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## Crossing the Line: Juvenile Transfer and Prison Violence

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CROSSING THE LINE:  
JUVENILE TRANSFER AND PRISON VIOLENCE

by

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B.S. May 2000, Old Dominion University

A Thesis Submitted to the Faculties of  
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## ABSTRACT

### CROSSING THE LINE: JUVENILE TRANSFER AND PRISON VIOLENCE

Jessica M. Huffman

Old Dominion University and Norfolk State University, 2002

Director: Dr. Randy R. Gainey

The juvenile court has long held caring and rehabilitation as it's objective for those persons who commit crimes while under age 18. However, arguably, that goal has been compromised with the use of juvenile transfers. Some research has been done on the use of transfers, but little has studied the effects of incarcerating juveniles with adult prisoners at the state level. This thesis examines the use of the juvenile transfer and the effects it has with respect to prison violence using states in the U.S. as the unit of analysis. It was hypothesized that prison violence would increase with an increase in juveniles in those prisons based on prior research which showed that juveniles were more likely to be both the perpetrators and the victims of violence. The results of the analysis did not find support for this hypothesis, with the exception of prison riots. It was found that prison riots were correlated with juvenile incarceration in adult prisons and that the odds of a riot occurring was found to increase five fold with an increase in the number of juveniles in adult prisons. Policy implications and alternatives to the use of juvenile transfers are discussed.

This thesis is dedicated to my wonderful daughter, Sabrina, and my amazing family, all of which who have been incredibly supportive during my years of education. Mom, I owe you my world, and I will never be able to express my gratitude, not only for helping Sabrina and me get an education, but also for giving me the strength and determination to get through the challenges of life.

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## CHAPTER I

### INTRODUCTION

The juvenile court, first established in Illinois in 1899, has long held caring and rehabilitation as its objective for those persons who commit crimes while under age 18. However, the juvenile justice system's goal of protecting the welfare of children has recently been compromised. With rising juvenile crime in the 1980s, court and legislatures have mandated harsher penalties and less protection for juveniles. Along with longer sentences and less rehabilitative treatment, more and more juveniles are being transferred to adult courts.

Why are more juveniles being transferred to adult court? The answer may be found in a theory of threat. This theory explains the behavior of society and its reactions to a rising juvenile population. Threat theory posits that with actual or perceived increases in juvenile populations and juvenile crime, society feels threatened and subsequently responds to the fear by the arrest and movement of more juveniles through the criminal justice system.

In this thesis, I will review some of the literature on the transfer of juveniles to adult courts and adult prisons and the implications of those transfers in respect to prison violence. Transfers of juveniles to adult court are a result of an increasingly punitive criminal justice system and juvenile justice system. Some people see the importance of

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transfer for juveniles, but the consequences (incarceration in adult prison) of transfer may not be widely accepted. A public opinion poll in 1997 in Ontario, Canada shows that the majority (64%) opposed a separate juvenile justice system, but of those who did oppose, 82.6% of them did not think that youth should be in the same prisons as adults (Sprott 1998). In another study, a sample of 100 juvenile justice system workers admitted that transfers are good for the system because it is an outlet for those offenders who are beyond rehabilitation (Sanborn 1994). Is the use of juvenile transfer really targeting those who are beyond rehabilitation as the goal warrants? Is the increasing number of juveniles being incarcerated in adult prisons leading to an increase in prison violence? The age crime curve suggests that younger people commit more crimes. Increasing the number of young people in prison may increase violence by them being both offenders and potential victims of violence in prison. Can a threat theory and the age crime curve be applied to explain juvenile transfer practices and prison violence in the United States? This research is designed to investigate these questions and open the topic for further discussion.

The importance of this study is in the implications of juvenile transfer. When a juvenile is convicted and found guilty in criminal court, he or she is then sentenced in that court. If prison time is to be served by the juvenile, that sentence will be served in a facility with adults. Further, if the crime is heinous enough, and the juvenile is old enough, the death penalty may be imposed. Many issues are important to remember when thinking about juveniles incarcerated in adult prisons, including learning new criminal techniques and violence. Children require teaching, loving, and training as

they grow up to learn sound judgment, morals, and control. Keeping this in mind, one must acknowledge Sutherland's differential association theory (Sutherland and Cressey 1960; Gaylord and Galliher 1988). Differential association theory involves nine propositions explaining how criminal behavior is learned, but one in particular is referred to as the very definition of differential association. Proposition six states that a "person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law" (Sutherland and Cressey 1960: 78). More specifically, this theory predicts that juveniles in prisons with adult offenders will learn more violence due to their exposure to people who do not hold conventional values. In prison, children will not learn the emotional control and morality that is needed to survive in society lawfully. Rather, they will be guided by negative role models (Gaylord and Galliher 1988) and therefore learn violence as a way of life (Kappeler, Blumberg, and Potter 2000).

An examination of adolescent development may also be useful. Adolescent development is often divided into three stages (early, middle, and late) and changes are made along four domains: physical development, cognitive development, emotional development, and social development (Glick 1998). Physical development is visible due to chemical and biological changes throughout adolescence. These changes produce a "variety of physical and emotional reactions, including moodiness and impulsively" (Glick 1998: 97). Cognitive development depends very much on the stage of adolescence that the individual is in. According to Glick (1998), in early adolescence there is a focus on the "here and now," while in middle adolescence, one gains the

ability to think abstractly. In late adolescence, a person develops mature thought and the ability to make rational decisions. Emotional development leads adolescents to learn who they are and who others are and to look for role models to guide them. The social development of adolescents consists of learning to form valuable relationships. It is at this time when they “are most vulnerable to gang influences and peer pressures” (Glick 1998: 98). However, it is important to remember that all of these skills must be nurtured in order to develop. If adolescents are in prison at the time they are going through these developmental processes, it is questionable whether they would be able to complete the process and make rational decisions, have positive role models, or resist temptations to join gangs, commit further crimes or resort to violence inside the prison. It is when they are in these important stages of development that they need support. The bottom line is that juveniles are different from adults because of this development and cannot be treated the same as adults without causing emotional, psychological and physical problems.

Research suggests that violence becomes a way of life for children in prisons (Kappeler et al. 2000). Glassner (1999) argues that “attorneys, criminologists, and the youths themselves point out that in adult prisons, kids learn to survive by imitating others. They tend to lose whatever respect they had for authorities and for themselves. Once released, they engage in more and worse crimes (74).”

Another issue to remember is victimization. Juveniles in adult prisons are more likely to be victimized than they are in juvenile detention facilities (Austin, Johnson and Gregorian 2000). Juveniles in adult prisons may be chosen as victims for several

reasons including their size and immaturity. Younger people are often smaller in size than older people which may make them easy targets. Also, younger people tend to be less mature than adults which, again, may make them targets for violence. Furthermore, juveniles entering adult prisons are more likely to be entering prisons for the first time and may not know “the ropes” of how to survive which may make them more suitable targets.

These issues are consequences of juvenile transfer to criminal court. With this in mind, we must analyze the data on transfer and incarceration of juveniles with adults to determine if it is a necessary and beneficial part of the criminal justice system. This study will examine juvenile arrest rates, transfers to adult court, prison populations, and violence in adult prisons to shed light on the implications of juvenile transfer. Data for this research were collected from several different sources and analyzed together at the state level to test support for two ideas. First, threat theory guides the notion that society is fearful of an increasing number of juveniles in society and therefore arrests and transfers more juveniles. Second, a younger population in adult prisons (due to transfers) increases violence and victimization in prisons. With these two ideas in mind, this study will use state level data to answer the questions of whether states’ juvenile population affects juvenile arrest and transfer rates and whether juvenile transfer rates influence juvenile prison population and prison violence. Previous research has focused on the national level. This study is important because previous research has never examined juvenile arrests, transfers, incarceration, and prison violence at the state level.

## CHAPTER II

### LITERATURE REVIEW

The juvenile court was established in part to deal with an increasing number of children engaging in committing crime. Society viewed these children as requiring protection and rehabilitation instead of the punishment that the criminal justice system imposed. Juvenile courts were set up to be different than adult criminal courts; in these courts, juveniles would be subject to petitions, hearings and dispositions, instead of warrants, trials, and sentences (Champion and Mays 1991). The juvenile justice system was to act in the best interest of the child. However, the present day juvenile justice system does not comply with its original intentions. A political shift to the right in the past 20 years has led to an emphasis on punishment and juvenile offenders are “regarded as adult criminals in-the-making” (Platt 2001: 145).

This literature review will explore the transferring of juveniles to adult court and the consequences it has on the child. Several sections follow that explore the history of juvenile transfer, crime and transfer, issues related to juveniles in adult prisons including prison violence, and theoretical possibilities to answer the question of whether the threat theory and the age crime curve can be applied to explain the use of juvenile transfer and prison violence in this country.

#### TRANSFER TO ADULT COURT

Though transfers have taken place for many decades, the practice has become more common. Specifically, there was a 71% increase in judicial waivers to adult

courts from 1985 through 1994 (Cavanagh and Teasley 1998). The amount of new legislation concerning juvenile transfers, including a 1994 crime act approved by Congress that mandated that juveniles aged 13 and up were to be prosecuted in criminal court for violent crimes involving guns, likewise increased (Cavanagh and Teasley 1998). As part of their response to rising juvenile crime, individual states started transferring an increasing number of juveniles to adult criminal court (National Center for Policy Analysis 2001). For example, a study of Virginia, Tennessee, Mississippi, and Georgia revealed that in those four states in 1980 there were 163 transfers while there were 402 transfers in those states in 1988 (Champion and Mays 1991).

Moreover, states are making it easier to transfer juveniles to adult court. Between 1992 and 1995, for example, 11 states passed laws that lowered the age that juveniles can be transferred to adult courts, while 10 states added more crimes to the list that validates a transfer (Kappeler et al. 2000). While an increasing number of children are being waived to adult court, it has to be noted that the transferring of juveniles to adult criminal court goes against the primary goals of the juvenile justice system. As stated above, the first goal of the system is to protect and rehabilitate juveniles due to the tender age of these children. Traditionally, waiver of jurisdiction to criminal court was reserved for the extreme cases of children who were viewed as beyond rehabilitation by the juvenile court. Juveniles who committed the most heinous crimes were advanced to adult criminal court and faced the sentences of adults. Granted, the children who have come into contact with the criminal justice system have been accused of committing some sort of crime, transferring them to adult court sometimes seems not

to be in the best interest of the child. In adult court, the sentences that may be imposed on the juvenile are much harsher than those of the juvenile justice system. The juvenile justice system generally has jurisdiction over the child until age 21, while the criminal court system has jurisdiction for life. (A juvenile can be held until age 21 in the juvenile system as part of sentencing and detention, though at 18, you are considered an adult as far as arrest and trial). The juvenile justice system was created to deal with juveniles and transferring them to adult court allows for a multitude of punishments that may be inappropriate. The following quotation shows the magnitude of this issue:

Society excludes children from certain activities deemed appropriate only for adults. People cannot vote or serve on a jury until the age of eighteen.... Here, we allow minors to be eliminated from the human community...we sentence sixteen-year olds to death, impose life sentences on fourteen-year olds, and expel eleven-year olds from school forever. (Hawkins 2000: 25)

Though the juvenile court is much different and often more lenient in its dispositions than the adult criminal court, there may be benefits from the transfer. In criminal court, the juvenile has a right to a jury trial and “juveniles charged with particularly serious crimes, and where several aggravating circumstances are apparent, stand a good chance of favorable treatment from juries” (Champion and Mays 1991: 85). Transfer trials throughout history have set important precedents for the juvenile transfer process. In *Kent v. United States*, for example, a 16 year old boy was transferred to criminal court for charges of robbery and rape. The judge in the Washington, DC court transferred the child without a hearing. This case instituted the right of the juvenile to have counsel during the transfer process and established several factors the court should consider when making the decision to transfer. These factors

include: the seriousness of the offense, whether the offense was aggressive and violent, whether the offense was against person or property, the evidence in the case, the desirability of trial, the maturity of the individual, the prior record of the juvenile, and the likelihood of rehabilitation. This case, among others, helped establish the rights of juveniles during the transfer process.

The transfer process can be initiated in several ways. First, a juvenile can be transferred to the adult criminal justice system by manner of a transfer hearing or an automatic transfer. A transfer hearing is conducted to determine whether or not the juvenile should be sent to criminal court. During this hearing, the age of the juvenile plays an important role. Most states use 18 as the maximum age of jurisdiction for the juvenile justice system. However, the minimum age of the criminal justice system varies by state. Many states (23) have not set a minimum age for transfer. Sixteen states use 14 as the minimum age while five states go even lower. Missouri, Montana, and Colorado use age 12 as the minimum age for transfer while Kansas and Vermont have set the minimum age at 10 (Griffin 2000).

There are three discretionary ways a juvenile can be sent to criminal court. The main way a juvenile is transferred is with a judicial waiver. This kind of waiver, used in 47 states and the District of Columbia, is the most common method of transfer. With this waiver, the judge is the primary decision maker in sending a juvenile to adult court. A judicial waiver decision is primarily based on present crime and the evidence linking the individual to that crime. Juveniles can also be waived to criminal court via a legislative waiver. This kind of waiver is based on the limits that legislatures put on the



kinds of offenses processed in the juvenile justice system. Offenses that are excluded from the juvenile court vary tremendously from murder to traffic offenses depending on particular states (Champion and Mays 1991). The third method of transfer is a prosecutorial waiver. Prosecutorial waivers are the most controversial in the sense that with this waiver it is the prosecutor that decides the fate of the case. This type of waiver has been criticized due to the fact that

the highly political nature of the office is reflected in the stress the prosecutor places upon public outcry for more punitive sanctioning of juveniles. The prosecutor also exercises the greatest discretion regarding remand decisions. The most political actor in the juvenile court setting has the greatest power to respond to perceived public demand for remand. (Bortner 1986: 65)

Because of the controversial issues surrounding the prosecutorial waiver, only a few states use it (e.g. Florida and Utah). Interestingly, Florida, one of the first states to give prosecutors the right to transfer juveniles, currently leads the states in transfers with 6,525 juveniles prosecuted in criminal court in 1998 (The Sentencing Project 2001).

Automatic transfers are, for the most part, symbolic and rarely ever used. An automatic transfer is like a legislative transfer in the sense that it happens automatically without a hearing. Automatic transfers are used for the most serious offenders and employ the harshest or longest sentences. Not all states have automatic transfers, and again, they are rarely used. They remain as a symbol of what could be done, presumably as a deterrent (Champion and Mays 1991).

## CRIME AND TRANSFER

The United States juvenile population has been increasing since 1984. In 1998, there were more than 70 million juveniles, representing 26% of the total U.S. population

(Snyder and Sickmund 1999). Increasing juvenile populations almost naturally lead to an increase in juvenile crime. Crime statistics tell us that juvenile crime increased drastically in the late '80s and early '90s, but has been decreasing in the past few years. Statistics from the Federal Bureau of Investigation show that between 1983 and 1992, violent crime by juveniles increased 57% (National Center for Policy Analysis 2001). Also, between 1984 and 1994, the rate of homicides involving juveniles tripled (Kappeler et al. 2000). However, the mid to late 1990s show a decrease in crime and arrests for juveniles. Since 1994, the rate of homicides involving juveniles has dropped 40% (Kappeler et al. 2000). The FBI's arrest statistics for juveniles show the arrest rate decreased from 9,256/100,000 in 1994 to 8,400/100,000 juveniles in 1998 (Snyder, Poole, and Kang 2001).

At the same time that juvenile crime has been decreasing, juvenile courts saw an increase in delinquency cases; they handled 1.4 million cases in 1991 which is up 16% from 1987 (National Center for Policy Analysis 2001). Also, in 1991, juvenile courts transferred 9,700 cases to criminal court which is an increase of 39% from 1987 (National Center for Policy Analysis 2001). In 1992, about 11,700 juvenile cases were transferred to criminal court, a 1.6% increase from the year prior (Sickmund 1994, National Center for Policy Analysis 2001). Reports in 1998 based on data from the U.S. Department of Justice estimate that "as many as 200,000 youth under the age of eighteen are prosecuted in criminal court annually, an estimated 180,000 of those in 13 states which have set the upper age of juvenile court jurisdiction at 15 or 16 rather than 18" (The Sentencing Project 2001: 3). Obviously, juvenile court cases and transfer rates increased while juvenile crime decreased in the last decade. Perhaps increasing transfer rates reflects a way to be punitive without making more arrests, thereby using more general deterrence than specific. All states currently have some form of waiving juveniles to criminal court (Puzzanchera 2000). So who does get transferred?

In 1994, over 90% of transferred juveniles were males (DeFrances and Strom 1997). The percentage of black juveniles versus white juveniles transferred to criminal court has remained steady, at least through the early 1990s. For instance, in 1989, 49% of transferred juveniles were white while 49% were black. In 1991, 47% of the transferred juveniles were white and 51% black. Similarly, in 1994, 49% were white and 48% were black (DeFrances and Strom 1997).

Early studies showed that juveniles were more likely transferred to adult criminal court for property rather than violent offenses. Hamparian, Estep, and Muntean (1982) studied 7,318 transferred juvenile cases in 1978 and found that 45% of waivers were for property offenses and 32% were personal offenses (the remaining 23% were for drug offenses). Bortner (1986) found that between 1980 and 1981, 61% of transfers were for property offenses and 47% were for violent offenses. Niminck, Szymanski and Snyder (1986) examined nine states and found that 40% of transferred juveniles were property offenders while 34% were violent offenders. Statistics from the Office of Juvenile Justice and Delinquency Prevention found similar results in 1985, with 54% of cases transferred being property offenses (Butts 1997). Transferring juveniles for property crimes rather than crimes against persons does not seem to align with the goal that only the most dangerous juveniles are waived. To meet these goals, it seems that juveniles should be transferred for crimes against a person.

Beginning in the early 1990s, more and more juveniles were being transferred for crimes against persons rather than property. In 1994, the majority of cases (44%) transferred were for personal offenses, 37% were for property offenses and the remainder of transferred cases were for drug offenses (Butts 1997). Similarly, in a study in Arizona, McNulty (1995) found that 45% of juveniles waived were violent offenders and 39% were property offenders. In 1998, 57% of those juveniles housed in adult state prisons were there for crimes against a person, while only 21% were there for

property offenses (Austin et al. 2000). Anne Stahl (1999) reports from the Office of Juvenile Justice and Delinquency Prevention that in 1996 personal offenses accounted for 43% of waived cases while property offenses were behind with 37%.

A study in Virginia found that the single most “important predictor [of transfer] was the number of prior property adjudications” (Poulos and Orchowsky 1994: 13), suggesting that property offenses are coming into play in the transfer decision even if the juvenile is not transferred for a property crime. Regardless of the crime, 68% of juveniles convicted in criminal court were sentenced to incarceration in either a state prison or a local jail, with over half of the convictions receiving sentences to state prison (Strom 1998).

## JUVENILES AND ADULT PRISON

The number of juveniles, persons aged 17 and under, in adult facilities has steadily increased in the last 20 years. The years of 1979 to 1984 saw an increase of 48% in the number of juveniles sent to adult prison (Platt 2001). In 1983 there were 1,736 juveniles in adult jails, and in 1998, there were 8,090, an increase of over 300% (Austin et al. 2000). In 1997, the number of juveniles in adult facilities accounted for only 14% of all people incarcerated, with 5% ( $n=5,400$ ) of incarcerated juveniles being in adult prisons (Beck 2000). Other research from the U.S. Department of Justice puts the number as high as 7,400 juveniles in adult state prisons in 1997 (Platt 2001). Either way, these numbers mean that several thousand juveniles are being housed with adults.

It is commonly believed that transferring juveniles to criminal courts and containing them in adult facilities is a new way to be more punitive toward juveniles without jeopardizing the treatment ideal of the juvenile court. However, punishing juveniles in this manner may not be in the best interest of the child or deter crime. A study by Bishop, Winner, Lanza-Kaduce and Frazier (1996) found that juveniles who

had been waived to criminal court and incarcerated with adults were more likely to be rearrested and rearrested sooner than those of comparable crimes who served time in a juvenile justice institution. These researchers found the same results in another study of transferred juveniles published one year later (Bishop, Winner, Lanza-Kaduce and Frazier 1997). The latter study reexamined recidivism over a longer time period and concluded that non-transfers eventually caught up to the transferred juveniles in terms of arrest. So, even in the longitudinal study, Bishop et al. found that there is no difference between juveniles who were transferred and those who were not. Comparing youth in New York and New Jersey, researchers found that the New York juveniles who were transferred were more likely to reoffend and to reoffend sooner than New Jersey juveniles who were not transferred (The Sentencing Project 2001), consistent with the two earlier investigations. Jensen and Metsger (1994) researched legislative waivers in three states, Wyoming, Montana and Idaho. They found that waiving juveniles to adult court had no deterrent effect on juvenile crime rates. In sum, several studies show that in respect to recidivism, the use of transfer has no real effect on deterrence.

Sentencing is often used as a deterrent to crime as well as a punishment for the offender. Deterrence theory posits that if a jurisdiction is giving more severe sentences, then people will be less likely to commit that crime due to fear of harsh sanctions such as prison. There is support for this theory; however, the sentence given and the time served are not always the same thing. A report publishing the sentencing information of juveniles who are transferred noted that criminal courts sentenced juveniles convicted in criminal court of murder to longer prison terms than other convicted murderers (Snyder and Sickmund 1999). Similarly, Richard Redding (1999) found that juveniles sentenced to adult courts received longer sentences than juveniles receiving dispositions from juvenile courts. The study examined 946 transferred cases in Texas between 1981

and 1993. Eighty-seven percent of juveniles in the study received longer sentences than juveniles sentenced in juvenile court. Thirty-five percent were even sentenced to 20 years or more in prison. However, the transferred cases only served an average of three and a half years in prison. Based on the sentence alone, we can see that transfer may appear tougher on juveniles, but considering that offenders serve only a small portion of their intended sentence, they are getting off easier. If this is the case, any deterrent effect may be reduced. Also, if criminal courts are sentencing juveniles to less severe sentences than juvenile courts would, and coupled with the idea that transfer has little or no effect on recidivism, then one must question the purpose of the transfer.

## PRISON VIOLENCE AND VICTIMIZATION

It is no surprise that there is violence in American prisons. Violence has been a part of prison throughout our history. The first detention center in America, opened in Philadelphia in 1776, was a new concept from the dark and dangerous dungeons of England. However it, too, became dangerous, overcrowded and corrupt (Ingley 2000). That led to a new facility, the Eastern State Penitentiary. This, too, was overcrowded and inhumane. Charles Dickens visited the prison and found it to be unethical. Ingley (2000) quoted him as saying:

I believe that very few men are capable of estimating the immense amount of torture and agony that this dreadful punishment, prolonged for years, inflicts upon the sufferers...I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body. Those who have undergone this punishment MUST pass into society again morally unhealthy and diseased (19).

Though prisons are more sanitary now than in the 18th century, the violent culture of the institution is largely unchanged. Also, as with early prisons, overcrowding is still an issue. In 1994, state prisons as a whole were working at least 117% over their capacity and in 1999 it was reported that 22 states were working at

100% or more of their capacity (Maitland and Sluder 1998; Beck 2000). It has been suggested and used by journalists, administrators and researchers that a crowded prison breeds inmate hostility and increases violence and riots. However, social scientists have introduced a new proposal. They say that prison crowding affects the causes of violence (not that crowding causes violence) by elevating a person's arousal level (Gaes 1994). The variables likely to cause prison violence, according to Gerald Gaes (1994) include drug trafficking, homosexual relationships, predatory behavior, gangs, thefts, and racial, prejudice and resultant behavior. Prison overcrowding elevates a person's arousal level which therefore makes them more sensitive to the stressors that cause or provoke prison violence. It is in this way that prison overcrowding is correlated with prison violence.

The use of force to control inmates is still practiced today. Martin (2000) cites Texas as an example. In 1992, there were over 6,300 "major applications of force, or one for every nine inmates" and in 1996, in the Central Punitive Segregation Unit of New York City, there were over 250 "major applications of force, including 100 head injuries, for a population of 400 prisoners" (113). In 1986, James Marquart studied the use of "unofficial force" by the guards as a means of social control. He learned that unofficial force by the guards serves three purposes. First, force maintains control among the inmates as punishment. Second, the use of force maintains status among guards by instilling fear in the inmates. Finally, unofficial force acts as a means for new, young guards to prove themselves to both the inmates and the prison administration (Welch 1999). However, violence at the hands of correctional staff is not the only danger; violence between inmates is almost inescapable.

Mark Fleisher (1994:73) argues that "violent convicts commit violent acts; that convicts who feel powerless, mistreated, idle, bored, sexually frustrated, and cramped also commit violent acts; and that for all these reasons, prison violence will continue." Violence in prison is ironic in the sense that the institution itself reinforces the behavior

that it is supposed to correct. Prison violence and the reformation of persons inside prisons are documented in the controversial Stanford Prison Experiment. Professor Philip Zimbardo and his colleagues, Craig Haney and W. Curtis Banks, performed a study in the summer of 1971 at Stanford University in which they set up a mock prison and observed the behavior of paid volunteers to see how they might act in a prison environment (Banuazizi and Movahedi 1975). This study involved 24 males from middle class backgrounds who were randomly assigned to either the role of a guard or a prisoner. The prisoner subjects were “arrested” by the Palo Alto City Police and driven to “prison.” Just two short days later, violence broke out.

The prisoners ripped off their clothing and their identification numbers and barricaded themselves inside the cells while shouting and cursing at the guards. The guards, in turn, began to harass, humiliate, and intimidate the prisoners. They used sophisticated psychological techniques to break the solidarity among the inmates and to create a sense of distrust among them. (Banuazizi and Movahedi 1975: 153)

In a matter of days, several prisoners were released due to emotional disturbance and disorganized thinking, among other things. One prisoner even developed a psychosomatic rash all over his body. Banuazizi and Movahedi (1975) quote Zimbardo as saying that the experiment

elicited unexpectedly intense, realistic, and often pathological reactions from many of the participants. The prisoners experienced a loss of personal identity and the arbitrary control of their behavior which resulted in a syndrome of passivity, dependency, depression, and helplessness. In contrast, the guards (with rare exception) experienced a marked gain in social power, status and group identification which made role-playing rewarding (154).

With all of these results gained from the experiment, it is interesting to note that it lasted only six days (it was cut short from its intended two weeks). Banuazizi and Movahedi (1975) question the ethics and generalizability of the experiment.



Nonetheless, the results cannot be dismissed. Visitors to the prison, such as a prison chaplain, participant's parents, even Professor Zimbardo himself, all had their realities transformed by the prison setting. Even in a mock setting, we can see that prison has its own subculture and world of violence within it.

An incarcerated prisoner lives in the world of violence and prisoners prey on weaker victims; those vulnerable people must either "fuck or fight" (Welch 1999: 145). An inmate has to choose whether to accept being a victim and risk always being a victim, or whether to fight back. Fighting back in prison does have its rewards. Bowker (1980) explains that there are several benefits a prisoner gets from being violent toward others. First, and most importantly, is social status. "Violent inmates tend to have higher status than nonviolent prisoners- everything else being equal" (Bowker 1980: 32). Using violence in the appropriate manner shows the other inmates that they are tough and not to be taken lightly. A second benefit of violence in prison is that "the best defense is a good offense" (Bowker 1980: 32). When an inmate has proven himself among the others, he is less likely to be victimized in the future. Then he can, in a way, sit back and enjoy the status that he has achieved. Other benefits of violence in prison include economic gain and sexual release. Violence used for economic gain is simply that prisoners will threaten or assault other prisoners to get money, drugs, cigarettes, furniture, and other valued items. Rape is a violent crime, and that is why it is included here with prison violence, but it also provides a release of sexual tension without losing status or looking vulnerable. Bowker (1980) reminds us that with so many benefits of violence in this subculture, one is very unlikely to learn to not be violent when released.

Rape is the most recognized form of prison violence. Rape causes physical pain and serious psychological injury. That may be why it is committed among inmates; it is a dominant way to cause harm and humiliate victims. Victims of rape tend to be middle class, young, convicted of property crimes, and small in size (Bowker 1980). Along with humiliating the victims, rape in prison is used to build the status of the offender. By choosing small and weak victims, inmates can subdue their prey easier. Moreover, smaller victims are also reminiscent of women. Prisoners redefine their victims as females and thus are able to think of themselves as “real men” and their otherwise homosexual activity is then justified as a heterosexual activity (Bowker 1980). But rape is not the only form of violence in prisons. Physical assaults are also a common problem. National statistics from 1992 show that there were 10,181 serious inmate on inmate attacks and 66 murders in state and federal prisons (Maitland and Sluder 1998).

Victimization can take psychological, economic, physical, or sexual forms. Younger inmates, under 21, experience the highest rate of victimization and they are more likely to be charged with prison conduct violations than older prisoners (Maitland and Sluder 1998). Maitland and Sluder (1998) surveyed 111 inmates in a small medium-security prison. The sample was representative of the population of the prison, with 48% white, 52% nonwhite and an average age of 21 years old. They found that the majority of inmates were aggressors, what Maitland and Sluder called alpha personalities. They inquired about victimization since the subjects had been in prison, with a range of 14 different kinds of offenses from sexual assault and victimization using a weapon to harassment /name calling and having property stolen. Interestingly,

even in this small, relatively nonviolent prison, 68.8% of the inmates had experienced 10 or more victimizations. Examining race, they found that whites were more likely to report being victimized in every category than nonwhites (Maitland and Sluder 1998). The research supports the notion that younger offenders experience more victimization and contribute to violence in prisons.

Research indicates that children housed in adult facilities are at a much greater risk than those placed in juvenile facilities. The suicide rate for juveniles in adult prisons is five times greater than the rate for juveniles in society, and it is eight times higher than the rate for juveniles in juvenile detention centers (Austin et al. 2000). Austin et al. (2000) note that Forst reported in 1989 that juveniles in adult facilities were five times more likely to be sexually assaulted, twice as likely to be beaten by the staff, and 50% more likely to be attacked with a weapon than those in juvenile facilities. Zeidenberg and Schiraldi (1998) warn that there are too few statistics on the victimization of juveniles in adult facilities. They argue that many suicide deaths are marked as an “unspecified cause” and many rapes are covered under the category of inmate assaults. With this in mind, we may not really know how dangerous it is for juveniles in adult prisons.

## THEORETICAL FRAMEWORK

How do we explain the haste to transfer juveniles to adult courts and prisons? Threat theory offers one explanation. Threat theory has been used to examine racial disparities in economics related to racial inequality in Georgia (Myers 1990) and police use of deadly force (MacDonald, Kaminski, Alpert, and Tennenbaum 2001). Croizet

and Claire (1998) use threat theory in their examination of stereotypes and poor families. The researchers found that being a part of a stereotyped group creates pressure and threat upon the members of the group and upon society outside of the group. Threat theory may explain the increasing fear that society has from juveniles. Society fears juveniles because of the label attached to them. Triplett (2000) reports that this process is called the dramatization of evil. She explains that youth and adults in society define juvenile activities differently; juveniles see minor crimes, such as graffiti, as fun, while adults see those crimes as wrong or even evil (Triplett 2000). Over time, the juvenile engaging in “fun” may be seen as evil if the behavior continues. This dramatization of evil led to adults labeling and treating the juvenile as evil and the child then internalized that label and becoming more delinquent (Triplett 2000). This process, over time, leads to society feeling fearful and threatened by delinquent juveniles.

We can apply threat theory here: with increases in juvenile populations and juvenile crime, society is less secure and takes seemingly “appropriate action.” Specifically, society is threatened by the stereotyped group- juvenile offenders. The theory here is that the people of the state will see the rising juvenile population and act out of fear that more kids would mean more crime. Along this line of argument, an increase in the state juvenile population will cause the juvenile arrest rates to increase. Then the increased juvenile arrest rate would lead to an increase in juvenile transfers. When more kids are passing through the system, criminal justice officials would act more punitively by waiving those “bad kids” to adult criminal court. The effect of an increase in juvenile transfers then leads to an increase in the juvenile prison population since more kids are in adult courts, then more are being sentenced to adult prison. The goal of transfer and thus, incarcerating juveniles in adult prisons, was reserved for the “worst” kids, those violent, serious offenders who could not be helped further. With an increasing arrest and transfer rate of juveniles, even property offenders, who are not the

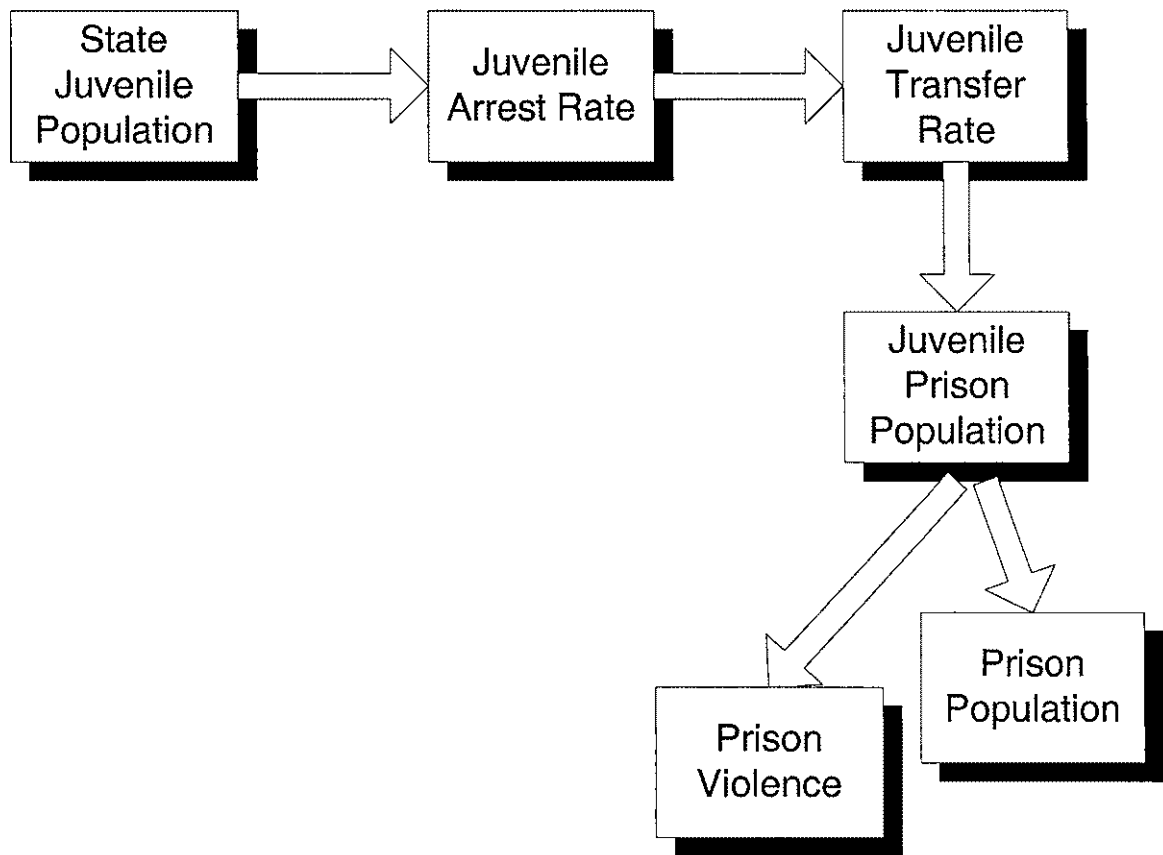
most serious offenders with no hope of rehabilitation are being subjected to adult prison. This means that more juveniles are being transferred and those may not be the kids that should be transferred, according to the original intentions of the policy. Two unintended consequences are likely to occur with transfer. First, an increase in juvenile prison population causes an increase in the overall prison population and second, rising numbers of juveniles in prison cause an increase in violence in those prisons.

The implications of these unintended consequences are critical. For one, an increase in prison populations as a whole has political effects regarding costs of corrections. There is already a debate over funding and the costs of incarcerating an offender. With an increase in prison populations, that cost will increase. However, the second consequence of transferring juveniles to adult prisons is the issue of increasing violence in prisons. Here, we examine the age-crime curve. The age crime curve shows that “various populations follow a similar pattern characterized by a single peak occurring fairly early in the life cycle (usually in the late teens for most offenses) with steady declines thereafter” (Tittle and Grasmick 1997, p311). Similarly, Gottfredson and Hirschi (1986: 219) state that the “propensity to commit criminal acts reaches a peak in the middle to late teens and then declines rapidly throughout life.” In other words, criminal and delinquent offending follows a curve, rising steadily from the early teens to a peak in the late teens and early 20s and declining to near nothing in adulthood. Research by Elliot (1994) supports this and shows that violent crimes peak at 17 years of age for both black and white adolescents. Sampson and Laub (1995) report that Greenberg (1994) found that the peak age for homicide is 18. Using violence as an illustration, we can see the peak for most crimes in the late teens. Gottfredson and Hirschi (1983) argue that crime declines as a direct result of age and that this is a solid fact of criminology. Using this premise, younger people commit more crimes, we expect that incarcerating younger people in prison would likely mean an increase in

prison crime and violence. With this in mind, we must remember that though Gottfredson and Hirschi posit that younger people commit more crimes and thus contribute to violence in prison, younger people tend to be victims of crime as well. As stated earlier, Maitland and Sluder (1998) found that younger inmates, under 21, experience the highest rate of victimization. Taken together, we can see that a high number in the juvenile prison population leads to more prison violence since juveniles are both offenders and victims of violence.

This study is important because it examines juvenile arrests, transfers, incarceration, and prison violence at the state level. Previously, research has analyzed the data and presented it as a grouping of the nation as a whole, and here the objective is to evaluate this data between states.

Figure 1: CAUSAL MODEL



## HYPOTHESES

The hypotheses for this study areas follows:

1. States with a higher juvenile population have a higher juvenile arrest rate.
2. States with a higher juvenile arrest rate have a higher rate of juvenile incarceration
3. States with more juveniles in adult prisons will have more violence in those prisons.
4. States with more juvenile in adult prisons will have higher rates of violence as measured by assaults on inmates and staff, staff and inmate deaths from assaults, and riots in prisons.

The hypotheses follow a causal model, as depicted in Figure 1. States with a higher juvenile population will have a higher juvenile arrest rate, then that leads to a higher juvenile transfer rate. More transfers in a state lead to a higher population of juveniles in adult prisons. A higher prison population does two things. First, I expect that more juveniles in prison add to the overall prison population. However, second, more juveniles in prison increase the amount of violence within that prison. This occurs because of two reasons. The age of individuals in prison increases crime because younger people are more likely to commit crimes and because younger people in prison are more likely to be victims of crimes.



## CHAPTER III

### METHODOLOGY

The purpose of this research is to examine and understand the consequences of juvenile transfers to adult court with respect to juveniles incarcerated in adult prisons. Using secondary data gathered from various sources, I will discuss some effects transferring juveniles to adult court have on the goals and considerations of both the criminal justice system and the juvenile justice system. This chapter consists of four sections including: sample, description of variables, analysis, and limitations of the study.

#### SAMPLE

The population in this study is the 50 states of America and the District of Columbia. The unit of analysis for this research is each of the states. The Human Subjects Review Board in the College of Arts and Letters at Old Dominion University approved this project in October 2001.

#### DATA SOURCES AND VARIABLES

##### *Exogenous and Intervening Variables*

All the exogenous and intervening variables used in this research are state-level measures including juvenile population, juvenile prison population, juvenile arrest rate, and juvenile transfer rate. Both state population and state juvenile population were taken from the U.S. Census for the year 1990 which gives state population as a raw number for each state, and the juvenile population in 13 different age categories. From that, I collapsed the categories into a new juvenile population variable that includes all juveniles in a state aged 10 to 17. This is consistent with other studies on juvenile incarceration (Bursik 1984).

The juvenile prison population was taken from the Census of State and Federal Adult Correctional Facilities 1995 published by the Bureau of Justice Statistics from the United States Department of Justice. The publication provides the actual number of inmates under the age of 18 at the time of the census count. For this analysis, this variable was used as a rate, computed by dividing the number of juveniles in prison in each state by the total number of juveniles in that state and multiplying by 1,000.

The juvenile arrest rate was calculated from the Sourcebook of Criminal Justice Statistics published for the year 1995 (Maguire and Pastore 1996). This gives the number of arrests in each state for persons under the age of 18 for 1994. The rate was determined by dividing the number of juvenile arrests in each state by the number of total juveniles and then multiplying by 1,000. (The total of all offenses does not include traffic arrests.)

The juvenile transfer rate, though discussed a great deal, was not measured. This data is supposedly available and limited to approximately 23 states; however, I was not able to access that data. With that in mind, in this study I will assume that the only way a juvenile can be incarcerated in an adult prison is if he or she was transferred from juvenile court to criminal court. Assuming this will allow me to conceptualize transfer as an unmeasured but theoretically relevant variable in this study.

### *Endogenous Variables*

There are two endogenous variables of interest in this study. First, the prison population was taken from the aforementioned Census of State and Federal Adult Correctional Facilities 1995. This census included 125 federally authorized prisons and 1,375 state authorized prisons. Prison population counted the actual number of inmates in each facility.

The second endogenous variable is prison violence. Prison violence was

measured with five variables: assault on staff, assaults on inmates, staff deaths from assaults, inmate deaths from assaults, and riots. These variables were taken from the - Census of State and Federal Adult Correctional Facilities 1995 published by the Bureau of Justice Statistics from the United States Department of Justice.

Assaults on staff were coded by the census as the actual number of assaults caused by inmates, either physical or sexual, to facility staff during a one year period. Assaults on inmates were coded as the actual number of assaults caused by inmates, either physical or sexual, to other inmates during a one year period. The census coded the actual number of staff deaths from physical assaults by inmates during a one year period to get the number for staff deaths from assaults. Similarly, inmate deaths from assaults were also the actual number of inmate deaths from physical assaults by inmates during a one year period. Lastly, riots were defined and coded as the actual number of disturbances at the facility that involved five or more inmates where serious injury or significant property damage was done.

An overall measure of prison violence was also constructed. This measure was computed as a rate and derived by summing the totals of the five measures of prison violence and then dividing that sum by the total number of inmates in a state. This rate of prison violence signifies how many assaults, deaths, and riots there are per 1,000 inmates.

## ANALYSIS

Descriptive, bivariate and multivariate analyses were conducted to explore the relationships between the independent and the dependent variables. Descriptive statistics provided information describing the sample, bivariate analysis gauged the relationship between the variables and multiple regression determined how population, arrest rate and other control variables impact prison population and prison violence.

## LIMITATIONS

One of the limitations of this study is the use of secondary data. Because the data used is secondary and already collected by other researchers, this study is limited to what data is available. As mentioned before, the transfer data was not available for the states used in this study and therefore transfer rate was treated as an unmeasured variable. Also, since this data was taken from several different sources, the data do not include the same cases nor do they cover the exact same years, although all the data was recorded within a year or two. A final limitation of this study comes from the small numbers of actual juveniles transferred in each state potentially providing unstable estimates.

## CHAPTER IV

### RESULTS

The results of the analysis allowed for several interesting conclusions and are broken up into three parts: descriptive statistics, bivariate statistics and regression analysis.

#### DESCRIPTIVE STATISTICS

Focusing on the key variables, the descriptive analysis of the variables in the states showed some not so surprising statistics. These results are presented in Table 1. The average state population is 4,876,664 people, with the fewest in Wyoming (4,53,588) and the most in California (29,760,021). The juvenile population (i.e., ages 10-17) of the U.S. states has a mean of 481,937 with Hawaii having the smallest juvenile population (34,244) and California, again, having the largest (2,177,920).

Turning to criminal justice statistics, we see that the juvenile arrest rate ranged from 7.89 per 1,000 in Vermont to 602 per 1,000 in Hawaii (mean = 101.53, S.D. = 89.093). Prison population had a mean of 20,070 with North Dakota incarcerating the fewest people (677) and California incarcerating the most (131,784). Juvenile prison population ranged from zero in some states (Maine, New Hampshire, North Dakota and West Virginia) to 804 in Florida (mean = 104.10, S.D.= 169.973). The mean incarceration rate is 3.83 per 1,000 (S.D.= 2.115) with a low in North Dakota (1.059) and high in the District of Columbia (14.297). The mean juvenile incarceration rate is

.2440 (S.D.=.3813) and ranged from zero in those four states who did not report having any juveniles in incarceration to 2.532 per 1,000 in Connecticut.

Prison violence was measured using five variables: assaults on facility staff, assaults on other inmates, staff deaths from assaults, inmate deaths from assaults, and riots. Rates were determined by dividing these values by the prison population in that state and then multiplying that value by 1,000. The mean rate of assaults on facility staff was 37.899 per 1,000 (S.D.= 25.022) with only one reported assault in both Nevada and South Dakota and 1,538 in California (rate of 102.30/1,000 inmates). The rate of assaults on other inmates in prison ranged from 1.99 per 1,000 (n=14) in Maine to 177.23 (n= 3,268) in California and had a mean of 31.755 (S.D.= 30.867). Staff deaths from assaults vary from zero in many states to 10 (rate = .88 per 1,000) in Ohio with a mean rate of .0320 (S.D.= .1429). Inmate deaths from assaults ranged from zero reported in a number of states to 11 (rate = .72 per 1,000) reported in Illinois. The rate for this variable had a mean of .0846 (S.D.= .1308). The rate of prison riots shows an average of .1308 (S.D.= .24704) and ranged from 0 to 1.25/1,000 (n= 161) in Texas. Finally, the overall rate of prison violence is considered. This number shows that there is an average of 45.759 incidents of violence per 1,000 inmates. Violence statistics range from 5.53 in Georgia to 189.01/1,000 in Hawaii. Because of the skewed nature of many of these variables, the following variables were transformed by taking the log of the value: population, juvenile population, juvenile arrest, incarceration rate, juvenile incarceration rate and rate of prison violence; this reduced the skew tremendously.

Table 1. Descriptive Statistics of Sample (N=51)

Variable	Mean	Standard Deviation	Min	Max
State Population	487,66	5439195.03	453,588	29,760,021
Juvenile Population (ages 10-17)	481,937	468924.59	34,244	2,177,920
Juvenile Arrest Rate*	101.53	89.09	7.89	602.97
Incarceration Rate	3.83	2.11	1.05	14.29
Juvenile Incarceration Rate	.244	.381	.000	2.53
Prison Violence (per 1,000):				
Rate of Assaults on Facility Staff	37.89	25.20	.57	102.30
Rate of Assaults on Inmates	31.75	30.86	1.99	177.23
Rate of Staff Deaths from Assaults	.032	.142	.00	.88
Rate of Inmate Deaths from Assaults	.084	.130	.00	.72
Rate of Riots	.130	.247	.00	1.25
Overall Rate of Prison Violence	45.75	35.34	5.53	189.01

\* For the juvenile arrest rate, the sample included only 48 states and D.C., Kansas and Montana were not included in the *Sourcebook* data.

## BIVARIATE STATISTICS

Bivariate statistics are used to examine the relationships between the variables. Based upon the examination of the prison violence variables using descriptive and bivariate statistics, the decision was made not to include staff deaths from assaults and inmate deaths from assaults in the analysis because of how few cases there were. (Forty-seven states had no staff deaths and 22 states had no inmate deaths). We also recoded riots into a dichotomous variable, where 0 meant there was no riot that year and 1 meant there was at least one riot in the state. There were no occurrences of riots in 27 states, while the remaining 24 states did have a riot that year, those numbers ranging from 1 to 161. All indicators of violence are included in the measure of overall prison violence in each state.

Extended analysis was performed using the change in juvenile population between 1980 and 1990. This showed that all but two states, Nevada and Utah, had a decrease in juvenile population (ages 10-17) between those years. This does not support the model and the theory that an increase in the juvenile population increases society's fear of juveniles and increases the number of juveniles entered into the criminal justice system. It was between these years that there were increases in juvenile crime, violent juvenile crime, and juvenile arrests (National Center for Policy Analysis 2001; Snyder et al. 2001).

There are positive correlations between several variables as can be seen in Table 2. Of my four hypotheses, only one was supported with a significant correlation. The first hypothesis, states with a higher juvenile population have a higher juvenile arrest rate, was not supported. The second hypothesis, states with a higher juvenile arrest



rates will have a higher rate of juvenile incarceration, was also not supported.

Inconsistent with hypothesis three, states with more juveniles in adult prisons will have more violence in those prisons, there is not a significant correlation between these two variables. Neither the rate of assaults on staff or inmates was correlated with juveniles in adult prisons, lending no support for hypotheses four. Also inconsistent with hypotheses four, rates of staff deaths from assaults and inmate deaths from assaults are not correlated with any other variables. Finally, the hypothesis that states with more juveniles in adult prisons will have more riots, was partly supported by a significant correlation between juvenile population and riots (Pearson's  $r = .509$ ) and incarceration rate and riots (Pearson's  $r = .481$ ), thereby lending partial support for hypothesis four. This relationship will be examined further in the regression section of this chapter and in chapter five.

Table 2. Bivariate Correlations (N= 51)

	Juvenile Arrest	Rate of Juvenile Incarceration	Rate of Prison Violence	Rate of Assaults-Staff	Rate of Assaults-Inmates	Riot? (Y or N)
Juvenile Population	-.100	-.077	-.034	.386	-.192	.509*
Juvenile Arrest Rate	1.00	.022	-.117	-.319	-.024	-.257
Juvenile Incarceration Rate	.022	1.00	.009	.044	.040	.256

\* Significant at  $p < .01$

\* For the juvenile arrest rate, the sample included only 48 states and D.C., Kansas and Montana were not included in the *Sourcebook* data (Maguire and Pastore 1996).

## REGRESSION ANALYSIS

After looking at the bivariate correlations, I examined scatterplots of the relationships. Upon inspection of the scatterplots, an outlier was detected (Connecticut) and removed from the data set and correlations were re-estimated. The results did not change and the multiple regression analyses of the prison violence variables (with and without the outlier) revealed no significant relationships, therefore not supporting any of the hypotheses. These results can be viewed in Table 3. Logistic regression was used with the dichotomous variable riots. It was found that each unit change in juvenile incarceration increases the odds of there being a riot five fold, as can be seen in column five of Table 3. This does support the hypothesis that states with more juveniles in adult prisons will have more riots.

Because the juvenile incarceration rate was only related to riots and not other measures of violence, I decided to explore this relationships a bit more. Several variables were chosen for analysis on the basis that they may reflect the punitiveness of the state. These variables are presented in a table in Appendix B. The results of this analysis revealed that the occurrence of a riot was significantly correlated with some of these variables: the violent crime rate (Pearson's  $r = .468$ ), the number of persons under sentence of death (Pearson's  $r = .477$ ) and the number of people executed in the state since 1977 (Pearson's  $r = .302$ ). These variables were also included in logistic regression analysis along with the state juvenile population and juvenile incarceration rate. These results revealed that none of the variables were statistically significant with riots. These findings will be discussed in chapter five.

Table 3. OLS and Logistic Regression Models

	Rate of Prison Violence	Rate of Assaults on Inmates	Rate of Assaults on Staff	Rate of Riots**
Variable	B (SE)	B (SE)	B (SE)	B (SE)
Juvenile Incarceration Rate	.088 (.746)	.220 (.805)	.378 (.905)	6.28* (2.92)
Juvenile Population (ages 10-17)	-.027 (.107)	-.139 (.116)	.331* (.130)	1.55* (.483)
Juvenile Arrest Rate	-.124 (.154)	-.048 (.166)	-.399* (.187)	-1.07 (.562)

\* Significant at  $p < .05$ 

\*\* Based on logistic regression analysis

## CHAPTER V

### DUSCUSSION AND CONCLUSION

The results of the multiple regression provided little support for the hypotheses derived from the literature. However, logistic regression did find a significant relationship between riots and the juvenile incarceration rate, supporting hypothesis 8. Because of the lack of significance found between the variables, we see there is little if any support for the threat theory that society fears juveniles and reacts by arresting, transferring, and incarcerating more. However, just because this one study does not find statistical significance does not mean that the idea is bunk or incorrect. The threat theory of juvenile crime still has merit. Sometimes called “super predators,” society has a negative image of juveniles, thinking they are “ruthless young men and women who see crime as a rite of passage and who are unconcerned about the consequences of their actions” (Gluck 1997). Society often sees young black males, in particular, as a dangerous class (Steffensmeier, Ulmer, and Kramer 1998). This may account for the overrepresentation of young black males who enter the criminal justice system and who are given harsher penalties in sentencing (Steffensmeier et al. 1998). Though the literature shows that juvenile crime is not on the rise and this thesis finds little significance that juveniles increase crime in prison, the perception of violent teens still exists and is therefore a serious issue (Gluck 1997; Kappeler et al. 2000; Snyder et al. 2001).

One possible explanation for the fear that society feels for juveniles is the media. Perhaps it is not the sheer numbers of juvenile crime and violence that makes society

fearful; the way the media portrays juvenile crime could lead to the negative image of juveniles. Many researchers agree that juvenile crimes are over reported by the media, and Elizabeth Klug (2001) relays that although “youth crime is at it’s lowest ebb in a generation, 62% of adults think juvenile crime is increasing” (14). Society is still threatened by this “ruthless” population. It could, on the contrary to actual increases in crime, be just in the way the media presents these numbers. The number of crimes committed by juveniles may have stayed the same or varied little over a time period, but if the media does not report it, society does not really know much about it. By the media all-of-a-sudden paying attention and reporting these kinds of crimes, it seems that there is an increase and society may then be fearful of juvenile crime. Or perhaps it could be that society is just paying more attention to the media.

Television and newspaper stories about violent crime and juvenile violence increased more than 400 percent between June and November of 1993. In the wake of this extraordinary burst of media coverage, public concern about crime rose dramatically. Americans ranking crime or violence as the nation’s foremost problem jumped from 9 percent to 49 percent between January 1993 and January 1994 (Gallup 1994:6). Politicians at every level rose to the "challenge" of keeping up with public opinion. Proposals to stem the seeming "epidemic" of violence included everything from castration to caning, from fingerprinting school children to incorporating military technology in the latest "war on crime." That levels of violent crime actually were declining was apparently irrelevant. (Chiricos, Eshholz, and Gertz 1997: 343)

This notion that the media influences how society views a subject is well documented in research (Altheide 1997; Barlow, Barlow, and Chiricos 1995; Gerbner 1998; Pritchard and Berkowitz 1993; Yanich 2001). These studies show that crime and violence in the media does lead to an increase in fear of crime by society. Mastro and Robinson (2000) report that only one percent of the population are victims of crime in any twelve-month period, but we can see that perceptions of danger is much higher.

This all leads to a kind of media-made crime threat. However, it is a threat that should still be taken seriously, even if the actual numbers of arrests and crime is decreasing.

The lack of statistical significance found in this study does not support the notion that an increasing number of juveniles in adult prisons increases prison violence, with the exception of prison riots. It was found that the odds of a prison riot occurring increase five fold with increases in the juvenile population. This is important to know in the prevention of prison riots. There has been much research on the area of prison riots and what can be done to prevent them, as will be discussed in the “Thoughts on Juveniles and the Criminal Justice System” section of this chapter. Logistic regression was performed on variables that may be used to explain the relationship between an increase in juveniles and riots (those variables can be seen in Appendix B). Though the results did not reveal significant relationships, they should be taken into consideration when further examining this topic in future research.

Further research should focus on the implications of juveniles being incarcerated in adult prisons, most specifically the issue of violence and victimization. It is important to keep in mind the small numbers of juveniles incarcerated in adult prisons used in this study. In 1992 there were about 11,700 juvenile cases transferred and estimates in 1998 may put that number as high as 200,000 (National Center for Policy Analysis 2001 and The Sentencing Project 2001, respectively). The number of juveniles from these thousands in criminal court that actually make it to an adult prison facility are much smaller (this study involved 5,309 juveniles across the 51 jurisdictions). That number is small compared to the 1,023,572 adults incarcerated in prisons, but they are important. The literature shows that violence exists in prisons and

that incarcerated juveniles are more likely to be victims of that violence. Research shows that in 1989, juveniles in adult prisons were five times more likely to be sexually assaulted, twice as likely to be beaten by the staff, and 50% more likely to be attacked with a weapon than those in juvenile detention facilities (Austin et al. 2000). With this in mind, we must still strive to make this small number of juveniles in adult prisons even lower.

#### SOME THOUGHTS ON JUVENILES AND THE CRIMINAL JUSTICE SYSTEM

Locking juveniles up in adult prisons does not solve the problem that we, as a society, think there is. Sending children to institutions with adult criminals does not solve the juvenile delinquency problem. It does not treat the root causes of crime: drugs, family situations, etc. The use of juvenile transfers serves only to satiate the public's desire for "justice." As a result, juveniles re-enter society stigmatized with a criminal label tutored in how to be more dangerous and criminal than before the prison experience (Kappeler et al. 2000; Sutherland and Cressey 1960). There are ways to help juveniles see their errors and learn from their mistakes without choosing a "quick-fix" solution that is not in anyone's best interest.

What can we do about it? In a recent publication, the Coalition for Juvenile Justice argued that the use of juvenile transfers should be based on "specific criteria only" on an individual basis (Coalition for Juvenile Justice 1998: 53). In doing this, judges and other criminal justice professionals can make decisions in the best interest of the juvenile offender. There should be a greater focus on crime and delinquency prevention and intervention programs for children at risk. "We must 'focus more on the



playpen than on the state pen” (Coalition for Juvenile Justice 1998:44). To help at-risk kids, we can do several things. One, we can strengthen the family unit. By helping families in need (parenting classes, incentive programs), we can teach valuable lessons and skills to both kids and parents. Two, we can promote after-school activities.

Whether be it by the city, county, church, or community, these programs instill values and give kids something to do. Third, we need to focus on at-risk kids to give them the services and support that they need. At-risk kids have been identified by research as being those children who are young and male, who live in high crime areas or poverty, have had poor school performance and those with families that are already incarcerated (Bilchik 1999; Breslin 1998). Fourth, encouraging community sanctions for crimes will keep children out of jails and prisons where they can learn more crime. We could use the money for incarcerating juveniles and put it toward increasing supervision of probation and other sanctions such as electronic monitoring and house arrest. The cooperation of communities are needed for these programs to work (strengthening families, creating after-school programs, targeting at-risk kids, and working with community sanctions). “Community-based prevention programs, mentoring activities, parenting training, and the monitoring of at-risk youths will help reduce the number of juveniles who enter the system in the first place” (Simms 1997). Finally, if we have to incarcerate how about graduated incarceration. “Juveniles sentenced as adults but incarcerated in juvenile correctional facilities until they reach a certain age when they may be transferred to adult facilities for the duration of their sentence” (Hurst 1997). There are 12 states that use a graduated incarceration for some cases (Delaware, Georgia, Maryland, Missouri, North Dakota, Ohio, Oregon, Tennessee, Texas, Utah,

Washington, and West Virginia)(Redding 2000). Segregated incarceration is another alternative to incarcerating juveniles in adult prisons. In segregated incarceration, juveniles are housed in separate facilities especially for younger adults (eight states use this: California, Colorado, Florida, Kentucky, New Mexico, New York, South Carolina, and Wisconsin)(Redding 2000). “Segregated units for young offenders may help protect juveniles from predatory adult inmates...and may ameliorate some of the stresses and criminogenic effects of prison” (Redding 2000: 4). These blended sentences may solve the problem of a society who wants to imprison the criminal but in doing so it is reasonable in respect to the juvenile.

Interestingly, Illinois has enacted a new policy to help troubled youth. The Commission on Juvenile Competency appointed by the State’s Attorney recommended in 1999 that children younger than 10 accused of crimes be handled in a civil process that would provide intensive social services rather than detention or incarceration; that option would be available to children between the ages of 10 and 12 at the discretion of prosecutors (Kappeler et al. 2000).

It would be altogether fitting for Illinois to lead the way again, lead the way *back* to a rational, compassionate and just set of laws for dealing with young suspects. Laws that require minors to be represented by counsel during questioning. Laws that allow judges, not prosecutors, to decide whether a kid belongs in juvenile court. Laws that assume the innocence-and the potential of youth (quoted from the Chicago Tribune in Kappeler et al. 2000).

Aside from the direct issue of incarcerating juvenile in adult prisons, this study was useful to see how increases in juveniles (or perhaps prisoners in general) increases the chances of a prison riot occurring. Research on prison riots has collected an array of statistics useful in understanding when or where the chance of a prison riot may be.

Reid Montgomery, Jr (1994) gives these statistics in his comprehensive study of prison

riots from 1774 to 1991. He reported from a study in South Carolina that prison riots were more likely to take place in maximum security institutions, in older prisons, where inmates feel the recreational programs are not adequate, and when wardens do not spend much time in contact with the inmates. Montgomery (1994) also offers several ideas to change prison in order to prevent riots. He suggests the foremost factor to be changed is the amount of prison space. Overcrowding is not a new issue, but it is an important one. “The tension that results from this close confinement certainly contributes to prison strife” (Montgomery 1994: 247). He also suggests that boredom and the absence of employment and educational opportunities are factors contributing to prison violence. Increasing space, giving inmates something meaningful to do, limiting drugs and alcohol in prisons, and maintaining security and riot plans to squelch a riot if one should occur are all things that can be done to prevent or limit the occurrences of prison riots (Montgomery 1994; Montgomery 1997).

## CONCLUSION

Attention does need to be given to juvenile crime, as with any other type of crime. However, juveniles are not our enemy. Crime is not as prevalent as the media and society believes it to be (Vandiver and Giacopassi 1997). In the media juveniles are portrayed as evil or superpredators, but reality tells us that is not true (Dohrn 2000, Snyder and Sickmund 1995). Ninety-five percent of all juveniles are never arrested and most juveniles who come into contact with the juvenile justice system do so only once (Snyder and Sickmund 1995).

Polls indicate that Americans most fear juvenile crime, and politicians have discovered that there are almost no bounds to punishment possibilities:

expulsion from school, an end to confidentiality for youth offenses, boot camps, whipping, humiliation, unpaid labor, trial and sentencing as adults, incarceration with adult criminals, isolations and sensory deprivation, and legal executions of children. (Dohrn 2000)

It is not fair to allow a distortion of the facts and society's fear to compromise our children and our juvenile justice system. So what does the future hold? Well, if there still is a juvenile justice system in the future, it could possess a number of different characteristics. First, there is little doubt that justice will use more transfers to criminal court in the future. Second, the juvenile court may automatically exclude older violent juveniles from the juvenile system for prosecution in the criminal justice system (Klofas and Stojkovic 1995). Third, on a national level, the maximum age of jurisdiction for the juvenile justice system could be lowered from 18 (to perhaps 16) (Klofas and Stojkovic 1995). These are things that could happen in the future. Or the juvenile justice system could disappear altogether and all criminals, regardless of age, will stand before the criminal justice system. Many politicians and legal workers think that is the best solution to end the whole debate and end a failing juvenile justice system (Champion and Mays 1991). However, can we assume that the criminal justice system will achieve something that the juvenile justice system could not? We must not depend on this; we must instead revise the existing juvenile justice system to "provide the types of treatment *and* punishment appropriate for the oldest, most serious, and most persistent juvenile offenders. This small group obviously needs our focused attention and resources" (Champion and Mays 1991). We should listen to their needs and decide the best course of action to help them while still holding them accountable for their actions. We can do this in the juvenile court and in juvenile facilities where they will be

safer and receive the care and resources that they require. We must always think of juvenile offenders as children who need help and not merely as criminals.

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## APPENDIX A

## MINIMUM AGE OF TRANSFER TO CRIMINAL COURT

## NO MINIMUM AGE (23 states)

Alaska, Arizona, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Maine, Maryland, Nebraska, Nevada, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Washington, West Virginia, Wisconsin

## AGE 10 (2 states)

Kansas and Vermont

## AGE 12 (3 states)

Colorado, Missouri, Montana

## AGE 13 (6 states)

Illinois, Mississippi, New Hampshire, New York, North Carolina, Wyoming

## AGE 14 (16 states)

Alabama, Arkansas, California, Connecticut, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, New Jersey, North Dakota, Ohio, Utah, Virginia

## AGE 15 (1 state)

New Mexico

\*Griffin, Patrick. 2000. "Frequently Asked Questions." *State Juvenile Justice Profiles*. Pittsburgh, PA: NCJJ. <http://www.ncjj.org/stateprofiles>. Accessed 10/08/01.

## APPENDIX B

## MEASURING VIOLENT AND PUNITIVE STATES

State	Riot? <sup>a</sup>	% prison Occupied <sup>b</sup>	violent crime rate (per 100,000)	background check for guns	min age death penalty <sup>c</sup>	# on death row <sup>d</sup>	# executed since 1977
AL	yes	98.5	683.7	no	16	144	10
AK	no	104.6	766.3	no	NA	NA	0
AZ	yes	105.9	703.1	yes	NS	121	3
AR	no	109.5	595.1	no	14	37	9
CA	yes	175.3	1013.0	no	18	444	2
CO	no	101.0	509.6	yes	18	4	0
CT	yes	90.6	455.5	no	18	5	0
DE	yes	145.1	561.0	yes	16	11	4
DC	yes	95.8	2662.6	no	NA	NA	0
FL	yes	99.2	1146.8	yes	16	351	33
GA	yes	101.4	667.7	yes	17	108	18
HI	no	171.5	262.2	no	NA	NA	0
ID	no	106.3	285.8	yes	NS	19	1
IL	yes	138.5	960.9	yes	18	164	2
IN	yes	114.6	525.1	no	16	50	3
IO	no	117.6	315.1	no	NA	NA	0
KS	no	94.7	478.7	no	18	0	0
KY	no	99.2	605.3	no	16	28	0
LA	yes	97.4	981.9	no	NS	53	21
ME	no	85.4	129.9	no	NA	NA	0
MD	no	164.7	948.0	no	18	17	1
MA	yes	164.5	707.6	no	NA	NA	0
MI	no	104.5	766.1	no	NA	NA	0
MN	no	108.3	359.0	no	NA	NA	0
MS	yes	100.7	493.7	no	16	54	4
MO	no	95.4	743.5	no	16	92	11
MT	no	182.4	177.1	no	NS	6	0
NE	no	127.7	389.5	yes	18	10	1
NV	no	107.0	1001.9	yes	16	85	5
NH	no	115.6	116.8	yes	17	0	0
NJ	yes	138.7	614.2	no	18	14	0
NM	yes	95.2	889.2	no	18	3	0
NY	yes	130.8	965.6	no	NA	0	0
NC	yes	103.1	655.0	no	17	154	6
ND	no	87.7	81.8	no	NA	NA	0
OH	yes	170.1	485.8	no	18	150	0
OK	yes	106.4	651.5	no	16	119	3

State	Riot? <sup>a</sup>	% prison Occupied <sup>b</sup>	violent crime rate (per 100,000)	background check for guns	min age death penalty <sup>c</sup>	# on death row <sup>d</sup>	# executed since 1977
OR	no	102.5	520.6	yes	18	22	0
PA	yes	121.7	426.7	yes	NS	200	0
RI	no	110.7	375.5	no	NA	NA	0
SC	yes	106.4	1030.5	yes	NS	71	4
SD	no	109.6	227.6	no	NS	2	0
TN	yes	95.6	747.9	no	18	102	0
TX	yes	94.6	706.5	no	17	394	85
UT	no	99.8	304.5	yes	NS	10	4
VT	no	99.1	96.9	no	NA	NA	0
VA	yes	139.8	357.7	yes	15	54	24
WA	no	134.4	511.3	no	18	13	2
WV	no	88.8	215.8	no	NA	NA	0
WI	no	147.8	270.5	yes	NA	NA	0
WY	no	106.2	272.5	no	16	0	1

<sup>a</sup> Riot data taken from the *Census of State and Federal Adult Correctional Facilities, 1995*.

<sup>b</sup> All other data taken from the *Sourcebook of Criminal Justice Statistics, 1995*.

<sup>c</sup> NS is used when states have listed "none specified." NA is used for states without statutory provisions for the death sentences.

<sup>d</sup> NA is used when the state is not applicable or did not report the data to *Sourcebook*.

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