = *yes*, 0 = *no*), Robbery I (1 = *yes*, 0 = *no*), Robbery II (1 = *yes*, 0 = *no*), Assault I (1 = *yes*, 0 = *no*), assault other (1 = *yes*, 0 = *no*), Criminal Sexual Conduct I (CSC I) (1 = *yes*, 0 = *no*), CSC other (1 = *yes*, 0 = *no*), other person-related offenses (1 = *yes*, 0 = *no*), other property-related offenses (1 = *yes*, 0 = *no*), and weapon/drug offenses (1 = *yes*, 0 = *no*).

Homicide I offenses include only Murder I charges, whereas Homicide II include Murder II and other manslaughter charges. Robbery I offenses include all armed robbery charges, whereas Robbery II includes unarmed robbery, robbery conspiracy, and other robbery-related charges. Assault I offenses include only assault-with-intent-to-kill charges, whereas assault other includes assault to commit great bodily injury, assault with a deadly weapon, and all other assault-based offenses. CSC I offenses include aggravated rapes charges, whereas CSC other includes all other CSC-based offenses. The intent here was to separate out the most serious offense from the lesser and included offenses. Other person-related offenses include carjacking and kidnapping, whereas other property-related offenses include burglary and larceny.

5. The following Office of Delinquency Services assessment provides an illustrative example of the dimensions of treatment amenability that are captured in this decision:

In the matter of _____, the _____ is unable to recommend placement in the juvenile system for supervision and treatment. _____ history in juvenile court displays an established repetitive pattern of behavior. This pattern also appears to be escalating into more serious and violent behavior. _____ has not owned his responsibility in any of these incidents, nor does he seem to have learned anything positive from his experiences. This coupled with his lack of response to probation, lessens the probability he is amenable to treatment. This youth scored 12 which corresponds to a level of care recommendation of high.

6. Odds ratios are calculated by using the following formula: $1 - \text{Exp}(B) \times 100$.

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