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Juvenile Transfer and Deterrence: Reexamining the Effectiveness of a “Get-Tough” Policy

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Abstract

Although research has examined the effectiveness of juvenile transfer on recidivism, there has been a lack of research done in assessing how well juvenile waiver to adult court meets the criteria necessary for deterrence to occur (i.e., certainty, severity, and swiftness of punishment). The purpose of this study is to assess how well juvenile transfer meets these criteria, using data on 345 youths legislatively waived to adult court in Pennsylvania. The findings indicate that there is greater punishment severity in adult court, but there is no difference in punishment certainty between the two court systems. In addition, court processing occurred more quickly in juvenile court. In other words, only one element of deterrence theory is achieved with juvenile transfer. Implications for subsequent research and policy are discussed.

Keywords

decertification, juvenile transfer, legislative waiver, offense exclusion, Act 33

From the late 1980s through the mid-1990s, American youth violence became a major public concern (Zimring, 1998). Aggregate juvenile violent crime arrest rates increased by more than 60% from 1988 to 1994 (Snyder, 1998), and the total number of juvenile arrests for murder rose by more than 100% during this same time period (Cook & Laub, 1998; Zimring, 1998). In addition

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to surges in violent youthful offending, violent victimization of adolescents also increased substantially. It not only appeared that juveniles were becoming more involved in violent acts, but they also were suffering at the hands of their peers. In this context, serious and violent delinquents started to be branded as “super-predators” (Dilulio, 1995), who were thought to be not only more dangerous than previous generations of youth but also younger when they started exhibiting their violent behavior.¹

As a result of growing public concern about youth violence, legislatures and juvenile courts responded with a number of “get-tough” policies and strategies (Taylor, Fritsch, & Caeti, 2002). For example, more juvenile offenders were sent to detention and correctional facilities and for lengthier periods of time. The most popular approach, though, was for states to make it easier to “transfer” or “waive” certain youths to adult criminal court (Torbet et al., 1996).

In an examination of the use of juvenile waivers, there are several intended purposes, including increased punishment, transfer of the most serious offenders so the juvenile court can concentrate on those more amenable to treatment, and deterrence (Mears, 2003). In Mears’s (2003) critique of the empirical research on juvenile waiver, he indicates the important gaps in the transfer literature, strongly encouraging the need for more studies that assess how effective transferring youth to adult court is in achieving these purposes. Although there are several goals of transfer, the focus of this study is to examine the effectiveness of adult court punishment for violent youthful offenders in achieving punishment certainty, severity, and swiftness of punishment, which are the three components necessary to achieve specific deterrence from subsequent recidivism (Beccaria, 1764/1963).

Several researchers have examined the accountability of juvenile transfer in terms of deterrence theory. Some research has been done on the effect of juvenile transfer on both general deterrence (see, e.g., Jensen & Metsger, 1994; Risler, Sweatman, & Nakerud, 1998; Singer & McDowall, 1988) and specific deterrence (see, e.g., Bishop, Frazier, Lanza-Kaduce, & Winner, 1996; Fagan, 1995, 1996; Myers, 2001, 2003b; Podkopacz & Feld, 1996; Winner, Lanza-Kaduce, Bishop, & Frazier, 1997). This research generally shows that transfer has either no effect on recidivism or that transferred youths actually exhibit higher recidivism than nontransferred youths. Regardless of these findings, it is important that when discussing deterrence, researchers also should assess how consistent juvenile transfer is with the three elements of deterrence (Beccaria, 1764/1963). In other words, is there a higher likelihood of punishment certainty, severity, and swiftness of punishment in adult court for these youths?

Past Empirical Research

Punishment Certainty

In examining the first element of deterrence theory, Beccaria (1764/1963) stated that punishment should be certain. He stated that the strong impression made by the high likelihood of punishment would result in people's refraining from committing crime. If consistent with deterrence associated with juvenile transfer, certainty of punishment should be higher among transferred offenders as compared to nontransferred offenders. The early descriptive research on juvenile transfer and punishment certainty (i.e., conviction) reports high conviction rates (between 76% and 96%) among transferred offenders (Bishop & Frazier, 1991; Bishop, Frazier, & Henretta, 1989; Champion, 1989; Gillespie & Norman, 1984; Houghtalin & Mays, 1991; Thomas & Bilchik, 1985). Although these could be viewed as high conviction rates, it does not necessarily follow that transfer increases the likelihood of conviction. Researchers were better able to assess the effect of transfer itself on conviction when they used comparative methods to examine the issue.

Early comparative research suggests that transferred offenders experience higher conviction rates than nontransferred offenders (Eigen, 1981a, 1981b; Rudman, Hartstone, Fagan, & Moore, 1986). However, these studies suffer from a lack of multivariate analyses, meaning other explanatory factors (e.g., offense seriousness and prior record) were not statistically controlled for in the analyses. More recent research using multivariate techniques generally do indicate that violent transferred offenders experience a higher conviction rate than similar youths retained by the juvenile court (Fagan, 1995; Myers, 2001, 2003a). Fagan's (1995) research does, however, suggest that the likelihood of conviction may be offense based, with less of a difference in likelihood of conviction existing among nonviolent offenders. Myers (2001, 2003a) also found a higher probability of target conviction (i.e., conviction on the offense that triggered the initial transfer to adult court) among transferred offenders. This is an indication of a lower likelihood of reduced charges in adult criminal court. In other words, transferred youths appear less likely to benefit from plea bargaining and more likely to be convicted of the crime that initiated waiver to adult court.

Punishment Severity

The second element of deterrence theory is punishment severity. Beccaria (1764/1963) stated that for deterrence to take place, punishment should be severe enough to outweigh the benefits derived from the illegal act. Beccaria

did stress, however, that punishment should not be overly severe. In other words, the punishment should be proportionate to the crime. When examining deterrence theory, research generally assesses the harshness of the sentences imposed on offenders. Punishment severity can be assessed in juvenile transfer research by examining the likelihood of incarceration as well as incarceration length among transferred youths. If juvenile transfer is to be effective in deterring youths, it would be expected that there would be increased punishment severity among transferred offenders.

Early descriptive research found that between 64% and 67% of the transferred and convicted offenders were incarcerated (Bishop et al., 1989; Bishop & Frazier, 1991; Houghtalin & Mays, 1981; Thomas & Bilchik, 1985). Again, because comparison groups were not used, sound conclusions cannot be made. Other research that used comparison groups suggests that transferred youths experience a greater likelihood of incarceration than nontransferred youths (Eigen, 1981a, 1981b; Fagan, 1995; Podkopacz & Feld, 1995; Rudman et al., 1986) and were sentenced to longer incarceration time than nontransferred offenders (Eigen, 1981a, 1981b; Rudman et al., 1986). However, explanatory factors were not controlled for in those analyses, meaning the results could have been caused by other unmeasured factors (e.g., offense seriousness). Fagan's (1995) research found very little difference in incarceration time between transferred and nontransferred offenders, and Fritsch, Caeti, and Hemmens (1996) found longer confinement time among youths in adult court but also indicated the need to examine actual time served (instead of the official sentence imposed by the court), as transferred youths served only a small portion of their sentences. More recent multivariate research does indicate that serious and violent transferred offenders are more likely to be incarcerated (see, e.g., Kupchik, 2006; Myers, 2001) and more likely to be sentenced to significantly longer incarceration times than similar retained offenders (Lemmon, Austin, Verrecchia, & Fetzer, 2005; Myers, 2001, 2003a). This suggests that transfer is effective in generating longer sentences (i.e., punishment severity) for these offenders, as compared to those in juvenile court.

Punishment Swiftmess

The final element of deterrence theory is swiftness of punishment. According to Beccaria (1764/1963), if punishment quickly follows the illegal act, offenders will be able to associate the punishment with that act. An increased separation between the punishment and the act will result in a disassociation of the two, and a decreased likelihood of deterrence among offenders. A common measure of punishment swiftness is the length of time it takes to process offenders'

cases (i.e., time between arrest and final disposition). This does assume, however, that arrests occur soon after the alleged illegal act took place. The date of final disposition will be when the final “punishment” is imposed. Youths who are transferred to adult court, therefore, should experience shorter case-processing time (i.e., punishment swiftness) than similar youths in juvenile court.

The research, however, is consistent in showing that that transferred offenders experience significantly longer case-processing time than those who are retained in juvenile court (Fagan, 1995; Myers, 2001, 2003a; Rudman et al., 1986). Though the U.S. Constitution and state constitutions provide defendants in adult criminal court the right to speedy trials, this time frame is typically shorter than state processing time requirements regarding offenders tried in juvenile court. Also, because of court docket backlogs, along with the exercise of due process rights (e.g., bail and right to a jury trial), many cases in the adult system require lengthy processing times.

Limitations of Prior Research

As mentioned earlier, prior research has examined the effectiveness of juvenile transfer on specific deterrence (see, e.g., Fagan, 1995; Myers, 2003b; Winner et al., 1997). However, there is little research that examines the punishment outcomes in terms of certainty, severity, and swiftness of punishment (see, e.g., Fagan, 1995; Rudman et al., 1986), which then affects the level of offender recidivism (Becarria, 1764/1963). Even less research has been done examining all three elements of deterrence theory using multivariate analyses (see, e.g., Myers, 2001, 2003a).

The most important limitation of prior research is in regard to the statistical analyses. All the research that compares youths in juvenile and adult court uses a quasi-experimental design because of the unethical and impractical nature of random assignment. When using quasi-experimental designs, sample elements in one group (e.g., youths in juvenile court) already differ from sample elements in the other group (e.g., youths in adult court) (Shadish, Cook, & Campbell, 2002), meaning the groups are statistically nonequivalent on factors other than just the court in which their cases are processed (i.e., selection bias). One way of minimizing the validity threat of selection bias is through statistically controlling for factors that distinguish the groups. Past research on juvenile waiver that used multivariate analyses tends to statistically control for many factors (e.g., offense seriousness, prior record, age, race, etc.), but unmeasured factors likely still exist between the two groups. Put differently, even after controlling for other explanatory factors, the type

of court still is not the only difference between the two groups, meaning the results of those studies need to be interpreted with caution.

The current study advances this research area, as many studies, to date, do not statistically account for selection bias. A limited number of studies do, though, control for selection bias through various methods (see, e.g., Kupchik, 2006). We, therefore, use the Heckman two-step approach, a statistical technique that allows us to control for this validity threat (Bushway, Johnson, & Slocum, 2007; Heckman, 1976). This study examines the certainty, severity, and swiftness of punishment for youths processed in adult court (as compared to youths processed in juvenile court), after controlling for selection bias. Through the use of this technique, the results will be more meaningful, allowing firmer conclusions to be drawn and a more concrete understanding of the effectiveness of juvenile waiver in achieving this particular goal.

Methodology

The data include all youths who had preliminary hearings in three Pennsylvania counties (i.e., Philadelphia, Allegheny, and Dauphin) between March 1996 (the implementation date of Pennsylvania's legislative waiver law, Act 33; Pennsylvania Juvenile Court Judges' Commission, 1996) and December 1996 and who were determined to meet the Act 33 criteria for juvenile court exclusion.² First, except in the case of murder, the juvenile must be at least age 15 at the time of the offense and not older than 17. Second, the offender must be charged with a violent crime (i.e., rape, involuntary deviant sexual intercourse, aggravated assault or aggravated indecent assault, robbery, robbery of a motor vehicle, voluntary manslaughter, kidnapping, or an attempt, conspiracy, or solicitation to commit any of these crimes). Third, the youth either must have used a deadly weapon in the offense or must have been previously adjudicated for an excluded offense (except if the current offense is aggravated assault, which is not included in the repeat offender clause).

There is, however, a provision in place for offenders who initially are waived under Act 33 to be decertified to juvenile court. Juveniles can request a hearing to have their respective cases considered for decertification. The burden is on the juvenile to establish, by a preponderance of the evidence, that decertification will serve the "public interest" (Pennsylvania Juvenile Court Judges' Commission, 1996). In considering decertification, criminal court judges are required to use the same criteria that juvenile court judges use in making a judicial waiver decision (e.g., child's culpability, age, maturity, prior record, and amenability to treatment). If the case is decertified, it is then processed in juvenile court. If the case is not decertified, it remains in adult court. Numerous visits were made to each research site to examine these

Table 1. Descriptive Statistics for All Continuous Variables $N = 345$

Variable	<i>M</i>	<i>SD</i>	Min.	Max.
Age	16.71	0.80	15.01	18.00
Prior referrals	1.74	2.27	0.00	13.00
Prior violent referrals	0.62	1.01	0.00	5.00
Case-processing time (natural log)	5.21	1.10	0.69	7.27

youths' case files (e.g., probation, public defender, and district attorney files), after which the final sample was 345, of which 144 were decertified to juvenile court and 201 were not decertified (i.e., those retained in adult court).³

Because random assignment to groups is not possible with this type of research, the two groups of offenders are likely to differ in regard to factors other than type of court. As discussed earlier, criminal court judges can decertify youths where it serves the "public interest," meaning that additional factors do likely distinguish the two groups of offenders. Therefore, we employ the Heckman two-step approach to statistically control for the differences between the groups (see, e.g., Bushway et al., 2007; Heckman, 1976). In employing the first step of the Heckman approach, we first modeled the probability of being included in the decertified group. The estimates were then used to calculate a lambda term (i.e., inverse Mill's ratio). The lambda term represents the unmeasured factors that has an effect on the decertification decision.⁴ The second step in this approach involves using the lambda term, as a variable, in subsequent multivariate analyses when comparing decertified and nondecertified youths. The Heckman two-step approach allows for unbiased estimates in the analyses, because the selection bias factor is statistically controlled for with the lambda term.

Measures

Tables 1 and 2 present descriptive statistics of all the variables employed in the current study for the entire group of violent youths.

Dependent Variables

There are five dependent variables examined in this study, which are meant to measure the elements of deterrence theory. *Conviction* and *target conviction* both pertain to punishment certainty. With regard to the current research, *conviction* refers to whether any charges were substantiated in either juvenile or adult court. *Target conviction* is whether a youth was convicted on the statutory excluded offense that triggered the initial waiver to criminal court.

Table 2. Descriptive Statistics for All Nominal and Ordinal Variables

Variable	%	<i>n</i>
Decertification		
Decertified	42	144
Nondecertified	58	201
Gender		
Male	88	304
Female	12	41
Race		
Non-White	87	301
White	13	44
Offense		
Aggravated assault	41	142
Robbery	53	182
Other offense	6	21
Role		
Primary role	71	244
Nonprimary role	4	15
Unknown role	25	86
Weapon		
Firearm	55	189
Nonfirearm	27	95
Unknown weapon	18	61
Attorney		
Public defender	46	158
Nonpublic defender	54	187
County		
Allegheny	16	55
Dauphin	6	21
Philadelphia	78	269
Conviction	68	234
Target conviction (of convicted youth)	83	194
Incarceration (of convicted youth)	77	181
Type of sentence		
Probation	47	162
Short sentence	29	100
Long sentence	24	83

The next two dependent variables are indications of punishment severity and apply to youths who had charges substantiated against them in either juvenile or adult court. *Incarceration* refers to whether convicted offenders ($n = 235$) were sentenced to secure confinement. This is a dichotomous variable.

The second measure of sentence severity is type of sentence, which is measured at the ordinal level. This variable explores the type of sentence convicted offenders received. There were three indicators of sentence type: probation, short sentence (i.e., less than 2 years in secured confinement), and long sentence (i.e., more than 2 years in secured confinement).⁵ For decertified youths in juvenile court, actual time served in secured confinement was used as a basis for determining the sentence type for those not receiving probation. For nondecertified youths in adult court, the minimum sentence imposed in adult court was used for those who did not receive probation.⁶

Case-processing time pertains to the punishment swiftness for the offenders. For all offenders, this variable represents the length of time from arrest to final disposition.⁷ Because this variable was positively skewed in its distribution of values, it was necessary to transform it by taking its natural log (Mertler & Vannatta, 2005). Through transforming this variable, we can meet the assumption of normality when employing multivariate analyses (Lewis-Beck, 1980).

Independent Variables

The key independent variable in the current study was decertification. This variable does not represent a true "treatment," for it was not possible to randomly assign youths to treatment and control groups for this research. As discussed earlier, to be decertified to juvenile court, the adult criminal court judge must find by a preponderance of the evidence that it serves the public interest for this youth to be processed in juvenile court, taking into consideration the child's culpability, age, maturity, prior record, amenability to treatment, and so on.

Several control variables were also used in the subsequent analyses. Because this research was a quasi-experimental design, a strong attempt was made to statistically consider factors that have been shown to have an effect on the transfer decision, court outcomes, or both: age at referral (see, e.g., Fagan & Deschenes, 1990; Kinder, Veneziano, Fichter, & Azuma, 1995; Myers, 2003b; Podkopacz & Feld, 1996), gender (see, e.g., Leonard & Sontheimer, 1995; Wordes, Bynum, & Corley, 1994), race (see, e.g., Fagan & Deschenes, 1990; Feld, 1995; Leonard & Sontheimer, 1995; Minor, Hartmann, & Terry, 1997),⁸ the number of prior referrals to juvenile court (see, e.g., Barnes & Franz, 1989; Fagan & Deschenes, 1990; Fagan, Forst, & Vivona, 1987; Myers, 2003b), and the number of times youths previously were referred to the juvenile court for a violent offense (Myers, 2001).

It was not possible to examine a direct measure of offense severity using only the offense for which the youths were charged. In Pennsylvania during

1996, most Act 33 youths (94%) were charged with either aggravated assault or robbery. Therefore, offense was measured as three dichotomous variables: aggravated assault, robbery, and other offenses.

The type of weapon used during the commission of the crime also has been shown to affect the decision to transfer a youth to adult court and other court outcomes (see, e.g., Myers, 2003a; Sridharan, Greenfield, & Blakley, 2004). The use of a firearm also can be used as an indicator of offense severity, as compared to other weapons used in a crime. It was not possible to determine the type of weapon used for approximately 18% of the offenders ($n = 61$). Therefore, the *unknown* category was used as its own separate group, resulting in three dichotomous weapons variables being developed: firearm, nonfirearm, and unknown weapon.

A neglected area of research when examining court outcome data has been the potential effect of the role a youth played in the offense. It is possible that judges in both juvenile and adult courts may hold offenders more accountable if they played a central role in the offense, as compared to those offenders who did not play as big a part (see Spohn, 2002, for a fuller discussion). In the current research, this potential relationship was explored. Limitations in the data resulted in 25% ($n = 86$) of the values for this variable to be missing. Therefore, this variable was treated similarly to the firearm variable, resulting in three dichotomous "role" variables: primary role, nonprimary role, and role unknown.

Another variable that tends to be neglected in past juvenile transfer research is the potential effect of attorney type. Although attorney type largely has been ignored in juvenile transfer research, the effect of type of attorney on juvenile court outcomes has nevertheless been examined in several studies (see, e.g., Burruss & Kempf-Leonard, 2002; Langley, 1972). For the current study, attorney type was measured as whether the offender's attorney was a public defender.⁹

Finally, the county of the offender also was used as a control variable in the analyses. Prior research has found that the type of county (i.e., rural, suburban, or urban) has an impact on certain court outcomes (see, e.g., Lemmon et al., 2005; Myers, 2001). Mears (2003) also indicated that there may be county differences in outcomes related to juvenile waiver.

Results

Statistical Analyses

Three of the dependent variables (conviction, target conviction, and incarceration) were measured as a dichotomy, meaning multivariate logistic regression

Table 3. Logistic Regression Estimates for the Impact of Decertification on Conviction ($N = 345$)

Variable	B	SE	Wald	Exp(B)
Decertification	-0.133	0.272	0.241	0.875
Age	0.174	0.285	0.372	1.190
Gender (male = 1)	0.817	0.432	3.572	2.264
Race (non-White = 1)	-1.331	0.535	6.192*	0.264
Prior referrals	0.516	0.306	2.838	1.675
Prior violent referrals	-0.410	0.216	3.618	0.663
Robbery	-0.146	0.759	0.037	0.864
Other offense	-1.196	1.007	1.410	0.303
Nonprimary role	-0.713	1.430	0.249	0.490
Unknown role	0.348	0.869	0.161	1.417
Nonfirearm	-1.353	1.559	0.753	0.259
Unknown weapon	-0.215	0.687	0.099	0.806
Public defender	-0.369	0.795	0.215	0.692
Constant	0.913	2.753	0.110	2.491
-2 log likelihood	392.291			
Model chi-square	41.149**			
Cox and Snell R^2	.112			
Nagelkerke R^2	.157			

* $p < .05$. ** $p < .01$.

was the appropriate method of estimation (Menard, 2002). Sentence type was measured as three ordinal level outcomes: probation, short sentence, and long sentence. Therefore, ordinal regression (polytomous universal model) was chosen as the appropriate statistical technique to use (Menard, 2002). The final dependent variable, the natural log of case-processing time, was measured continuously, so ordinary least squares multiple regression was used (Lewis-Beck, 1980).

Multivariate Results

The multivariate analyses are presented in Tables 3 through 7. Because some variables had extremely high standard errors in some statistical models, they were excluded from some of the analysis. The high standard errors were because of some categories having zero cells. According to Menard (2002),

When [the odds] are 0 or 1 for an entire group of cases, as defined by the value of a categorical independent variable, the result will be a very high estimated standard error for the coefficient associated with that category. (p. 78)

Table 4. Logistic Regression Estimates for the Impact of Decertification on Target Conviction ($n = 235$)

Variable	B	SE	Wald	Exp(B)
Decertification	-0.341	0.460	0.550	0.711
Age	0.142	0.403	0.124	1.152
Gender (male = 1)	0.830	0.727	1.301	2.293
Race (non-White = 1)	0.474	0.529	0.805	1.607
Prior referrals	0.161	0.287	0.316	1.175
Prior violent referrals	-0.087	0.280	0.097	0.917
Robbery	0.098	0.796	0.015	1.102
Other offense	-0.968	0.776	1.554	0.380
Nonprimary role	-0.836	0.848	0.972	0.433
Unknown role	-0.197	0.872	0.051	0.821
Nonfirearm	-0.996	1.384	0.518	0.369
Unknown weapon	0.014	0.925	0.000	1.014
Public defender	-0.742	0.866	0.735	0.476
Dauphin	1.443	0.860	2.814	4.233
Philadelphia	1.144	0.651	3.089	3.140
Constant	-0.937	5.342	0.031	0.392
-2 log likelihood	192.625			
Model chi-square	24.939			
Cox and Snell R^2	.101			
Nagelkerke R^2	.167			

* $p < .05$. ** $p < .01$.

For this reason, several variables were excluded from some of the subsequent multivariate analyses, meaning the findings should be interpreted with extreme caution.

Punishment certainty. In examining punishment certainty in Table 3, the findings for this statistical model indicate that there is no significant difference in likelihood of conviction between youths processed in juvenile and adult court. Put differently, the likelihood of punishment in one court was similar to that of the other court. One variable, however, was significant in the model. Non-Whites were significantly less likely to be convicted than Whites ($B = -1.33$, $p < .05$). The race finding was interesting, given that some literature suggests that minorities (either generally or specific non-White races) have less favorable outcomes in juvenile court than Whites (see, e.g., Frazier & Bishop, 1995; Leiber, Johnson, Fox, & Lacks, 2007).

To examine the potential effect of decertification on target conviction, only convicted offenders were included in this model. Table 4 provides the

Table 5. Logistic Regression Estimates for the Impact of Decertification on Incarceration ($n = 235$)

Variable	B	SE	Wald	Exp(B)
Decertification	-0.689	0.431	2.559	0.502
Age	0.032	0.443	0.005	1.033
Gender (male = 1)	0.444	0.796	0.311	1.559
Race (non-White = 1)	0.922	0.542	2.897	2.514
Prior referrals	0.477	0.338	1.992	1.611
Prior violent referrals	0.001	0.334	0.000	1.001
Robbery	0.313	0.867	0.130	1.367
Other offense	1.006	1.164	0.747	2.735
Nonprimary role	1.576	1.032	2.329	4.834
Unknown role	0.286	0.919	0.097	1.332
Nonfirearm	-1.465	1.511	0.939	0.231
Unknown weapon	0.387	0.985	0.155	1.473
Public defender	-0.665	0.974	0.466	0.514
Dauphin	-0.564	0.762	0.547	0.569
Philadelphia	-0.090	0.687	0.017	0.914
Constant	0.410	5.755	0.005	1.507
-2 log likelihood	196.145			
Model chi-square	57.194**			
Cox and Snell R^2	.216			
Nagelkerke R^2	.327			

* $p < .05$. ** $p < .01$.

logistic regression estimates for the determinants of target conviction. When statistically controlling for the effect of other explanatory factors, decertification was negative and highly insignificant ($B = -.34$, $p = .46$). In other words, there was no difference in target conviction for youths processed in the two court systems. This finding suggests that youths are being convicted for Act 33 offenses similarly, regardless of the court in which the cases are processed.

Punishment severity. Table 5 presents the logistic regression estimates for the determinants of incarceration, which considered only those offenders who were either adjudicated delinquent in juvenile court or convicted in adult court ($n = 235$). After controlling for other factors, the decertification coefficient was close to reaching statistical significance ($B = -.69$, $p = .055$), suggesting that decertified youths have a lower likelihood of incarceration than nondecertified youths. This difference suggests a somewhat greater chance for incarceration in the adult system, but again the difference was statistically insignificant.

Table 6. Ordinal Regression Estimates for the Impact of Decertification on Incarceration Time ($n = 235$)

Variable	B	SE	Wald
Decertification	-1.921	0.340	31.855**
Age	-0.121	0.359	0.114
Gender (male = 1)	0.400	0.653	0.376
Race (non-White = 1)	1.298	0.442	8.608**
Prior referrals	0.234	0.249	0.883
Prior violent referrals	-0.069	0.198	0.123
Robbery	0.069	0.685	0.010
Other offense	0.696	0.706	0.972
Nonprimary role	1.247	0.768	2.625
Unknown role	0.542	0.696	0.606
Nonfirearm	-1.160	1.218	0.906
Unknown weapon	-0.166	0.696	0.057
Public defender	-0.996	0.783	1.617
Dauphin	0.071	0.597	0.014
Philadelphia	0.209	0.534	0.153
-2 log likelihood	396.499		
Model chi-square	103.620**		
Cox and Snell R^2	.357		
Nagelkerke R^2	.405		
McFadden	.207		

* $p < .05$. ** $p < .01$.

Table 6 shows the ordinal logistic regression model, which examines the effect of decertification on sentence type, and it includes all of those offenders who were convicted ($n = 235$). The coefficient for decertification was positive and significant ($B = -1.921$, $p < .01$), indicating that decertified offenders were sentenced to less confinement time than nondecertified offenders. In addition, race was statistically significant in the model: Non-Whites were more likely to get increased confinement time, as compared to Whites.

Punishment swiftness. The final model, which is presented in Table 7, examines the effect of decertification on the natural log of case-processing time. The results indicate that decertified youths experience significantly shorter case-processing time than nondecertified youths ($B = -0.37$, $p < .01$). In other words, case processing in juvenile court is shorter than its adult counterpart.

The model also revealed other significant factors in explaining the natural log of case-processing time. Males experienced significantly longer case-processing time than females ($B = .55$, $p < .01$). Youths processed in Dauphin

Table 7. Ordinary Least Squares Regression Estimates for the Impact of Decertification on the Natural Log of Case Processing Time ($N = 345$)

Variable	B	SE	Beta	T
Decertification	-0.372	0.124	.167	2.988**
Age	0.011	0.126	.008	0.090
Gender (male = 1)	0.545	0.200	.160	2.733**
Race (nonwhite = 1)	-0.009	0.203	.003	0.046
Prior referrals	-0.038	0.133	.079	0.288
Prior violent referrals	0.084	0.093	.077	0.906
Robbery	0.019	0.342	.008	0.054
Other offense	0.365	0.460	.079	0.794
Nonprimary role	-0.086	0.650	.016	0.132
Unknown role	0.466	0.370	.183	1.261
Nonfirearm	0.007	0.696	.003	0.011
Unknown weapon	-0.039	0.284	.013	0.136
Public defender	-0.335	0.350	.152	0.957
Dauphin	0.677	0.280	.147	2.419*
Philadelphia	0.135	0.190	.051	0.709
Constant	4.543	1.253		3.626**
F	4.125**			
R ²	.168			

* $p < .05$. ** $p < .01$.

County experienced longer case-processing time than youths in Allegheny County ($B = .68, p < .05$).

Discussion and Conclusion

When looking at comparison studies focused on violent youthful offenders, the findings from the current research are contrary to prior studies that examined the effect of transfer on conviction (Eigen, 1981a, 1981b; Fagan, 1995; Myers, 2001, 2003a), which found that youths in adult court have a higher likelihood of conviction (or punishment certainty) than similar youths in juvenile court. One study did suggest that violent offenders in both court systems have virtually identical conviction rates (Rudman et al., 1986).

In contrast to the findings from previous studies (e.g., Myers, 2001), the findings from this study point to similarities between the two courts in both conviction on any offense and conviction on a target offense (among those convicted). Also, the results from these multivariate analyses indicate that Act 33 is not achieving a higher certainty of punishment in adult court in

terms of conviction likelihood. Some criminal justice professionals (i.e., judges, prosecutors, and public defenders) suggest that there is little or no difference in likelihood of conviction between juvenile and adult court for serious and violent offenders (Jordan, 2006). Because serious offenses were committed, prosecutors are less likely to file charges (in either juvenile or adult court) where there is not enough evidence to substantiate that the offense was committed. Therefore, both courts have an increased probability of having similar rates of conviction.

An explanation for the similarity between the two courts on target conviction involves the role of plea bargaining in the process. Criminal justice professionals indicate that there is an increased pressure to plead cases in adult court because of the uncertainty of juries and the backlog of the court docket, which will lower the likelihood of conviction on target offenses (Jordan, 2006). Because the goal of the juvenile court is to provide treatment to youth, there is less pressure to adjudicate youth on the original Act 33 offense, because offenders likely will receive the same disposition regardless of the charge. Therefore, between plea bargaining in the adult system and limited pressure to convict on a target offense in the juvenile system, there ends up being little difference between the court systems on target conviction likelihood.

Whether looking at conviction on any offense or on a target offense, it seems clear that youths legislatively waived and processed in adult court have a similar chance of conviction than youths decertified to juvenile court. If deterrence is one of the goals of Act 33, it appears that the element of increased punishment certainty is not present. According to Beccaria (1764/1963), certainty of punishment is the most important element in achieving deterrence, as those who believe they will be punished will be more likely to refrain from committing criminal acts.

Although not the focus of our study, the finding regarding race was that minorities were less likely to be convicted than Whites. The research is generally mixed when it comes to the role race plays in juvenile court outcomes. A review of existing research found that race does affect juvenile court decision making but more so in the early stages of the process (Engen, Steen, & Bridges, 2002). In addition, methodological issues (e.g., measurement of race) greatly affect results regarding race, resulting in mixed findings.

The quantitative findings also indicate that among those convicted, there was no significant difference between decertified and nondecertified offenders in the likelihood of incarceration (i.e., punishment severity). This finding is not consistent with the prior research using comparison groups, which found that transferred offenders in adult court had a higher likelihood of incarceration than comparable nontransferred offenders in juvenile court (Eigen, 1981a,

1981b; Fagan, 1995; Kupchik, 2006; Myers, 2001, 2003a; Podkopacz & Feld, 1996; Rudman et al., 1986).

On the other hand, when examining sentence type, a different result emerged, as adult court offenders were sentenced to longer confinement time than similar juvenile court offenders. This finding is consistent with most research using comparison groups and assessing the incarceration length of transferred and nontransferred offenders (Eigen, 1981a, 1981b; Fritsch et al., 1996; Myers, 2001, 2003a; Podkopacz & Feld, 1996; Rudman et al., 1986). However, exceptions do exist (Fagan, 1995). In general, it appears that in terms of length of confinement among incarcerated offenders, Act 33 is achieving its goal of greater punishment severity. The main explanation for this finding is that in adult court, lengthier sentences are enabled and sometimes mandated, especially if a gun was involved. In Pennsylvania, presumptive sentencing is used in adult criminal court, where offenders must serve their minimum confinement before being considered for parole. However, in juvenile court, indeterminate sentencing is used, and Pennsylvania juvenile courts have jurisdiction over offenders only until age 21.

Some may appreciate more than others that youths who are processed and incarcerated by adult courts are given harsh sentences. Act 33 and the resulting confinement time produce lengthier incapacitation, whereby youths cannot recidivate during the time they are in secure custody. Therefore, from a public-safety point of view, many would perceive society to be safer because some of these youths are incarcerated for several years or more.

Finally, in examining case-processing time (or punishment swiftness), it was found that it takes significantly longer for youths processed in adult court to have their cases processed than similar youths processed in juvenile court. This finding is consistent with prior research (Fagan, 1995; Myers, 2001, 2003a; Rudman et al., 1986). As mentioned earlier, this finding likely is because of the slow nature of the criminal justice system because of increased due process rights (e.g., bail, jury, etc.) and court backlogs. However, in the juvenile court system, state law requires youths to be processed within a prescribed period of time, which necessarily shortens the amount of time until a case is disposed in the system. Although the U.S. and state constitutions allow for defendants in adult court to have a speedy trial, they sometimes waive that right to have more time to prepare for trial. However, we were not able to include a measure on whether youths processed in adult court waived this right and to determine its impact on case-processing time.

The results of the current study do not lend support for one of the objectives of juvenile transfer, creating a greater deterrent to youthful offenders, at least in terms of the three criteria specified in deterrence theory. There is no

increased punishment certainty or punishment swiftness for youths processed in adult court. The study's findings support only one element of deterrence theory, punishment severity, which Beccaria (1764/1963) clearly states is the least important of the three elements in providing a deterrent effect. Therefore, if Act 33 is meant to deter subsequent offending, increasing punishment certainty and swiftness should be a priority instead of increasing the sanctions (i.e., punishment severity) for these youthful offenders.

Limitations and Directions for Future Research

One limitation of this research is the sample. We examined only one state for this study. Although we examined multiple counties, we examined only youths who were transferred under one Pennsylvania law. Given this, it is difficult to draw general conclusions about juvenile transfer. Subsequent research should examine transferred youths in multiple states, allowing firmer conclusions to be made regarding the certainty, severity, and swiftness of punishment in waiving youths to adult court.

Future research should explore the effect of type of court on court outcomes while controlling for selection bias. As mentioned earlier, because this research can only be quasi-experimental, the "treatment" can never be isolated in the analyses. However, a body of knowledge accumulated using data of an adequate sample size, data from multiple jurisdictions, relevant control variables, and multivariate analyses can only build the knowledge of both academics and practitioners on juvenile transfer and decertification, which then could be used as one source for guiding criminal justice (including juvenile justice) policy.

Finally, researchers should examine juvenile transfer among different effectiveness outcomes. Deterrence is only one measure of effectiveness, but it has been noted that it is not the exclusive goal of waiving youths to adult court. To obtain a more complete understanding on the effectiveness of this practice, we must examine its impact among several outcomes.

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Notes

1. Although youth violence did increase during this time period, it did not have the projected increase that many believed. See Zimring (1998) for a fuller discussion.
2. All cases used for this research were Act 33 cases. This was verified at each research site through examination of case files, court records, probation files, and so on. The court of original jurisdiction in these cases was the adult system. None of the cases was waived to adult court by a Pennsylvania juvenile court judge. After youths have been formally charged with an Act 33 offense (along with the other criteria mentioned earlier), they are automatically in the adult system. The juvenile court does not have the legal authority to transfer Act 33 “juveniles,” because the youths completely bypass the juvenile justice system and go to adult court.
3. This total sample was reduced from the original sample of 447. First, several youths in the original data set did not meet Act 33 criteria. For instance, some youths in the original data set were charged with murder. Although this charge is an “excludable” offense, it is not an Act 33 offense, as youths charged with murder were automatically waived to adult court prior to Act 33. Second, some youths were in the data set multiple times because of committing more than one Act 33 offense during 1996. Third, some youths were either younger than 15 or older than 17, meaning they were not Act 33 offenders. Finally, some cases were dismissed at the preliminary hearing, meaning they had no court outcomes that were relevant to this particular research.
4. Multiple lambda terms were computed for the analyses depending on whether we examined the entire sample of youthful offenders or a subsample, such as when we included only convicted offenders for particular models. The appropriate lambda term (i.e., selection bias correction) was entered as an independent variable in each of the multivariate models.
5. The original coding for incarceration time was the amount of time imposed by the court (i.e., for nondecertified youths) or the amount of time served (i.e., for decertified youths), all of which was measured in months. However, the original coding would pertain only to youths who were sentenced to some form of incarceration ($n = 181$). This would have drastically reduced the sample, which then would have severely limited the independent variables available to be entered in the statistical model. Therefore, sentence type was used, allowing all convicted offenders to be included in the analysis ($n = 235$). Based on Pennsylvania’s criminal justice system, where 2 years or less in secure confinement is considered county jail time and anything more than 2 years is considered state prison time, the measure of sentence length (for both decertified and nondecertified offenders) reflected this. If offenders in either court received 2 years or less, it was coded as a short sentence; if offenders received more than 2 years, it was coded as a long sentence. The rest of the youths were placed on probation.

6. For nondecertified offenders serving a county sentence (i.e., short sentence), county judges can order parole prior to the minimum sentence being served (Jordan, 2006; Myers, 2001). However, for offenders with a state-level sentence, presumptive sentencing is used where at least the minimum term of incarceration imposed by the judge must be served prior to consideration of parole. Therefore, when examining incarceration length for nondecertified offenders, most of the offenders would have served at least their minimum sentence, making it a conservative estimate of incarceration length.
7. An argument could be made that only convicted offenders should be included in the analysis of case-processing time, because deterrence theory may be concerned only with those who actually are found guilty of committing offenses (i.e., swiftness of punishment). In other words, there should be some substantiation of an illegal act occurring for youths to associate with punishment (i.e., the purpose of punishment swiftness). This scenario was explored among the group of convicted offenders ($n = 235$), and the results were similar to that of the model that used all the offenders. At both the bivariate and multivariate level, decertified convicted youths had significantly shorter case-processing times than convicted nondecertified youths.
8. Although 87% of the offenders in the data set were non-White, they also were predominantly African American (more than 90% of the non-Whites were African American).
9. Two separate issues were considered at this stage. First, the original coding of the variable included public defenders, private attorneys, and court-appointed attorneys. However, statistical tests revealed no significant differences between private and court-appointed attorneys in decertification. In addition, court-appointed attorneys are private attorneys who are hired by the court to take cases. Therefore, private and court-appointed attorneys were combined into a non-public defender group.

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Erratum

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