

# Youth Violence and Juvenile Justice

<http://yvj.sagepub.com>

---

## **Juvenile Justice: The Legacy of Punitive Policy**

Peter J. Benekos and Alida V. Merlo

*Youth Violence and Juvenile Justice* 2008; 6; 28

DOI: 10.1177/1541204007308423

The online version of this article can be found at:  
<http://yvj.sagepub.com/cgi/content/abstract/6/1/28>

---

Published by:



<http://www.sagepublications.com>

On behalf of:



[Academy of Criminal Justice Sciences](#)

**Additional services and information for *Youth Violence and Juvenile Justice* can be found at:**

**Email Alerts:** <http://yvj.sagepub.com/cgi/alerts>

**Subscriptions:** <http://yvj.sagepub.com/subscriptions>

**Reprints:** <http://www.sagepub.com/journalsReprints.nav>

**Permissions:** <http://www.sagepub.com/journalsPermissions.nav>

**Citations** <http://yvj.sagepub.com/cgi/content/refs/6/1/28>

---

# Juvenile Justice

## The Legacy of Punitive Policy

Peter J. Benekos  
*Mercyhurst College*

Alida V. Merlo  
*Indiana University of Pennsylvania*

Although the future of juvenile justice policy is uncertain, the impact of policies from the 1990s is clear: Despite declining juvenile crime rates, the adultification of youth continues to include punitive and exclusionary sanctions. Attitudes toward offenders are ambivalent, but there is evidence that legislators and the public are reluctant to abandon the punitive policies of the 1990s. Simultaneously, there are indications of more enlightened approaches to juvenile justice. In this context, the authors review the state of juvenile justice policy and review trends in waiver and sentencing.

**Keywords:** *waiver; life without parole; juvenile justice policy; youth incarceration*

### Introduction

School shootings, along with other killings by youth, continue to occur in the United States (Marley, Held, & Richards, 2006; MSNBC.com, 2006). These homicides highlight both youth violence and youth vulnerability to victimization. Concern over youth violence has been exacerbated by the FBI Uniform Crime Report data, which indicate that juvenile arrests for murder in 2005 increased by almost 20% from 2004 arrests, with 711 youth under the age of 18 arrested for murder. Arrests of youth under 18 for armed robbery also increased 11% from 2004 to 2005 (Uniform Crime Reports, 2006). In their analysis of these data, however, Butts and Snyder (2006) caution against drawing conclusions reacting to a “relatively small increase” reported in a few major cities (p. 8). In the context of a generally sustained decline in violent crime, the authors conclude that “It is premature to predict a coming wave of serious violent crime after 1 year of increase” (p. 8).

This information about school shootings and crime trends presents conflicting images. School shootings like those that were widely publicized in the 1997-1998 academic year continue to garner headlines and to create fear that supports reactive policies. Although the *Indicators of School Crime and Safety* reports that 21 homicides occurred in schools in 2004-2005 compared to 19 in 2003-2004, the trend in school violence has continued to

---

**Authors' Note:** An earlier version of this article was presented at the Annual Meeting of the American Society of Criminology, Los Angeles, November 2006. The authors acknowledge the research assistance of Audry Passetti and thank the anonymous reviewers for their constructive comments for improving the manuscript. Correspondence concerning this article should be addressed to Peter J. Benekos, Criminal Justice Department, Mercyhurst College, Erie, PA 16546; e-mail: [pbenekos@mercyhurst.edu](mailto:pbenekos@mercyhurst.edu).

decline (Dinkes, Cataldi, Kena, & Baum, 2006). Simultaneously, increases in juvenile arrests for murder and armed robbery do not comport with images of youth being less violent than in the past decade. Nonetheless, the incidence of arrests for youth under the age of 18 in 2005 was 3.1% less than in 2004, and considerably less than in 1996 (Uniform Crime Reports, 2006). As reported by Puzzanchera, Adams, Snyder, and Hang (2006), the rate of juvenile arrests for violent crimes dropped from 330 per 100,000 youth (ages 10-17) in 1999 to 271 per 100,000 youth in 2004, an 18% decrease.

This article examines the current state of juvenile justice policy and considers whether there has been a softening in public attitudes toward youthful offenders and how these attitudes have affected existing policies. Specifically, the authors review recent data on juvenile waiver, the incarceration of juveniles with adults, and juveniles who are serving life sentences without the possibility of parole. If there is evidence of a softening in attitudes toward juvenile offenders, it would indicate a retreat from the "get tough" philosophy that has characterized juvenile justice policy in the last 20 years. However, as Hutchinson (2005) observed, "Lawmakers are loath to do anything that can make them appear soft on crime. That is still considered the kiss of death for political careers" (para 6). This would suggest reluctance to change the course of policy.

### **Lessons of *Roper v. Simmons***

In March, 2005, the U.S. Supreme Court determined that executing juveniles under the age of 18 constituted cruel and unusual punishment in violation of the Eighth Amendment (*Roper v. Simmons*, 2005). Death row inmates who had been sentenced as juveniles typically received life sentences after *Roper*. For example, Governor Rick Perry commuted the death sentences of 28 offenders to life in prison (Death Penalty Information Center, 2006). In capital murder cases, Texas juries previously could sentence an offender to death by lethal injection or to life in prison, which meant that after 40 years the offender could be considered for parole. However, after commuting the death sentences of the 28 offenders to life, the Governor also signed into law a new bill that prohibits parole in life sentences, but it is not to be applied retroactively. For those offenders sentenced to life after September 1, 2005, life in prison in Texas is life without possibility of parole (Death Penalty Information Center, 2006).

Even before the Court's decision in *Roper*, support for the death penalty, as evidenced by the number of juveniles sentenced to be executed, had been receding. For example, in 1999, 14 juveniles were sentenced to death. By contrast, 2 were sentenced to death in 2004. These data suggest that juries and judges appeared reluctant to impose the death sentence on offenders who were under 18 at the time of the crime. The reduction in the number of death sentences could be interpreted as an indication of a softening in attitudes toward youthful offenders. In *Roper*, the justices concluded that juveniles, compared to adults, were perceived as less culpable. In particular, they noted that juveniles are less blameworthy than adults because they are more immature and less responsible than adults, more likely to be influenced by external pressure including peer pressure, and more vulnerable, in part, because they have less control over the environment than adults (Benekos & Merlo, 2005). Finally, the justices noted the differences in character between juveniles

and adults: “The personality traits of the juveniles are more transitory, less fixed” (*Roper v. Simmons*, 2005, p. 16).

Furthermore, Justice Kennedy, in writing for the majority, referred to Article 37 of the United Nations Convention on the Rights of the Child. Currently, the United States and Somalia are the only countries that have not ratified the Convention, which includes a prohibition on capital punishment for juveniles who commit crimes under the age of 18 (*Roper v. Simmons*, 2005, p. 22). Including information regarding international perceptions of sanctions in the United States suggests that although the opinions of other countries did not determine the decision, the current international policies informed the decision by providing “respected and significant information for our own conclusions” (*Roper v. Simmons*, 2005, p. 24).

Perceptions of juvenile sanctions in the United States, both international and domestic, are an important dimension of policy. In this article, the authors consider whether that attitudinal shift regarding the execution of juvenile offenders affects other aspects of criminal justice policy toward youthful offenders. We begin with an examination of how the United States has fared with the issue of juvenile waiver or transfer to adult criminal court.

## Criminalizing Juvenile Delinquents

Even though juvenile crime, as measured by arrest, has continued to decline since the mid-1990s (Snyder, 2005), the get-tough legislation enacted during that decade, which targeted youthful offenders, resulted in adultification policies that increased the number of youth in criminal court and the number of youth incarcerated in adult prisons.

Regarding juvenile crime, Snyder (2005) determined that juvenile arrests for violent crime (murder, forcible rape, robbery, and aggravated assault) were the lowest since 1987 and represent “about one-third of 1% of all juveniles ages 10-17 living in the U.S.” (p. 4). In 2003, there were an estimated 92,300 juvenile arrests for violent crime; in 2004, the number of arrests was 91,000, a 2% drop (*OJJDP Statistical Briefing Book*, 2005). Of the “2.2 million arrests of persons under age 18,” in 2003, about “71% were referred to juvenile court and 7% were referred directly to criminal court” (2005, p. 5).

In describing the mechanisms for referring youth to criminal court, Griffin (2003) focused on three primary mechanisms for jurisdictional transfer: judicial waiver, statutory exclusion, and direct file. Based on his assessment of state transfer laws “through the 2002 legislative sessions” (p. 3)

46 states have judicial waiver  
29 states have statutory exclusion  
15 states have direct file

In addition, 25 states have “reverse waiver” and 34 have “once adult/always adult” transfer provisions (Griffin, 2003, p. 3).

The criteria for discretionary judicial waiver generally emphasize “the best interests of the child and the public” but identify age, offense, and prior record as “threshold” considerations in determining jurisdictional transfer (Griffin, 2003, p. 4).

The threshold criteria also determine which youth qualify for statutory exclusion from juvenile court and therefore begin their judicial process in criminal court. With direct file, offense seriousness generally “triggers” appearance in criminal court (Griffin, 2003, p. 10).

In enacting tougher waiver policies in the 1990s, legislatures accomplished the following (Urbina, 2005, p. 148):

- Increased the number of crimes eligible for judicial waiver
- Lowered the threshold age for waiver
- Designated certain crimes for automatic waiver
- Specified certain crimes for presumptive waiver
- Expanded prosecutorial authority to review cases.

As a result of these legislative changes, “approximately 210,000 adolescents nationwide are now prosecuted in adult courts each year” (Urbina, 2005, p. 148). The National Campaign for Youth Justice (n.d.) also reports that about 250,000 youth under 18 are “tried and sentenced in adult courts each year” (p. 1). Mattingly (2006) reports that this adultification policy occurs “despite the fact that research shows that trying and sentencing youth as if they were adults does not increase public safety or reduce crime” (p. 11). Nonetheless, as Sontheimer and Volenik (2004) observed, “As a society, we have decided that people who break the law as children should pay heavier and longer lasting consequences for that behavior than we exacted from them in the past” (p. 1).

## Judicial Waiver

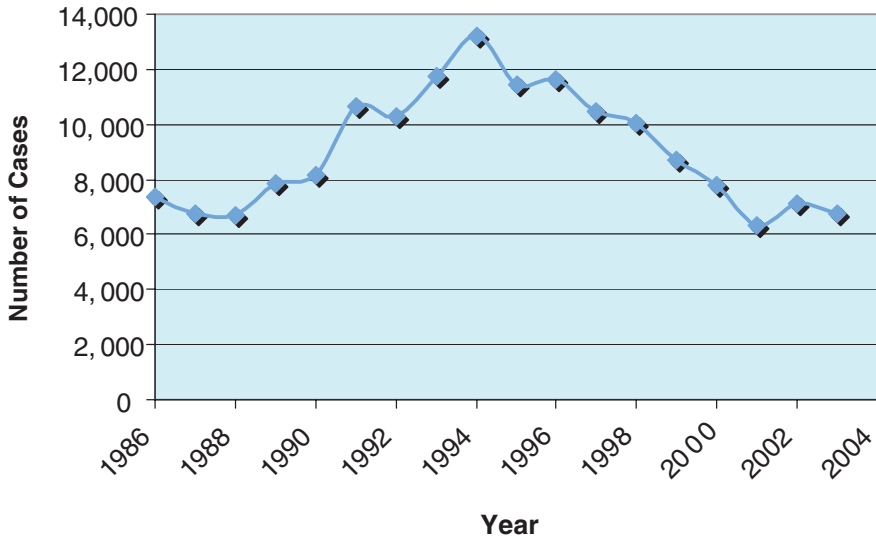
Based on his review, Urbina (2005) concluded that “the most common type of transfer mechanism to criminal court is the judicial waiver” (p. 148). In a study of delinquency cases handled by the courts from 1990 to 1999, Puzanchera (2003) reported that the use of judicial waiver “peaked in 1994” and then declined through the 1990s (p. 1). By 1999, “less than 1% of the formally processed delinquency” cases were waived to criminal court (p. 1). This contrasts to the 1.3% of cases waived in 1994 (i.e., 12,100 cases waived in 1994 compared to 7,500 waived in 1999).

Based on data accessible from the National Center for Juvenile Justice (2006), the use of judicial waiver continued to decline in the early 2000s. In 2003, of 928,849 formally handled cases, 6,735 (0.7%) were judicially waived (see Figures 1 and 2). This is a 49% drop from 1994, when the number of judicially waived cases peaked at 13,089, to 6,735 cases in 2003. From 1986 to 2003, 1.1% (163,094) of all formally handled cases (14,698,959) were waived to criminal court (Stahl, Finnegan, & Kang, 2006).

From 1986 to 2003, of all the person offenses (5,788,243), 1.1% (63,214) were waived to criminal court. Of the person offenses formally handled (3,356,466), 1.9% (63,214) were judicially waived (National Center of Juvenile Justice, 2006; see Figure 3). Of the total number of formally handled property offenses (6,800,062), about 1.0% (65,673) were waived. And of the formally handled drug offenses (1,474,241), 1.5% (21,376) were judicially waived.

Of all the judicially waived cases from 1986 to 2003 (163,094), about 39% (63,214) were person offenses, 40% (65,673) were property offenses, and 13% (21,376) were drug offenses.

**Figure 1**  
**Cases Judicially Waived to Criminal Court**



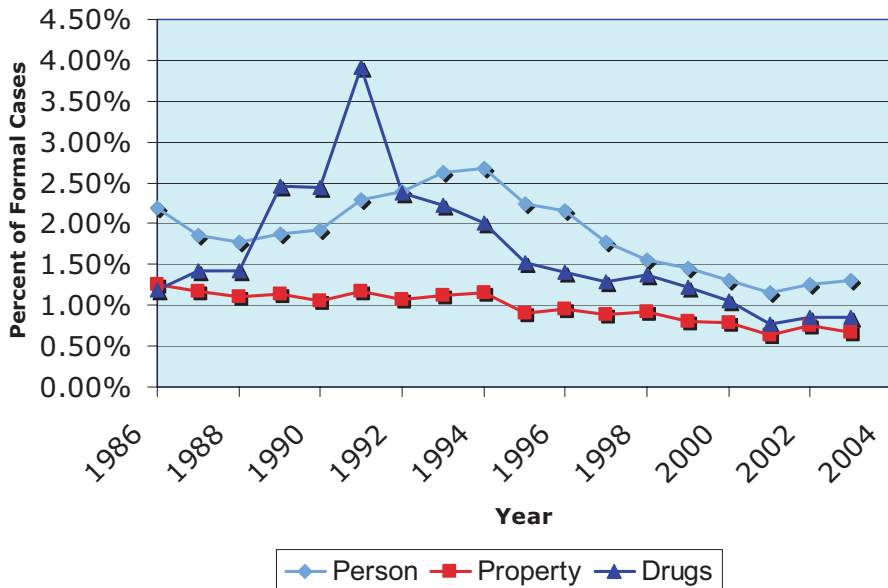
Source: National Center for Juvenile Justice (2006). *National Juvenile Court Data Archive: Juvenile Court Case Records 1985-2003* [machine-readable data files]. Pittsburgh, PA: Author.

**Figure 2**  
**Percent of Cases Waived to Criminal Court**



Source: National Center for Juvenile Justice (2006). *National Juvenile Court Data Archive: Juvenile Court Case Records 1985-2003* [machine-readable data files]. Pittsburgh, PA: Author.

**Figure 3**  
**Percent of Formally Handled Offenses Judicially Waived to Criminal Court**



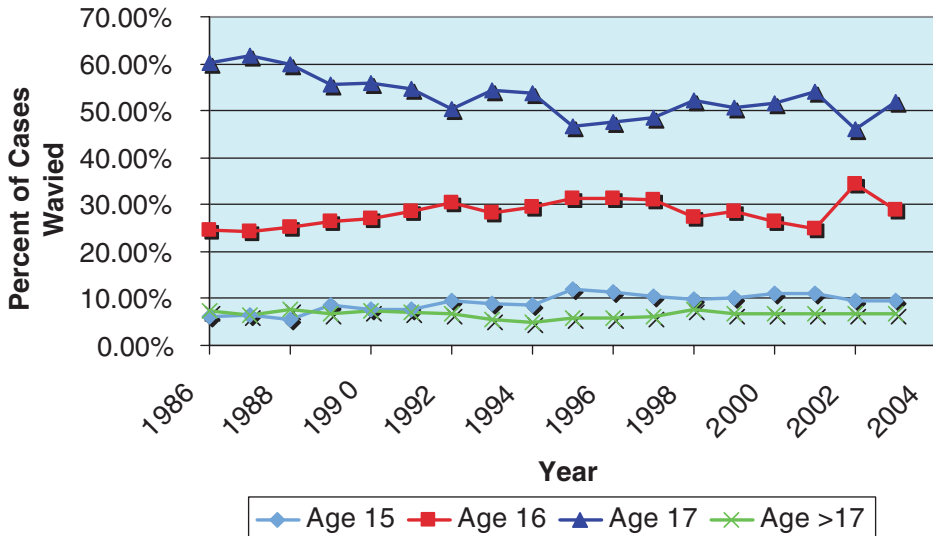
Source: National Center for Juvenile Justice (2006). *National Juvenile Court Data Archive: Juvenile Court Case Records 1985-2003* [machine-readable data files]. Pittsburgh, PA: Author.

As data in Figure 3 indicate, the trend in judicial waivers for all offense categories in the late 1990s decreased. In addition, the age pattern for waiver did not appear to have changed, and 17-year-old youth were most likely to be waived (52%), followed by 16-year-olds (29%). Fifteen-year-old youth, however, were more likely to be waived in the 1990s than in the 1980s (Figure 4). For example, in 1986, 6.2% of all waivers were of 15-year-old youth compared to 8.5% in 1994, 10.6% in 1998, 12.1% in 1995, and 8.5% in 2003 (National Center for Juvenile Justice, 2006).

Although the percentage of older-than-17 remained fairly constant at about 7.0%, the 17-year-olds were less likely to be judicially waived: 60% in 1986, compared to 47% in 2003 (Figure 4).

These national data on waiver indicate that a small percentage of youth are judicially waived (1.1%). Data from Pennsylvania also indicate that very few juvenile offenders are waived to criminal court. In 2004, of 43,537 total dispositions, 172 (0.4%) were judicially transferred to criminal court (Juvenile Court Judges' Commission, 2006, p. 11). This is similar to 2003 (167 of 41,036), 2002 (197 of 39,333), and 2001 (187 of 42,486; Juvenile Court Judges' Commission, 2001-2006). In these years, the percent of cases waived was between 0.4 and 0.5. In Erie County, Pennsylvania, where 817 cases were formally handled in 2004, only 2 were judicially waived (0.2%). In 2003, of the 971 cases that were formally handled in Erie, 3 were judicially waived. In summary, the data on judicial waiver indicate the following:

**Figure 4**  
**Percent of Formally Handled Cases Judicially Waived to Criminal Court by Age**



Source: National Center for Juvenile Justice (2006). *National Juvenile Court Data Archive: Juvenile Court Case Records 1985-2003* [machine-readable data files]. Pittsburgh, PA: Author.

- Very few juveniles are judicially waived to criminal court. “For every 1,000 formally handled delinquency cases, 8 were waived to criminal court” (Puzzanchera, 2003, p. 1).
- During the peak of juvenile violent crime (mid-1990s), the number of cases increased somewhat, but judicial waivers have been decreasing since then and into the 2000s.

In part, the rationale for waiver and exclusion is to remove youth who are not amenable to interventions provided by the juvenile court or who have committed especially violent crimes that presumably warrant more serious punishment. Theoretically, although this goal suggests both specific and general deterrence, the evidence for punitive responses is questionable. In their review of choice theory, Taylor, Fritsch, and Caeti (2007, p. 98) emphasize the diminished rationality of youthful offenders and recognize their immaturity, impulsivity, and inchoate cognitive functioning. As a result, youth often do not recognize the risk of apprehension and punishment.

The declining use of judicial waiver can be partly explained by (a) the decrease in juvenile crime, especially violent crime, and (b) the use of statutory exclusion and direct file. For example, in a study of the effects of exclusionary legislation on jurisdictional transfer in Pennsylvania, Snyder, Sickmund, and Poe-Yamagata (2000) found that the decrease in judicial waiver was almost matched by the number of cases excluded by statute. In other words, whether the transfer is by judicial waiver or statutory exclusion, about the same number of youth are sentenced in criminal court (p. 40). Waivers are declining in part because cases that would have been waived are being direct filed or excluded by statute. In either case, regardless of the mechanism, some of the youth who are transferred to criminal court end up incarcerated in adult prisons.



## Youth Incarcerated in Adult Institutions

The incarceration of juveniles with adults has a long history in the United States. The deleterious effects associated with housing children with adults were cited by reformers in Cook County, Illinois, to support the creation of a separate juvenile court in 1899 (Tanenhaus, 2004). Beginning in the 1990s, there is evidence that the United States reverted to this approach with little consideration of the long-term and short-term consequences.

The exact number of juveniles in jail is unknown, but there are statistics that provide estimates of the number of youth who are younger than 18 and who are incarcerated. For example, Snyder and Sickmund (2006) reported that in June, 2004, there were 7,083 youth (under 18) in jails (p. 236). These youth comprised approximately 1% of the jail population (p. 236). By contrast, in 1998, Austin, Dedel Johnson, and Gregoriou (2000, p. x) reported that there were 9,100 youth under 18 who were incarcerated in local jails in 1998. These recent data suggest that the number of youth in jails has decreased since the 1990s.

Using data derived from states that reported the number of youth under age 18 in state prisons, Snyder and Sickmund (2006) found that there were approximately 4,100 youth who comprised new court commitments in 2002, and they represented 1.1% of all new prison commitments. Most of these youth (79%) were 17 years old when they were admitted (Snyder & Sickmund, 2006, pp. 237-238). Robbery was the primary offense for which these youth were admitted to prison, and it accounted for 4.3% of all new court commitments to prison in 2002 (Snyder & Sickmund, 2006, p. 237). According to Austin et al. (2000, p. x), there were 5,400 juveniles incarcerated in adult prisons in 1998. Woolard, Odgers, Lanza-Kaduce, and Daglis (2005, p. 1) estimate that there are more than 10,000 juvenile offenders in adult correctional settings. Snyder and Sickmund found that the steady increase in the number of new admissions to state prisons between 1986 and 1995 has been followed by a considerable decrease in the number of youth under 18 who have been admitted to prison between 1996 and 2002 (Snyder & Sickmund, 2006, p. 237).

Recent prison data suggest a slowing in the incarceration of youth in adult prisons, but it has occurred along with an overall decline in violent offending as demonstrated by the number of arrests for violent offenses (Snyder & Sickmund, 2006, p. 237). Rather than discontinuing the processing and sentencing of juveniles like adults, these data suggest that juveniles continue to be adversely affected by legislative initiatives that were implemented in the 1990s. In 1985, 18 youth for every 1,000 arrests were incarcerated in an adult prison. By 1997, there were 33 youth incarcerated for every 1,000 juveniles arrested (CNN.com, 2000). Similarly, in Florida, Greene and Dougherty (2001a) reported that one in 13 Florida inmates was doing time for a crime committed as a juvenile.

In Pennsylvania, the Department of Corrections reported that the number of youth under 18, who were received in state prisons in the early 2000s was decreasing (Hartman, 2006). In 2003, however, the number more than doubled from 32 in 2002 to 66 in 2003. This represents less than 1% (0.75%) of all the new commitments received by the Pennsylvania Department of Corrections in 2003 ( $N = 8,760$ ; Hartman, 2006, p. 15).

Furthermore, commitment to an adult institution does not necessarily signal that the juvenile has exhausted the remedies available in juvenile corrections. For example, Annino (2001) found that of the approximately 1,000 youths sentenced to adult prisons in Florida,

more than 40% were never previously committed in the juvenile court (Annino, 2001, p. 477). In short, jail and prison sentences are sometimes used as the first rather than the last disposition in a case.

Demographically, youth in prison tend to be overwhelmingly male. In 2002, males comprised 96% of the new court commitments. In addition, new prison commitments of youth under 18 were disproportionately Black. For example, when Black and White inmate admissions were compared, Blacks outnumbered Whites by 2 to 1 in 2002 (Snyder & Sickmund, 2006, p. 238).

Although it is generally assumed that youth in prison are primarily sentenced as adults only after conviction for a violent offense, this is not always the case. In fact, there is evidence that juveniles may be sentenced more harshly than adults for similar kinds of criminal activity. According to data from 344 counties, juveniles who were transferred to adult court and convicted of larceny, burglary, or weapons offenses in 1996 faced a greater likelihood of incarceration in prison than adult offenders who were convicted of similar crimes (Sickmund, 2003, p. 28). In addition, juveniles who were convicted of murder and weapons offenses were also more likely to be sentenced to longer terms of incarceration in prison than their adult counterparts (Sickmund, 2003, p. 28).

These disparate sentencing practices are not inconsequential. Kurlychek and Johnson (2004) examined the sentences of juveniles (under 18) and young adults (18-24) in Pennsylvania. They found that during a 3-year period from 1997 to 1999, juveniles were sentenced more harshly than young adults (p. 500). "Overall, juveniles appear to be more likely than young adults to be incarcerated for lesser offenses and they tend to receive considerably longer sentence lengths for more serious offenses" (Kurlychek & Johnson, 2004, p. 502). They contend that it is possible that judges may view youth who are transferred to adult court as more culpable and dangerous than young adult offenders (Kurlychek & Johnson, 2004, p. 505).

## **Effects of Incarcerating Youth in Adult Institutions**

One of the consequences of sentencing juveniles to adult jails and prisons is the increased risk of suicide. This risk occurs for youth under 18, who are incarcerated in local jails as well as in state prisons. For example, inmates in local jails who were under 18 had the highest rate of suicide between 2000 and 2002; their rate was 101 for every 100,000 inmates (Mumola, 2005, p. 5). These data contradict the overall trends in jail suicide rates. Typically, it is the oldest inmates, aged 55 or older, who have the highest rate of suicide. However, their rate was 58 suicides for every 100,000 jail inmates in the 2000-2002 data (Mumola, 2005, p. 5).

The situation is even worse for youth under the age of 18 incarcerated in state prisons. Although the suicide rate of state inmates ranged from 13 to 14 suicides for every 100,000 inmates for all age groups over 18, "the suicide rate of State prisoners under 18 was 4 times higher (52 per 100,000), but this group accounted for less than 0.3% of State prisoners and had 3 suicides nationwide over 2 years" (Mumola, 2005, p. 6). In short, the suicide rate for offenders under 18 incarcerated in jail or prison is high, but the actual number of suicides is low compared to the other age groups.

Juveniles incarcerated in adult prisons face greater risks of being physically and sexually abused than adults (Redding, 1999, p. 121). In their research, Austin et al. (2000, p. 8) and Schiraldi and Zeidenberg (1997) report that the incidence of sexual attack or rape, being “beaten up” by staff, and the likelihood of being attacked with a weapon were much higher among juveniles in adult prisons than juveniles in juvenile institutions. Similarly, Greene and Dougherty (2001b, para 8) reported that juveniles in Florida who are incarcerated in adult male prisons were “four times as likely as adults to report being assaulted in DOC facilities.” Between 1995 and 1999, there were 362 assault complaints where a juvenile was the victim, which constituted one for every two juvenile offenders incarcerated with adults. By contrast, for adults, the rate was one complaint for every seven adult offenders (Greene & Dougherty, 2001b, para 9). When juveniles housed with adults were compared to juveniles in juvenile facilities, the findings were even more striking. Youth in the adult system were almost “21 times as likely to be assaulted or injured as teens in Department of Juvenile Justice facilities” (Green & Dougherty, 2001b, para 12). As Woolard et al. (2005) note, the victimization of youth in adult institutions is widely known, yet “there are few safeguards in place to prevent such incidents” (p. 9).

When a juvenile enters prison, he/she frequently lacks the coping skills (both mental and physical) that older offenders employ to sustain their self-respect and their mental health (Amnesty International and Human Rights Watch, 2005, p. 52). These teenagers are ill-equipped to deal with the prison milieu, “and it is also an unlikely place for them to gain the life experiences and education necessary for healthy mental and physical development” (Amnesty International and Human Rights Watch, 2005, p. 52). In short, prison is not a rehabilitative environment designed for youth. Prisons are designed to incapacitate offenders rather than treat them, and youth are particularly disadvantaged in this setting.

Rose (1999) contends that a safe and secure environment is a critical component of treatment programs for young offenders. It is particularly important that the staff and professionals establish a positive relationship and use a consistent approach with the offenders (Rose, 1999, p. 17). In their interviews with 44 young offenders in Florida, who had been sentenced to adult incarceration, Lane, Lance-Kaduce, Frazier, and Bishop (2002) found that more than 60% of the youth perceived their experience negatively. According to Lane et al. (2002), “They [the respondents] felt staff took their hope from them and were generally too mean or apathetic, that the environment was always unsafe, and that they learned too much about how to be better criminals” (p. 448). Youth who experience victimization in adult prisons by inmates, guards, visitors, and other juveniles may not only fear for their safety but also fail to develop positive relationships with adult mentors and role models.

Classification and screening processes for juveniles are not available in all adult facilities. In addition, juveniles in adult prisons are also less likely to have rehabilitation programs, medical, mental health, and academic programs that are appropriate for their age and level of development (Redding, 1999, p. 121). For example, based on information from the *Survey of Inmates in Local Jails, 2002*, Karberg and James (2005) report that about 61% of jail inmates who were 24 years of age or younger “had the highest rate of drug dependence or abuse” (p. 6). In their interviews of girls who had been transferred to adult court and sentenced to adult prisons, Gaarder and Belknap (2002) also found that drug and alcohol dependence was prevalent in their sample. Unfortunately, prison treatment programs designed to help young

offenders deal with these problems are sorely lacking. Woolard et al. (2005, p. 8) contend that it is not just fitting existing adult offender programs and policies for juvenile offenders but rather a requirement that correctional administrators make qualitative changes in approach. Whether it is the juvenile offenders' special housing needs, educational needs, or developmental differences, their treatment plans are significantly different from their adult counterparts (Woolard et al., 2005, p. 9).

Juveniles are also affected by the lack of appropriate medical services in prisons. These youth require education programs that address their physical and sexual development. They have nutrition needs that are related to their physical development, as well as vision and dental care concerns that typically change in adolescence (Woolard et al., 2005, p. 12).

The long-term consequences of juvenile incarceration in adult institutions are not fully understood. The socialization of young offenders in prison may affect their ability to successfully adjust outside the prison when they are eventually paroled or released. As Singer (2003) contends, "The absence of familial and noncriminal attachments may predict the extent to which juvenile offenders are unable to adjust to life outside of prison" (p. 125). In deciding to transfer juveniles into adult courts and sanction them as adults, the sustaining effects of the prison social environment have been largely ignored. Clearly, this is an area worthy of further research.

In addition to their suicide risk, victimization by other inmates and staff, lack of specialized services, and socialization in the prison environment, youth are also disadvantaged by their cognitive functioning. Rather than assume that juvenile and adult brains function identically, Gur (2005) reviewed research conducted on youth and adult brains and contends that the brain does not reach full maturity until the early-to-mid-20s. Furthermore, with respect to moral culpability, those parts of the brain that deal with judgment, impulsive behavior, and foresight develop in the 20s rather than in the teen years (DiMascio, 2006, p. 2; Gur, 2005). Evidence obtained from magnetic resonance imaging (MRI) data has consistently found that children do not have the same physiological means of controlling themselves that adults have (Amnesty International and Human Rights Watch, 2005, p. 47). Despite these data, legislatures have authorized and judges continue to sentence youth to life in prison without the possibility of parole. It is this dimension of juvenile justice policy that we now examine.

## **Juvenile Life Without Parole (JLWOP) Sentences**

Another consequence of the get-tough, punitive legislation that characterizes adultification policies is life sentences for offenders who commit their crimes before age 18. In a comprehensive study of "child offenders" sentenced to life without parole (JLWOP), Amnesty International and Human Rights Watch (2005) identified that 2,225 prisoners in the United States "have been sentenced to spend the rest of their lives in prison for the crimes they committed as children" (p. 1). Because there is "no national depository of these data" this report is a "first-ever" attempt to collect data from state departments of correction (p. 1). The data indicate that "59 percent received the sentence (i.e., LWOP) for their first-ever criminal conviction" and "16 percent were between 13 and 15 years old at the time they committed their crimes" (p. 1). On average, 98 youth under 18 have been admitted to prison with a sentence of life without possibility of parole in each year from 1990 to 2003 (Hartney, 2006, p. 3).

**Table 1**  
**Total Number of Youth Serving Life Without Parole by State**

State	Youth LWOP Total	State	Youth LWOP Total
Alabama	15	Montana	1
Arizona	30	Nebraska	21
Arkansas	46	Nevada	16
California	180	New Hampshire	3
Colorado	46	New Jersey	0
Connecticut	10	North Carolina	44
Delaware	7	North Dakota	1
Federal	1	Ohio	1
Florida	273	Oklahoma	49
Georgia	8	Pennsylvania	332
Hawaii	4	Rhode Island	2
Idaho	Data missing	South Carolina	26
Illinois	103	South Dakota	9
Indiana	2	Tennessee	4
Iowa	67	Utah	0
Louisiana	317	Vermont	0
Maryland	13	Virginia	48
Massachusetts	60	Washington	23
Michigan	306	Wisconsin	16
Minnesota	2	Wyoming	6
Mississippi	17		
Missouri	116	<b>Nationwide</b>	<b>2225</b>

Source: Data provided by 38 state correctional departments and additional sources for the states of Alabama and Virginia.

Amnesty International and Human Rights Watch (2005). *The rest of their lives: Life without parole for children offenders in the United States* (p. 35). New York: Human Rights Watch.

Although the use of life sentences varies in the 41 states and federal courts that impose them, the national average is "1.80 per 100,000 children nationwide" (p. 1). Based on state youth populations per 100,000 youth aged 14 to 17, the national rate of youthful offenders serving life without parole is 14.20. States with the highest rates include (p. 36)

109.6 Louisiana  
 52.9 Michigan  
 49.3 Pennsylvania  
 38.2 Iowa  
 35.1 Missouri

Data in Table 1 indicate that four states accounted for more than half (55%) of the 2,225 LWOP offenders sentenced for crimes committed before they were 18 (p. 35):

Pennsylvania 332  
 Louisiana 317  
 Michigan 306  
 Florida 273

One report concluded that the number of offenders serving LWOP in Pennsylvania is actually higher than that indicated by the data published by Amnesty International/Human Rights Watch in 2004. According to Levin (2007), there were 440 such offenders incarcerated in Pennsylvania prisons in February, 2007. Although the number of life without parole sentences imposed on “children” peaked in 1996 (50 in 1989, 152 in 1996, 54 in 2002), the use of life sentences without parole increased during the 1990s (Amnesty International and Human Rights Watch, 2005, p. 2):

For example, in 1990 there were 2,234 youths convicted of murder in the United States, 2.9 percent of whom were sentenced to life without parole. Ten years later, in 2000, the number of youth murderers had dropped to 1,006, but 9.1 percent were sentenced to life without parole.

In 2003, even though 54 life without parole sentences were imposed, the rate is “three times higher today than it was fifteen years ago” (p. 2). And as previously noted, 59% of young offenders serving life without parole were sentenced on their “first-ever criminal conviction” (Amnesty International and Human Rights Watch, 2005, p. 1).

## Critique of Life Without Parole for Youthful Offenders

As discussed above, although the legal issue of the death penalty for young offenders has ended, the policy issue of harsh penalties has not. Get-tough policies are reflected in jurisdictional waiver, adult sentences, and life without parole. As reported by Amnesty International and Human Rights Watch (2005), “Although it has never ruled on the constitutionality of life without parole for children, the U.S. Supreme Court has often highlighted the inherent differences between youth and adults in the criminal law context” (p. 86). In *Roper* (2005), the Court recognized the immaturity, irresponsibility, and diminished culpability of youth; in response, Amnesty International and Human Rights Watch concluded that punishment for children “should acknowledge that substantial difference” (p. 45).

As noted in this article, post-*Roper* attention has shifted focus to such harsh sentences as life without parole imposed on juveniles. In Mississippi, the Court of Appeals upheld the life sentence of Tyler Edmonds who was 13 when he killed his half-sister’s husband (*Edmonds v. Mississippi*, 2006). One of the challenges in *Edmonds* was the trial court’s failure to inform the jury that conviction would result in a life sentence. The Appeals Court found that no error occurred “in refusing to inform a jury of the mandatory life sentence that the defendant would receive if convicted” (*Edmonds v. Mississippi*, 2006, p. 48). Essentially, the Mississippi court did not rely on *Roper* in determining that youth and culpability did not offset the harsh mandatory sentence.

A case that specifically challenges the constitutionality of life without parole for juveniles (JLWOP) was filed in the Superior Court of Pennsylvania. The case involves Aaron Phillips, who was found guilty of second degree murder in 1988 for a crime he committed when he was 17. The *Amicus Curiae* filed on June 5, 2006, by the Defender Association of Philadelphia and the Juvenile Law Center cite the language and rationale of *Roper* in arguing that the imposition of “life imprisonment without the possibility of parole as here, is unconstitutional” (*Brief of Amicus Curiae*, 2006, p. 7).

From another perspective, in her critique of JLWOP sentences, Massey (2006) concluded that the sentences were “grossly disproportionate” (p. 1083) and based on the Court’s reasoning in *Roper*, sentences of life without parole for juveniles violate the Constitution when the punishment exceeds the seriousness of the offense (p. 3).

Acknowledging that life without parole may be excessive punishment, legislators are still reluctant to deviate from the get-tough policies adopted in the 1990s. One state senator in Pennsylvania, who opposes life without parole for juveniles, Vincent Fumo, D-Philadelphia, stated that it would be “political suicide” to propose legislative changes (DiFilippo, 2006, para 45). “The minute you do, you’re ‘soft on crime,’ and then your opponents use it against you, and in today’s society, that’s all they need” (DiFilippo, 2006, para 46).

The emphasis on harsh punishments such as life without parole—characterized as “grossly disproportionate” (Logan, 1998, p. 681)—suggests that “commitment to a juvenile justice system and the youth rehabilitation principles embedded in it” have been abandoned (Amnesty International and Human Rights Watch, 2005, p. 2). As Kurlychek and Johnson (2004) observed, tougher sentencing reflects an emphasis on public safety, a discounting of rehabilitation, and disregard for diminished culpability or blameworthiness of youthful offenders.

This review of trends in waiver, adult incarceration, and life without parole for young offenders indicates that these punitive legislative reforms of the last decade are well entrenched in juvenile justice policy. Urbina (2005) concluded that “young criminals today are being punished for the behavior of their counterparts who committed serious offenses 15 to 20 years ago” (p. 148). Although severe, punitive, and lengthy sanctions are inconsistent with the rationale used by the Court in *Roper* (2005), it is too soon to measure what, if any, impact *Roper* will have on juvenile justice. Some developments, however, may portend a “softening” or “balancing” in policy.

In Michigan, which confines the third largest number of young life without parole offenders, a recent survey found that 95 percent of Michigan citizens opposed juveniles being sentenced to life without parole (Charney, 2005). Also in Michigan, legislation has been introduced to abolish life-without-parole sentences for young offenders” (DiFilippo, 2006, para 54). Senate Bill 944 stipulates that courts “Shall not sentence an individual who was less than 18 years of age when the crime was committed to imprisonment for life without parole eligibility” (Senate Bill 944, 2006, p. 9). The bill was referred to the Senate Judiciary Committee in January, 2006. In January, 2007, the Michigan legislature again introduced legislation (Senate Bills 6, 9, 28, and 40) to remove this sanction from the penal code. The Bills were referred to the Senate Judiciary Committee (Michigan State Senate, 2007). Although it did not pass the Colorado legislature, a bill was introduced in 2005 to eliminate life without parole and “other particularly long sentences for youth offenders, giving judges the ability to periodically re-examine a youth offender’s progress in prison” (Amnesty International and Human Rights Watch, 2005, p. 89). Also in 2005, Florida legislators considered Senate Bill 446 to “ensure parole for some children sixteen years old and younger sentenced to life” (Amnesty International and Human Rights Watch, 2005, p. 89). The legislation did not pass.

In Pennsylvania, which confines the largest number of life without parole youth and is “one of the 15 states that have no age minimum on JLWOP sentences” (Rubin, 2006, p. 15),

the guiding mission of juvenile justice is Balanced and Restorative Justice (Juvenile Court Judges' Commission, 2005). This offers a commitment to "redemption" for youthful offenders while protecting the community and holding juveniles accountable for their offending. Apparently, the state has not abandoned the spirit of juvenile justice even though harsh sentences persist.

Also in response to tough adult sentences for juveniles, Colorado is being scrutinized for the broad authority prosecutors have to charge youth as adults (Moffeit & Simpson, 2006). In examining cases of youth sentenced as adults, disparities and injustices are striking "a nerve with judges, jurors, lawyers and legislators who believe the adult system has mishandled some juveniles' cases" (Moffeit & Simpson, 2006, para 9). Because prosecutors are authorized to direct file to adult court, waiver hearings have been eliminated, and youth do not have an opportunity for judicial review of waiver criteria or circumstances of the case.

Similarly, *The New York Times* featured a series of articles in October 2005 that reported on prisoners serving life sentences and included a story on youth serving life without parole (Liptak, 2005). Liptak noted that some youth were 15 years or younger when they committed their crimes and could spend their entire lives incarcerated.

Whether other states will follow Michigan, Colorado, and Florida and begin reassessing their juvenile justice policies and move away from adultification remains to be seen. The rationale of *Roper* may provide legislators with language to justify reform of policies enacted in the 1990s when fear, frustration, and anger pervaded the discourse on youth crime.

## Discussion

It may be premature to assess what effect, if any, the *Roper* decision has had on juvenile policy regarding waiver to adult court, incarceration in adult prisons, and sentences to life imprisonment without the possibility of parole. In his review of challenges to JLWOP sentences, Rubin (2006) concluded that "JLWOP relaxation is not an easy redirection, and current efforts are a long way from becoming a movement" (p. 1). Because the Supreme Court only recently determined that the death penalty was unconstitutional for juvenile offenders, it may be unrealistic to anticipate significant changes this soon. Whether the Pennsylvania court applies the *Roper* rationale in finding JLWOP unconstitutional remains to be seen.

Prior to *Roper*, however, there was evidence that there were (a) fewer admissions to prison for both White and Black youth in 1999 compared to 1995 (Sickmund, 2004, p. 21), (b) fewer cases were judicially waived in 2002 compared to the mid-1990s (National Center for Juvenile Justice, 2006), and (c) fewer youth were being sentenced to life without parole in 2002 compared to 1996 (Amnesty International and Human Rights Watch, 2005). Ironically, as Hutchinson (2005) observed, without the death penalty, legislatures may be reluctant to remove the life without parole sanction. In addition, LWOP is seen as a "far more humane" sentence than the death penalty (para 9):

Considering the relatively low rate of juvenile crime, these data may signify a more lenient or softer approach in handling juvenile offenders. As previously discussed, restorative justice is an alternative that holds some promise in dealing with youthful offenders. It is also conceivable that more states will emulate Michigan and consider rescinding life



without possibility of parole sentences for juvenile offenders. Conversely, more states, like Texas, might move to amend life sentence statutes that previously permitted consideration for parole after a specified number of years and now preclude any eligibility for parole. In terms of economic considerations, the exorbitant costs and uncertain benefits associated with life without parole sentences may also affect willingness to reconsider legislation. For example, in Michigan, it is estimated that keeping a youth in prison for life “will cost the state at least one million dollars, and the value of keeping them in prison will never be re-evaluated” (LaBelle, Phillips, & Horton, 2004, p. 24).

From a pragmatic perspective, the effectiveness of harsh penalties on juvenile crime is also questioned. As reported by Amnesty International and Human Rights Watch (2005), in 1989, youth represented 11% of the offenders arrested for homicide. In 1999, they comprised 10% of the homicide offenders. “If harsh sentencing were the answer to deterring serious and violent juvenile crime, the United States should be among the countries with the lowest percentages of youth murderers” (p. 109).

As Rubin (2006) noted, “efforts to reduce criminalization of juveniles are taking place” (p. 16). He cites Connecticut’s legislative review for raising the “current maximum juvenile age of 16 years to 18 years” (p. 16). In addition, in Delaware, automatic transfer for robbery offenders has been reversed, and in Wisconsin and New Hampshire, policies for returning eligibility for juvenile court to a youth’s 18th birthday are under review (Rubin, 2006, p. 16).

These conflicting approaches to young offenders illustrate the ambiguity in juvenile justice policy and reflect Bernard’s (1992) thesis that policy is cyclic and shifts between severe and soft handling of youth. Although Applegate and Davis (2006) found some evidence among Florida respondents of a softening in public attitudes toward sentencing of juvenile offenders, and Nagin, Piquero, Scott, and Steinberg (2006) found Pennsylvania respondents more willing to pay for rehabilitation versus incarceration, there is also a punitive *Zeitgeist* that prevails.

This review of waiver, incarceration, and JLWOP demonstrates the punitive aspects and legacy of juvenile justice policy. Although the Court’s reasoning in *Roper* provides rationale for more tolerant and therapeutic responses to youthful offending, the legislative reforms at the end of the 20th century portend a dualistic model for juvenile justice: a system that engages in prevention and intervention for some youth and punishment and exclusionary sanctions for others.

In 2004, Sontheimer and Volenik asked, “Is the Juvenile Justice System Still Relevant?” (p. 1). Although they recognized the “blurred” line between juvenile and criminal court and the emphasis on public safety rather than treatment, based on their review of recent trends and research, they concluded that the juvenile justice system is capable of providing public safety while also using a wider range of dispositions and interventions than does the adult criminal justice system (2004, p. 4).

Although the prevailing rhetoric of juvenile justice continues to emphasize criminalization and punishment of youth, it does not supplant the juvenile court’s original mission to intervene on behalf of youthful offenders. The Court’s ruling in *Roper* reaffirms the assumptions of juvenile justice that the diminished capacity and culpability of youth requires a degree of benevolence in accountability and punishment of juvenile offenders. Whether the *Roper* reaffirmation that youth are different from adults will mitigate harsh

punishments such as JLWOP will be determined by emergent legislative reforms and appellate reviews. Conflicting images of youth and the dual but overlapping juvenile and criminal justice systems ensure that the sanctioning of juvenile offenders will continue to be a salient policy issue.

## References

- Amnesty International and Human Rights Watch. (2005). *The rest of their lives: Life without parole for children offenders in the United States*. New York: Human Rights Watch.
- Annino, P. G. (2001). Children in Florida adult prisons: A call for a moratorium. *Florida State University Law Review*, 28, 471-490.
- Applegate, B. K., & Davis, R. K. (2006). Public views on sentencing juvenile murderers: The impact of offender, offense, and perceived maturity. *Youth Violence and Juvenile Justice*, 4, 55-74.
- Austin, J., Dedel Johnson, K., & Gregoriou, M. (2000). *Juveniles in adult prisons and jails: A national assessment*. Bureau of Justice Assistance. Washington, DC: U.S. Department of Justice.
- Benekos, P. J., & Merlo, A. V. (2005). Juvenile offenders and the death penalty: How far have standards of decency evolved? *Youth Violence and Juvenile Justice*, 3, 316-333.
- Bernard, T. J. (1992). *The cycle of juvenile justice*. New York: Oxford University Press.
- Brief of Amicus Curiae, Commonwealth of Pennsylvania, Appellee v. Aaron Phillips, Appellant, No. 2729, Superior Court of Pennsylvania, Eastern District, EDA 2005.
- Butts, J. A., & Snyder, H. N. (2006). *Too soon to tell: Deciphering recent trends in youth violence*. Chicago: Chapin Hall Center for Children at the University of Chicago.
- Charney, J. (2005). *WSU: Michigianians oppose state law on sentencing youths as adults*. Retrieved September 5, 2007, from <http://life.wayne.edu/article.php?id=1412>
- CNN.com. (2000, February 28). *Number of juveniles sent to adult prisons skyrocketing, study shows*. Retrieved February 15, 2006, from <http://archives.cnn.com/2000/US/02/27/juveniles.in.jail/>
- Death Penalty Information Center. (2006). *News and developments-Juveniles*. Available from <http://www.deathpenaltyinfo.org>
- DiFilippo, D. (2006). No future: Pa leads nation in juveniles serving life sentences. *Philadelphia Daily News*. Available from <http://www.philly.com>
- DiMascio, W. (2006, September). Punishment has replaced juvenile redemption. *Correctional Forum*, 2-3.
- Dinkes, R., Cataldi, E. F., Kena, G., & Baum, K. (2006). *Indicators of school crime and safety: 2006* (NCES 2007-003/NCJ 214262). U.S. Departments of Education and Justice. Washington, DC: U.S. Government Printing Office.
- Edmonds v. Mississippi, No. 2004-KA-02081-COA (Miss.App. January 31, 2006).
- Gaarder, E., & Belknap, J. (2002). Tenuous borders: Girls transferred to adult court. *Criminology*, 40, 481-517.
- Greene, R., & Dougherty, G. (2001a, March 18). Kids in prison tired as adults, they find trouble instead of help and rehabilitation. *The Miami Herald*, Retrieved September 6, 2007, from [http://vachss.com/help\\_text/archive/kids\\_prison.html](http://vachss.com/help_text/archive/kids_prison.html)
- Greene, R., & Dougherty, G. (2001b, March 19). Kids in prison: Young inmates report highest rate of assault scalding water, handmade knives, locks among weapons used to attack. *The Miami Herald*, Retrieved September 6, 2007, from [http://www.vachss.com/help\\_text/archive/kids\\_prison\\_2.html](http://www.vachss.com/help_text/archive/kids_prison_2.html)
- Griffin, P. (2003). *Trying and sentencing juveniles as adults: An analysis of state transfer and blended sentencing laws*. Special Project Bulletin. Pittsburgh, PA: National Center for Juvenile Justice and Office of Juvenile Justice and Delinquency Prevention.
- Gur, R. C. (2005, January/February). Brain maturation and the execution of juveniles. *The Pennsylvania Gazette*, 103. Retrieved October 23, 2006, from <http://www.upenn.edu/gazette/0105/index.html>
- Hartman, M. (2006). *Annual statistical report 2003*. Office of planning, research, statistics and grants. Pennsylvania Department of Corrections.
- Hartney, C. (2006). *Youth under age 18 in the adult criminal justice system*. San Francisco, CA: National Council on Crime and Delinquency.

- Hutchinson, E. O. (2005, November 16). *No-parole sentences hurt black teens*. AlterNet. Retrieved September 5, 2007, from <http://www.alternet.org/story/28376/>
- Juvenile Court Judges' Commission. (2001-2006). *Pennsylvania juvenile court dispositions* (Annual Editions). Shippensburg, PA: Center for Juvenile Justice Training and Research.
- Karberg, J. C., & James, D. J. (2005). *Substance dependence, abuse, and treatment of jail inmates, 2002*. Bureau of Justice Statistics, Special Report. Washington, DC: U.S. Department of Justice.
- Kurlychek, M. C., & Johnson, B. D. (2004). The juvenile penalty: A comparison of juvenile and young adult sentencing outcomes in criminal court. *Criminology*, *42*, 485-515.
- LaBelle, D., Phillips, A., & Horton, L. (2004). *Second chances: Juveniles serving life without parole in Michigan prisons*. Detroit, MI: American Civil Liberties Union.
- Lane, J., Lanza-Kaduce, L., Frazier, C. E., & Bishop, D. M. (2002). Adult versus juvenile sanctions: Voices of incarcerated youth. *Crime & Delinquency*, *48*, 431-455.
- Levin, S. (2007, February 18). How teens end up put away for life. *Pittsburgh Post-Gazette*, pp. A1, A12.
- Liptak, A. (2005, October 3). Jailed for life after crimes as teenagers. *The New York Times*. Available from <http://www.nytimes.com>
- Logan, W. A. (1998). Proportionality and punishment: Imposing life without parole on juveniles. *Wake Forest Law Review*, *33*, 681-725.
- Marley, P., Held, T., & Richards, E. (2006, September 30). Wis. student kills school's principal. *Pittsburgh Post-Gazette*, pp. A-1, A-6.
- Massey, H. J. (2006). Disposing of children: The eighth amendment and juvenile life without parole after *Roper*. *Boston College Law Review*, *47*, 1083. Retrieved September 5, 2007, from <http://ssrn.com/abstract=926758>
- Mattingly, M. (2006). New organization aims its focus on trying juveniles as adults. *Juvenile Justice Update*, *11*(6), 11.
- Michigan State Senate. (2007). *Senate fiscal agency*. "Senate Bill Analysis." Retrieved September 5, 2007, from <http://www.senate.michigan.gov/sfa>
- Moffeit, M., & Simpson, K. (2006, February 19). Teen crime, adult time. *Denver Post*. Available from <http://www.denverpost.com>
- MSNBC.com. (2006, October 1). *Details emerge about teen held in Wis. shooting*. Retrieved January 2, 2007, from <http://www.msnbc.msn.com/id/15060698/>
- Mumola, C. J. (2005). *Suicide and homicide in state prisons and local jails*. Bureau of Justice Statistics. Washington, DC: Office of Justice Programs.
- Nagin, D.S., Piquero, A. R., Scott, E., & Steinberg, L. (2006). Public preferences for rehabilitation versus incarceration of juvenile offenders: Evidence from a contingent valuation survey. *Criminology and Public Policy*, *5*, 627-652.
- National Campaign for Youth Justice. (n.d.). *Facts*. Available from <http://www.campaign4youthjustice.org>
- National Center of Juvenile Justice. (producer). (2006). *National Juvenile Court Data Archive: Juvenile Court Case Records 1985-2003* [machine-readable data files]. Pittsburgh, PA: Author.
- OJJDP statistical briefing book*. (2005). Retrieved February 28, 2005, from <http://ojjdp.ncjrs.gov/ojstatbb/crime/qa05101.asp?qaDate=20050228>.
- Puzzanchera, C. M. (2003). *Delinquency cases waived to criminal court, 1990-1999*. Office of Juvenile Justice and Delinquency Prevention Fact Sheet. Washington, DC: Office of Justice Programs.
- Puzzanchera, C. M., Adams, B., Snyder, H., & Hang, W. (2006). *Easy access to FBI arrest statistics 1994-2004*. Retrieved September 8, 2007, from <http://ojjdp.ncjrs.gov/ojstatbb/ezauc/>
- Redding, R. E. (1999). Examining legal issues: Juvenile offenders in criminal court and adult prison. *Corrections Today*, *61*, 92-95, 120-124.
- Roper v. Simmons*, 543 U.S. 551, 578 (2005).
- Rose, J. (1999). Young lives—long sentences. *Prison Service Journal*, *122*, 16-19.
- Rubin, H. T. (2006). Challenges to juvenile life without parole sentences and adult punishments: New beginnings. *Juvenile Justice Update*, *12*(5), 1-2, 14-16.
- Senate Bill No. 944 (2006). *Ban life without parole sentences for juveniles*. Retrieved September 8, 2007, from <http://www.senate.mo.gov/00info/pdf-bill/intro/SB944.pdf>

- Schiraldi, V., & Zeidenberg, J. (1997). The risks juveniles face when they are incarcerated with adults. *Center on Juvenile and Criminal Justice*. Retrieved February 15, 2006, from <http://www.cjcj.org/pubs/risks/risks.html>
- Sickmund, M. (2003). *Juveniles in court*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Sickmund, M. (2004). *Juveniles in corrections*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Singer, S. (2003). Incarcerating juveniles into adulthood. *Youth Violence and Juvenile Justice*, 1, 115-127.
- Snyder, H. N. (2005). *Juvenile arrest 2003*. Juvenile Justice Bulletin. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Snyder, H. N., & Sickmund, M. (2006). *Juvenile offenders and victims: 2006 national report*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Snyder, H. N., Sickmund, M., & Poe-Yamagata, E. (2000). *Juvenile transfers to criminal court in the 1990's: Lessons learned from four studies*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Sonthaimer, H., & Volenik, A. (2004). Is the juvenile justice system still relevant? *Juvenile Justice Update*, 9(6), 1-4.
- Stahl, A., Finnegan, T., & Kang, W. (2006). *Easy Access to Juvenile Court Statistics: 1985-2003*. Retrieved September 8, 2007, from <http://ojjdp.ncjrs.org/ojstatbb/ezajcs/>
- Tanenhaus, D. S. (2004). *Juvenile justice in the making*. New York: Oxford University Press.
- Taylor, R. W., Fritsch, E. J., & Caeti, T. J. (2007). *Juvenile justice: Policies, programs, and practices* (2nd ed.). New York: McGraw-Hill.
- Uniform Crime Reports. (2006). *Crime in the United States 2005*. Retrieved October 1, 2006, from <http://www.fbi.gov/ucr/05cius/>
- Urbina, M. G. (2005). Transferring juveniles to adult court in Wisconsin: Practitioners voice their views. *Criminal Justice Studies*, 18, 147-172.
- Woolard, J. L., Odgers, C., Lanza-Kaduce, L., & Daglis, H. (2005). Juveniles within adult correctional settings: Legal pathways and developmental considerations. *International Journal of Forensic Mental Health*, 4, 1-18.

**Peter J. Benekos** is dean of the School of Social Sciences and a professor of criminal justice and sociology at Mercyhurst College. He is the coauthor (with Alida V. Merlo) of *Crime Control, Politics & Policy*, Second Edition (LexisNexis/Anderson, 2006) and coeditor (with Alida V. Merlo) of *Controversies in Juvenile Justice and Delinquency* (LexisNexis/Anderson, 2004).

**Alida V. Merlo** is a professor of Criminology at Indiana University of Pennsylvania. Her research focuses on corrections, juvenile justice, criminal justice policy, and women and the law. Recently, she coauthored (with Peter J. Benekos) *Crime Control, Politics, & Policy*, Second Edition (LexisNexis/Anderson, 2006), and coeditor (with Joycelyn M. Pollock) of *Women, Law & Social Control*, Second Edition (Allyn & Bacon, 2006).