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Juveniles Transferred to Criminal Courts

Is Their Criminal Sentence Dependent on How They Got There?

Gerard Rainville
AARP
American University, Washington, D.C.

This research seeks to determine whether the manner in which a juvenile is transferred to criminal court affects the length of confinement sentences. A significant difference in confinement sentences was noted between juveniles transferred by statutory exclusion and those waived after a judicial hearing. An underlying political mechanism is deemed responsible for this finding. As such, this research evokes the tension between the political incentives of legislators, the popular will, and the relative expertise of court actors in forming sentencing policy for transferred juveniles.

Keywords: *juvenile transfers; sentencing models; criminal courts*

Transfer to criminal court occurs when a juvenile who would normally be under the jurisdiction of the juvenile court becomes the subject of the criminal court (Arthur & Schwartz, 1993; Feld, 1987; Sanborn, 1994). There are three basic types of transfers: judicial waivers, statutory exclusions, and prosecutorial direct file. A national review of the various transfer mechanisms employed by each state is presented in Griffin, Torbet, & Szymanski (1998). This nationwide review indicates that the vast majority of states have at least two transfer mechanisms available (generally some form of judicial waiver and statutory exclusion), and nearly half have three operable forms of transfer mechanisms (Bishop, 2000). No empirical work has been done examining whether the mode of transfer affects sentencing outcomes.

An urban court in a southwestern state was selected as the site for this study. The state's laws permit judicial waivers, as well as specifying a number of offense or age/offense categories that are statutorily excluded from juvenile court. It also permits prosecutorial direct file for certain cases, making the site an ideal context to assess the effects of the currently operable transfer mechanisms on confinement sentences. As such, the expressed need for research on "the collective impact on all forms of transfer" beyond the traditional research on judicial waivers may begin to be met with this research (Bortner, Zatz, & Hawkins, 2000, p. 306).

Judicial Waivers (Discretionary and Presumptive)

Transfer to criminal court had traditionally occurred when a juvenile court judge determined that a delinquent was not amenable to rehabilitation (Dawson, 2000). This mechanism of transfer is known as a *discretionary judicial* waiver. In response to rising youth crime in the 1990s and demands for greater accountability in the juvenile justice system, legislatures introduced alternative forms of judicial waivers to limit the discretion of juvenile court judges over the transfer decision (Feld, 2000). One of these modified waivers is the *presumptive judicial waiver* in which a presumption for waiver to the criminal court must be rebutted by the defendant for the case to remain in juvenile court. The presumptive judicial waiver generally applies to delinquency cases in which certain offense, age, or aggravating circumstance criteria are met. As may be seen, both the discretionary and presumptive judicial transfer places discretion to waive the juvenile to criminal court somewhere between the juvenile court judge and the legislature. The remaining transfer mechanisms place this discretion with other parties.

Statutory Exclusions

By state law, certain offense categories (such as repeat violent crimes) or age/offense categories (such as violent offenses committed by juveniles close to the "age of jurisdiction" [generally 18 years]) lead to automatic transfer to the criminal court. Such cases remove discretion from juvenile court judges entirely and place on criminal court judges the responsibility to dispense criminal sentences on juvenile defendants. Legislation supplants the decision making of traditional justice actors in cases involving statutory exclusions (Dawson, 2000; Bishop, 2000).

Prosecutorial Direct File

The prosecutorial direct file waiver vests the prosecution with discretion over whether or not a juvenile will be tried in the juvenile or criminal court. Generally, certain offenses or offense/age categories (such as repeat, though not necessarily violent, crimes) are necessary for a case to be eligible for processing in either the juvenile or criminal court. For cases eligible for direct filing, the discretion over the proper venue to try a case rests with neither the juvenile court judge nor the legislature but with the prosecutor.

Theoretical Model, Hypotheses, and Policy Implications

There has been no empirical work to date on the comparative effects of differing transfer mechanisms on criminal sentences. The majority of empirical work on transfers has focused on factors related to the decision to transfer or not (for a review of these findings, see Bortner, Zatz, & Hawkins, 2000, and Juszkiewicz & Schindler,

2001). A smaller body of work examines sentencing outcomes given a decision to transfer (Brown & Langan, 1998; Fagan & Deschenes, 1990; Fritsch, Caeti, & Hemmens, 1996). Additionally, there is a small body of work examining the deterrent effects of having been transferred (Bishop & Frazier, 2000; Bishop, Frazier, Lanza-Kaduce, & Winner, 1996).

How would the manner in which a juvenile is transferred to criminal court affect sentencing outcomes? It could be argued that how a juvenile is transferred is determined solely by the relative expediency of using one method over another. For example, if it is quicker for a prosecutor to direct file a case to adult court than it is to have a presumptive waiver hearing on the same case, the prosecutor may simply exercise the direct file option. This may be done without a desire to sanction the juvenile any more or less. As such, the manner in which a case is transferred would be of little bearing on the sentence imposed.

There is a second way in which transfer decisions may be regarded. The transfer decision represents a prior decision-making juncture in the overall case processing context. Such prior decision points have been empirically related to ultimate justice outcomes—in particular, sentencing outcomes (Bortner & Reed, 1985).

To determine whether criminal court actors rely substantially on transfer decisions in the course of sentencing, assumptions about the context of sentencing need to be stated. The theoretical framework that is advanced assumes that sentencing outcomes are mutually determined by prosecutors and criminal court judges within the constraint of felony criminal statutes (Easterbrook, 1983). Each felony offense has a level of seriousness (from the most to least grave offenses) for which presumptive sentencing ranges are prescribed or for which the range of likely penalties is established by a "fixed cost" for specific crimes within local court systems (Loftin, Heumann, & McDowell, 1983). Within these ranges, judges, in the case of statutory exclusions, have broad discretion to determine the penalty received.

How would the manner of transfer affect the length of sentences received? A model based on political responsiveness is proposed to predict the relative effects of being statutorily transferred on the length of correctional sentences juvenile receive. Tacit in this model is the desire of the public to see a justice system where incapacitation is used to protect them, but where correctional costs are as low as possible (Easterbrook, 1983). The parties involved in crafting sentencing policy that, on its face, seems to satisfy the public, would be lawmakers who draft legislation to "get tough on crime" and criminal court judges and prosecutors who, in more immediately determining confinement sentences, "are expected to appear humanitarian and competent in response to crime" yet are limited by resource constraints on the justice outcomes they may propose (Sutton, 1987, p. 613). The work of each of these parties is scrutinized by the voting public. The public, as the electorate, affect the political fortunes of the generally elected bench, legislature, and district attorneys. As such, days in confinement—the correctional resource that "gets tough" on criminals—will be devoted to cases for which it is relatively certain that the public consents that such resources be applied (Dickey & Hollenhorst, 1999).

In regard to the forms of juvenile waivers, the greatest consensus that punishment resources be applied is attained for the statutorily transferred youths (i.e., young offenders who are the focus of "get tough" legislation). Criminal court judges may reason that as long as statutory exclusion laws remain on the books and continue to spread across other states or jurisdictions, such laws would seem to reflect the popular will (Spohn, 2000; see also Pound, 1930). Relatively assured of the public's consensus as to *whom* to devote the marginal resource of jail or prison time to, criminal judges devote these resources toward confining statutorily excluded youth rather than those for which only a juvenile court judge or a prosecutor (in the case of judicial waiver or prosecutorial direct file, respectively) consented that punishment was appropriate.

The model proposed above leads to an implication that may be expressed as a hypothesis:

The confinement sentences received by juveniles transferred by statutory exclusion will be significantly longer than those received by juveniles transferred by judicial waivers.

This hypothesis is tested within a multivariate sentencing model where the dependent measure is the number of days transferred juveniles are sentenced to state prison or jail. The days spent in confinement are those that are served *after* juveniles' sentencing hearings (i.e., it excludes days spent in presentencing detention). The variables within the model and the statistical tests employed in this research are discussed below.

Method

This research seeks to determine whether the manner in which a juvenile is transferred to criminal court affects the length of confinement sentences. Most sentencing models employ a two-stage estimation procedure to militate against selection bias (Secret & Johnson, 1997). Generally, whether or not a defendant receives a confinement sentence is modeled in the first stage. In the second stage, the length of the sentence received is modeled. In instances where very few defendants fail to receive a confinement sentence, a first-stage estimation would tend to introduce more error than it would mitigate. In such a case, an ordinary least square regression on the length of sentence may be estimated directly (as in Kautt & Spohn, 2002). The sample consists of all males transferred to criminal courts in an urban jurisdiction of a southwestern state ($N = 466$). Although there are relevant theoretical questions related to the differential treatment of females in the juvenile justice system, the lack of females in the data set necessitated their exclusion. These data are based on the Bureau of Justice Statistics' *Juvenile Defendants in Criminal Courts, 1998* data set available from ICPSR.

Dependent Variable

Although other sanctions may be imposed on transferred juveniles (e.g., probation, restitution, and fines) that may or may not be deemed as punitive as confinement

(Petersilia, 1990; Petersilia & Deschenes, 1994; Spelman, 1995), the dependent measure used in this research is the number of days a transferred juvenile is sentenced to a state jail or prison facility (as in Engen & Gainey, 2000).

Explanatory Variables

The main theoretical concern of this research is the effect of differing transfer mechanisms on the length of confinement. A set of exhaustive dummy variables is created to identify juveniles transferred by the following:

judicial waivers (discretionary and presumptive), statutory exclusion, and prosecutorial direct file.

The judicial waiver dummy serves as the reference category in the regression.

Other variables are entered into the regression that are traditionally used to explain sentencing outcomes in criminal courts (see Spohn, 2000, for a review of sentencing models. Also see Kleck, 1981, and model specifications in Miethe & Moore, 1986; Steffensmeier, Ulmer, & Kramer, 1998; Steffensmeier & Demuth, 2001; Engen & Gainey, 2000; and Kautt & Spohn, 2002). These variables can be classified as offense-specific measures and offender-specific measures.

Offense-Specific Measures

Multivariate models of sentencing outcomes rarely exclude sets of variables related to the current criminal offense for which a defendant is being sentenced. There are several methodological strategies employed to model either the seriousness and/or modality of offenses observed in the sentencing literature. Series of dummy variables that correspond to the literal offense name (e.g., *manslaughter*) or a more general offense group of charges (e.g., including manslaughter as well as homicides in a "murder" category) are often entered in sentencing models as a measure of crime modality and seriousness.

Additional measures may also be employed to further model crime seriousness. Several models include measures of the degree of harm the committing offense inflicted (e.g., Steffensmeier, Ulmer, & Kramer, 1998). Engen and Gainey (2000) recently proposed entering the presumptive sentence of an offense as an explanatory variable that precludes the need to enter additional seriousness or modality measures. Although such an approach would be ideal, in the current case, there is no sentencing grid or a series of presumptive sentence values as reliable or varied as those appearing in studies conducted in other jurisdictions.

In the present study, offense seriousness is measured by converting each of the charge names into its felony classification provided under state statutes. The classification system in this state classifies the most grave offenses (such as murder and rape) as Level 1 or Level 2 crimes and the least serious of felonies (such as resisting arrest or disorderly conduct) as Level 5 or Level 6 crimes. Between these poles, Level 3 and 4

crimes consist of moderately serious offenses such as simple assault, drug possession, and theft. Dummy variables are created to code classes of felony crime. Level 1 and 2 offenses, as well as Level 5 and 6 offenses, are merged due to statistical sensitivity issues. Level 3 and 4 offenses have their own dummy variables. In addition to measures of offense seriousness, a set of dummies is coded to represent crime modality. Dummies are coded to correspond with the Bureau of Justice Statistics' designations of

Violent crimes,
Property crimes,
Drug crimes, and
Public Order crimes.

Such an approach may seem redundant but for the fact that classification levels do not correspond with offense modality to a consistently high degree (a correlation matrix is presented in Table 2). Additionally, offense seriousness and offense modality remain conceptually distinct.

A final set of offense-specific variables models the effect of the total number of charges a defendant is facing. This measure is commonly included in other sentencing models (Miethe & Moore, 1986; Steffensmeier & Demuth, 2001), owing to the likely increase in sanctions associated with multiple charges. Some variability in the effect of multiple charges may result when a judge opts to include lesser charges when sentencing the highest criminal count. To model this, a dummy variable indicating that lesser charges were or were not included in the sentence is entered in the model along with an interaction variable between this measure and the number of charges an offender faces. The interaction variable models the number of additional lesser charges still potentially open for additional sentencing.

Offender-Specific Measures

The vast majority of sentencing models test theories of race, gender, or age biases in formal justice processes (for reviews, see Spohn, 2000; Daly & Bordt, 1995; see also Steffensmeier, Kramer, & Streifel, 1993; Wu, Cernokovich, & Dunn, 1997; Steffensmeier, Ulmer, & Kramer, 1998; and Spohn & Holleran, 2000). Although no females are included in the data set, race/ethnicity dummies and an age measure are entered in the model. The race/ethnicity dummies exhaustively code the data set between Caucasian, African American, and Latino defendants. The age measure is the age at sentencing of the offender in years and fractions thereof (where .50 = about 6 months, etc.).

Whether the offender's case is resolved by plea or trial is entered in the model. In theory, accepting a plea should lead to concessions in the sentence length (Alschuler, 1968). Although some empirical findings suggest concessions may be minimal (Boland & Forst, 1985), whether a case is resolved by plea or trial is theoretically related to sentencing outcomes and is commonly included in sentencing models (e.g., Engen & Gainey, 2000; Steffensmeier & Demuth, 2001).

A final offender-specific measure indicates whether or not the defendant has had any prior contact with either the juvenile or adult justice system. As past offenses bear on sentencing outcomes (especially when explicitly referenced in sentencing statutes), measures of prior offender behavior are commonly included in sentencing models (Spohn & Holleran, 2000; Steffensmeier, Ulmer, & Kramer, 1998).

Results

The distribution of the dummies related to property crimes and specifying a plea versus trial is less than ideal, with fewer than 10% of cases coded as 1. In the case of the plea/trial variable, this distribution attests to the rarity of trial dispositions. In the case of property crimes, the modalities in which graver felony offenses tend to be situated (i.e., violent and drug crime) are relatively dominant among offenses for which juveniles are transferred. All other dummy measures have at least 10% of cases coded as 1. Table 1 presents descriptive statistics for the dependent and explanatory measures.

Measures with the strongest bivariate correlation with the dependent measure (i.e., confinement sentence in days) include positively correlated dummy measures for settling a case by plea or trial, Level 1 or 2 offenses, and statutory exclusion (each with $r = .30$). The latter correlation is the most interesting when considering the nature of the hypothesis that is ultimately tested. Among the correlations of explanatory variables, measures in the same class of dummies (e.g., level of offense dummies, type of crime dummies, race/ethnicity dummies, etc.) reveal expectedly strong negative correlations (for example, correlations among race/ethnicity dummies all exceed –30). Table 2 presents the correlation matrix for the dependent and explanatory measures.

Table 3 presents the results of an ordinary least squares regression model. Efforts have been made to indicate both the substantial and statistical significance of measures by presenting coefficient values, beta weights, and the significance levels of *t* tests in the table. The overall model is significant ($F = 10.39$, $p < .001$) and explains 28% of the variability in the dependent measure. The dummy for violent crimes has the highest absolute value for beta weights (a standardized indication of a measure's relative impact) and is significant at $p < .001$. It also has the highest coefficient value, increasing sentences by about 1,000 days relative to the reference dummy (i.e., the drug offenses dummy). In regard to the central theoretical question, the statutory exclusion dummy attains statistical significance at the $p < .001$ level. Its relative impact (beta weight = .230) is neither the strongest nor weakest among the statistically significant measures. Beta weights for significant measures range from .183 for Level 1 and 2 offenses to .344 for violent crimes. Juveniles who are transferred by statutory exclusions have sentences that are longer, all else being equal, by about 772 days than those who are waived by judicial waivers.

Table 1
Variable Descriptives

Variable	Coding	Percentage of Cases Coded 1	Standard Deviation
Type of waiver			
Discretionary/ presumptive waiver	1 = Discr./presump. waiver	18	.20
Direct file	1 = Direct file	66	.47
Legislative exclusion	1 = Legislative exclusion	15	.35
Offense variables			
Level 1 or 2	1 = Level 1 or 2	20	.42
Level 3	1 = Level 3	17	.37
Level 4	1 = Level 4	26	.44
Level 5 or 6	1 = Level 5 or 6	37	.46
Violent crime	1 = Violent crime	44	.49
Drug crime	1 = Drug crime	40	.49
Property crime	1 = Property crime	6	.23
Public order crime	1 = Public order crime	10	.28
Number of charges	Interval		Mean = 2.83, *SD* = 1.99
Lesser charges included	1 = Lesser charges not sentenced with most serious charge	71	.45
Interaction variable	Interval = Number of initial charges potentially open to additional sentencing		Mean = 2.33, *SD* = 2.2
Plea or trial	1 = Goes to trial	8	.38
Offender variables			
Hispanic	1 = Hispanic	45	.49
White	1 = White	39	.48
African American	1 = African American	16	.35
Age at sentencing hearing	Interval = in years and fractions of years		Mean = 17.2, *SD* = .88
Prior record	1 = Yes, juv./adult record	44	.49

Discussion of Policy Implications

A significant difference in the length of confinement sentences was noted between juveniles transferred by statutory exclusion and those transferred by judicial waiver. This finding is consistent with a theory of political responsiveness in sentencing. Such a theory predicts that incarceration resources will be devoted to those cases where public consensus for confinement is most certain.

A few policy, as well as normative, considerations arise from the finding that statutorily excluded juveniles receive longer confinement sentences than those transferred by other means. In the model, differences in sentencing outcomes are theorized to be

Table 2
Intercorrelation Matrix

	Y	X1	X2	X3	X4	X5	X6	X7	X8	X9	X10	X11	X12	X13	X14	X15	X16	X17	X18	X19	X20
Y	1	**.30**	**–.18**	**–.10**	**.30**	.03	**–.18**	–.08	**.23**	**–.11**	**–.11**	**–.13**	.02	–.04	.03	.05	–.04	**.30**	**.18**	**.19**	**.23**
	X1	1	**–.66**	**–.25**	**.61**	**–.12**	**–.25**	**–.21**	–.09	**–.10**	**.19**	**–.14**	–.05	–.03	.09	–.07	–.06	.06	.09	.08	**.13**
		X2	1	**–.51**	**–.42**	**.13**	.07	**.20**	**.22**	.05	**–.27**	.09	–.05	**.10**	–.06	–.06	.03	–.07	–.07	**–.17**	**–.12**
			X3	1	**–.14**	–.01	**.19**	–.05	**–.19**	.06	**.13**	.04	**.11**	**–.10**	–.02	**.14**	–.01	.05	–.01	**.14**	.00
				X4	1	**–.27**	**–.33**	**–.37**	.01	–.07	.09	**–.13**	–.02	.01	.00	–.06	–.06	.08	.08	**.10**	**.14**
					X5	1	**–.30**	**–.33**	**–.15**	–.06	**.16**	.01	.06	–.05	–.04	–.07	.02	–.05	**.12**	.09	**.10**
						X6	1	**–.40**	**–.26**	**.13**	**.29**	**–.17**	**–.10**	.10	.04	.01	.00	–.08	**–.23**	–.05	**–.15**
							X7	1	**.38**	–.01	**–.49**	**.27**	.05	–.05	–.01	**.11**	.03	.04	.04	**–.12**	–.06
								X8	1	**–.13**	**–.79**	**–.20**	.01	.01	–.06	–.04	**–.17**	**.15**	.05	–.01	.01
									X9	1	**–.21**	–.05	–.04	–.06	–.01	–.01	**.10**	–.04	.09	–.06	–.01
										X10	1	**–.33**	–.02	.03	.01	–.01	**.10**	**–.10**	**–.12**	.04	–.03
											X11	1	.04	**–.10**	.09	.01	.05	–.06	.08	–.02	.06
												X12	1	**–.67**	**–.40**	**.10**	.02	.01	**.16**	**.14**	**.20**
													X13	1	**–.31**	–.03	–.04	–.02	**–.23**	**–.13**	**–.23**
														X14	1	.03	.05	.03	.08	–.01	.01
															X15	1	**.12**	.08	.02	.03	.03
																X16	1	.00	–.02	–.04	–.06
																	X17	1	**.12**	.04	.07
																		X18	1	**.17**	**.65**
																			X19	1	**.75**
																				X20	1

Y = Days sentenced to jail and/or prison
X1 = Statutory exclusion transfer
X2 = Prosecutor direct file transfer
X3 = Judicial waiver
X4 = Level 1 or 2 offense
X5 = Level 3 offense
X6 = Level 4 offense
X7 = Level 5 or 6 offense
X8 = Violent crime
X9 = Drug crime
X10 = Property crime
X11 = Public order crime
X12 = Hispanic ethnicity
X13 = White
X14 = African American
X15 = Age at sentencing hearing
X16 = Prior juvenile or criminal record
X17 = Case settled at trial
X18 = Lesser charges not included with main charge
X19 = Number of initial charges
X20 = Interaction of X18 * X19
Bolded numbers denote $p < .05$.

Table 3
Regression Model

Variable	β	*SE*	Beta Weight (and significance)
Type of waiver			
Direct file	91.02	171	.031
Legislative exclusion	771.6	219.2	.230***
Offense variables			
Level 1 or 2	623.1	201.2	.183**
Level 3	341.7	189.7	.095
Level 4	233.2	187.8	.072
Violent crime	1,053.8	364.3	.344**
Property crime	333.5	351.8	.115
Public order crime	227.6	414.1	.042
Number of charges	90.1	57.3	.129
Lesser charges not included	314.1	231	.098
Interaction Lesser × Charges	2.0	67	.003
Case settled at trial	1,575	292.8	.227***
Offender variables			
Hispanic	–18.1	134.1	–.006
African American	37.37	183.1	1.63
Age (in years)	111.8	68.6	–.069
Prior record	71.5	124.5	.024
Constant	–2,572	1,282.3	
Model summary			
$R^2 = .28$, Adjusted $R^2 = .25$			
$F = 10.39$***			
N = confinement sentences (in days) of 466 transferred juveniles.			

**$p < .01$. ***$p < .001$.

partly the consequence of political responsiveness. Although the observed sentencing practices may be democratic, they are not predicated on the actual amenability of a juvenile to rehabilitation, nor are they particularly efficient in assigning correctional resources to those with the propensity to reoffend. For instance, several of the crimes with lowest overall rearrest rates (e.g., homicide, rape, and sexual assaults, Langan & Levin, 2002) are those commonly transferred by statute. As the aim of establishing sentencing policy is to get the greatest deterrent effect when allocating correctional resources, a policy of handing longer sentences to those for whom relatively little specific deterrence gains may be had may be contrary to the public safety intentions of "get tough" legislation (Barkow & O' Neill, 2006; Dickey & Hollenhorst, 1999; Easterbrook, 1983).

The current research reveals a mechanism for potentially establishing inefficient sentencing policies for transferred juveniles. Political entrepreneurs in legislatures set criteria for transferring youths by statute. They then delegate, to criminal court judges, the policy decision of how to sentence these transferred youths (Spence, 1997). As a matter of political expediency, judges sentence juvenile offenders in a

manner that both the legislator and judge suppose reflects the public will (Dickey & Hollenhorst, 1999). This dynamic can crowd out the relative expertise of those classifying or sentencing offenders. In the case of juveniles, those with offense histories or personal attributes that suggest amenability to rehabilitation and/or are the least likely to reoffend end up serving longer sentences outside of the relatively treatment-intensive juvenile system.

Given that the mode of transfer to criminal court has some bearing on the soundness of sentencing policy, the question this research should raise is whether the mode of transfer is an objective, legal consideration or an extralegal one that should not influence sentencing. Criminal court judges (at least in the jurisdiction examined here) know how a juvenile has come before them for sentencing. Is it good policy for these court actors to be apprised of how a particular juvenile has come to be sentenced in criminal court?

As an initial examination of the role of transfer mechanisms on sentencing outcomes, this research is marked by limitations that may be more fully addressed in future studies. First, juveniles may not be randomly assigned into groups related to the differing transfer mechanisms. This leads to possible group selection bias that may only be addressed with control variables. Some of these variables (such as the offender's age at their first arrest, gender, and so on) that may be related to transfer mechanisms and the dependent measure, should be included to mitigate this form of selection bias. However, many desirable control variables were not entered into the current model due to a lack of data (as with extensive juvenile arrest data) or a lack of variability within the sample (as with gender, where few females were included in the sample). Exclusion of relevant measures is one likely reason the current model left a little more than 70% of the variation in the dependent measure unexplained.

If models are to explain a greater degree of variation, then future studies will need to include more than simply a greater number of relevant factors. Some future consideration may be given to forms of statistical modeling as well. With the recognition that receiving a criminal sentence is a final outcome for offenders who have gone through earlier procedural gates (e.g., the decision to release or detain, the decision to transfer or not, the decision to convict or acquit, etc.), models of criminal sentences are often done in two stages. Some of the factors that affect earlier procedural outcomes will be unique, and some of these factors will determine both the earlier procedural outcomes and the length of sentences received. The specific effect of these factors on earlier decision points is not included in the current model. It would likely add both explanatory power and reduce problems associated with censored samples to model criminal sentences with two-stage estimations rather than standard OLS regression.

In addition to the above methodological points, a substantial theoretical consideration needs to be further examined in subsequent studies related to transferring juveniles to criminal courts. One largely unaddressed question is what the differing transfer mechanisms represent. Why do juvenile court actors opt for one form of transfer over others in cases where more than one mode of transfer affects the same end? Are some modes of transfer truly associated with greater punishment, or with the expansion of a

court actor's discretion or any other end beyond the transfer itself? The data set used in this study lacked the scope to examine the decision to transfer, leaving some theoretical work to be done on top of methodological refinements. With these limitations noted, it is hoped that this initial investigation leads to an elaboration of theory and increasingly sophisticated statistical models in future studies of juvenile transfers to criminal courts.

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Gerard Rainville is a senior research advisor at AARP and an adjunct at American University. His main interests are quantitative methods, sentencing, and the accountability of criminal justice officials.