

**JUVENILE TRANSFER
TO CRIMINAL COURT STUDY:
FINAL REPORT**

**Lonn Lanza-Kaduce
Charles E. Frazier
Jodi Lane
University of Florida
and
Donna M. Bishop
Northeastern University**

A Research Report Submitted to the



Florida Department of Juvenile Justice
Jeb Bush, Governor
W.G. "Bill" Bankhead, Secretary
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STATE OF FLORIDA
DEPARTMENT OF JUVENILE JUSTICE

January 8, 2002

The Honorable Jeb Bush
Governor of Florida
PL-01 The Capitol
Tallahassee, Florida 32399-0001

The Honorable John M. McKay
President of the Florida Senate
409 The Capitol
Tallahassee, Florida 32399-1100

The Honorable Tom Feeney, Speaker
Florida House of Representatives
420 The Capitol
Tallahassee, Florida 32399-1300

Dear Governor Bush, President McKay and Speaker Feeney:

The Department of Juvenile Justice is pleased to present the results of the *Juvenile Transfers to Criminal Court Study*. The study was begun in 1995 through a grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice. It was designed in a cooperative effort between the Juvenile Justice Advisory Board of the Florida Legislature and researchers from the University of Florida.

The heart of this study is a comparison of outcomes between a carefully matched sample of youth who were transferred to adult criminal court with those who were retained in Florida's Juvenile Justice System. Through an exhaustive case file review process, these pairs of youth were matched on age, gender and race, as well as prior offense history, including such factors as victim injury, property damage, use of weapons and other details that were unavailable through automated data systems. The study reveals that, after age 18, youth transferred to adult criminal court were more likely to commit a felony, and when they did, they committed more serious crimes. The researchers concluded that transferring youth to the adult criminal system is more likely to aggravate recidivism than to stop it.

The results of this study demonstrate the positive impact that Florida's investment in delinquency treatment is making on public safety. We continue to strive to develop services that ensure public safety, hold youth accountable for their actions, and at the same time provide rehabilitative treatment.

Sincerely,

W.G. "Bill" Bankhead
Secretary

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JUVENILE TRANSFER TO CRIMINAL COURT STUDY: FINAL REPORT

EXECUTIVE SUMMARY

This Final Report presents research from Florida on the transfer of juveniles to criminal court. The findings from an earlier phase of this study, *Juvenile Transfer to Criminal Court Study: Phase I*, have already been reported to the Office of Juvenile Justice and Delinquency Prevention. This report concentrates on the research findings from the continuation phase. It focuses on comparing the effects of being processed through the adult criminal court versus the juvenile system and exploring reasons why differences may occur. Comparisons between the juvenile and adult systems are made using two types of data—statistical information obtained from official records maintained at the state and local levels and qualitative information collected from interviews in which research subjects could talk about their experiences and perceptions in their own words.

Recidivism and Statistical Data

The recidivism of transferred youth is compared with that of youth retained in the juvenile system. The quality of the comparisons (and the value of the recidivism analysis) rests on two considerations.

- **Are the comparison groups (the transfer and the juvenile justice cases) equivalent?**
- **Is the recidivism outcome measured the same for both comparison groups?**

Several steps were taken to obtain equivalent comparison groups. State data were used to identify transfer cases in six of Florida's judicial circuits. Those circuits ranged from rural to urban and were selected because they reported different rates at which young offenders were transferred to criminal court in 1995. For each transfer case, a similar case was located from those retained in the juvenile system in that circuit. The matching was performed on the basis of automated data maintained by the state. Seven matching criteria were used:

1. Offense;
2. Number of counts or referral charges;
3. Number of dates for previous juvenile referrals;
4. Most serious prior referral offense;
5. Age;
6. Gender; and
7. Race.

The quality of the match between transfer cases and their respective matched juvenile cases was then checked against local courthouse records. Only about 40% of the pairs identified during the state level matching were confirmed in the local records. The rate of confirmed matches varied markedly across the six judicial circuits that were studied.

- **The 950 cases in 475 matched pairs (one transfer and one juvenile case in each pair) that had local records data constituted the research sample.**

Details were obtained from the local data to construct a seriousness index to further refine the equivalency of the comparison groups. The index examined details such as victim injury, property damage or loss, intervening legal complications during case processing, and gang membership that were not available in the automated state data. The index was used to identify a subset of the best-matched pairs in the sample.

- **The index indicated that the juvenile case was as serious as the transfer in 315 matched pairs (630 cases).**

Valid comparisons also required that official recidivism be measured the same for both groups of offenders. Official recidivism data from the Florida Department of Law Enforcement and from the Department of Corrections were collected for those felony offenses that occurred after those in the sample reached 18 years of age—when all of the youth in the sample would be treated as adults and subject to Department of Corrections sanctions.

- **By looking at felony recidivism after the age of 18, no systematic differences should have occurred in the measurement of recidivism between those who were transferred and those who were retained in the juvenile system.**

One overarching pattern emerged from the results.

- **Transfer cases were more likely than the juvenile cases to have indications of felony recidivism after the age of 18.**

When the entire group of 475 transfers was compared with the group of 475 juvenile matches, nearly 50 percent of the transfers re-offended after age 18 but only 35 percent of the juvenile cases did. The recidivism difference was similar when the transfers were compared with the juvenile cases in the 315 best-matched pairs. This difference occurred across circuits and across different kinds of sentences.

Within those pairs in which the transfer case had a different recidivism outcome than did its matched juvenile case, the transfer was more often the one who re-offended. This pattern occurred for the analysis of all 475 pairs and for the sub-analysis of the 315 best-matched pairs. More specific patterns also emerged.

- **When both the transfer and juvenile case in a matched pair re-offended, the evidence indicated that the transfer was more likely to commit a more serious felony.**

- **Adult sanctions were more often linked to recidivism than were juvenile sanctions in the analysis of the paired comparisons.**
- **The evidence indicated that those transfer cases sentenced to jail were most likely to re-offend after the age of 18.**

The results from this detailed analysis comport with those from earlier Florida studies. Increased recidivism was observed even after making refinements in the analysis. The extra details, the greater precision in matching, and the more restrictive measure of recidivism that were used in this latest analysis address criticisms of the earlier efforts.

- **Still the conclusion remains: transfer is more likely to aggravate recidivism than to stem it.**

Interviews and Qualitative Data

Interview data were collected as part of an exploratory effort to obtain insight into why differences emerge in recidivism between transferred and retained youth. In the continuation phase, interviews were conducted with offenders and administrators in the correctional systems. Many of the interview questions were open-ended and had no pre-determined response categories. Much of the analysis of these interviews consisted of identifying themes that were volunteered and of locating particularly insightful comments that subjects offered about their experiences and perceptions of the justice systems.

Correctional Administrators

Telephone interviews were conducted with the Superintendent or Assistant Superintendent in charge of programming in eight adult offender facilities and four youthful offender facilities operated by the Florida Department of Corrections. The focus of the interviews was on the administrators' perceptions of problems posed by inmates who were under 18 years of age and their views on how to respond to these transferred offenders.

- **These officials generally acknowledged that inmates under the age of 18 have special needs in such areas as life skills, anger management, and education.**

Most thought that transferred youth had more difficulty adjusting to prison life. They were more likely to join gangs and violate institutional rules. They were also perceived to be more likely to be victimized by other inmates. There was recognition of the importance of educational programs for transferred inmates and a perception that participation in educational and vocational programs was higher among transfers than other inmates.

Young Offenders

Interviews were also conducted with 144 males between the ages of 17 and 20 who were incarcerated in the Florida juvenile and adult correctional systems for crimes they

committed while under the age of 18. Seventy-two of the interviewees housed in one of four juvenile residential commitment facilities reported experience with the juvenile justice system only. The remaining interviewees were in the adult system; 63 reported experiences with both the juvenile and adult correctional systems.

- **Respondents described the juvenile court process and juvenile judges in positive terms.**

Only a few volunteered that they had difficulty comprehending juvenile court proceedings. With few exceptions, youth described the juvenile court process as fair and accepted judicial decisions to commit them as legitimate or right.

- **Transferred youth frequently drew sharp contrasts between the juvenile and criminal courts.**

Unlike what they reported about juvenile court, the youth perceived the criminal court to be formal and hurried with little opportunity for them to be heard. They thought that criminal court judges had little interest in them or their problems. Some youth failed to differentiate the roles and functions of judges, prosecutors, and defense lawyers. Transferred youth were especially critical and mistrustful of public defenders. They frequently believed that public defenders were “part of the state” and were an adversary rather than an advocate. They generally viewed criminal proceedings as being more complex than juvenile ones and were cynical about the gamesmanship and deal making that they saw in the adult system.

The youth interviews were also used to derive two kinds of global assessments about their perceptions of the impacts of the juvenile and adult systems. All interviewees were asked about how their justice system experiences affected their beliefs about crime and conformity, how they impacted their behavior, and how they altered their future prospects. Each disposition that was recalled with sufficient detail was assigned one of the following ratings: 1) generally beneficial impact overall, 2) mostly mixed impact (some beneficial, some negative), 3) no real impact, or 4) generally a negative impact overall. For those respondents who spoke about more than one disposition, comparisons were made between the relative impacts. Shorter, less encompassing “low-end” juvenile placements were compared with longer, more intrusive “deep-end” juvenile placements and juvenile placements were compared with adult correctional dispositions. For both the ratings and the comparisons, the focus was on the effect a sanction was expected to have on the interviewee’s attitudes about and participation in future crime.

Those interviewees who reported experience with “low-end” juvenile placements thought these programs were mostly ineffective in changing their delinquent attitudes and behaviors—perhaps not surprising since all of them had returned and received more serious sanctions. They reported that the low-end sanctions lacked the intensity needed to address their problems or to give them the skills to do better. Future research should examine whether assessment and classification could be developed to identify these delinquents and place them in programs that meet their needs earlier in their delinquent careers.

- **The ratings of the “deep-end” juvenile sanctions were positive more than half the time.**

Both programming and the longer time spent in the deep-end placements were given as reasons. Those who compared their experiences in low-end and deep-end juvenile placements also indicated that the deep-end sanctions were more likely to have a positive impact on their attitudes and future behavior.

- **The ratings of adult sanctions were mixed.**

Adult probation was rarely seen as beneficial. Prison was rated as beneficial about a third of the time. Over half of the participants in a jail program that “blended” adult punishment with treatment had positive ratings. When adult sanctions were compared with juvenile ones, the adult sanctions tended to be perceived as being more beneficial.

- **Few of the respondents who made juvenile and adult comparisons, however, had “deep-end” juvenile experiences—raising the possibility that transfer may be used in lieu of “deep-end” placements rather than as the next step in a graduated correctional system.**

Those who were transferred had markedly different perceptions about the impact of their adult system experiences from similar offenders who were retained in the juvenile system. Their words offer possible explanation as to why transfer and confinement in the adult system may exacerbate criminal propensities. An executive summary cannot capture all the insights they presented but the sobering appraisal of one of the transferred interviewees conveys the tone and illustrates the problem.

I can't seem to get away from the system. . . . I might have to live in a motel, and that's a violation because that's not a stable home. And they say I can't be with no convicted felons, and my mom is a convicted felon and my dad is, my brothers, aunts, uncles, they all be locked up one time or another. They say to stay out of bad areas and drug areas. My whole neighborhood is a bad area and a drug area. I can't go to no rich neighborhood you know.

Chapter 1

INTRODUCTION TO THE FINAL REPORT

This report presents research from Florida on the transfer of juveniles to adult criminal court. The findings from an earlier phase of this study have already been reported to the Office of Juvenile Justice and Delinquency Prevention (Bishop, Frazier, Lanza-Kaduce and White, 1998). That earlier report, *Juvenile Transfers to Criminal Court Study: Phase I*, will be referred to as the Phase I Report. This final report is concentrated on research findings from the continuation phase of the study and is focused primarily on the comparative effects of adult versus juvenile sanctions. The research question posed is whether the effects on subsequent behavior are different for transferred youth who receive adult sanctions from those juveniles retained and disposed in the juvenile justice system.

The research in the continuation phase also examines the various dispositions transfer cases received. Special attention is given to so-called “blended” sanctions in addition to the traditional adult sanctions of prison, jail, and probation. These “blended” sanctions mix the punishment emphasis of the criminal correctional system with the treatment and programming concerns of juvenile justice. The blend can be accomplished either by stand-alone programs like that instituted in the Duval County Jail or by giving transferred youth juvenile sanctions. As a point of comparison, using interview data, special scrutiny is also given to youth in “deep-end” juvenile placements—programs designed with the protection of public safety in mind that provide for lengthy stays and intensive treatment within the juvenile justice system.

Comparisons are made using two types of data—statistical information obtained from official records maintained at the state and local levels and qualitative information collected from interviews in which research subjects could talk about their experiences and perceptions in their own words. The official data are stored in standard categories that can be analyzed using various statistical techniques. The outcome of interest is official recidivism. The recidivism of transferred youth is compared with that of youth retained in the juvenile system. For each transfer case in the sample, a similar case was located from those retained in the juvenile system. The first round of matching, which is described in Chapter 2, was performed on the basis of automated data maintained by the state. The quality of the matching was then checked using more detailed information obtained from local police and court records. This second round produced comparisons that are arguably the best that are available.

The comparisons between youth who are transferred and youth who are retained in the juvenile system are important to a wide range of experts and lay people both in and out of government. The results and the policy implications can be highlighted and presented in a relatively clear-cut manner. They rest, however, on the validity of the comparisons. The report necessarily includes somewhat tedious details and discussion of methodological issues so that others can independently assess the quality of the research. These “quantitative” analyses are reported in Chapter 2 and Appendix C.

The interview data, on the other hand, were meant to be more exploratory. In the continuation phase, interviews were conducted with offenders and administrators in the adult and juvenile correctional systems. Many (but not all) of the interview questions were open-ended and had no pre-determined response categories. Much of the analysis of these interviews consisted of identifying themes that were volunteered and of locating particularly insightful comments that subjects offered about their experiences and perceptions of the justice systems. Because less of the interview information was obtained in ways that permitted standard categories to be developed, less statistical analyses are conducted on these data. A more “qualitative” analysis of the interview information is presented in Chapters 3 and 4 of this Final Report. Chapter 3 presents the findings from the interviews with correctional administrators. Chapter 4 summarizes the information obtained from the interviews with offenders in the respective correctional systems.

Putting Transfer in Perspective

Since the late 1970's, laws in all fifty states have been revised to adopt a more punitive response to youth crime. The most sweeping changes came in the 1990's (Snyder, Sickmund, and Poe-Yamagata 1996; Torbet, Gable, Hurst, Montgomery, Szymanski, and Thomas 1996; Redding 1997; Torbet and Szymanski 1998; Bureau of Justice Assistance 1998). During this period sharp increases in juvenile violence (especially gun homicides) brought about dire predictions about an emerging generation of young "super-predators" (Bennett, DiIulio, and Walters 1996; DiIulio 1996) that prompted dramatic changes in juvenile law. The reforms included explicit endorsement of punishment, adoption of offense-based determinate and mandatory minimum sentencing, extension of the court's continuing jurisdiction into the adult years, and the expansion of provisions to transfer juvenile offenders to criminal courts (Torbet and Szymanski 1998; National Criminal Justice Association 1997; Fagan and Zimring 2000).

In the 1990's alone, 47 states and the District of Columbia modified their laws to facilitate the removal of a greater number and range of offenders to criminal court for prosecution and punishment as adults (Griffin, Torbet and Szymanski 1998). Legislatures relied on various expedited transfer methods (sometimes in combination) that generally eliminated plenary waiver hearings in the juvenile courts. By 1998, 14 states adopted mandatory judicial waiver, 14 states and the District of Columbia used presumptive judicial waiver, 15 states provided for prosecutorial waiver, and 28 states adopted legislative offense exclusion (Torbet and Szymanski 1998).

The collective impact of these reforms has been enormous. Approximately 210,000 youth under 18 years of age are prosecuted annually in the nation's criminal courts (DeFrances and Steadman 1998; Sickmund, Snyder, and Poe-Yagamata 1997). Because slightly more than 900,000 youth are formally processed in juvenile courts (Sickmund, Snyder, and Poe-Yamagata 1997), this means that nearly one in five offenders under 18 is prosecuted as an adult. The vast majority are neither chronic nor serious offenders, and an increasing proportion are very young and disproportionately African American (Feld 1999; Bishop 2000).

Florida began transferring large numbers of juveniles to the adult criminal justice system more than 20 years ago. Because transfer had been established for a long time in Florida and because it had been used on relatively large numbers of youth, Florida provided a policy laboratory in which to study questions about transfer. Thus it was a strategic site for the research summarized in the Phase I Report and the continuation research that is the subject of this Final Report.

Transfer became an important feature of Florida's justice system after it enacted prosecutorial waiver provisions (also known as direct file) in 1978. This form of waiver gave prosecutors discretion over filing charges against older juveniles directly in criminal court without seeking judicial authorization. The history of Florida's transfer reforms, which have generally expanded the authority to transfer juveniles to criminal court, has been documented previously (White, Frazier, Lanza-Kaduce, and Bishop, 1999) and an update has been appended (see Appendix A).

The Phase I Report

Component I

The first component of the Phase I Report addressed the impact of a set of major changes enacted by the Florida Legislature in 1994. The 1994 reforms expanded both the methods by which cases are transferred and the scope of eligibility criteria for transfer. The reforms extended discretionary direct file to 14 and 15-year-old juveniles and laid out criteria for this age group. The reforms also mandated prosecutorial waiver (no discretion) for certain classes of repeat and violent juvenile offenders (of any age), and established a presumptive judicial waiver for another class of repeat juvenile offenders. For this component of the Phase I study, data maintained by the newly created Department of Juvenile Justice (DJJ) and by the Office of State Courts Administrator (OSCA) were used to assess the impact of the reforms.

The Client Information System data maintained by DJJ provided little evidence that Florida's 1994 reforms had an impact on transfer practices. These data follow each juvenile charge or count, including those that give rise to transfer. For transfer cases the counts are followed through the transfer decision but not into the adult criminal court. The number of cases transferred to criminal court decreased slightly from 1993 (before the reforms) to 1995 (after the reforms) even though more juveniles were referred to the juvenile justice system in 1995. The type of offenses that triggered transfer from juvenile to criminal court changed little between 1993 and 1995. The proportion of transferred youth who were 16 or 17 years of age was similar (about 80%) both before and after the 1994 reforms despite the expanded authority to direct file against 14 and 15-year-olds.

The Offender-Based Tracking System (OBTS) data maintained by OSCA followed each charge or count in the adult system based on information obtained from county criminal court clerks' offices. These data also indicated that the 1994 reforms had little impact on transfer. The severity of the charges (capital versus life versus first degree versus second degree versus third degree felonies or first degree versus second degree misdemeanors or infractions or violations) did not vary much from 1993 to 1995. The breakdown of the

offenders by race did not change much and only a few more 14 and 15-year-olds were prosecuted in 1995 after the reforms.

The OSCA data supplemented the DJJ data in that only the OSCA data included additional information about dispositions and sanctions. As such they provided a point of comparison for one of the foci of this Final Report. Roughly 40% of the transfer cases that resulted in conviction in either 1993 or 1995 received a prison sentence. About 35% received a jail sentence. Less than 20% received community control or probation in the adult system. The corresponding sentence lengths fluctuated a bit from 1993 to 1995. More of the 1995 cases received sentences of six months to a year and one to five years than was true in 1993, but fewer of the 1995 cases received sentences of more than five years.

Component II

The second component of the Phase I Report examined the attitudes of prosecutors and judges in Florida. Prosecutors in Florida's 20 judicial circuits were mandated by law to develop written guidelines for making transfer decisions. These policy statements varied markedly across circuits, thus providing one of the reasons why the comparisons made in this Final Report include comparisons across the six circuits studied in detail.

Phone interviews were also conducted with 25 judges from 18 of the 20 judicial circuits and 28 prosecutors from those circuits. Fewer than half of the judges and prosecutors thought the 1994 reforms would have an impact in their jurisdictions. A majority of the judges and prosecutors thought that the transfer reforms did not increase public safety. Less than a third of both the judges and prosecutors thought that programs for serious offenders in the juvenile justice system were adequate. Prosecutors most often indicated that the seriousness of the offense, victim injury, and the need to protect the community were very important considerations in making the decision to transfer youth. Prosecutors preferred direct file methods for transferring youth; judges did not. Most prosecutors thought that some juveniles who should be transferred were not, but few judges agreed with this.

The strategy of interviewing justice system personnel was extended to correctional administrators during the continuation phase of this grant. Phone interviews were conducted in the winter of 2000 with officials at 13 adult institutions in Florida. The results are presented in Chapter 3 of this Final Report.

Component III

The transfer study also included interviews with young offenders. The third component of the Phase I Report centered on interviews with about 100 youth in corrections. Half of them were in the adult correctional system and half of them were in juvenile justice placements. The purpose was to learn about how they reacted to the processing, sanctioning, and treatment programs to which they had been exposed. The youth provided important contrasts between juvenile and criminal court experiences and perceptions. The results were sufficiently provocative that the continuation funding

called for interviewing 50 more youth. A special effort was made to obtain youth from the “blended” program in the Duval County Jail to provide another point of comparison. The results from the full complement of interviews are presented in Chapter 4 of this Final Report.

Component IV

The fourth component of the Phase I Report involved an analysis of the data collected for 454 youth from local police and court records in four judicial circuits. Half of the youth had been transferred to criminal court and the other half were “matched” cases of youth retained in the juvenile system. The matching was done on the basis of automated data maintained by the state on seven criteria (which are discussed in detail in Chapter 2 and Appendix C). The automated state data, however, did not include information on some potentially crucial features of offenses and offenders that might have influenced transfer decisions and differentiated transferred youth from those retained in the juvenile justice system. For example, the local records contained information on use of weapons, victim injury, property damage or loss, the role of drugs or alcohol, gang involvement, and intervening legal complications (e.g., failure to appear, arrest on new charges, violation of release conditions). In other words, the local records data provided the opportunity to supplement the information obtained in the automated state data to get a more complete picture of the cases. The extra information made it possible to refine comparisons made between transfer cases and those retained in the juvenile system.

The Phase I Report compared the 227 transfer cases with their “matched” cases that were retained in the juvenile justice system across a number of variables obtained from local records. Those variables included weapon use, victim injury, property damage/loss, gang involvement, involvement with accomplices and co-defendants, the number of counts or charges involved, the complexity of the case (whether it was a single incident or stemmed from multiple incidents), intervening legal complications (failure to appear, new arrests, escapes, violation of conditions of release), and extra-legal problems (e.g., dropping out of school, functioning below grade level, learning disabilities, drug use/addiction, alcohol abuse/addiction, victim of abuse). The transfer cases were not necessarily the “worst” cases (see also Lanza-Kaduce, Frazier, & Bishop, 1999). In fact, the transfer cases varied markedly in how serious they were. One in ten started out as a misdemeanor case (and about 15% of the eventual convictions were based on a misdemeanor). About two-thirds had no indication of weapon use. Nearly 80% did not involve victim injury. About half involved no property loss or damage. Only a handful indicated gang involvement although most had at least one co-defendant. Over half of the transfer cases stemmed from multiple incidents. Most did not have any indication of intervening complications.

Only some of the transfer cases seemed to be “worse” than the “matched” cases that were retained in the juvenile system. The differences generally were not pronounced and in only some of the “matched pairs” was the transfer case markedly different from its matching case that was retained in the juvenile system. The local records data confirmed that comparable matched pairs could be found, although not all the matched pairs identified in the automated system were optimal. The continuation funding allowed for the collection of local records data on another 248 matched pairs (i.e., 248 transfer cases

and 248 cases retained in the juvenile system) for a total of 475 pairs (227 from Phase I and 248 from the continuation study).

An interim report (see Appendix B) examined the comparisons between the transfer cases and their matches retained in the juvenile system and separated those matched pairs obtained during the continuation phase from the Phase I pairs. The continuation phase doubled the number of matched pairs for which local records data were available and for which recidivism could be examined. The additional pairs confirmed that many, but not all, cases retained in the juvenile justice system were as serious as cases that had been transferred.

Because the local records data indicated that not all the retained juvenile cases were as serious as the transfer case with which they were matched, the recidivism analysis was adjusted. The recidivism comparisons in Chapter 2 of this Final Report presents results for both the original matched pairs (those paired via the automated data) and for the subset of pairs that remain comparable after examining additional details obtained from the local records.

Transfer and Recidivism

The recent changes in transfer policies reflect a “get tough” approach. Despite legislative and public confidence in such an approach (e.g., Hatch 1999; McCollum 1999; Moon, Sundt, Cullen, and Wright 2000), the initial empirical record does not indicate that transfer deters or prevents subsequent crime. Fagan (1991; 1995; 1996) compared the recidivism of young robbers and burglars in neighboring and similar counties in New York (where 16-year-olds are tried as adults) and New Jersey (where they are generally retained in the juvenile justice system). The youthful robbers in the juvenile system in New Jersey had lower recidivism (across multiple measures of recidivism) than did their counterparts in New York, and the burglars in the comparison groups showed no differences in recidivism.

A 1994 study funded by the Collins Center examined recidivism in Florida. Recidivism of youth transferred to the criminal justice system in 1987 was compared with that of youth retained in the juvenile justice system using matched cohorts. Recidivism was operationalized as individual re-arrest, group rates of re-arrest, severity of charges at re-arrest, and time to failure among youth re-arrested. Recidivism was examined over 24 months (Bishop, Frazier, Lanza-Kaduce, and Winner 1996) and for seven years (Winner, Lanza-Kaduce, Bishop, and Frazier 1997). The researchers relied on two automated state databases. The Client Information System (CIS) maintained by the Department of Juvenile Justice was used to match the transfer cases with cases retained in the juvenile system. Florida Department of Law Enforcement arrest histories were used to measure recidivism. The study of recidivism for the first 24 months found that transferred youth had significantly poorer outcomes than did youth remaining within the juvenile justice system. Specifically transferred youth, compared with the matched juvenile justice system youth, re-offended more quickly and were re-arrested for felonies more often. Over the short-term, recidivism was lower across all offense types for those retained in the juvenile system. Over the long-term, recidivism was lower for those retained in the

juvenile system in five of seven offense categories. Only for serious property offenders (which included burglars) did the recidivism of those retained in the juvenile system overtake that of those transferred to criminal court.

Replication of the 1987 Study

The recidivism research done with the 1987 cohort needed to be replicated for several reasons. First, important changes have taken place since then in Florida's transfer law, in the treatment of youthful offenders in the adult correctional system, and in the organization of the juvenile justice system. Important components of the juvenile justice system are now administered by a single agency organized around public safety and accountability rather than being subsumed as part of a massive agency focused on social services. The new Department of Juvenile Justice has more placement capacity and alternatives for serious juvenile offenders. Some of these changes might affect recidivism.

Second, the recidivism analyses of the 1987 cohorts relied exclusively on centralized automated data systems designed for case management. Those data were summary in nature. They omitted details that could be important for weighing the relative seriousness of the respective cases. These details are not part of the automated state data used in the Florida recidivism research involving cases from 1987 (Bishop et al. 1996; Winner et al. 1997). Accordingly, those initial studies were vulnerable to the criticism that the transfer cases might have been systematically different from those retained in the juvenile system because the matching could not take important factors into account. The higher recidivism found among the transfers from 1987 might indicate that they were more serious cases at the outset.

To address this criticism, details from local records were collected in both the Phase I research for this grant and the continuation research for transfer cases from 1995 and 1996. The details will permit more valid comparisons between transfer cases and cases retained in the juvenile system so that more confident conclusions can be drawn about the effects of transfer on recidivism.

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Chapter 2

RE-EXAMINING THE RECIDIVISM OF JUVENILE AND TRANSFERRED OFFENDERS IN FLORIDA

Between 1992 and 1995, forty-one states enacted provisions to facilitate the trial of juveniles as adults in criminal court (Sickmund, Snyder, & Poe-Yamagata, 1997; see also Griffin, Torbet, & Szymanski, 1999). The reforms were premised on the assumption “that the transfer of juveniles to criminal court can work to make the administration of justice . . . more effective in controlling and preventing serious juvenile crime” (Mays & Gregware 1996). One way to examine that basic assumption is to study recidivism. Some initial studies done in several Northeastern states (Fagan 1995) and in Florida indicated that transfer might actually increase recidivism (Bishop, Frazier, Lanza-Kaduce, & Winner, 1996; Winner, Lanza-Kaduce, Bishop, & Frazier, 1997).

The research in this report replicates the earlier Florida studies of differences in rates of recidivism between youth transferred to the adult system and those retained in the juvenile justice system. An important question raised after the initial recidivism studies regarded how well the transfer cases were matched with cases retained in the juvenile system. If the transfer cases were systematically more serious than the cases from the juvenile justice system to which the transfer cases were matched, the recidivism comparisons would be invalid. The recidivism research analyzed in this Final Report is designed to address that basic concern.

The matching in the initial recidivism research in Florida used only data from the Client Information System (CIS), a system instituted by the Florida Department of Health and Rehabilitative Services and later maintained by the Department of Juvenile Justice (the CIS system was replaced by a new Juvenile Justice Information System in 1998). CIS was designed for the purpose of managing cases in the juvenile system at the state level, and did not include important details about the cases. For example, the CIS data did not include information about victim injury, the amount of property damage or loss, or the use of weapons. Moreover, decisions made earlier in the processing of a case could affect what information was available in CIS. An example may help illustrate the problem this poses for comparing transfer cases with cases of youth retained in the juvenile system. If a youth were arrested for residential burglary and transferred by a prosecutor to the adult division of the state’s attorney office, CIS would record that information. If the charge, however, were then changed to armed burglary or consolidated with other charges for prosecution in the adult system, the change would not be included in CIS because CIS only tracked cases through the juvenile system. Without more detail, the validity of the matching and the recidivism results were open to doubt.

The present research summarized in this Final Report goes beyond the initial Florida studies in several ways. It utilizes data from local records from six judicial circuits in Florida to catalog details about cases that were not available from the automated state-wide data used in the previous studies. It augments the re-arrest data from the Florida Department of Law Enforcement (FDLE) with data from the Florida Department of

Corrections (DC) to provide a more robust indication of recidivism. It involves cases transferred in 1995 and 1996—after recent reforms were enacted that expanded Florida’s transfer authority.

This chapter on recidivism utilizes data from local records in the respective judicial circuits and from three automated state-wide data sources—the Client Information System (CIS), FDLE arrest data, and DC data on Supervised Populations, Inmate Populations, and Inmate Release. The chapter is divided into three main sections. The first will summarize the methodology for drawing cases and making recidivism comparisons. A more exacting discussion of the methodological issues is presented in Appendix C. The second section will present the results from an analysis of the recidivism of a sample of transferred youth compared with that of a matched sample of youth retained in the juvenile system. The third section will present a summary and conclusions.

The Sample Methodology

The recidivism of transferred youth is compared with that of youth retained in the juvenile system. The quality of the comparisons (and the value of the recidivism analysis) rests on two considerations.

- **Are the comparison groups (the transfer and the juvenile justice cases) equivalent?**
- **Is the recidivism outcome measured the same for both comparison groups?**

Matching Cases

Several steps were taken to obtain equivalent comparison groups. State data were used to identify transfer cases in six of Florida’s judicial circuits. Those circuits ranged from rural to urban and were selected because they reported different rates at which young offenders were transferred to criminal court in 1995. For each transfer case, a similar case was located from those retained in the juvenile system in that circuit. The matching was performed on the basis of automated data maintained by the state. Seven matching criteria were used:

1. Offense;
2. Number of counts or referral charges;
3. Number of dates for previous juvenile referrals;
4. Most serious prior referral offense;
5. Age;
6. Gender; and
7. Race.

The pairs of transfer cases and their matched juvenile cases were then checked against local courthouse records. Only about 40% of the pairs identified during the state level matching were confirmed in the local records. The rate of confirmed matches varied markedly across the six judicial circuits that were studied (see Appendix C).

The 950 cases in 475 matched pairs (one transfer and one juvenile case in each pair) that had local records data constituted the research sample. Details were obtained from the local data to construct a seriousness index (see Appendix C) to further refine the equivalency of the comparison groups. The index examined details like victim injury, property damage or loss, intervening legal complications during case processing, and gang membership that were not available in the automated state data. The index was used to identify a subset of the best-matched pairs in the sample. The index indicated that the juvenile case was as serious as the transfer in 315 matched pairs (630 cases). These were considered the best matched pairs.

Valid comparisons also required that official recidivism be measured the same for both groups of offenders. Official recidivism data from the Florida Department of Law Enforcement and from the Department of Corrections were collected for those felony offenses that occurred after those in the sample reached 18 years of age. Once everyone in the sample was 18 years old, they would all be treated as adults and be subject to both the same arrest reporting practices and to Department of Corrections sanctions for new felony convictions. By looking at felony recidivism after the age of 18, no systematic differences should have occurred in the measurement of recidivism between those who were transferred and those who were retained in the juvenile system.

Types of Analysis

Separate analyses were performed for the sample of 950 offenders (in 475 matched pairs) and for the sub-sample of 630 best-matched offenders (in 315 best-matched pairs). The data was analyzed using statistics that compared the group of youth transferred with the group of youth retained in the juvenile system, and also using statistics based on outcomes within the pairs of matched youth.

Several different strategies were followed. For some analyses, the cases were aggregated and all transfer cases or all the best-matched cases were used (at least initially) to compare with all their counterparts who were retained in the juvenile justice system. The individual offender was the unit of analysis and the number of cases in the aggregates varied depending on what was being analyzed. For example, because some cases never reached disposition, the number of cases used to analyze disposition and sentencing was lower than in other analyses.

For other analyses, comparisons were made within matched pairs. That is, the transfer and juvenile justice cases within each pair were examined to see whether their outcomes were similar or different. For these “paired comparisons,” the pair was the unit of analysis and alternative comparisons were performed starting either with all 475 matched pairs or with the 315 best-matched pairs (as identified by the seriousness index). Again,

for paired comparisons, the numbers of pairs would vary depending on what was being examined.

The results are presented primarily along these alternative approaches. The first major section of the results focuses on recidivism in the aggregate. Results from the entire sample of offenders (not pairs) are generally presented first followed by parallel results for the sub-sample of best-matched cases. A finer analysis (with a different numbers of cases) is presented to examine sentencing (because not each offender was processed all the way through his or her respective justice system).

The second major section of the results focuses on the paired comparisons. One set of analyses produced results based (at least initially) on all 475 matched pairs; another set of analyses produced results based (at least initially) on the 315 best-matched pairs (as confirmed by the seriousness index).

The basic scheme is presented in Table 2-1. All analyses began from one of the four cells depicted in the table. The actual numbers included in some of the sub-analyses varied depending on the issue that was examined (e.g., some cases did not continue through disposition so analyses of dispositions are based on fewer cases).

Table 2-1. Types of Analysis by Groups or by Pairs				
	All Cases 950 Offenders		Best-Matched Cases 630 Offenders	
Recidivism Comparisons by Groups	Transferred to Criminal Court Group 475 Youth	Retained in Juvenile Court Group 475 Youth	Transferred to Criminal Court Group 315 Youth	Retained in Juvenile Court Group 315 Youth
Recidivism Comparisons in Matched Pairs	475 Pairs--1 Transfer and 1 Juvenile Justice Match in Each Pair		315 Pairs--1 Transfer and 1 Juvenile Justice Match in Each Pair	

Felony Recidivism Analysis

Recidivism Comparisons by Group

Across all cases, 402 of the 950 cases (42.3 percent) had a felony recidivism indication in either the FDLE or DC databases after they had reached 18 years of age. Those who had been transferred were much more likely to be recidivists after the age of 18 (See the All Cases column of Table 2-2). Nearly 50 percent of transferred cases had a felony re-arrest or DC commitment (234 of 475). Only 35.4 percent of those who were in the juvenile match group had a felony re-arrest or DC commitment (168 of 475).

Table 2-2. Felony Recidivism by Group			
	N	Number of Recidivists	Recidivist Percentage
All Cases			
Transferred	475	234	49.3%
Retained	475	168	35.4%
Best Matched Cases			
Transferred	315	155	49.2%
Retained	315	116	36.8%

When the grouped analysis is restricted to the subset of cases for which details from the local records establish the comparability of the juvenile retainees with the transfers, the difference in recidivism is still marked. Nearly 50 percent of the transfers in the best matched subset of cases (for which the matched juvenile retainees were as serious as the transfers) re-offended after 18 years of age; only about 37 percent of the juvenile justice retainees did. The percentages for this subset are very similar to those reported across all cases.

Previous discussion raised the prospect that the transfer and matched juvenile retainee groups differed systematically in regard to the relative complexity involved in their cases. Transfer cases more often involved multiple incidents than did juvenile justice retainee cases. The systematic differences in complexity did not have a direct effect on recidivism. Of the 115 transfer cases that were constituted from multiple incidents (rather than a single incident), 58 had a felony recidivism indication after age 18 (50.4 percent). Of the 63 juvenile retainee cases that involved multiple incidents, 23 had a felony recidivism indication (36.5 percent). These percentages are very similar to the overall recidivism rates for the transfer and juvenile retainee groups reported in Table 2-2.

Transfer cases were also more likely to present intervening legal problems during processing (e.g., escape, absconding, failure to appear, arrest on additional charges, or

failure to comply with court-ordered conditions). Such complications, however, did not affect the percentages who re-offended after age 18. Among the transfers, roughly 30 percent of them had one or more such complications, and this percentage was similar for those who re-offended after age 18 and those who did not. Only about 17 percent of the juvenile matches had such complications; 18% of those who re-offended and 16 percent of those who did not.

Recidivism by Groups across Circuits

The recidivism rates varied across circuits (See Table 2-3). For the transfer cases, the extremes were in the two rural circuits. In Circuit 3 (a very rural circuit in northern Florida) 83 percent of the transfer cases committed a felony after age 18 (five of six cases). In Circuit 5 (a mostly rural circuit in central Florida) the recidivism rate for transfer cases was only 40 percent (13 of 32 cases).

			Transferred to Criminal Court Group		Retained in Juvenile Court Group	
Judicial Circuit	Circuit Description	n	Number of Recidivists	Recidivist Percentage	Number of Recidivists	Recidivist Percentage
3	Rural, North Florida	6	5	83.3%	2	33.3%
4	Urban, Jacksonville	100	45	45.0%	27	27.0%
5	Rural, Central Florida	32	13	40.6%	14	43.8%
6	Urban, St. Petersburg, Clearwater	91	38	41.8%	25	27.5%
9	Urban, Orlando	166	87	52.4%	63	38.0%
13	Urban, Tampa	80	46	57.5%	37	46.3%
Total		475	234	49.3%	168	35.4%

For the urban circuits, the highest recidivism rate for transfers was in Circuit 13, the Tampa area (46 of 80 cases or 57 percent). The lowest recidivism rate for transfers in a

more urbanized circuit was that for Circuit 6, which includes St. Petersburg and Clearwater (38 of 91 cases or 42 percent).

The recidivism rate for juvenile justice retainees also fluctuated across circuits. It was 27 percent in both the Jacksonville area, Circuit 4 (27 of 100 cases) and in the St. Petersburg and Clearwater area, Circuit 6 (25 of 91 cases). It was 46 percent in the Tampa judicial circuit (37 of 80 cases).

Despite the fluctuation in recidivism rates across circuits, in five of the six circuits recidivism was substantially more likely among the transfer cases. Only in the more rural Circuit 5, were the juvenile justice retainees as likely as the transfers to commit a felony after age 18 (44 percent of the retainees re-offended contrasted with 41 percent of the transfers).

Recidivism by Sentencing

Recidivism rates of youth transferred and retained can also be compared by grouping them by the type of sentence served in the respective systems (adult or juvenile) prior to their release. No dispositions were made in 203 cases—the charges were dismissed, “noll pross’d,” resulted in acquittals, or were still pending. In another 27 cases, the defendant received some kind of weak sanction, varying from letters of apology to formal diversion to judicial warnings. These 230 cases are not included in the results presented in Table 2-4.

A difference in recidivism emerges across courts and sentences (See Table 2-4). More of those who received adult sentences (50.4 percent) had an indication of recidivism after age 18 than was true of those who received juvenile dispositions (37.2 percent). The transfer cases that received adult sanctions, however, were somewhat more serious according to the seriousness index (mean score of 5.95 versus a mean score of 6.43 for those receiving juvenile sanctions, see Table 2-4). Youth who were sentenced to jail were most likely to commit another felony (57.5 percent).

The further breakdown of adult and juvenile sanctions presented in Table 2-4 shows important differences even when the seriousness index scores are similar. Those who were sentenced to jail and adult community supervision had mean seriousness index scores (6.22 and 6.21 respectively) that were similar to those juveniles who were given residential placements (mean index score of 6.28). Yet those exposed to juvenile residential programs re-offended less often (39.2 percent versus 57.5 percent for jail and 45.3 percent for adult community supervision).

The Duval County Jail (which falls in Circuit 4) has implemented a “blended” program for transferred youth. Its goal is to integrate treatment programs more commonly found in the juvenile justice system into a jail unit that houses transferred offenders. Although those in the “blended” jail program did better than other jailed youth (51.4 percent re-offended in the blended program vs. 61.7 percent in other jail commitments), those in the “blended” program re-offended more often than did their counterparts who had been committed to the juvenile system (37.2 percent recidivism overall).

Table 2-4. Recidivism Rates and Seriousness by Sentence Served Prior to Release				
Sentence Served	n	Average Seriousness Index Score	Number of Recidivists	Recidivist Percentage
Criminal Court				
Prison	68	4.68	29	42.6%
Jail	179	6.22	103	57.5%
<i>Blended Sentence</i>	<i>72</i>	<i>6.14</i>	<i>37</i>	<i>51.4%</i>
<i>Other Jail</i>	<i>107</i>	<i>6.27</i>	<i>66</i>	<i>61.7%</i>
Community Supervision	148	6.21	67	45.3%
Total	395	5.95	199	50.4%
Juvenile Court				
Residential	153	6.28	60	39.2%
Community Supervision	172	6.56	61	35.5%
Total	325	6.43	121	37.2%

Recidivism in Paired Comparisons

Table 2-5 presents the findings for the paired comparisons (i.e., for comparisons of recidivism within each of the matched pairs rather than aggregated across all pairs). In these paired comparisons, each matched pair (rather than the individual case) is the unit of analysis, with four possible outcomes:

1. Only the transfer case in the pair recidivates;
2. Only the retained juvenile case in the pair recidivates;
3. Both cases recidivate; or
4. Neither case recidivates.

What is most important is the comparison of pairs in which only the transfer member had a felony recidivism offense (outcome number 1, above) with pairs in which only the juvenile detainee re-offended (outcome number 2, above). These are the matched pairs that produced different recidivism results. The first two columns in Table 2-5 present the findings for all 475 matched pairs. For more than half the pairs, the transfer’s subsequent record was the same as that of its matched juvenile justice detainee. In about 21 percent of the pairs, both the transfer and the juvenile detainee re-offended. In 36 percent of all the pairs, neither the transfer nor the detainee re-offended. Nearly 29 percent of all the pairs showed recidivism only for the transfer case. In less than 15 percent of the pairs did recidivism occur in only the juvenile justice detainee.

Table 2-5. Recidivism within Matched Pairs				
Outcome	All Pairs (N=475)		Best Matched Pairs (N=315)	
	n of Pairs	Percentage of Pairs	n of Pairs	Percentage of Pairs
Only the transfer case in the pair recidivates	136	28.6%	90	28.6%
Only the retained juvenile case in the pair recidivates	70	14.7%	51	16.2%
Both cases recidivate	98	20.6%	65	20.6%
Neither case recidivates	171	36.0%	109	34.6%
Total	475		315	
<i>Statistical "Sign" Test</i>	<i>Z = -4.60</i>	<i>P < .001</i>	<i>Z = -3.29</i>	<i>P < .001</i>

The second two columns of Table 2-5 present results for the subset of best matched pairs (those for which the matching detainee is as serious as the transfer case according to the index constructed from local records). The large difference in felony recidivism after 18 years of age between the transfers and the matched juvenile detainees in each respective matched pair remains in this sub-analysis. In 90 of 315 pairs, the transfer re-offended after 18 but the juvenile detainee did not. The reverse was true in only 51 pairs. For the 315 pairs in this subset, the transfer and detainee cases were similar not only on the seven matching variables but also on the index of 12 additional factors. These results show that transfer is linked to recidivism.

The sign tests, presented at the bottom of Table 2-5, assess how likely the patterns are to have occurred by chance. The sign test is “one of the simplest of nonparametric tests for matched . . . samples” (Bachman & Paternoster 1997: 546). It focuses on the likelihood that different outcomes for individuals within matched pairs will go in one direction (e.g., only the transfer re-offends) rather than the other direction (e.g., only the detainee re-offends). Sign tests were performed on all pairs and on the subset of best matched pairs. Both sign tests indicate that finding so many more pairs in which only the transfer re-offends (as opposed to those in which only the detainee re-offends) is highly unlikely to occur by chance. The results from the sign tests support the conclusion that transfer increases the likelihood of recidivism.

Seriousness of the Recidivism

The paired comparisons also permit an examination of the relative seriousness of the recidivism. In the comparison of the seriousness of offenses, the pairs in which both the transfer and the detainee re-offended are of interest.¹ The felony recidivism indicators were categorized into violent felonies, property felonies, drug felonies, and other felonies (usually carrying a concealed firearm) in order of their relative seriousness. The matched pairs in which both the transfer and juvenile cases had re-offended were examined. In 35 of the 98 pairs, the transfer and detainee had the same general class of felony indicated. In 39 of the 98 pairs, the transfer member had a more serious felony indicated; in 24 of these pairs the juvenile match did. This difference is unlikely to occur by chance according to a sign test ($Z = -1.89$; $P < .05$). The evidence suggests that even where both the transfer and juvenile match re-offend, the transfer is more likely to commit a more serious subsequent offense.

Paired Comparisons of Recidivism by Sentencing

The Duval County Jail (in Circuit 4) has implemented a “blended” program for transferred youth. Seventy-two transfer cases from Duval County received jail sentences. For 54 of these Duval County transfers the paired juvenile justice detainee also received a sentence or disposition according to the local records. These provide the opportunity to examine the impact of this kind of “blending” of criminal and juvenile orientations on recidivism.

Florida law also allows for the “blending” of the juvenile and adult systems by granting criminal court judges the authority to sentence transferred offenders back to the juvenile

system for final disposition. Thirty-three transfer cases in the sample received a juvenile sanction. For 29 of these “sentenced-back” transfer cases the paired juvenile justice detainee also received a sentence or disposition according to the local records.

The local records information also provided the opportunity to see whether other forms of blending occurred at disposition through creative forms of split sentences. For example, the local records were examined to see how often judges sentenced transfer cases back for juvenile residential commitments followed by adult community supervision. No evidence of other kinds of blended sanctions was uncovered.

Table 2-6 summarizes the recidivism findings for matched pairs in which the transfer case was sentenced in Duval County to jail or was sentenced back to the juvenile system for sanctioning. The results mirror those reported for the full sample of matched pairs. For 37 percent of the Duval County and almost half of the sentence back subsets, the recidivism outcome was the same for the transfer case and its matched juvenile detainee. For the Duval County program, the number of pairs in which only the transfer re-offended was much higher than the number of pairs in which only the juvenile detainee re-offended. See the first column of results in Table 2-6. The difference in outcome was unlikely to have occurred by chance according to the sign test.

The number of pairs in which the transfer was sentenced back to juvenile sanctions was small, but twice as many of these matched pairs had only the transfer case re-offending as had only the matched juvenile detainee re-offending (See Table 2-6). The sign test for these pairs involving sentencing back is more inconclusive because of the small number of cases.

Table 2-6. Recidivism within Matched Pairs in which the Transfer Case Received a “Blended” Sanction				
Outcome	Transfer Sentenced to Duval County Jail Program		Transfer Sentenced Back to Juvenile Sanctions	
	n of Pairs	Percentage	n of Pairs	Percentage
Only the transfer case in the pair recidivates	27	50.0%	10	34.5%
Only the retained juvenile case in the pair recidivates	7	13.0%	5	17.2%
Both cases recidivate	10	18.5%	7	24.1%
Neither case recidivates	10	18.5%	7	24.1%
Total	54		29	
<i>Statistical "Sign" Test</i>	<i>Z = -3.43</i>	<i>P < .001</i>	<i>Z = -1.29</i>	<i>NS</i>

The relationship between other sentence dispositions and recidivism can also be analyzed in the matched pairs. For 244 matched pairs, both the transfer case and the matching juvenile detainee received sentences of incarceration or community supervision (pairs in which the transfer case was sentenced back to juvenile sanctions are omitted as are pairs in which one of the cases did not receive a formal disposition). Recidivism within each of these matched pairs can be compared. Overall, in 49.2 percent of all 244 matched pairs available for the comparison the transfer case re-offended. In only 35.7 percent of these matched pairs did the juvenile detainee re-offend.

The results for the paired comparisons are similar to those reported above for the aggregated analysis. They show when both the transfer and the juvenile detainee receive dispositions, that those transfers who receive adult dispositions are more likely to re-offend. Paired comparisons for various combinations of sanctions are presented in Tables 2-7 and 2-8.

Table 2-7 contrasts adult incarceration with juvenile sanctions. The first two columns of the table provide the comparisons for all pairs. Recidivism was found in 50 percent of the pairs in which the transfer case received adult incarceration. The juvenile detainees in these pairs re-offended only 40 percent of the time.

	All Pairs			Best Matched Pairs		
	Transfer Re-Offends	Retainee Re-Offends	n of Pairs	Transfer Re-Offends	Retainee Re-Offends	n of Pairs
Any Adult Incarceration, Any Juvenile Sanction	50.0%	40.0%	166	53.9%	39.1%	115
Adult Prison, Juvenile Residential Commitment	25.0%	45.0%	20	0.0%	57.1%	7
Adult Prison, Juvenile Community Supervision	47.6%	47.6%	21	57.1%	50.0%	14
Adult Jail, Juvenile Residential Commitment	54.2%	37.5%	72	56.5%	37.1%	62
Adult Jail, Juvenile Community Supervision	56.6%	32.1%	53	59.4%	34.4%	32

This pattern of aggravated recidivism held up in the subset of best matched pairs (the pairs that had been matched on the seven matching criteria and that had similar seriousness index scores). In these "best matches" the recidivism differences between transfers and juvenile cases remain. Over 50 percent of the transfers who received adult incarceration re-offended; about 40 percent of the matched juvenile detainees in these pairs did.

At first glance, these matched pairs results suggest that prison may reduce recidivism. Such a conclusion, however, may be premature. The results may be unstable because the numbers are small (20 instances of prison compared with juvenile residential commitments and 21 instances of prison compared with juvenile community supervision). The numbers for the best-matched pairs are even smaller and so may be especially unstable.

The number of pairs in which the transfer was jailed is much larger. The results for youth incarcerated in county jails show that recidivism is higher among these transfer cases. This pattern was true for all pairs and for the best matched pairs.

The recidivism difference within pairs where the transfer received adult community supervision was even larger (See Table 2-8). The comparison for all pairs indicated that nearly 50 percent of the transfers re-offended in these pairs but only about 30 percent of their juvenile matches did. The best matched pairs also indicated that transfers fared worse. In this subset of best matched pairs, over 46 percent of the transfers who were given adult community supervision had an official indication of felony recidivism after age 18, but only 32.1 percent of the juveniles in those pairs did.

	All Pairs			Best Matched Pairs		
	Transfer Re-Offends	Retainee Re-Offends	n of Pairs	Transfer Re-Offends	Retainee Re-Offends	n of Pairs
Adult Community Supervision, Any Juvenile Sanction	47.4%	30.8%	78	46.4%	32.1%	56
Adult Community Supervision, Juvenile Residential Commitment	58.3%	29.2%	24	66.7%	33.3%	18
Adult Community Supervision, Juvenile Community Supervision	42.6%	31.5%	54	36.8%	31.6%	38

Summary and Conclusions

The research question is whether the transfer of juveniles to criminal court is more effective in controlling and preventing serious juvenile crime than is the retention of young offenders in the juvenile justice system. One clear way to address that question is to compare the recidivism of those who are transferred with that of those who stay in the juvenile justice system. The quality of the comparisons that can be made (and the value of the recidivism analysis) rests on two considerations. First, are the comparison groups (the transfers and the juvenile justice retainees) equivalent? Second, is the recidivism outcome measured the same for both comparison groups?

Several steps were taken to assure the equivalency of the comparison groups. First, state CIS data were used to identify transfer cases in six circuits. Seven variables were used to profile each of these cases so that the CIS data could also be used to identify cases retained in the juvenile system that were equivalent on these seven matching criteria. The pairs of transfer cases and their matched juvenile retainees were then checked against local courthouse records. The 950 cases in 475 matched pairs (one transfer and one juvenile retainee in each pair) having local records data constituted the research sample.

Second, additional local data information was collected for these cases. Those details were used to construct a seriousness index to further refine the equivalency of the comparison groups. The index was designed to take into account details such as victim injury, property damage or loss, intervening legal complications during case processing, and gang membership--details that previously were not available in CIS. In 630 cases (315 matched pairs), the juvenile retainee was as serious as the transfer. This subset of cases constitutes the best matched pairs in the sample.

Efforts were made to locate the most valid indication of subsequent serious crime that was available. This recidivism analysis used any indication of a subsequent felony appearing in either the FDLE arrest database or in Department of Corrections commitment data. To control for potential differences between the juvenile and adult systems in how cases are processed and how information is reported and recorded, felony indications after the age of 18 were used. After the age of 18, offenses for individuals in both comparison groups should be handled in comparable ways. The first felony indication after the age of 18 was used. Time "at risk" or "at large" in the community was not incorporated into the analysis for two basic reasons. First, substantial numbers of subsequent felonies occur during supervision or incarceration. Second, the local data indicate that the data are too imprecise to calculate accurately time "at risk" or "at large."

The results from this sample of 1995 and 1996 transfer cases and their matching juvenile retainees drawn from six Florida circuits show that the transfer cases were more likely than the juvenile retainees to have indications of felony recidivism after the age of 18. This difference emerged in the aggregate when the entire group of 475 transfers was compared with the group of 475 juvenile matches. This difference occurred across circuits and across different kinds of sentences. The evidence indicates that those transfer cases sentenced to jail were most likely to re-offend after the age of 18. Although those who were sentenced to a special "blended" jail program did somewhat better than those

sentenced to other jails, even the “blended” program was associated with higher recidivism when compared with juvenile sanctions.

In comparisons performed within matched pairs where the transfer and the juvenile detainee had different recidivism outcomes, the transfer was more often the one who re-offended. This pattern occurred for the analysis of all 475 pairs and for the analysis of the 315 best matched pairs. It was unlikely to have occurred by chance according to tests of statistical significance. When both the transfer and detainee in a matched pair re-offended, the evidence indicated that the transfer was more likely to commit a more serious felony. Participation in the “blended” jail program or being sentenced back to juvenile sanctions did not erase the difference in recidivism between transfer cases and their matching juvenile detainees. Adult sanctions generally were linked to higher recidivism than juvenile sanctions in the analysis of the paired comparisons.

This more recent and detailed analysis comports with the earlier Florida studies. The conclusion from the series of Florida studies is that transfer increases recidivism. Increased recidivism was observed even after making refinements in the analysis. The extra details, the greater precision in matching, and the more restrictive measure of recidivism that were used in this latest analysis addresses some of the valid criticisms of the earlier efforts that had been advanced. Still the conclusion remains: transfer is more likely to aggravate recidivism than to stem it.

ENDNOTES

¹ When all the recidivist transfer cases were aggregated and compared with all the recidivist juvenile cases, the mean levels of seriousness were similar for the two groups. Of course, the aggregated analysis was performed on more transfers (because more than re-offended) than juvenile retainees. The comparison groups for the aggregated comparisons, therefore, were not equivalent. The paired comparisons for pairs in which both the transfer and retainee re-offended maintains the equivalency of the comparison groups and so are more valid for examining the relative seriousness of the recidivism.

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Chapter 3

TELEPHONE SURVEY OF CORRECTIONAL ADMINISTRATORS

Because transferred offenders are often sentenced to prison terms, correctional administration may be affected. Several issues warrant investigation: Do offenders under 18 pose any special problems for prison administrators? Do correctional administrators recognize and respond to the special needs of these offenders? To gain some insight into these issues, a telephone survey was conducted with correctional administrators (either the Superintendent or the Assistant Superintendent in Charge of Programming) in each of several institutions operated by the Florida Department of Corrections (DC).

Methodology

The survey instrument was divided into four sections. The first was comprised of eight questions identifying the adult or youthful offender status of each institution, its security level, and its population characteristics. Because officials at DC's central administrative headquarters had inmate population data readily available, they, rather than the facility administrators, supplied responses to these items. The second section was comprised of four items dealing with officials' perceptions of special problems and needs of offenders under 18, any differences in the treatment of these offenders compared to those over 18, and adjustments that correctional managers may have made to accommodate offenders under 18. The third section included five questions regarding the academic, vocational, and counseling programs available to inmates at the facility. The final section was comprised of 23 items that asked officials to compare characteristics of inmates under 18 with those of older inmates. Comparative statements were read and respondents were asked to indicate their level of agreement with each statement using a five-point scale ranging from "strongly agree" to "strongly disagree." These items, like those in the second section, provided useful information about the kinds of problems young offenders pose for correctional administrators relative to older inmates. A copy of the survey instrument is included in the Appendix D.

The survey was conducted by telephone between December 29, 1999, and January 31, 2000. Officials at 14 institutions were contacted. Nine institutions were adult offender facilities that house a variety of offenders of all ages. The other five consisted of all the youthful offender facilities in the state: These hold inmates through age 24 who have been convicted of offenses other than capital and life felonies and who have been sentenced to terms of less than 10 years. One interviewee chose not to respond to the survey because the institution (a privately-operated youthful offender facility) housed no inmates under 18, and had not for some time. The rest of the administrators responded fully, and often very thoughtfully, to each of the survey items. Officials at the Florida Department of Corrections' central headquarters and at the individual institutions were extremely helpful and cooperative.

Of the four youthful offender facilities whose administrators participated in the survey, two were medium custody institutions and two were close custody institutions. (See Table 3-1). On December 31, 1999, they had total populations ranging from 280 to 884. On that date, the number of offenders under 18 in these facilities ranged from 9 to 112 (Mean = 60).¹ In the facility with the highest proportion of transfers, 31 percent of the population consisted of offenders under 18. Of the nine adult institutions that we contacted, all were close custody institutions. These facilities were considerably larger than the youthful offender facilities and ranged in population from 771 to 1,233. On December 31, 1999, the number of offenders under 18 in these facilities ranged from zero to four. Of the eight adult offender institutions, only two had housed 10 or more inmates under 18 during the previous calendar year. In none of the facilities surveyed were youth under 18 physically segregated from older inmates. They were housed together in the same dormitories or cell blocks.

Findings

With respect to the problems and needs of offenders under 18, officials at the four youthful offender facilities uniformly responded that these inmates have special needs and pose special problems for correctional managers. They reported that these offenders have a greater need for personal guidance, for programs aimed at life skills development and anger management, and for educational and vocational training. Officials responded that offenders under 18 pose a host of problems and management issues. According to administrators, offenders under 18 are immature, have limited future time perspective, lack critical thinking and coping skills, lack self control, are lazy and lack the skills for work assignments. While acknowledging the special needs and problems of this population, administrators reported that inmates under 18 were not treated differently than other inmates. None indicated that their facilities had made any adjustments to accommodate the under 18 group. This apparent incongruity may be explained by the institutions' status as youthful offender facilities, where all aspects of the operation of the institution are directed toward the needs of young inmates.

At the adult institutions, most officials acknowledged that inmates under 18 had special needs, and many acknowledged that housing them posed special problems. Many of these institutions treat inmates under 18 differently from older inmates to some degree, and have made some adjustments in the way the facility is run to accommodate younger inmates. These changes and differences, however, generally consist of meeting the requirements of educational programs and federally funded nutrition programs. Officials at other adult institutions responded that their institutions had made no accommodations nor provided any special treatment to inmates under 18, even when those inmates had special needs or posed special problems. At least some of these replies may have been in response to the implication of "favoritism" that might have been inferred from the question regarding "special treatment." On the other hand, there were some who clearly felt that offenders under 18 did not *merit* any special attention or accommodation: For example, in response to the question about whether any adjustments had been made in the way the facility is run to accommodate inmates under 18, one official replied: "No. They've been reclassified as adults and we treat them as adults."

Table 3-1. Characteristics of Facilities Surveyed

Facility	Type of Facility	Security Classification ¹	Number Housed 12/31/1999	Number Housed Less Than 18 Years of Age	Number Admitted (transferred) in 1999	Admissions Less Than 18 Years of Age
Brevard	Youth	4	884	66	1,734	93
Columbia	Adult	5	1,171	4	1,654	8
Cross City	Adult	5	771	2	772	2
Gainesville	Adult	2	370	0	1,003	0
Hamilton	Adult	4	1,144	4	2,046	10
Hillsborough	Youth	4	280	53	345	89
Indian River	Youth	3	360	112	495	136
Lake	Adult	5	1,090	2	1,162	2
Lancaster	Youth	3	601	9	975	14
Okeechobee	Adult	6	1,272	0	923	0
Polk	Adult	5	1,183	4	1,262	2
Sumter	Adult	5	1,233	1	1,258	13
Tomoka	Adult	5	1,145	0	1,546	0
Total			11,504	257	15,175	369

¹ Security Level: 1=Minimum 4-6=Close
 2. 3=Medium 7=Maximum

The next set of questions asked administrators to draw upon experiences in their facilities to compare inmates under 18 with the general offender population along a variety of dimensions. Most respondents reported that young inmates posed a lesser risk of suicide than older ones and had fewer physical and mental health problems. They also reported that young inmates were decidedly less likely to prey on other inmates either sexually or physically. In these areas, then, young inmates pose fewer management problems for correctional officials than do older ones.

In nearly all other areas, young inmates were perceived to pose greater problems than older ones. There was virtual unanimity that young inmates were more likely to belong to gangs and more likely to violate institutional rules. Most respondents indicated that young inmates were more likely than older ones to steal from their fellows, to talk back to or verbally threaten prison officials, and even to physically threaten prison officials. A majority of respondents indicated that inmates under 18 had more difficulty adjusting to prison life. Several officials discussed some of those adjustment problems, which tended to reflect the immaturity of the inmates under 18. They included disinclination or inability to follow institutional rules, lack of respect for authority, impulsiveness, susceptibility to antisocial influences of peer leaders, and “homesickness.” One official commented that low levels of literacy among inmates less than 18 made it difficult or impossible for them to follow written rules. Not surprisingly, respondents reported that inmates under 18 were more difficult to manage than older ones and that young offenders were more likely to accumulate disciplinary reports and lose gain time.

Respondents also reported that young inmates were more susceptible to victimization than older ones, which created other management problems for staff. Slightly more than half the respondents believed that younger inmates were more likely to have items stolen from them by fellow inmates. They also perceived that young inmates were at greater risk of being beaten by other inmates and of being sexually victimized. One respondent commented that although there was a good deal of sexual activity among inmates under 18, most of it was not overtly coercive.

Finally, the survey inquired about institutional programming and about young offenders’ participation in programs. A majority of the interviewed officials indicated that younger inmates were more likely than older ones to participate in educational and vocational programs. One respondent commented that there was an informal policy to “urge” younger inmates to participate in academic and vocational training. There appeared to be a considerable amount of academic and vocational programming available, especially for younger inmates. These include special education, basic adult education, and GED preparation as well as training in building maintenance, culinary arts, wastewater management, masonry, welding, carpentry, auto mechanics, and small engine repair. The Director of Programs for DC reported to us that a special effort has been made to introduce more programming into Youthful Offender facilities because of the influx of transferred offenders. He indicated that these offenders constitute a very needy and difficult population who are more likely to re-offend. The Department has expanded program hours and resources to occupy their time in constructive ways and provide them with positive adult role models. Consistent with these comments, survey respondents in

Youthful Offender facilities reported having many more teachers on staff than did respondents in adult facilities. At the extreme, Tomoka Correctional Institution (an adult facility) reportedly had three teachers in a facility housing 1,145 inmates, while Brevard Correctional Institution (a youthful offender facility) had 35 teachers in a facility housing 884 inmates.

In terms of counseling, there appeared to be little difference in the numbers of counseling staff in youthful offender and adult facilities. Further, most respondents indicated that inmates under 18 were no more likely to participate in counseling or other treatment programs than older inmates. Finally, no differences were reported in the proportions of offenders having work or job assignments. All officials maintained that inmates under 18 were as likely as older inmates to have job or work assignments. In general, nearly 100 percent of inmates of all ages had work assignments. Those without assignments include newly admitted inmates, inmates in close management status, and the physically and medically disabled. "Work" assignments may include academic and vocational training. Some respondents noted that vocational training for building maintenance and environmental maintenance trades was on-the-job, and others noted that inmates provided all or most of the physical maintenance of their institutions.

ENDNOTES

¹ The number of offenders under 18 who are admitted to prison is smaller than the number of transferred offenders in prison. This is due to the fact that many transferred offenders are 17 at the time of their offenses but turn 18 or 19 as their cases work through the court system and before they are admitted to prison.

Chapter 4

INTERVIEWS OF YOUTH IN THE ADULT AND JUVENILE CORRECTIONAL SYSTEMS

No one hesitates to ask what researchers, judges, prosecutors, law enforcement officers, juvenile advocates, clinicians, school officials, and others involved with young offenders think about the relative value of the juvenile and criminal systems. Only a few studies have collected survey data from youth, especially transferred youth, about the effects of juvenile or criminal justice practices (Forst, Fagan, & Vivona 1989; Singer 1996). These studies examine issues relevant to institutional settings, institutionalization, disciplinary problems (including violence), and victimization (Forst et. al. 1989; Singer 1996). The research reported in this chapter shifts the focus to the perceptions among serious young offenders about their court experiences and the likely impacts of the juvenile versus adult sanctions.

The research is exploratory and is based on face-to-face interviews with serious young offenders. After a methodology section, the results will be reported in two parts. Part I will summarize some qualitative information provided by the young offenders about their experiences in the juvenile and adult courts. The youth were encouraged to talk and volunteer details and provide context rather than respond within a narrow range of alternatives to highly structured questions. These interviews represent an exploration of a topic about which very little is known. Thus, the interview schedule was largely open-ended, allowing the content of a subject's experiences to direct the course of the questions. The goal for this report is to gauge the range of reactions youth have to what happens to them and to locate themes that emerged across the interviews. The sample was not representative, so caution should be taken in generalizing the results. Moreover, the use of numbers or counts for data obtained through unstructured discursive interviews adds little to understanding the experiences of these interviewees. No one can know how many of the other respondents would have agreed with a statement that was volunteered by one of the subjects if they had been asked about it point blank. The purpose was not to catalog how many youth perceived one thing or another. Rather the interviews were used to let offenders put their experiences in their own words. The research team selected illustrative excerpts from the interviews to help understand their points of view.

The second part of this chapter will report on the overall or global assessments drawn from the respective interviews about the youth's perceptions of the impacts of juvenile and/or adult sanctions on subsequent offending. All the interviewees were asked what they thought about how their "experiences impacted" their "beliefs about crime and conformity. . . ." They were also asked how their "experiences in the justice system impacted the way [they] behaved." Finally, they were asked how their "future prospects . . . relate to [their] experiences in the justice system." These standard questions provide some way to interpret frequency counts and percentages for the overall assessments of impact. In addition, excerpts from the interviews will be used to get a deeper understanding of how the respective juvenile and adult sanctions and dispositions were perceived by these offenders.

Sample and Methodology

From the summer of 1998 through the summer of 1999, the researchers conducted confidential face-to-face interviews with 144 males between the ages of 17 and 20 incarcerated in the Florida juvenile and adult correctional systems for crimes they committed while under the age of 18.¹ Males were selected because they constitute the overwhelming majority of transfer cases in Florida. All were serious felony offenders; most had extensive offense histories. The goal was to obtain information about their perspectives relevant to a broad range of institutional experiences. At the time of the interviews, half were retained in the juvenile system and the other half were in the adult correctional system. The subjects were sampled from four juvenile institutions and eight adult institutions in north or central Florida. Using the institutions' population records, the researchers choose youth at various stages of their sentence (i.e., recently institutionalized, mid-sentence, and near release). The interviews took place in rooms that were out of sight and sound of other persons in the facilities. Six of the transferred youth were on adult probation at the time of the interview.

Seventy-two of the interviewees reported experience with the juvenile justice system only. They were housed in one of four residential commitment facilities, all of which were designated as “deep-end” juvenile program. At the time of the research Florida programs were designated Level 2, 4, 6, 8, or 10, with Levels 8 and 10 being deep-end. (The commitment continuum has since changed. Consistent with sections 20.316(2) and 985.03(45) of the Florida Statutes, the levels of residential commitment are now designated low, moderate, high and maximum risk.)

Prior to 2000 the state used the deep-end Level 8 and 10 facilities for high and medium risk offenders (see Juvenile Justice Advisory Board 1998). Level 8 incarceration usually lasted from 10 to 11 months (but could continue longer) while most periods of incarceration in Level 10 facilities lasted 18 to 24 months (but could continue longer). Level 8 and 10 programs were the most restrictive and had more physical security, more supervision, and longer periods of stay than did other juvenile commitment levels. Level 6 programs were also residential programs but were less restrictive and generally involved stays of 5 to 7 months, except for special needs programs. Level 4 programs were the least restrictive residential programs and were designed to administer specialized services such as mental health and drug counseling within a short time--often about a month. Level 2 programs were nonresidential and were designed to work with minimum to low-risk youth. Although all youth in this juvenile institution sub-sample were in “deep-end” programs at the time of interview, many reported previous experience with judicial warnings, juvenile probation, or programs in levels 2, 4, and 6.

Seventy-one youth had been transferred to the adult system and housed in one of the adult institutions (n=65) or were on adult probation (n=6) at the time of interview. Sixty-three of these youth reported experience with both systems, and eight reported exposure only to the adult system. Experience with adult sanctions ranged from probation to prison. The prisons where they were housed were typically Youthful Offender facilities, which primarily held young adults up through age 24. All but four of the jail sentences were part of Duval County's special “blended” program (n=22), which combines adult

sanctions with treatment programs more often associated with the juvenile justice system. An effort was made to have respondents distinguish between pretrial detention in jail and a jail sentence after conviction.

Because the research was exploratory, an unstructured interview schedule was developed, primarily made up of open-ended questions. The interview began with personal background information but focused on the juvenile's offense history and experiences at each stage of the juvenile or criminal justice system. It next focused on the juvenile's thoughts and perceptions about how these experiences influenced his attitudes and behaviors. In particular, questions were directed to how the juvenile experienced justice and what impact he thought those experiences had on him. The interviews lasted between one and three hours.

Efforts were made to conduct phone surveys with these 144 youth to follow them after release. Self-reports are an important way to assess post-disposition adjustment. The protocol incorporated standard self-report items on crime that could be compared with official recidivism. It was hoped that the prior face-to-face interviews would make it easier to secure cooperation after release. Prior rapport, however, can help only if the respondents can be located. This proved to be difficult after release. Except for those who re-entered the justice system, few of the original interviewees could be tracked down through directory searches, use of last known addresses and phone numbers (as indicated in official records), and contacts with relatives (including parents). The follow-up interviews will not be a valid source of recidivism data—the recidivism of those who re-entered the system is already captured in the official data. The recidivism that is of most interest is that which occurs among those who, through luck or skill, avoid detection. Those respondents could not be located except on rare occasions. See Appendix D.

Part I. Perceptions of Juvenile and Adult Courts

As indicated earlier, little prior research has asked what transferred youth think about their experiences. The research reported in this part examines the youth's perceptions of the people and processes of the juvenile and criminal courts. The questions were general (e.g., describe the justice system as you experienced it). Excerpts from the interviews are provided to convey the range of perceptions and to identify some themes that the youth themselves voiced. The youth were volunteering information in their own words to general queries rather than answering specific questions. The themes and patterns that emerged from the interviews cannot be compared with a standard base number of cases because others may agree with a perspective but did not volunteer the information. The unstructured nature of the questions makes frequency counts and percentages hard to interpret. Thus they are not reported in Part I.

The Juvenile Court

Respondents in the juvenile group often described the juvenile court process and juvenile judges in positive terms.² Only a few volunteered that they had difficulty comprehending what was being said or taking place during court proceedings; several commented appreciatively on courtroom (or in-chambers) interactions with judges. When responding

to a general question about justice officials, many volunteered that juvenile judges were interested in their problems and concerned for their well being. They perceived that they had been given an opportunity to be heard and felt that they were treated with respect and concern, which seemed to enhance satisfaction with juvenile court processes and outcomes. The following comments about juvenile judges capture the general spirit of youth's responses.

He had a talk with me in his office . . . just me and him. He said it was time for me to straighten up. . . . I never thought a judge would sit and talk to me that long, spend his working hours with me. He really cared about me. He was talking to me in a tone like a Dad talks to you. It had a big impact on me. We sat at a little desk and talked back and forth like you and me. He asked me about my life and stuff like that. He came down off his bench to talk to me.

The juvenile judge said he had faith in me. That made me feel real good.

I gave him respect and he talked to me straight up. He treated me fair.

He [the judge] was tryin' to help me. You could talk to him.

With few exceptions, youth described the juvenile court process as fair and accepted judicial decisions to commit them as legitimate or right. Usually the interviewees reported that the judge's decision to commit them was motivated by a desire to help or rehabilitate. A few volunteered that the primary purpose of the commitment was to punish them, but even these interviewees perceived that it was well intended, e.g., to "teach me a lesson" or "slow me down."

He sent me to programs to get help.

He sent me here to help me. He knew I was trying to get my life back in order. He wanted me [in this program] to help with my drug problem. . . . He picked this program for me.

He could have waived me over to adult but instead he sent me here so I can change my life.

The judge sent me to [facility name] so I could get some help so I wouldn't end up dead. Because the way my life was going I probably would have ended up like that.

Several points are noteworthy about the comments that the youth volunteered. First, most subjects described judges as caring and oriented toward rehabilitation even after Florida, like so many other states, introduced accountability and public safety as additional goals of its juvenile justice system.³ Evidently, an emphasis on treatment has not been lost. Second, youth perceived that juvenile judges used sanctions to promote good behavior rather than simply to penalize bad actions. From the perspective of many of the interviewees, juvenile judges chose dispositions in an effort to benefit them in

some way. These responses suggest that the juvenile bench, at least the judges involved in sentencing these respondents, retained traditional treatment emphases and values consistent with *parens patriae*.

Adult Criminal Court

Transferred youth frequently drew sharp contrasts between the juvenile and criminal courts in their descriptions of the two systems. Unlike what they said about juvenile court, the youth perceived that criminal court judges had little interest in them or their problems. Court proceedings were perceived as being formal and hurried; there was little opportunity for them to be heard, and some had difficulty understanding legal terminology. Much of what they understood (or misunderstood) came either from brief conversations with attorneys or fellow inmates in the jail, more often the latter than the former. Family members and fellow jail inmates seemed to reinforce misperceptions about proceedings and court actors as well as negative attitudes toward justice officials.

Some youth failed to differentiate the roles and functions of judges, prosecutors, and defense counsel and viewed them all as adversaries. Youth were especially critical and mistrustful of public defenders. The right to counsel was frequently waived for juvenile proceedings, but rarely for criminal court. Many youth cynically distinguished between the public defender and a “lawyer,” the latter denoting a member of the private bar, who they generally regarded as competent. Many youth reported that their public defenders had little contact with them. They frequently believed that public defenders were “part of the state.” Youth went so far as to allege that public defenders only feigned advocacy to trick them into entering guilty pleas that were not in their best interest.

I had a public defender and he didn't seem to care. He never came to see me, not once in those eight months in jail.

I didn't have a lawyer because I thought I was going to get off. I had a public defender.

After I sat in jail for 22 months with a public defender, I realized I needed a lawyer so my family chipped in and got me one.

Youth generally viewed criminal proceedings as much more complex than juvenile ones, involving gamesmanship and high stakes deal making. Nearly all youth reported that they eventually pled guilty, most often in return for reduced charges or dropped counts. They perceived that the charges were arbitrary and inflated and that their public defender was interested mostly in closing the deal. The youth were often dissatisfied with the outcome. Some understood that sentences were supposed to be proportionate to their crimes, but few took the position that their adult sentence was fair.

I had a public defender, a paid attorney working for the state. . . . He said he was going to get me out. Then a couple months down the road I got a letter from him saying that the state offered a plea bargain for three and a half years in prison with three years probation and \$1800 restitution. I didn't understand that I was going to DOC [Department of Corrections].

The attorney made this deal without talking to me about it, told me it was my best shot 'cause I could get 30 years if I got found guilty. He said I'd be out in six months with gain time so I took it. I don't think he did a good job for me. He could've had the charges lowered. . . . Then I was naive. I learned in prison that I could've gotten a better deal.

My attorney told me to plead guilty. He got it over on me. I could have got my time lower. . . . Inmates here talk about it.

When asked about criminal court judges, subjects often commented on differences in the goals of the juvenile and criminal courts. Few mentioned that judges in criminal court hoped to help them. Rather they indicated that the judge's intent was simply to punish them. Moreover, many reported that judges' actions were influenced by offenders' personal characteristics and by false assumptions about them as people, including judgments that they were utterly bad or worthless. Several suggested that judges vilified them and acted on feelings of personal animosity:

The criminal judge hated me.

He was trying to destroy my life.

He hated me, hated gang members.

Not surprisingly, attributions of bias and hostility evoked perceptions of injustice and feelings of anger and resentment, which tended to undermine both the legitimacy of judges (sometimes described as "crooked") and the decisions they made.

Part II. Global Assessments about Impacts of Juvenile and Adult Dispositions

A little research has been conducted regarding the relative impact of prisons and training schools on youth. Forst et al. (1989) surveyed 140 violent juvenile offenders in several states; 59 had been prosecuted as juveniles and committed to state training schools; 81 had been transferred to criminal courts and sentenced to state prisons. The study was conducted with the somewhat limited purpose of comparing training schools and prisons, but offenders were asked to rate the institutions to which they were confined along several dimensions.⁴

In the Forst et al. study, youth's ratings of staff, programs, and organizational climates revealed important differences across the two settings. Youth rated training school staff higher than prison staff in assisting them to improve social skills, solve personal problems, achieve personal goals, and improve family relationships. Educational and vocational programs were given similar ratings in both the prisons and training schools. Medical, counseling, and family services received higher ratings in the training schools.

Important differences were also noted in institutional structure and climate. The prisons were large institutions where young inmates were generally not segregated from older

ones. Forst et al. reported that youth were more often targets of violence in those prisons. While the overall incidence of violence was low, prison inmates reported more inmate-on-inmate sexual assaults and physical attacks with weapons, as well as staff assaults on inmates. In light of the important differences between imprisoned youth and those committed to juvenile facilities, Forst et al. (1989:11) raised the prospect that youth confined in prisons may have a heightened risk for re-offending compared with youth confined in training schools. The reasons they gave are that transferred youth are more often exposed to institutional violence, have less meaningful interaction with staff, and fail to have their treatment needs met.

The Forst et al. comparisons of prison and training schools may no longer hold because of the changes that have occurred in the last decade. The research reported here explores issues in addition to those involving prisons and training schools. It includes the experiences and reactions of youth to a broader range of dispositions in the juvenile and adult systems. The goal is to examine what impact the youth themselves think the two systems have.

An important focus of this section is on the global assessments of youth perceptions of the impact of their experiences. Responses were used to derive two kinds of global assessments about their perceptions of the impacts of juvenile and adult sanctions. All interviewees were asked about impacts in multiple ways. How have justice system experiences impacted beliefs about crime and conformity? How have justice system experiences impacted behavior? How do future prospects relate to experiences in the justice systems?

First, the researchers assessed each interviewee's perceptions of the overall impact of each disposition recalled in the interview. For each disposition for which respondents provided enough information, a rating was assigned so that each disposition would be characterized as having 1) a generally beneficial impact overall, 2) a mostly mixed impact (some beneficial, some negative), 3) no real impact, or 4) a generally negative impact overall. The global ratings could be used to look for patterns across the interviewees. Percentages are reported to indicate how often the offenders shared similar perceptions about the respective dispositions. Excerpts from the interviews are used to illustrate the patterns. The excerpts convey, using the youth's own words, the "reality" of the impact as they saw it.

Second, for youth who recalled more than one kind of disposition, global comparisons were made between the relative impacts of various dispositions. Researchers determined from the interview whether deep-end juvenile placements (Levels 8 and 10) were generally more beneficial than less secure short-term front-end (or low end) juvenile interventions (Levels 2 through 6) and whether adult sanctions were more beneficial than juvenile ones. Again, percentages are used to establish patterns across cases about how they compare "deep-end" with other juvenile sanctions and how they compare adult dispositions with juvenile ones. Excerpts are also presented that illustrate the comparisons that the interviewees were making.

For both the ratings and the comparisons, the focus was on the outcome the respondents projected. In the perceptions of the youth, the impact may have been seen as beneficial (as making them less likely to re-offend) because the process was one of treatment and help or because it was one of deprivation and punishment. “Impact” is operationalized here as the effect a sanction was expected to have on the interviewee's attitudes about and participation in future criminal behavior.

The global assessments are augmented with excerpts from the interviews. The words of the youth themselves convey best what they think about the impact of their experiences in the juvenile and criminal justice systems. Frequency counts and percentages are not given for the more detailed information that was volunteered and excerpted because the interview questions were not specific enough to provide a standard base to interpret such numbers.

Ratings of Juvenile Sanctions

The ratings reflected the respondents' views about the probable impact of a disposition on subsequent offending (or attitudes directly linked to re-offending). One hundred thirteen youth provided 221 ratings about the impact of low-end juvenile sanctions (judicial warnings, probation and placements in programs at Levels 2, 4, or 6). Eighty-six youth provided 101 ratings about their perceptions of the impacts of deep-end (Levels 8 and 10) juvenile sanctions. The numbers of ratings for juvenile dispositions and the percentages of these ratings that were positive (i.e., perceived the juvenile dispositions to be beneficial overall) are presented in Table 4-1.

Placement Type	Total Interviewed on Juvenile Dispositions	Number Rating Juvenile Dispositions Beneficial	Percent Rating Juvenile Dispositions Beneficial
Low-End	221	44	20%
Deep-End	101	59	58%

Low-End Sanctions

That these youth generally did not think that their experiences in “low-end” juvenile programs had a beneficial or positive impact may be expected. The sample was drawn from “deep-end” juvenile or adult correctional facilities, so their offending careers had progressed. Comments about what was *not* helpful may, however, provide insight about why these programs did not work for them and point to the importance of assessment and classification to optimize placements.

Generally, youth who thought the “low-end” programs were not effective in changing their delinquent attitudes and behaviors perceived these interventions to lack the intensity needed to address their problems or to give them the skills to do better. More often, these programs were described as impersonal, oriented toward sanctions rather than skills, and of insufficient duration to have any real or sustained impact on their attitudes or behavior.

I didn't even know I was on it [probation]. I was on it many times but no one ever contacted me. . . . The funny thing was we lived right behind the [probation] office and they never came to see me. I could throw a rock to their building from our yard, and I did.

Level 2 and Level 4 programs don't do nothin' . . . I left the same as I came in.

I couldn't use [my training in short-term residential] because I wasn't there long enough to learn enough to get a job in it. I wish I had stayed there longer so I could have gotten a job in it.

Those who at some point received the lightest of the “low-end” sanctions (judicial warnings, probation, community service, or Level 2 day programs such as anger management or outpatient drug counseling) often saw these sanctions as inconsequential and believed that these programs did not affect their attitudes or behavior. As one young man said about being on juvenile probation, “I don't remember it much.” Another said, “I didn't do it [the requirements]. I really don't know what I was 'sposed to do, so I forgot all about it. They never called me.” Some felt they were supervised (e.g., once a month or once a week) but that it did not help them change or keep them from committing more crime. As one said, “They didn't help me.” Others liked their probation officers or felt the program sessions were helpful at some level (e.g., in helping with school) but said they did not prevent them from continuing their delinquency. As one said, “Some of it helped, but then I back-fell from hanging out in the street.” Others participated in programming, such as drug counseling, and liked it, but “got locked up” soon anyway” so obviously it did little to prevent subsequent criminal behavior.⁵

Youth who had been in the least restrictive low-risk residential programs (Level 4) also generally believed the sanctions had little impact and did not help them enough. One young man, for example, said that he felt none of the programs gave him “any treatment at all” (even though they had put him in groups) and they therefore had no effect on him. He believed he needed a job or job skills--something he could use to succeed outside. Another said that he escaped from a Level 4 program because he did not like the rules, was not ready to change, and believed at the time that the staff were just interested in punishing rather than helping him. As he said “I had a chance to straighten up, but I blew it.”

Even when youth thought the programs helped, some recognized that they had little impact on their subsequent behavior:

It was a good program. Staff were fair and there to help us. They talked to us. When we did something wrong they talked to us instead of giving us extra days. But it didn't have an effect on me. I was too young.

Level 6 residential programs, which are designed for moderate-risk youth and have the most intensive treatment and skills training of the low-end programs, got somewhat better ratings. Some felt they were changed by their experiences there—either because they gained some life skills or because they left there motivated to do better. For example:

They put you [in] a lot of groups, feedback stuff, then they let you play sports and stuff; it was a good program. . . . It made me change a lot, give some respect for people and myself. . . . [the Level 6] program helped me most, they taught me a lot. They taught me most about anger control, bein' respectful of peers and myself.

Many said that they left these programs feeling very hopeful, but that they had been unable to keep themselves from crime once they returned to their communities—because they had trouble getting a job, because crime "was there" and available to them, or because they had relationship difficulties (e.g., family, girlfriend) that led them to stop trying. One of the interviewees put it this way:

I stayed out only a short while and I was slingin' again, then I got the job on the side and my own place. I stopped selling drugs for a while but I felt like I just wasn't getting any where. My mom needed help, and I started slingin' again.

Another person related more serious complications on the outside.

After [the Level 6 placement] I got my life together a little bit. I was doing good, living on my own with my girlfriend. . . . Then we started having a lot of arguments and it was not good for the baby, and I lost my job and then she kicked me out. I was stressed out—I was awful. I started doin' drugs and feeling like I was going to explode. I imagined doing a robbery to make some money. I put on a ski mask and broke into a girl's house. . . .

Deep-End Juvenile Sanctions

Because the juvenile detainees were interviewed in “deep-end” facilities, researchers could make observations and discuss matters with staff. The “deep-end” Level 8 and 10 programs were organized around therapeutic models—most often, a cognitive-behavioral one—that provided core principles to guide staff behavior and staff-resident interactions. Staff members were expected to model self-discipline, social skills, and strategies for problem-solving and impulse control. Consistent with that which Forst et al. (1989) observed more than a decade ago, even line staff were trained in treatment methodologies and were expected to integrate them into daily activities on a more-or-less ongoing basis. Residents in each of these facilities had a full round of daily activities that included academic classes, social skills training, individual and group counseling, and recreational

activities. Some youth also participated in vocational training, substance abuse treatment, and other more specialized programs. Residents had frequent contact with staff throughout the day and evening hours. Staff members were involved in all activities, most often as facilitators or leaders (e.g., counseling sessions, academic classes) but sometimes as co-participants (e.g., some games and sports).

Most of the staff-resident interactions that were observed while conducting the interviews in these deep-end institutions during 1998 and 1999 were professional but personable and caring in tone. Staff frequently inquired into the well-being of the youth, offered praise and encouragement, and provided counsel and discipline. Program rules were strictly enforced, with behavioral consequences for rule violations (most often, loss of privileges) and rewards for progress toward program goals that included field trips and furloughs home. Although, to be sure, there were disputes between staff and residents, the overall climate of staff-inmate relations was positive.

Responses during the interviews to these “deep-end” juvenile correctional programs were mostly positive. Respondents described staff and programs in favorable terms; they recognized that Florida’s juvenile system continued to have a treatment emphasis.

This place is all about rehabilitation and counseling, not about being a juvenile prison and people faking it to make it. . . . This place here we have people to listen to you when you have something on your mind and you need to talk. "24-7" you can talk to somebody here, even at 2:00 in the morning. . . . They dig deep inside you. They understand you and help you.

This is a good place. They do treatment work. They help us deal with our issues. . . . They try to make us better so when we get out we can be better.

They really tryin' to help you out, put some good things in your head.

Although most respondents were positive about their deep-end placements, the exceptions were also telling. The exceptions point to how critical staff-inmate relationships are to juveniles.

You know some people sometimes tries to counsel you about how to live but they don't understand how we live. . . . I don't put no stock in them.

I been in three juvenile programs before this one. They didn't do me no good, only increased my anger. The issues they wanted to help you on is not the issues that was important to me.

I don't like having to sit in their group and listen to negative feedback. It makes me uncomfortable and angry. These programs don't do nothin' but make you mad. You can't get no stress off your chest. . . .

The respondents distinguished among programs. Some either were insightful enough to realize, or repeated staff attributions, that they had significant deficits in socialization

with regard to values, impulse control, and fundamental life skills, and that they needed long-term remediation in these areas. They found their “deep-end” juvenile placements valuable in these matters.

I been on my own since I was 13, stayed with friends and lived on the street ..Now I have the mentality to get a job by myself. I know how to dress, what to say. I am confident.. I've come along way .

I like it [here] a lot because they've taught me good things like how to talk to people and how to handle my attitude. . . . Kids in trouble are angry. They are mad, they have resentment and they need to realize when they're mad and work it through. Some don't realize they're mad. Some don't think they can make it out there in the neighborhoods without selling drugs. This program teaches them they can and shows them how.

I learned it ain't right to have lots of girlfriends cuz it's not treating them with respect, especially when you love someone. And I learned how to interview for a job, and how I need to have a job or else I be stealin'. And I learned that I need to have more positive friends, not people that steal and do drugs and get in trouble. . . .

I want to make new friends. The friends I had before were negative and I'm trying to be positive. . . . These are all new ideas since I been here.

The program features that these youth described as helpful (e.g., job skills, employability skills, positive staff-resident interactions, anger management, peer relations) are some of those that research has shown to be most effective in reducing recidivism among serious juvenile offenders (Cullen and Gilbert 1982; Garrett 1985; Gendreau and Ross 1987; Andrews, Zinger, Hoge, Bonta, Gendreau, and Cullen 1990; Palmer 1991, 1995; Lipsey 1992; Mulvey, Arthur, and Reppucci 1993; Lipsey and Wilson 1998).

The majority of the ratings about deep-end juvenile sanctions (Levels 8 & 10) were positive overall. See Table 4-1. Eighty-six youth provided 101 ratings of deep-end juvenile sanctions. Fifty-eight percent of these (n=59) indicated that the deep-end placements had a beneficial impact on their attitudes and behaviors. Only two of these 86 youth, both of whom were in more than one deep-end program, reported mixed impacts of these sanctions. Eighty-four percent (n=76) of these youth were in deep-end facilities at the time of interview and were discussing the effects of the current program so caution should be used in interpreting their responses. Some of these youth may have been parroting the official line advanced and reinforced by staff; others may have been trying to “work the system” by telling us what they thought the system wanted them to say. Nevertheless the youth could articulate reasons.

Many youth recognized that these longer more intensive programs provided the life skills and counseling that could affect their attitudes and behaviors the most, even though many of them realized that making it on the outside continued (or would continue) to be a struggle for them. As one young man in a Level 10 program said:

This program alright because you can get your education . . . and they have community college people come teach here. They will help you get into college. That's what I'm planning on doin' . . . I got to the 9th grade on the outside, then I dropped out. I made real progress since I been here. I'm up to 11th.

Another respondent echoed this belief about a Level 8 program.

All along, this program helped me. For one, they give you more time to think about things, they give you chance to get your GED. I am on re-entry, so they help you with jobs. . . . This is the best program I been to.

Others believed some type of counseling was most helpful to them--whether it be about how to “deal with people,” how to control anger or impulses, how to learn discipline, or how to face and work through their problems and emotions. As a youth in a Level 8 program observed:

This is a good place. . . . They do treatment work. They help us deal with our issues, like mine are substance abuse and criminal mentality and impulse control. They try to make us better so when we get out we can be better. . . . I feel like this place has really made a difference for me. It made me look at what is important in life, like my family; I hope I don't do drugs again. Here I learned that my peer group is important, and when I get out, I want new friends, not the ones I used to hang out with who all did drugs.

Another youth in a Level 10 program said:

This program is good. It makes you think. It helps with anger if you have that. They put me in a drug rehabilitation program here that is also for other issues. I benefited from learning to speak out, to communicate my feelings. That helped me communicate better with my mother. . . . The future will be a lot better . . . hopefully I won't do crime no more. . . . The juvenile justice system should have more programs like this, programs that try to help.

Not all the beneficial impacts were linked to programs in these “deep-end” placements. Some offenders reckoned the longer sentences gave them more time to think about the future. One boy, for example, said: “It just the time. You need enough time to think about it and fix it.” A few youth also indicated that they were worried about possible consequences if they continued (e.g., death on the streets, tougher punishments).

Comparing Deep-End and Low-End Juvenile Sanctions

The ratings of the low-end and deep-end placements suggest that deep-end programs may be more effective for these serious youthful offenders because they can provide more intensive interventions--especially in regard to skills and counseling. But the ratings do

not indicate how the respective offenders who had both deep-end and low-end exposure compared the two experiences.

Seventy-three juveniles who had experience at both ends of the juvenile continuum made comparisons about the relative impact of low-end versus deep-end juvenile sanctions. Of these comparisons, 40 percent (n=29) indicated that deep-end commitments were or would be more beneficial in affecting subsequent criminal behaviors, or attitudes directly related to criminal behavior (See Table 4-2). Another 24 percent (n=17) thought both low-end and deep-end programs had good effects (not reported in the table). So, a majority of these youth believed that juvenile programs were helpful at some level. The remaining 32 percent (n=23) indicated that both types of placements either had mixed, no, or negative effects on their attitudes and behaviors. Only 3 interviewees (4 percent) thought the low-end programs had more impact on them than did the more restrictive programs. The comparisons confirmed what the ratings suggested.

Type of Juvenile Disposition	Total Interviewed on Juvenile Dispositions	Number Rating Dispositions Beneficial	Percent Rating Dispositions Beneficial
Low-End	73	3	4%
Deep-End	73	29	40%

The longer time in deep-end programs and their greater intensity of the skills training and treatment were reasons offered by the youth who believed deep-end programs were more beneficial. In the following excerpt one youth discussed the differential impacts of probation (formerly community control) and the level 10 program he was in at the time of interview:

The [juvenile probation] system was soft. I didn't go in no programs. In one way it was good for me cuz I got to go home. In another way, it wasn't good, because I was messin' my life up. . . . I didn't like the community control counselor; I was trying to get over on the system. I needed somebody to stop me. I needed a program to teach me manners and stuff. . . . This place [Level 10] is good. They treat me right. They understand and talk to you when you're mad. They are helping to try to teach me to spell and read, and I am learnin'. Somebody needed to make me sit in my seat and do stuff. I didn't like it, but it was good for me. . . . I been here for eight months, I've made lots of changes. They taught me respect, to say, "sir, yes sir"--if you have a problem to talk it out, not use violence. They need to make more Level 10s.

Still another who said he had been on juvenile probation and in two Level 6 programs without changing (even though he thought staff members were encouraging) believed the current Level 8 program was having a bigger impact:

Now here, I'm learning. Been here two years, can't help but learn. I learned anger control and not to take things in my hands. There's staff here who tell us how to do and enjoy life, not backslide. About 10 years from now, I'd like to have a business in Georgia . . . I need to finish school first. Then, I'd like to work in building construction, doing shingles and dry wall. . . . When I get out, I got to go to school and get me a little job and keep off the streets. . . . Next time, it's to prison, and I don't wanna be there, no way.

So, for him, the deep-end program taught him anger control, helped him develop goals and hope for the future and gave him time to think about the possible consequences if he continued committing crime.

Many of those who perceived that the deep-end placements were relatively more beneficial maintained a realistic appreciation of what the outside world would be like. They recognized that they had had previous chances. Going back to the same family or neighborhood or facing the difficulty of getting jobs with a criminal record had kept them from succeeding in the past. They now worried about how these issues would affect their futures. Their words point to potential importance of aftercare programs.

Ratings of Adult Sanctions

The ratings regarding adult sanctions were mixed. Seventy-one youth in our sample were transferred to adult court and had some experience with adult punishments; several had exposure to more than one adult sanction or facility so there were a total of 102 ratings. Only 34 of the 102 ratings of these adult dispositions (33 percent) were beneficial overall (See Table 4-3). This percentage was higher than the ratings given to low-end juvenile dispositions (20 percent), but lower than the ratings given for deep-end juvenile placements (58 percent).

Adult Disposition	Total Interviewed on Adult Dispositions	Number Rating Dispositions Beneficial	Percent Rating Dispositions Beneficial
Probation	16	2	12%
“Blended” Jail Program	22	12	55%
Other Jails	4	0	0%
Prison	60	20	33%
Total	102	34	33%

The ratings, however, varied by type of adult disposition. And the reasons given also varied. The remainder of this section discusses ratings of each type of adult sanction and, as before, illustrates the perceptions of youth using their own words.

Probation

The interview sample relied on institutionalized offenders so few of the youth in the sample experienced adult probation; there were only sixteen ratings of adult probation. Two (12 percent) of these ratings indicated a beneficial impact overall on attitudes and behaviors. The youth for these two ratings believed that their adult probation officers were strict enough to keep them under control or were helping them get jobs. Most of the ratings of experiences with adult probation were categorized as having no impact on them. Some youth had gotten in trouble again after being placed on adult probation. But for others, the circumstances of their lives made it difficult to succeed. As one youth observed, “probation is all right; I’m having trouble getting a job now. People see on my application the charges, and they don’t hire me. It’s not fair.”

Jail

Many of the youth who experienced jail perceived some danger, especially pretrial. The inmate grapevine carried tales of older inmates preying on young boys, prompting fear of attacks by sexual predators and “crazies.” Thefts and fights among inmates were reportedly numerous.

I was 14 . . . I’d heard stories. I saw punks for the first time. You see everything back there.

All my enemies was there and I was scared. They were territorial enemies. Kids fought just because they lived in another place.

Jail was a wild place. I was fighting. People were stealing food. . . . People get bored and fight. . . . County jail had serious fights where people got hurt, much worse than JDC.

Some of that danger was attributed to jail staff. Juvenile detention workers were often used as a point of comparison for many interviewees. The authorities in the county jails were more distanced from them and more abusive than were the detention care workers. The protocols for responding to unruly inmates in jail included stripping inmates, using mace, and other procedures not authorized for use in detention.

Jail staff were worse than JDC. They hog-tied people for banging on doors, they broke ribs, they sprayed you with mace. They kept me in a holding cell naked once for eight hours because they thought I was banging on doors. And there are a lot of racist officers there. They would call me “spic” but I couldn’t do nothin’. Hit one of them and you’ll catch five years.

Jail was the site of some rude awakenings involving status transformation. Many there came to realize for the first time that others viewed them as “criminals.”

In jail I met a man who set his wife on fire. I didn’t like being lumped in with him.

They classified us all together.

CO’s [correctional officers in jail] were different than in JDC. They didn’t show us no respect. They treated us like criminals.

One of the design shortcomings of this research was that not enough youth who were serving their sentences in jail were interviewed. Jail was more frequently used as an adult disposition for transferred offenders than was prison. Almost all of the jail interviews that were conducted were of inmates housed in a special “blended” program in Duval County that combines jail incarceration with treatment programs.

Twenty-six ratings were derived from information the transferred youth provided about their experiences in jail (post-conviction).⁶ Twenty-two of these ratings came from youth in the “blended” program in Duval County. About half of the ratings in the Duval County Jail program in Jacksonville (55%, n=12) characterized the impact as helping the youth change so they would not get in trouble again when they were released (See Table 4-3). The remaining ten ratings from the Duval program (and the four from youth who were in other jail programs) indicated no impact.

The youth who saw the Duval County program as beneficial sometimes credited the programming but more often thought that the pain and fear of future consequences were having the most impact.

Before I came in here I was lookin’ for the easy way for everything, not working, not earning it. Now, I feel like I need to work for what I get. I didn’t think of how people might feel if someone took something they earned. I didn’t have any goals. Just whatever happens happens was my attitude. Now, I set goals for myself, to finish school, get education, pursue my athletic abilities. Bein’ in here caused me to realize that crime

is not a way to live. You can't do anything locked up. Now, I think of how somebody would feel if they have their stuff taken. Big difference is I think of other people before I think of myself. Being locked up caused the thinking, but the program in here and the other people help you realize those things. Basically, taking away freedom starts the thinkin'.

Not all youth in the Duval County Jail, however, believed that programming was even part of the impact. For example, one youth said he wanted to succeed upon release because it was the "worst place" he had been in his life. He said "all you ever do is wake up, eat, go to school, sit, sit, sit, sit; they don't talk to you or nothin'." Perceptions about the "blended" jail program were decidedly mixed. Only a little over half the ratings indicated a beneficial impact. Among these, the reasons varied and often the programming features were not credited with the impact or much of the impact.⁷

Prison

The prisons in which the interviews took place were clearly dominated by custody concerns. Concerns about order and security were very obvious inside the prisons. The vast majority of personnel within these institutions were uniformed correctional officers. They appeared highly authoritarian and focused exclusively on enforcing rules, maximizing surveillance, and demonstrating their power. Almost all of the communications we heard were one-sided, consisting of commands of various sorts ("keep your eyes down," "pull up your pants," "walk to the right"). Researchers observed little interaction between correctional staff and inmates that was not formal and directive.

Because the prisons were primarily custodial facilities, most respondents were not engaged in programs aimed at their personal or social development. Although many expressed a desire to participate in such programs, few were engaged in any sort of counseling or treatment program.⁸ Several attended remedial education classes for a portion of each weekday, and some reported that they were learning a trade, usually one involving facility maintenance (e.g., housekeeping, culinary arts, laundry, grounds maintenance). However, respondents reported too few work assignments to go around leaving them with a great deal of idle time that they found burdensome.

All of this is like one big long day--bars, steel, concrete, every day just like the next. There is so limited things to do. You try to alter it, but it ends up being all the same. The only thing that makes it different is confrontations with different inmates on different days.

When youth were asked about prison staff, almost all responded by referring to correctional officers. Although some inmates had contact with teachers and all had occasional appointments with classification officers and medical personnel, their contacts with correctional officers tended to shape their thinking about staff in general and, to a considerable degree, about the institutions overall. Correctional officers were generally perceived in very negative terms. Some youth acknowledged that there were some good officers, but most were described as denigrating, uncaring, hostile and derisive.

There are two kinds of officers here. The positive person who gives you a hard time but in a positive way. He makes you think, but in a helpful way. Then there are the people who try to beat the crap out of you. They p--- me off. There's far more of the "beat your a--, you're a piece of dirt" types than the type who will talk to you like you're a regular person.

They don't really see us. They don't care about us. I'm not a person.

The staff here, they'd rather write you up and take away gain time than explain something to you. Staff will send you to the box for something petty rather than have you learn something. . . . They could care less about inmates. They are mean spirited.

Youth in adult correctional institutions often felt threatened by correctional staff. Frequently, they conveyed the sense that they were involved in a struggle to preserve their identities and a sense of dignity. As one angry young man put it:

Why not fight, talk back to officers, and get respect among inmates? You want to show the officers that you're your own person, that you don't deserve to be treated this way. It's your pride you are going to lose.

Another prominent theme emerged that contrasted perceptions about the adult system with those about the juvenile system. The predominant message reported by youth in the juvenile system was positive and forward-looking. In contrast—and according to nearly all respondents' accounts—the predominant message of the adult system was negative and backward-looking.

When I was in juvenile programs they were telling me that I am somebody and that I can change my ways and get back on the right track. In here they tell me I'm nobody and I never will be anybody.

In the juvenile system the staff and I were real close. They wanted to help me. They were hopeful for me. They are not hopeful for me here. They think I am nothing but a convict now. . . . I can't tell people I've changed. They won't believe that anymore.

[Prison staff] could care less about inmates. . . . Staff in juvenile institutions . . . will talk to you because they care and they know you're not a failure even though you've made a mistake.

Unlike Forst et al. (1989), this research did not systematically question the interviewees about whether they had experienced or witnessed a victimization. Nevertheless, many volunteered such reports in the course of describing institutional life, especially the transferred youth. Others, while not recounting such events, said they believed the threat of violence from other inmates was far greater in prison.

This is a dangerous place. There be shanks and stuff. One of my friends was shanked in the side and back. They took him away in Life Flight. That was a year ago. I don't know if he died or nothing.

Inmates play sex games all the time. It corrupts your mind.

It can be violent in prison. . . . I saw three stabbings. I got stabbed once myself. I didn't report it cuz I took care of it on my own. That's the way it is.

You worry about people beating you up or taking your manhood or stealing your things. You end up in P.C. [protective custody] or hurt real bad if you are not strong. . . . Some guys are in P.C. all the time because they're scared. You can't be too bold or you'll get slashed. Since I've been locked up, I've seen three or four people get shanked. I've seen somebody get butted [raped] at this camp.

Accounts of these youth suggest that inmate norms supported violent behavior, especially in the Youthful Offender facilities populated by inmates under age 25. Violence was not limited to encounters between inmates. Some of the transfer subjects reported either being assaulted or witnessing an assault on a fellow inmate by a correctional officer. Witnessing these incidents, and hearing reports of these incidents (which spread quickly through the inmate grapevine), contributed to an atmosphere that signals danger. The perception was widespread that prison officials were corrupt and "covered up" incidents in which they resorted to unlawful and unnecessary violence. This was a source of considerable bitterness and resentment among our respondents

I was at [] first. It was like hell...They beat the s--- out of us and covered it up. It's a big scam.

You write a grievance against an officer and they take you in a back room and beat you up, then put you in the hole until you heal.

Some people in here have been locked up and emotionally and physically brutalized. Like a kid yesterday they thought he had closed a gate on an officer's hand and another officer came up—a big guy—and he handcuffed him to the gate and beat him. He was all bruised in his face. The officer said "If you say anything to anybody I'll f--- you up." Now that kid is only 17 and his experience is going to make him angry and a lot worse when he gets out.

The C.O.'s [correctional officers] are really sorry people. They do mean s--- here. They beat you up, humiliate you. They tell you to make sure seagulls don't land on the ground. And if a seagull lands, your a-- is grass. They order you to sweep the shade away. Stupid s---.

This place is real worse than juvenile programs. In juvenile you ain't got to worry about being beat down by the staff. You ain't got to be in fear for your life. Here I am in fear for my life from staff and inmates, especially staff.

Forty-four of the seventy-one youth (62 percent) with adult punishment experience talked about the effects of prison. Because some of them reported experiences in more than one facility, 60 different prison experiences received ratings. Most of these ratings were negative; only 20 (33 percent) were positive. See Table 4-3. When the ratings of prison experience were beneficial, imprisoned youth did not mention programming as the key. In fact, most said there was no programming available for them. One young man who was in prison for the second time put it like this:

This time I didn't hang out with too many people, did my job, read books, did a lot of thinking and planning about goals I wanted to reach. I could see I was going down the wrong road again and [prison] gave me time to clear my head.

And another said that prison had made him think both because he had matured and because it was painful:

You have more time to think on how things should have been. It's filthier than the street, and everybody is crooked. It ain't no place for young people. . . . It's like evil on evil, like war, like battle between the races and the police—different races fighting each other, all races fighting the guards. . . . I think my life will be better than it was before. I am more mature. I know more than the other inmates who are 16 . . . and, when I get out . . . I will use it for self. Coming here when you're 15 or 16, it hurts, seriously. . . . The system is organized to screw people.

Some reported learning from older inmates.

This is like a graveyard . . . the older inmates who have life will talk sense into you. They let you know this ain't no place for nobody. They want you to get out and be somebody. I feel now I can get out and do something with my life, be a truck driver or electrician. And, I can talk to the young brothers and let them know what I learned . . . here, where you see old people rotting, you see what's going to happen if you keep on. . . .

Still others felt prison would have an impact on them because they now knew they faced much tougher, longer sentences if they committed more crime upon release. They knew the laws were getting tougher. As one young man said, “Old Jeb Bush, he ain’t foolin’ around. . . . that 10-20-Life . . . I value my freedom more than all that. . . .”

The majority of ratings of prison (61 percent) indicated, however, that it had made them worse or would have no impact on their attitudes and behaviors. They felt staff took their hope from them and were generally too mean or apathetic, that the environment was always unsafe, and that they learned too much about how to be better criminals. The following quotation sums up the majority of ratings about the effects of adult prison:

Prison makes people monsters. The staff are worse than we are. . . . My experiences in here—to me—have made me worse, but to their eyes it made me better. . . . I don’t have [a future]. I just live day by day. There is no future. . . . Every time I try to do right, they kick me to the curb, so I just say f--- it, I’m not going to try. You can only tolerate so much.

In sum, across all adult sanctions (102 ratings), only 33 percent (n=34) indicated a positive impact. Of all adult punishment experiences, the ratings were highest for the “blended” program in Duval County, in part because it blended adult time with programming more characteristic of the juvenile system. Interestingly, more ratings about adult punishments were positive (37 percent overall) than were ratings of low-end juvenile sanctions (19 percent overall), which may be expected due to this sample’s continuation into higher levels of the system. But, in terms of percentages, deep-end juvenile commitments were more likely than the other two categories to be rated as having a beneficial effect on youth attitudes and behaviors (58 percent overall).

Comparisons of Juvenile and Adult Sanctions

Enough interviewees reported experience with both juvenile and adult sanctions to allow us to make 62 comparisons of the relative impacts of adult versus juvenile dispositions. Of these, 25 comparisons (40 percent) indicated that the adult sanctions were more likely to have an overall beneficial impact on their lives (See Table 4-4). This may be a surprising finding given evidence presented earlier that most youth who experienced adult sanctions believed they had either no or a negative impact. There are two important points that help explain this finding.

Comparisons of Dispositions	Total Interviewed on Dispositions	Number Perceiving This Disposition More Beneficial	Percent Perceiving This Disposition More Beneficial
All Adult vs. Juvenile Dispositions	62	25	40%
“Blended” Jail	16	9	56%
Other Adult	46	16	35%
All Juvenile vs. Adult Dispositions	62	10	17%
Deep-end Experience	12	2	17%
Other Juvenile Experience	50	8	16%

First, nine of the 25 comparisons indicating that adult sanctions were more beneficial came from Duval County’s “blended” program, which had adult incarceration but also used programming more similar to the juvenile system. Indeed, while over half of the comparisons from the Duval County Jail (9 of 16) attributed beneficial impact to the adult rather than to juvenile sanctions, only 35 percent of those coming from other adult dispositions attributed more overall benefit to the adult sanction (16 of 46).

Second, and more importantly, 20 of these 25 comparisons (80 percent) that attributed more beneficial impacts to the adult disposition reported no juvenile “deep-end” experience. None of the nine youth in the Duval County Jail did. And, only 4 of the 16 comparisons (25 percent) in which other adult facilities (e.g. prison) were perceived to be more beneficial than juvenile sanctions had “deep-end” juvenile experience. In essence, the youth who believed the adult system had a better impact had “skipped” the juvenile deep-end programs. Deep-end programs were the ones that the ratings indicated were most often beneficial because they required more time and provided life skills and counseling.

One youth who thought both the time and the Duval County Jail program helped him more than the Level 6 programs he had been in makes the point:

This right here had a better effect, because you take it for a joke if you go there [Level 6], but here, this right here it don’t give you no slack, no half-steppin’ here. This one have a better effect. It is both the jail and programs. . . . They talk to you, they still have hope for you, they say you still have little hope, you got to take advantage with life management skills, talkin’ to you and stuff. The most important part of program that keep me from comin’ back is the time, just the time. You ain’t got no TV. Yeah, just the time, it be it. It ring the bell . . . it hard. I goin’ try. It be temptation that will get me ‘cause you get tired [of trying to make it on the outside].

Those who felt prison had a stronger impact on them primarily cited time and pain and denigration as the primary factors leading them to want to change their lives. As one young man said,

This place wants to make you go home and do good because you're not going to do this much time in any juvenile program. . . . I think it takes treating people badly for us to realize that we need to change, that this isn't for me, and I need to do what's right.

Implications

The experiences and reactions of those who were transferred to criminal court and incarcerated in adult prisons were markedly different from those of comparable offenders who were processed as juveniles and committed to "deep-end" juvenile facilities. Although some youth reported similar experiences for both systems (e.g., negative reactions to both juvenile detention and adult jails), the overall tone and substance of responses indicates that they were more negative about adult courts and correctional institutions.

Their words offer possible explanations as to why transfer and confinement in the adult system may exacerbate criminal propensities more than do juvenile court processing and commitment to deep-end juvenile programs. They often reject the legitimacy of those officials in the adult system with whom they have dealt.

Officers [in prison] beat you for no reason. They shouldn't be punching on people. That's against the law. . . . The officers here are just as crooked as we is.

My public defender lied to me about how much time I could get [in prison] to make me plead guilty. I got screwed.

He [the judge in criminal court] was trying to destroy my life.

Humiliation, demoralization and the fear of brutalization in adult facilities were all too often mentioned in these interviews, none of which is conducive to post-release success.

There is no future. . . . Every time I try to do right they kick me to the curb, so I just say "f--- it, I'm not going to try." You can only tolerate so much. . . . I guess I just don't have any feelings . . . I don't think I will do well on the outside or anywhere. I could kill and not feel anything. I've been beaten and I just don't care any more.

I was beaten plenty of times, kicked around for talking in a "no talking" zone, kicked and punched for pretending to do pushups when they ordered me to and my asthma started and I didn't have my inhaler. They told me to stop whining and take my punishment like a man. . . . All the inmates talk to each other about the beatings. We get angry and it bottles up and we take out on each other.

Some reactions of the youth to the adult system express alienation. They see bleak prospects for having opportunities for success upon release.

[Probationer after release from prison} I'm having trouble finding a job. People see on my application the charges and they won't hire me. It's not fair. Even though I did crimes I'm still human.... Sometimes I think about doing crimes again because of the pressure of having no money.

I can't seem to get away from the system. . . . Like when I get out on probation, I know I can stay away from drugs and alcohol. But I might have to live in a motel, and that's a violation because that's not a stable home. And they say I can't be in touch with no convicted felons, and my Mom is a convicted felon and my Dad is, my brothers, aunts, uncles, they all be locked up one time or another. They say to stay out of bad areas and drug areas. My whole neighborhood is a bad area and a drug area. I can't go to no rich neighborhood you know.

They [prison staff] wouldn't let me lift my head up. They called me "boy" and said, "you don't like white people telling you what to do." I said, "no, suh." Then they said I was racist!

Prison also provided more opportunities for private interaction among inmates than was the case in the juvenile facilities. For much of each day large groups of inmates congregated in the yard while correctional officers monitored at a distance from the perimeter. During the evenings, inmates remained in their cells or dormitories supervised by officers who were separated from them by glass-enclosed control rooms. Some youth reported that they spent much of their time talking to more experienced offenders who taught them techniques of committing crime and methods of avoiding detection.

All you do is talk about jobs other people pulled, and how to do things different or better. All you got is time, to play cards or talk. You talk about everything in here. I learned how to break into a safe, to get by alarms, other ways to get in houses. I learned that if I had kept to my two minute robbery time limit and kept to my plan, I wouldn't have gotten caught. I still have that crime mind. When I get back to the street, I won't be caught as easy.

The concluding point does not need to be belabored. The interviewees provided insight about their experiences that shed light on the recidivism results reported in an earlier chapter of this Final Report—results that replicated the findings of other research. From their perspective, finding that transfer tends to increase rather than decrease recidivism is not so surprising. Their experiences with the adult system have often been negative. From their view, transfer has made matters worse.

ENDNOTES

¹ We originally contacted 150 youth, but six did not participate (for a response rate of 95%) and one did not complete the interview.

² We also looked at transferred offenders' comments about juvenile court judges' actions and motivations. We found that they were very similar to those made by youth in the juvenile sample. Transferred youth did not come across as more hardened, more hostile, or more cynical in their views of the juvenile system. Instead, what distinguished the interviews with the transferred offenders was the tone and content of their comments about the criminal justice system.

³ For example, in 1994 the state's Juvenile Justice Act was revised to designate protection of the public safety as a primary objective. In the same year, the responsibility for administering delinquency programs was removed from social services and assigned to a newly created Department of Juvenile Justice, a self-described "criminal justice" agency headed by a former police chief. This does not mean, however, that treatment programs were abandoned.

⁴ Forst et al. (1989) also made independent observations of each correctional setting and obtained information on staff backgrounds and training. They report that the training schools and prisons had fundamentally different orientations. Training schools were more treatment oriented (both line and professional staff provided counseling that was integrated into daily activities and both were evaluated in terms of helping skills). Prisons were oriented toward custody. Only professional staff provided counseling; the counseling was separated from ordinary activities; and the job of prison line staff was to control and manage inmates.

⁵ The focus is on behavioral impact. That probation and the less intense programs did not have a positive impact on behavior does not mean the youth saw no value in them. Some of them mentioned that while in these "low-end programs," they learned that they could succeed—for example, in community service or a job. Although one youth thought completing the community service hours was difficult, he said, "I did the hours at the Urban League, and I liked it because I never had worked before." Other youth mentioned that their probation officers cared about them and that the officers tried to help but that they were not ready for it or that they were still trying to "beat the system."

⁶ Almost all of the transferred youth had been in jail awaiting trial for at least some time, but the interview focus is on those who receive jail sentences as dispositions.

⁷ One of the students who worked on the project conducted independent interviews with correctional officers in two "blended" jail programs for transferred youth. Some of her findings are instructive. "You kind of get hardened; a lot less sympathetic. . . . If the officer has been here ten years, then he has heard that problem thirty times from different people." "I think [this career] make you more cynical. . . ." She also reported that jail officers "who are not in direct contact with the teachers [in the blended programs]

seemed to have a cynical attitude toward the entire school program.” In both programs, guards reported having to adjust their jobs when dealing with juveniles. One reported, “Juveniles are a little more disruptive. . . . They are much more demanding on the officer. . . . They have more questions, are more dependent, are more energetic, and are far more likely to be predatory.” Some of the officers recognize that the youth are more fragile: “If you yell at an adult for doing something stupid he probably is not going to cry. If you yell at a juvenile, he might. You gotta keep in consideration that they are kids. They have done adult things, but they are still kids.” Despite this recognized vulnerability, most of the officers “felt that juveniles should be given adult sanctions.” Some recognized that “a lot of them give up. Sometimes I think a child who maybe had hope, once he is put into the adult system and in an adult prison then there is really no hope then.” The officers also had some insight into how jail programs could improve. They focused on the practical: “. . . life management skills. If they don’t know how to read, teach them how to read. Teach them how to get a job. Teach them how to apply for a job.” Some were not at all opposed to programming for these youth. “We need programs, counseling, not just with the juvenile, but with their families. And not so much lock ‘em up.” “They can have adult sanctions, but I think it would be ever so much better for them to have their own institution and have those trained officers who work with them.” See Brauss, 2001.

⁸ Counseling was the responsibility of a few professional staff who met with inmates during segmental time slots. This is not surprising. Treatment often represents an “invasion” in a custody-dominated system. Even at the height of the medical model in the 1960’s “those in the custodial ranks tended to view treatment personnel with varying degrees of skepticism, mistrust, or at best, grudging tolerance” (Fox and Stinchcomb 1994: 354).

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Appendix A

CHANGES IN FLORIDA TRANSFER LAW: 1998, 1999, & 2000

Prepared by Henry George White

Introduction

In our last report to OJJDP¹ we described the various mechanisms available under Florida law to transfer juveniles from the juvenile to the criminal courts for prosecution as adults, and we detailed the law provisions for each of those mechanisms. Our report included changes made through the end of the 1997 session of the Florida Legislature. This report details changes made by the Legislature during the 1998, 1999, and 2000 sessions. Florida was only one of many states that took a “get tough” attitude concerning juvenile crime during the 1990’s, and enacted law reforms that forced certain juvenile offenders into the adult criminal justice and corrections systems.

In the five-year period between Florida’s fiscal years 1995-1996 (FY 1995-96) and 1999-2000 (FY 1999-00) the population of juveniles in Florida between age 10 and 17 years grew from 1.36 million to 1.52 million.² Notwithstanding an expanding juvenile population, a concomitant rise in juvenile arrests, and the continually expanding pool of juveniles eligible for transfer to adult court, the actual number of juveniles transferred to the adult system declined from a high of 7,311 in FY 1995-96 to 4,335 in FY 1999-00.³ Between FY 1994-95 and FY 1999-00, juvenile felony referrals decreased 11 percent; juvenile murder/manslaughter referrals were down 25 percent; juvenile burglary referrals were down 16 percent; and juvenile auto theft referrals were down 35 percent.⁴ As a percentage of all referrals, the number of youth transferred for adult prosecution actually declined from 4.2% in FY 1995-96 to 2.8% in FY 1999-00.⁵ Clearly, prosecutors were not taking advantage of the expanded options to transfer juveniles to adult court that were given them in the juvenile justice reforms described in our earlier report.⁶

Transfer Options

Notwithstanding these positive trends with respect to juvenile crime, in the three legislative sessions between 1998 and 2000, the Florida legislature considered more than a dozen bills that either permitted or required the adult prosecution of juveniles accused of an ever-growing number of offenses. This preoccupation of Florida’s policy-makers

¹ Juvenile Transfers to Criminal Court Study: Phase I, August 19, 1997.

² Florida Legislature, Office of Economic and Demographic Research.

³ Florida Department of Juvenile Justice, Bureau of Data and Research, 1999-2000 Delinquency Profile for Referral/Commitment/Transfer Data.

⁴ MyFlorida.com/Government Services Online/Public Safety/Learn/Juvenile Crime Trends.

⁵ See note 2, *supra*.

⁶ See note 1, *supra*, at pages 21-40.

with the prosecution of juveniles as adults when juvenile crime is waning is a paradox that remains to be explained. Equally curious is the apparent lack of confidence in judgment of prosecutors or judges, because many of those bills included proposals to restrict or eliminate the discretion of either prosecutors to make charging decisions or adult court judges to use the “sentence-back” option⁷ for juveniles prosecuted as adults.

Indictment

The provisions of law relating to indictment of juveniles have not changed since 1997. A juvenile of any age who is charged with an offense punishable by death or life imprisonment is subject to the jurisdiction of the juvenile court unless and until an indictment is returned by a grand jury. In such cases, an adjudicatory hearing in juvenile court may not begin until 21 days after the child is taken into custody unless the state attorney advises the court in writing that an indictment will not be sought, or unless the grand jury has refused to indict the child. If the grand jury fails to act within 21 days of the day the child is taken into custody, the court may proceed with the juvenile case. After a child is indicted, any delinquency petition that may have been filed against the child based on the same offense or series of offenses must be dismissed, the child will be tried and handled in every respect as an adult.⁸

Waiver

Florida law continues to provide for both voluntary and involuntary waivers.

Voluntary Waiver

There have been no changes in Florida’s voluntary waiver laws. A court must waive jurisdiction over a juvenile and transfer the child’s case for trial as an adult when the child, joined by a parent, guardian or guardian ad litem, makes a written demand to be tried as an adult prior to the commencement of the adjudicatory hearing in juvenile court.⁹

Involuntary Waiver

Under Florida law and procedure, the authority to seek an involuntary waiver rests with the state attorney, and the authority to grant or deny the waiver request rests with the juvenile court judge. A number of changes in the law have been made since 1997 with respect to a prosecutor’s authority to seek an involuntary waiver.

Discretionary Waiver

At the time of our 1997 report, a state attorney could request an involuntary waiver of juvenile court jurisdiction if a child was 14 years or older at the time of the alleged commission of any offense.

⁷ FLA. STAT. §. 985.233(4) (2000).

⁸ FLA. STAT. §. 985.225 (1997)

⁹ FLA. CONST. Art. I, § 15; FLA. STAT. §. 985.226(1) (1997).

Although placed in the “Discretionary Waiver” portion of the law, a prosecuting attorney was *required* either to seek an involuntary waiver (or file an information) with respect to a child 14 years of age or older who:

- Had been previously adjudicated delinquent for murder, sexual battery, armed or strong-armed robbery, home-invasion robbery, carjacking, aggravated battery or aggravated assault, and
- Was again charged with a second or subsequent violent crime against a person.¹⁰

Mandatory Waiver

In 1997, a state attorney was required to seek an involuntary waiver of a juvenile who met all of the following criteria:

- Was 14 years or older at the time of the commission of a fourth or subsequent alleged felony; and
- Has previously been adjudicated delinquent, had adjudication withheld, or been found to have committed, or to have attempted or conspired to commit three offenses that would be felonies if committed by an adult; and
- One or more of such felony offenses involved the use or possession of a firearm or violence against a person.

If an involuntary waiver was not sought in such cases, the prosecutor was required to provide written reasons to the court, or to file an information against the child directly in the criminal court. If a state attorney decided to seek an involuntary waiver under these provisions, the court was required to transfer the case to the criminal court or provide written reasons for not doing so.¹¹

As a practical matter, prosecutors rarely use the mandatory waiver procedure since it requires more time, effort and expense to process, and the outcome of the waiver hearing is in the hands of a juvenile court judge rather than the prosecutor. Because the criteria for mandatory waiver is nearly identical to those for mandatory direct files, the direct file remains the preferred transfer mechanism for prosecutors who find the procedure more efficient and the outcome more certain.¹²

In 1998 several bills were considered by the Legislature that proposed to narrow prosecutorial discretion by enlarging the category of cases in which a mandatory waiver must be sought¹³, but none passed.

¹⁰ FLA. STAT. §. 985.226(2)(a) (1997).

¹¹ FLA. STAT. §.985.226(2) (1997).

¹² Compare FLA. STAT. §.985.226(2) (1997) with FLA. STAT. §.985.227 (1997).

¹³ See, HB 4193, HB 3995, SB 2008, and SB 1784, 1998 Florida Legislature.

A number of similar bills were again considered in 1999¹⁴ and were eventually combined in a single bill that became law.¹⁵ This law more clearly distinguished discretionary and mandatory waivers, and more importantly, it broadened scope of mandatory waiver provisions by adding new substantive offenses and attempts or conspiracies to commit specified offenses. With this change, mandatory waiver (or direct file) provisions applied to any youth 14 years of age or older who:

- Had been previously adjudicated delinquent for the commission, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, home-invasion robbery, carjacking, aggravated battery, aggravated assault, or burglary with an assault or battery; and ,
- Was again charged with a second or subsequent violent crime against a person.¹⁶

The other classes of mandatory waivers, relating to the number of prior offenses, and the use or possession of a firearm during the commission of an offense, were unchanged in 1999. No substantive changes in these provisions of law were proposed in the 2000 session.

The practical impact of these mandatory waiver law changes is probably minimal, because parallel changes were made to the direct file sections of law. Since first permitted 1978, direct files have virtually eliminated waivers and become the transfer mechanism preferred by prosecutors for reasons of efficiency and certainty of results.

Waiver Hearing

In ruling on a request by the state attorney for an involuntary waiver of juvenile court jurisdiction, Florida courts must consider the following specific statutory criteria:

- The seriousness of the alleged offense to the community and whether the protection of the community is best served by transferring the child for adult sanctions;
- Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;
- Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted;
- Whether there is probable cause based on the report, affidavit, or complaint;

¹⁴ HB205, HB 349, HB 1739, SB, 1324, and SB 130, 1999 Florida Legislature.

¹⁵ Ch. 99-284, Laws of Florida, 1999.

¹⁶ Ch. 99-284, Laws of Florida, 1999, § 37. The new provisions are underscored.

- The desirability of trial and disposition of the entire offense in one court when the child's associates in the alleged crime are adults or children who are to be tried as adults;
- The sophistication and maturity of the child;
- The record and previous history of the child, including:
 - Previous contacts with the department, the Department of Corrections, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, other law enforcement agencies, and courts;
 - Prior periods of probation or community control;
 - Prior adjudications that the child committed a delinquent act or violation of law, greater weight being given if the child has previously been found by a court to have committed a delinquent act or violation of law involving an offense classified as a felony or has twice previously been found to have committed a delinquent act or violation of law involving an offense classified as a misdemeanor; and
 - Prior commitments to institutions;
- The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child, if the child is found to have committed the alleged offense, by the use of procedures, services, and facilities currently available to the court.¹⁷

In each such case, a study and written report on the applicable statutory criteria must be prepared by the Department of Juvenile Justice and submitted to the court, the state attorney, the child, the child's parents or legal guardian and counsel prior to a hearing. A hearing on the waiver motion is required, and all parties have a right to question the persons responsible for the information in the written report. A decision to involuntarily transfer a youth pursuant to these provisions must be in a written order that includes findings of fact with respect to the statutory criteria. Such an order is reviewable on appeal.¹⁸ These provisions have not changed since 1997.

¹⁷ FLA. STAT. §. 985.226(3) (1997).

¹⁸ *Id.*

Direct File

Florida law continues to provide a state attorney with very broad discretionary authority to file an information on a juvenile. While the statutes mandate a direct file for cases involving certain types of charges, prosecutors continue to possess wide latitude in the determination of specific charges to be filed in each case. The applicable statutory criteria for the exercise of direct file authority is whether “. . .in the state attorney’s judgment and discretion the public interest requires that adult sanctions be considered or imposed . . .”¹⁹ This subjective test, which is not appeal or review,²⁰ stands in stark contrast to the detailed criteria noted above that judges are required to consider, and with the additional requirement that judges’ findings of fact with respect to the statutory criteria be noted in a written order that is subject to review on appeal. The judicial criteria also closely parallel those articulated by the United States Supreme Court in *Kent v. United States*.²¹

In every legislative session since our last report to OJJDP, the Florida Legislature has considered legislation to expand the range of cases subject to either discretionary or mandatory direct files, and in every year changes have been enacted into law. In the following sections, the 1997 law is compared to the new provisions.

Discretionary Direct Files

In 1997, the state attorney could file an information directly in the criminal division of the circuit court against a youth who was 16 or 17 years of age at the time of the commission of any alleged offense. However, an information charging a misdemeanor could not be filed unless the child previously had been adjudicated or had adjudication withheld for two or more delinquent acts, one of which involved a felony offense under Florida law.²² These provisions have remained unchanged.

In 1997 the law also permitted a prosecutor to direct file an information on youth who were 14 or 15 years of age at the time of the commission of one of the following offenses:

- Arson;
- Sexual battery;
- Robbery;
- Kidnapping;
- Aggravated child abuse;
- Aggravated assault;
- Aggravated stalking;

¹⁹ FLA. STAT. §.985.227(1) (2000).

²⁰ Insert case establishing that direct file decisions cannot be appealed.

²¹ *Kent v. United States*, 383 U.S. 541;86 S.Ct. 1045; 16 L.Ed. 2d 84 (1966).

²² FLA. STAT. §. 985.227(1)(b) (1997).

- Murder;
- Manslaughter;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c);
- Aggravated battery;
- Lewd or lascivious assault or act in the presence of a child;
- Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony; or
- Grand theft in violation of s. 812.014(2)(a).²³

An attempt to modify these provisions in 1998 was unsuccessful, but in 1999 two separate bills were enacted. One added the following additional offenses to those, listed above, for which a juvenile is subject to prosecution as an adult at the discretion of the prosecuting attorney:

- Grand theft of a motor vehicle under circumstances that constitute a first degree felony;
- Grand theft of a motor vehicle valued at more than \$20,000 if the juvenile has a previous adjudication for grand theft of a motor vehicle under circumstances that constitute a second or third degree felony.²⁴

The other legislation enacted in 1999 made the following changes to the discretionary direct file criteria for 14 and 15-year-old youth:

- Charges involving an attempt to commit, or a conspiracy to commit any of the offenses listed above could also be direct filed; and
- The forgoing list of offenses eligible for direct file was expanded to include burglary involving an assault or battery, possession or discharging any weapon on school property, home-invasion robbery, and carjacking.²⁵

Mandatory Direct Files

Since 1997 mandatory direct files provision have received more attention from the Legislature than any other transfer mechanism, with new provisions enacted in both 1999 and 2000.²⁶

²³ FLA. STAT. §. 985.227(1)(a) (1997).

²⁴ Ch. 99-257, Laws of Florida (1999).

²⁵ Ch. 99-284, Laws of Florida (1999), § 26.

²⁶ See, Ch. 99-3, Laws of Florida (1999); Ch. 99-201, Laws of Florida (1999); Ch. 99-257, Laws of Florida (1999); Ch. 99-284, Laws of Florida (1999); Ch. 2000-119, Laws of Florida (2000);

Youth 16 or 17 Years of Age

In 1977 a state attorney was required to file an information against any child who was age 16 or 17 years at the time of any alleged offense that was a second or subsequent violent crime against a person, if the child has previously been adjudicated delinquent for one of the following violent crimes against a person:

- Murder;
- Sexual battery;
- Armed or strong-armed robbery;
- Home-invasion robbery;
- Carjacking;
- Aggravated battery; or
- Aggravated assault.²⁷

In 1999 this list was expanded to include adjudications for an attempt to commit or conspiracy to commit any of the specified violent crimes against persons crimes.²⁸

Youth of Any Age

The 1997 law required the filing of an information against a juvenile who, regardless of age at the time of the commission of the alleged offense, was accused of an offense that:

- Involves any criminal wrongful taking of a motor vehicle, including but not limited to car-jacking or grand theft of a motor vehicle, and,
- While in possession of the stolen motor vehicle, the juvenile caused serious bodily injury to or the death of a person who was not involved in the underlying offense.

In all such cases the driver and all willing passengers in the stolen motor vehicle at the time such serious bodily injury or death is inflicted were subject to mandatory transfer to adult court. For purposes of this provision, the term "willing passengers" specifically included all willing passengers who had participated in the underlying offense. These provisions have not been changed since 1997.

A separate portion of the 1997 mandatory direct file law also provided that a state attorney must file an information against any child who, regardless of age at the time of an alleged offense, has previously been adjudicated for felonies, and such adjudications:

Ch. 2000-136, Laws of Florida (2000). Also see, HB 4193, HB 3995, SB 2008, and SB 1784, 1998 Florida Legislature.

²⁷ FLA. STAT. §. 985.227(2) (1997).

²⁸ Ch. 99-284, Laws of Florida (1999), § 26.

- Occurred at three or more separate adjudicatory hearings, and
- Three of those adjudications resulted placement in a juvenile justice residential facility.²⁹

Although unchanged in 1999, this section of the law was substantially revised in 2000 under the banner of the Habitual Juvenile Offender Accountability Act³⁰, also called the *Juvenile “Four Strikes” law*. Of particular interest is the change that eliminated the applicability of this section to youth under the age of 16 years at the time of the alleged offense. The mandatory direct file criteria involving three prior residential placements was abandoned and replaced by one based on three prior adjudications, or adjudications withheld, for felony offenses that were each separated by at least 45 days. An escape from the mandates of this portion of the law was provided “. . . when the state attorney has good cause to believe that exceptional circumstances exist that preclude the just prosecution of the juvenile in adult court.”³¹

Another product of the get-tougher-on juveniles theme of the 2000 Legislative session was the so-called “*10-20-Life for Juveniles*” law.³² This law mandates adult prosecution by direct file against a youth 16 or 17 years of age who is charged with the commission or attempt to commit one of the following offenses while possessing or discharging a firearm or destructive device:

- Murder;
- Sexual battery;
- Armed or strong-armed robbery;
- Burglary;
- Larceny;
- Aggravated battery;
- Aggravated assault;
- Kidnapping;
- Escape;
- Aircraft piracy;
- Aggravated child abuse;
- Aggravated abuse of the elderly or disabled;
- Home-invasion robbery;
- Car-jacking;

²⁹ FLA. STAT. §. 985.227(2)(b) (1997).

³⁰ Section 1, Ch. 2000-119, Laws of Florida (2000).

³¹ Ch. 2000-119, Laws of Florida (2000).

³² Ch. 2000-136, Laws of Florida (2000).

- Aggravated stalking³³ and
- Drug trafficking.³³

An exception from the mandates of this portion of the law was provided “. . . when the state attorney has good cause to believe that exceptional circumstances exist that preclude the just prosecution of the juvenile in adult court.”³⁴

Dispositional Options For Juveniles Prosecuted As Adults

Youth Indicted

No changes have been made in this area of the law, which provides that youth indicted for, and are found to have committed, an offense punishable by death or life imprisonment must be sentenced as an adult. Juveniles indicted for an offense punishable by death or life imprisonment, but found to have committed a lesser included offense or any other offense included in the indictment as a part of the criminal episode, can be adjudicated a delinquent and receive one of the following dispositions:

- Any of the range of options available in the juvenile justice system; or
- A sentence to the Youthful Offender Program within the adult corrections system; or
- Any of the other sanctions available for an adult offender.

Youth Waived or Direct Filed To Adult Court

Until 2000, all youth who were prosecuted as adults pursuant to either a waiver or the direct filing of an information, and found to have committed an offense other than one punishable by death or life imprisonment, could be adjudicated a delinquent and sentenced to any of the full range of options available in the juvenile justice system; or to the Youthful Offender Program within the adult corrections system, or to any other sanctions available for an adult offender. In deciding whether to impose juvenile sanctions rather than traditional adult or youthful offender sanctions, judges were required to consider the following specific statutory criteria:

- The seriousness of the offense to the community and whether the community would best be protected by juvenile or adult sanctions;
- Whether the offense was committed in an aggressive, violent, premeditated, or willful manner;
- Whether the offense was against persons or against property, with greater weight being given to offenses against persons, especially if personal injury resulted;

³³ *Id.*

³⁴ *Id.*

- The sophistication and maturity of the offender;
- The record and previous history of the offender, including:
 - Previous contacts with the Department of Corrections, the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, law enforcement agencies, and the courts;
 - Prior periods of probation or community control;
 - Prior adjudications for delinquent acts or violations of law as a child;
 - Prior commitments to the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, or other facilities or institutions;
- The prospects for adequate protection of the public and the likelihood of deterrence and reasonable rehabilitation of the offender if assigned to services and facilities of the Department of Juvenile Justice;
- Whether the Department of Juvenile Justice has appropriate programs, facilities, and services immediately available; and
- Whether adult sanctions would provide more appropriate punishment and deterrence to further violations of law than the imposition of juvenile sanctions.

Although a decision to impose adult sanctions must be in writing, the court is not required to make specific findings or enumerate which of the criteria influenced its decision to impose adult sanctions. Until 2000, criminal court judges had broad discretion in fashioning dispositions for juveniles successfully prosecuted as adults, including the following:

- Placement of the child in a community control program under the supervision of the Department of Juvenile Justice for an indeterminate period of time until the child is 19, or sooner if discharged by the court. If the child subsequently proves not to be suitable to a community control program, the court has the power to commit the child to an appropriate treatment program or a serious or habitual offender program, as noted below.
- Commitment of the child to the Department of Juvenile Justice for treatment in an appropriate program for an indeterminate period of time until the child is 19, or sooner, if discharged by the department after it provides 14 days notice to the court having jurisdiction, and the court does not affirmatively object to the proposed release. If a child proves not to be suitable for a treatment program, the criminal court may revoke the previously withheld adjudication in the criminal case, impose an adjudication of guilt, and classify the child as an adult youthful

- offender when appropriate, or impose any lawful adult sentence, with credit for time spent in the custody of the Department of Juvenile Justice.
- Commit the child to the Department of Juvenile Justice for placement in a serious or habitual delinquent children program for an indeterminate period of time until the child is 21, or sooner, if discharged by the treatment provider and department after the department provides 14 days notice to the court having jurisdiction, and the court does not affirmatively object to the proposed release. If a child proves not to be suitable for a serious or habitual delinquent children program, the criminal court may revoke the previously withheld adjudication in the criminal case, impose an adjudication of guilt, and classify the child as an adult youthful offender, when appropriate, or impose any lawful adult sentence, with credit for time spent in the custody of the Department of Juvenile Justice.

2000 Legislative Changes

The enactment of the “10-20-Life for Juveniles”³⁵ law in 2000 deserves special mention because it represented another significant erosion of the role of judges in prosecution and disposition of juvenile in Florida’s courts. Depending on the particular facts of each case, judges presiding over cases involving juveniles prosecuted for offenses covered by this law not only lost discretion in choosing between juvenile or adult sanctions, but were also mandated to impose specified adult sentences up to life imprisonment.³⁶ In this category of serious or violent offenses involving juveniles with a prior record for a forcible felony, or any offense involving the use of a firearm, or a prior juvenile residential commitment, both the prosecution and sentencing of the juvenile are mandated unless the state attorney “has good cause to believe that exceptional circumstances exist which preclude the just prosecution of the child in adult court”.³⁷ What this means is that, for the first time since the establishment of the juvenile court in Florida, certain juveniles will be sentenced to long terms in adult prisons without a judge ever having either the duty or the opportunity to evaluate the facts of the case and the background of the juvenile against the so-called *Kent*³⁸ criteria articulated by the United States Supreme Court in 1966 and incorporated into two separate sections of Florida’s juvenile code.³⁹

Although the number of juveniles likely to be affected by these changes is small, the costs to the juvenile justice system in terms of dollars and intangibles are substantial. Over five years, the implementation of these changes will require an estimated \$16 million.⁴⁰ Some may argue that there are also intangible costs. To proponents of the traditional juvenile justice treatment philosophy, the new harsh adult penalties represents

³⁵ Ch. 2000-136, Laws of Florida (2000).

³⁶ See section 2, Ch. 2000-136, Laws of Florida (2000), and FLA. STAT. § 985.227(2), (2000).

³⁷ Section 985.227(2)(d)4., F.S. (2000).

³⁸ *Kent v. United States*, 383 U.S. 541; 86S.Ct. 1045; 16 L.Ed. 2d 84 (1966).

³⁹ Sections 985.226(3) and 985.233(4), F.S. (2000).

⁴⁰ Florida House of Representatives, Final Bill Analysis, Committee Substitute for Committee Substitute for House Bill 69, May, 5, 2000.

the endpoint of the slippery slope that was initiated in 1978 when pretrial waiver hearings, with the Kent criteria safeguards, gave way to prosecutorial direct file.⁴¹

Effects of Transfer

Future Proceedings Involving Youth Transferred for Prosecution as Adults

Once a child has been transferred for criminal prosecution pursuant to an indictment, a waiver, or the direct filing of an information, and has been found to have committed the presenting offense or a lesser included offense, the child must be handled thereafter in every respect as an adult for any subsequent violation of state law unless the court imposes juvenile sanctions pursuant to the provisions of law.⁴²

Other Pending Juvenile Cases

When a child is transferred for criminal prosecution as an adult, a juvenile court judge must immediately transfer to the appropriate court all pre-adjudicatory cases that are pending in juvenile court. This requirement also includes all cases involving offenses between the date of transfer and the date of sentencing in adult court as well as all cases awaiting juvenile disposition orders. The juvenile court must make every effort to dispose of all pre-dispositional cases involving the transferred youth and transfer those cases to the adult court prior to adult sentencing. The Legislature clearly expressed its intent that all juvenile cases occurring prior to the sentencing hearing in criminal court be disposed or sentenced by the adult court in conjunction with the sentencing in the original case that was transferred from juvenile court.

Other Legal Effects

The imposition of an adult sanction that requires an adjudication results in a felony conviction, and the concomitant loss of civil rights, including the right to vote. However, when juvenile sanctions are imposed, the criminal court will withhold adjudication of guilt, and instead adjudge the child to have committed a delinquent act. An adjudication of delinquency is not deemed a conviction, and imposes none of the civil disabilities ordinarily resulting from a criminal conviction.⁴³

File Policies and Guidelines

The Legislature used to require each state attorney to develop and annually update written policies and guidelines to govern determinations for filing an information on a juvenile, but the change eliminated the requirement for an annual update.⁴⁴ Presumably, the resubmission of the policies and guidelines to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Juvenile Justice Accountability Board is required only after a revision has been made.

⁴¹ See discussion of this point in Henry George White, et.al., *A Socio-Legal History of Florida's Juvenile Transfer Reforms*. 10 U. Fla. J.L. & Pub. Pol'y , 249 at 269 (1999).

⁴² FLA. STAT. Ch. 985 (1997).

⁴³ FLA. STAT. Ch. 985.xxx (2000).

⁴⁴ FLA. STAT. §. 985.227(4) (2000).

Appendix B

AN UPDATE ON THE FLORIDA TRANSFER TO CRIMINAL COURT STUDY

Introduction

Prosecuting juveniles as adults is no longer an unusual occurrence, especially in Florida (see Lanza-Kaduce et al. 1999). Florida has used prosecutorial direct file to bring many juveniles into adult court for over two decades now. Our research team has just completed the second phase of a study that compares transfers with matched youth who were retained in the juvenile justice system. This presentation updates the progress of our research. It specifically examines the slippage between the transfers and their juvenile justice youth in the matching procedure, and it discusses the implications the slippage has for conducting a recidivism comparison in the final phase of the project.

The original matching was done on the basis of centralized state automated data contained in Florida's Client Information System (CIS). Our field research supplements that state summary data with details gleaned from local court and police records. The local data provide an alternative way to assess offender severity and to examine the precision of the transfers and juvenile justice system matches.

The first phase of our research (see Bishop et al. 1998) identified 616 transfers in four judicial circuits, including those that encompassed two urban areas (Orlando and St. Petersburg) and two rural areas in central and north central Florida, for whom juvenile justice matches could be found in the same circuit according to the CIS data. The cases were initiated in 1995 according to the state records. The matching criteria were: age at the time of the referral, most serious referral charge, number of counts or referral charges, number of prior referrals, most serious prior referral, gender, and race. Local records data were available which confirmed the transfer case in 41% of the 616 cases. Of these 255 cases, 227 had sufficient data for both the transfer case and the juvenile justice match. These 227 cases are aggregated and presented in the following tables under Phase I.

The second phase of our research identified matches and collected data in the same manner. Once again many of the CIS-identified transfer cases that had juvenile justice matches were lost because local records either were not found or indicated the case was not actually transferred during the time frame of the study. Phase II yielded an additional 247 matched pairs for which we collected local records data on both the transfer and the juvenile justice match.¹ The additional pairs were obtained from three circuits. We returned to Orlando to add the 1996 transfer cases to those from the previous year. We also collected data for cases from the judicial circuits covering Tampa and Jacksonville. Tampa was selected to supplement the St. Petersburg circuit in the larger Tampa Bay

¹ The actual number may change slightly. The research team is still pursuing some case records in some jurisdictions.

metropolitan area (because too many cases from St. Petersburg were incorrectly recorded in the state CIS data). The 1995 cases were obtained from Tampa and Hillsborough County. We also collected data on cases from 1995 and 1996 in the judicial circuit covering Jacksonville. We concentrated on the cases from Jacksonville (Duval County) because of a unique program for transferred youth instituted by the state attorney there in which he attempted to incorporate the treatment emphasis of the juvenile system into the adult system.

The first phase of our study (on the 227 matched pairs) suggested two patterns that had implications for the recidivism analysis planned for the final phase of the research. First, the local records detail showed considerable overlap between cases that were transferred to the adult system and cases that were retained in the juvenile justice system. The local records of many juvenile justice matches showed them to be as "serious" as were the transfer cases. Transfer in Florida in 1995 was not reserved for the "worst of the worst" (Lanza-Kaduce et al. 1999). Second, despite the overlap between matches and transfers in the seriousness of their local records, slippage occurred in the matching. Although many juvenile matches were similar to their transferred counterparts, some appeared to be dissimilar. The slippage was not so much as to prevent all comparisons but was enough to reconsider whether case-to-case or head-to-head comparisons were appropriate for many of the matched pairs.

The effort in this second phase to more than double the number of matched pairs for which local records detail was collected provides two distinct benefits. First, we can see whether the Phase I patterns regarding overlap and slippage between the transfers and their juvenile justice matches hold up. Second, if the same pattern of overlap but slippage occurs with this second sample, we will have to reconsider how to conduct the recidivism analysis. Fortunately, the larger number of cases will provide greater flexibility in conducting that analysis.

Results

Table B-1 (below) presents data for both the Phase I and Phase II cases regarding the complexity of the presenting incident (the event that led to the formal referral for which the transfer was moved to adult court and the match was retained in the juvenile system). Some cases involve a single incident; others involve multiple incidents (like a series of burglaries) some of which may not have been discovered until after the person was charged. The vast majority of both transfer and juvenile justice matches in both Phase I and Phase II involved a single incident (Table B-1). The transfers, however, were a little more likely to have multiple incidents (except for the Phase II Orlando circuit cases). The Phase II pattern shows considerable overlap between transfers and matches on this variable but there is a little slippage in the precision matching.

Table B-1. Transfers and Juvenile Matches by Complexity of the Presenting Incident				
	N	Single Incident Charging	Incidents Known Post-Charging	Incidents Discovered
Phase I				
Transfers	227	72%	20%	8%
Matches	227	85%	11%	3%
Phase II--Jacksonville				
Transfers	99	72%	24%	5%
Matches	99	88%	12%	0%
Phase II--Orlando				
Transfers	68	84%	12%	4%
Matches	68	84%	15%	1%
Phase II--Tampa				
Transfers	80	85%	12%	2%
Matches	80	91%	6%	2%

Table B-2 presents data regarding the charges for both Phase I and Phase II cases at various stages of processing. The charges at the time of initial arrest are similar for the transfers and matches within a circuit. About as many are matches arrested for violent felonies (e.g., robbery, aggravated assault, sexual assault) as are transfers. The biggest difference in arrest charges is by circuit and not between transfers and matches. For example, fewer Phase II Orlando cases are arrested on violent felonies (19% of transfers and 16% of matches) than in the other jurisdictions and more of the Tampa circuit's cases are arrested on misdemeanors (22% of transfers and 25% of matches) than in other jurisdictions.

Much the same can be said about the most serious charge involved in the respective cases, the primary charge at prosecution, and the most serious charge upon which the youth was convicted. The percentages between transfers and matches are similar and any dissimilarity occurs in some jurisdictions (e.g., only 2% of the Jacksonville transfers were convicted as a misdemeanant but 34% of the juvenile justice matches were). The biggest dissimilarity between transfers and matches in Table 2 concerns the numbers of cases processed through the system. Many fewer juvenile matches receive convictions than is true of the transfers, and most of the "sieve" effect for the juvenile matches occurs

Table B-2. Transfers and Juvenile Matches by Offense Types at Various Stages of Processing						
	Group	N	Violent Felony	Property Felony	Other Felony	Misdemeanor
Initial Arrest						
Phase I	Transfer	227	30%	43%	17%	10%
	Match	227	28%	40%	18%	14%
Jacksonville	Transfer	99	32%	40%	25%	2%
	Match	99	31%	37%	23%	8%
Orlando	Transfer	68	19%	34%	34%	13%
	Match	68	16%	32%	32%	19%
Tampa	Transfer	80	28%	36%	14%	22%
	Match	80	25%	36%	14%	25%
Most Serious Charge						
Phase I	Transfer	227	31%	44%	16%	8%
	Match	223	25%	44%	18%	14%
Jacksonville	Transfer	99	34%	39%	25%	1%
	Match	99	31%	37%	24%	7%
Orlando	Transfer	68	22%	35%	29%	13%
	Match	68	16%	32%	32%	19%
Tampa	Transfer	80	28%	36%	12%	24%
	Match	80	26%	35%	15%	25%
Prosecutor's Charge						
Phase I	Transfer	226	24%	47%	17%	12%
	Match	175	18%	44%	17%	22%
Jacksonville	Transfer	99	32%	40%	26%	1%
	Match	78	28%	38%	23%	10%
Orlando	Transfer	67	24%	33%	28%	15%
	Match	61	13%	33%	34%	20%
Tampa	Transfer	79	27%	35%	13%	25%
	Match	56	20%	39%	14%	27%
Conviction Offense						
Phase I	Transfer	188	19%	48%	18%	15%
	Match	152	15%	41%	17%	27%
Jacksonville	Transfer	91	28%	43%	28%	2%
	Match	65	11%	35%	20%	34%
Orlando	Transfer	58	12%	36%	33%	19%
	Match	51	14%	29%	35%	22%
Tampa	Transfer	72	17%	32%	11%	40%
	Match	34	15%	32%	12%	41%

between prosecution and conviction. Several possibilities come to mind. Are more of the juvenile matches "diverted" because their cases are less serious? Are they "diverted" more often because the juvenile justice system retains a treatment emphasis? Or are more juvenile matches both retained in the juvenile system and "diverted" because they are weaker cases for prosecution purposes at the outset?

Table B-3 compares the transfer cases and juvenile justice system matches regarding how complicated their cases are. Some cases involve multiple counts at arrest and/or at formal charging. In some instances, other pending cases or newly discovered cases become consolidated with the original case. In Phase I, we found some fairly substantial differences between transfers and matches in the percentages who had multiple arrest counts (54% of transfers vs. 33% of matches) and multiple counts formally filed (63% of transfers vs. 40% of matches). That pattern was less clear in Phase II. Although the percentage of cases involving multiple arrests was dissimilar in the Jacksonville circuit (52% of transfers vs. 33% of matches), the corresponding percentages for the Phase II Orlando cases and Tampa cases were similar. The percentages for multiple formal charges being filed was dissimilar for Jacksonville (63% of transfers vs. 41% of matches) and Tampa (51% of transfers vs. 29% of matches) but more similar in Orlando (57% of transfers vs. 50% of matches). Overall, the results show considerable overlap [but also some slippage so that further steps to check for comparability, like that of the Seriousness Index used in Chapter 2 above, may be needed.]

Table B-3. Transfers and Juvenile Matches by Multiple Counts and Consolidation of Charges				
	N	2+ Arrest Counts	2+ Filed Counts	Consolidated Cases
Phase I				
Transfers	227	54%	63%	22%
Matches	227	33%	40%	20%
Phase II--Jacksonville				
Transfers	99	52%	63%	6%
Matches	99	33%	41%	6%
Phase II--Orlando				
Transfers	68	43%	57%	7%
Matches	68	44%	50%	19%
Phase II--Tampa				
Transfers	80	46%	51%	15%
Matches	80	42%	29%	12%

Table B-4 presents data comparing transfers with the juvenile matches on several indicators of seriousness that can only be found in local records including whether or not the case involved an injured victim, a weapon, property loss/damage, and any accomplices. The biggest percentage difference between transfers and matches found during Phase I was regarding weapons (21% of transfers vs. 12% of matches). A large difference in weapons was found in Phase II for both Jacksonville (36% of the transfers vs. 18% of the matches) and Orlando (25% of transfers vs. 10% of matches) but less so for Tampa (25% of transfers vs. 20% of matches). Tampa, however, showed the biggest percentage differences in victim injury (22% of the transfer cases involved victim injury vs. 9% of the matches). Importantly, the large majority of both transfer and juvenile cases across circuits did not involve either weapons or injury. The percentages of cases among transfers and matches in a circuit involving property loss or accomplices were similar. The pattern continues to be one of much similarity between matches and transfers but enough slippage to call into question the precision of the CIS matching.

Table B-4. Transfers and Juvenile Matches by Indicators of Seriousness					
	N	Victim Injury	Weapon	Property Loss	Accomplice
Phase I					
Transfers	227	21%	21%	56%	59%
Matches	227	15%	12%	46%	45%
Phase II Jacksonville					
Transfers	99	7%	36%	51%	54%
Matches	99	15%	18%	46%	60%
Phase II Orlando					
Transfers	68	13%	25%	43%	37%
Matches	68	10%	10%	40%	38%
Phase II Tampa					
Transfers	80	22%	25%	42%	38%
Matches	80	9%	20%	38%	44%

Overall, the results from the in-depth local records investigation of 247 additional matched pairs reinforce those of Phase 1. The pattern of overlap and slippage between the transfers and their juvenile justice matches continues. Much is similar between the transfers and matches, but too often the matches show some differences. Thus, we have to reconsider how to conduct the recidivism analysis for the final phase of the research program. Fortunately, the larger number of cases obtained because of the Phase II research opens some options.

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Appendix C

A DETAILED METHODOLOGY AND CONSIDERATION OF ISSUES REGARDING RECIDIVISM

Six of 20 judicial circuits in Florida were selected for study (Circuits 3, 4, 5, 6, 9, and 13). To facilitate access and to hold down costs, all the circuits were located within a reasonable distance from the University of Florida and were in northern (excluding the Panhandle) or central Florida. Because of previous findings (Feld 1991), circuits were selected to span a rural-to-urban range of jurisdictions (Circuits 3 and 5 were mostly rural; Circuit 4 included Jacksonville and several rural counties; Circuit 6 included St. Petersburg/Clearwater and a rural county; Circuit 9 covered the Orlando area; and Circuit 13 included Tampa). These circuits had different rates of transfer in 1995 according to the CIS data (see Bishop, Lanza-Kaduce, & Winner 1996). Transfer cases from 1995 were targeted in all six circuits. Data were also collected on transfer cases from 1996 in Circuits 4 and 9.

The CIS data were used to identify transfer cases in each of the six circuits¹ and to construct profiles of those cases so that matching profiles from cases in the juvenile system in the same circuit could be identified. The profiles were constructed from seven variables: the primary offense at intake (grouped into seven offense classes),² the number of counts or referral charges made on the date of the primary offense (1, 2-3, or 4 or more), the number of prior dates on which referral charges were entered in CIS (0, 1-2, or 3 or more), the most serious prior referral offense in CIS (using the same offense grouping as for the primary offense that are described in note 2 with two additional categories for no priors and for status offense), age (coded in years), gender, and race (white or nonwhite). For each CIS-identified transfer case, as many as four candidate matches from the respective circuit's juvenile caseload were identified using CIS data. For transfer cases that had more than one match identified in the juvenile system, the first match could be replaced if the local records proved to be incomplete or indicated that the matching juvenile case was too different from the transfer case.

The lists of CIS-identified transfer cases and their juvenile justice matches were taken to the local courthouses. The CIS information did not always correspond with the local records data for a variety of reasons. Some of the CIS cases that were coded as transferred to adult court could not be found in the local records or had such incomplete information that the case could not be used. Some cases that were identified as having been transferred in CIS had not actually been prosecuted in the adult system according to the local records. Sometimes a case that CIS indicated had been transferred in 1995 (or 1996) actually was transferred at another time (and so fell out of the sampling time frame). For some transfer cases, the referral charge listed in CIS did not correspond with that listed in the local records. In these instances, the juvenile system cases that were identified by CIS as good matches would not actually correspond with the respective transfer case. Sometimes the problem of correspondence lay with the matches from the juvenile system that were identified by CIS. Some of the matches identified by CIS could not be found. Other juvenile justice match candidates had such incomplete

information that they could not be used. Still other candidate matches did not have a primary offense charge that corresponded with that of the transfer case to which it was paired. The local records indicated that some of the juvenile cases were actually processed at times that fell outside the sampling frame. (See also Bishop, Frazier, Lanza-Kaduce & White 1998; Lanza-Kaduce, Frazier & Bishop 1999.)

The CIS data were confirmed by local records data more often in some jurisdictions than in others as the circuit breakdown in Table C-1 indicates. Only about 40% of the matched pairs identified by CIS could be confirmed after data from the local records were collected. This lack of correspondence between CIS and local records data underscores another important reason for replicating the original recidivism analyses that were conducted in Florida (Bishop, Frazier, Lanza-Kaduce, & Winner 1996; Winner, Lanza-Kaduce, Bishop & Frazier 1997). The matching for those earlier analyses utilized only the CIS data, which were not checked against local records.

Researchers were able to identify 475 transfer cases in the local records for whom matched juvenile justice retainees were also available.³ These 475 matched pairs (950 cases) become the basis for the recidivism analysis in this Final Report. Details from the local records of each of these cases were collected beginning in 1997 (see Lanza-Kaduce et al. 1999).

Judicial Circuit	Original CIS Matched Pairs	Local Records Matched Pairs
3	14	6
4	188	100
5	55	32
6	370	91
9	340	166
13	222	80
TOTAL	1,189	475

Identifiers and basic case information from the local records for the 950 cases were automated and sent to the Department of Juvenile Justice (DJJ) early in the 2000-2001 academic year. DJJ staff proceeded to link 902 cases with FDLE identifiers. Only 402 of the 950 cases (42.3%), however, were found to have FDLE records after 1994.

FDLE receives arrest reports from law enforcement agencies in the State of Florida. State law does not require all arrests to be reported to FDLE, and the law enforcement agencies and Clerks of Court in the respective jurisdictions have different reporting practices.⁴ In order to obtain more complete recidivism data, the FDLE data were augmented with DC data, collected in the winter of 2001. Upon disposition to DC probation or prison, DC staff members obtain court files and take information regarding the charges and dispositions directly into their own data system. Searches for the transfer cases and matched juvenile justice cases were conducted in three DC data files: the Supervised Population file (community based state corrections), the Inmate Population file (current populations of state correctional facilities), and the Inmate Release file (records of those who have been released from DC custody).

Conceptual and Methodological Issues regarding Recidivism

The CIS, local records, FDLE, and DC data that have been collected on 950 cases provide an unparalleled opportunity to conduct a recidivism analysis. The data, however, also present some challenges. The validity of the recidivism analysis rests on two things: how well the transfer cases are matched with cases retained in the juvenile justice system (i.e., the equivalency of the comparison groups) and how well recidivism can be measured.

A close examination of the data raises the prospect that data are recorded and maintained differently for the transfer cases from the matched juvenile justice cases. Record information regarding the primary offense illustrates the concern. Because the CIS system is not designed to follow cases after they are transferred, the primary offense charge listed in CIS did not always correspond with that in the local records for transfer cases.⁵ This problem was minimized by including only the matched pairs where the primary offense was confirmed in the local records data.

The FDLE data, which were used in the earlier Florida recidivism studies, may pose a similar problem in regard to recidivism. FDLE arrest records after 1994 are available for more transfers (247 out of 475 or 52.0%) than juvenile matches (155 out of 475 or 32.6%). That may reflect a difference in offending. Or it may reflect a difference in what is reported to FDLE about arrests. Perhaps the greater informality of the juvenile system results in different reporting practices to FDLE for youth under 18 who have not been transferred. Because the latter prospect cannot be dismissed, an indicator of recidivism needs to be selected that precludes this potential bias.

The local records data raise another potentially important dissimilarity between transfer cases and the matched juvenile justice cases. There is no standard way in which a case is constituted for purposes of processing. For some individuals, the case is constituted by one discrete charge emanating from a single incident. Other charges against that

individual from other incidents or other events (e.g., another offense, failure to appear, escape from detention) are handled as separate cases. For other youth, charges from different incidents at different times may be consolidated into a single case. In other words, a case could be more or less complex depending on how it was constituted by the local decision-makers. The researchers who collected the local records data came back from the field with the distinct impression that transfer cases might be different on this dimension from those cases that were retained in the juvenile system. The more formal requirements of the adult criminal justice system seemed to result in more formal processing decisions for the transfers than was true in the juvenile cases. Because additional events either could be considered as part of the ongoing case or could give rise to a separate case, systematic differences between the juvenile and adult criminal justice systems could exist which would have implications for recidivism.

FDLE data on offenses during supervision illustrate the concern. The potential for escapes or other incarceration-related problems (including battery of detention/correctional staff, battery of other inmates, and smuggling contraband) was confirmed by the FDLE data. Nearly 20% of the cases with FDLE arrest records after 1994 (77 of 402) had indications of escape or other incarceration-related offenses. Offenses during supervision occurred more often among the transfer cases (n=55) than among the matched juvenile retainees (n=22). This difference is not all that surprising. The juvenile and adult systems might be expected to deal with supervision issues differently. Historically, problems of supervision in the juvenile justice system signified the need for more treatment and were not necessarily dealt with as new crimes. A treatment emphasis has not been so important in the adult system.

Recidivism is often analyzed only for periods during which people are in the community (i.e., are “at risk” to the public). Such a strategy, however, would exclude offenses during supervision. The FDLE data indicate that the number of such offenses is potentially large. An analysis that ignores these offenses will underestimate the recidivism that actually occurs without trying to discern whether offenses during supervision are more (or less) likely to occur among those who were transferred to the adult system. Alternative theoretical arguments could be advanced. On one hand, the “softer” treatment approach of the traditional juvenile system may fail to teach juvenile justice retainees the lessons needed to deter them. On the other hand, the “harsher” custodial approach of the adult system may result in more hardened, intractable youth. Because poor adjustment to custody predicts post-release success (see Lanza-Kaduce, Gratin, Dundes, Blount, Boulinois-Manning, Kuhns, Holten, Mahan, Taylor, Terry, Frank & Godshall 1990), the issue should not be “defined” away by ignoring offenses that occur during supervision.

Calculating “time-at-risk” for this sample is difficult to do accurately, which further militates against incorporating it into the recidivism analysis. The data do not always indicate exactly when youth are under supervision, when they are in the community, or what kind of community supervision is involved (e.g., electronic monitoring, intensive supervision, occasional probationary supervision). If individuals are on community release, the data do not indicate accurately the amount of time each day that they are “at large” in the community as opposed to attending supervised programs. The local records

are not clear about release dates, especially from juvenile detention or jail. The complications that occur during processing (e.g., failure to appear, absconding from programs) indicate that people are in and out of various secure facilities. The data show lapses of various lengths between sentence dates and admission to state Department of Corrections programs during which the release status of individuals is often not recorded in the local court records. Many individuals serve split sentences (i.e., some period of incarceration or residential treatment followed by community supervision). Others have been sentenced concurrently with judgments for other offenses (and so release dates and periods of community supervision can only be located if the other offenses are tracked). The data are not precise enough to allow for accurate assessments of when and how long some individuals in this sample were incarcerated or under some kind of supervision.⁶ Consequently, defining recidivism in terms of new offenses after release from programs or at times when someone is at large in the community (i.e., not in supervised programs) for some set amount of time each day is not the best option for this analysis.

One of the reasons for expanding the authority to transfer cases to criminal court was to “get tough” with juvenile offenders. The group of transfer cases might receive longer sentences on average and should have less opportunity to re-offend. If so, the exclusion of “time-at-risk” from any recidivism comparison between the transfers and their matched juvenile retainees would underestimate the recidivism of the transfer cases relative to the juvenile cases. Given that the prior recidivism research on transfer (Fagan 1995; Bishop, Frazier, Lanza-Kaduce, & Winner 1996; Winner et al. 1997) indicated that transfer increases recidivism, any bias would likely cut in the conservative direction. That is, if excluding “time-at-risk” from the analysis affects the results, the effect would be a lower likelihood of finding a difference in recidivism between the transfer cases and those retained in the juvenile justice system.

To this point, the data available for this study have raised questions about how to conduct a recidivism analysis. The main points bear repeating. The FDLE re-arrest data are incomplete and the possibility of bias cannot be discounted (more records are available for the transfers than the juvenile matches perhaps because the juvenile system can deal with matters more informally). Case complexities stemming from other events or intervening events during processing may be part of the reason why more arrest records are available in FDLE for the transfer cases (perhaps juvenile cases, whatever their complications, tend to be handled more informally). Limiting the recidivism analysis to offenses that occur when individuals are “at-risk” in the community poses several problems. Measuring the point at which individuals are actually “at risk” is difficult to do accurately. Furthermore, limiting recidivism to offenses which occur when individuals are “at-risk” in the community ignores a large number of crimes that occur during supervision—behavior that also predicts success or failure after release from supervision. So what is the best indicator of recidivism that is available?

This study will concentrate on official indications of felonies that occur after the age of 18. This age-related focus on felonies is dictated by the sources of data that are available—FDLE re-arrest data and DC commitment data. DC commitments only occur because of convictions for felonies committed by people 18 years of age or older or by youth who were transferred to the adult system. Until the age of 18, felony offenses

committed by the transfer and juvenile groups would be handled differently so that the DC records would be biased. After the age of 18, all convictions for felonies should be similarly subject to commitments to the Department of Corrections.⁷ The weakness of the DC data is that they capture only felony convictions for which there is a state correctional commitment and do not include instances of recidivism that do not reach this level of disposition.

The FDLE data have the advantage of capturing recidivism events that initiate cases. FDLE is the only central repository of arrest data for adults. The FDLE data should become comparable for the transfer and juvenile justice detainee groups after everyone reaches the age of 18. At that age, any informality in the juvenile system that may result in fewer arrest reports for juvenile detainees will no longer be at play (with the possible exception of incarceration-related offenses by youth for whom juvenile jurisdiction has been extended beyond 18 to continue their juvenile commitments). Because felonies are more serious than misdemeanors, felony arrests are more likely to be consistently captured in the FDLE database.

Both FDLE and DC databases were used to construct a broad indication of felony recidivism. For this analysis, recidivism was measured by an indication of a new felony offense in either the FDLE or DC data after the age of 18. By augmenting the FDLE re-arrest data with the DC data, 151 additional cases of felony recidivism after the age of 18 were found. Because this analysis was performed on a sample of matched pairs (with age being one of the matching criteria), there was no need to limit the follow-up period to a set duration (e.g., 12 months). All the follow-up data could be used. For some pairs, the follow-up period was over four years (i.e., the individuals were 17 in 1995); for a few pairs, the follow-up period was less than a year (i.e., the individuals were 13 in 1995).

The local records data also provided the opportunity to examine the relationship between formal sentence dispositions and recidivism. The cases that proceeded to sentencing were categorized according to whether the sentence involved adult incarceration (prison or jail), adult community supervision, juvenile residential commitment, or juvenile community supervision. When cases received split sentences, the type of incarceration imposed was used for the analysis. The relationship between sentence dispositions and recidivism was examined both in the aggregate (i.e., comparing the group of all transfer cases with that of all juvenile justice cases) and within the matched pairs (where each transfer case was compared with its matched juvenile justice detainee).

The recidivism analysis in this Final Report is both a replication of the earlier Florida studies (Bishop, Frazier, Lanza-Kaduce & Winner 1996; Winner et al. 1997) and an extension of them. It is a replication in that the same matching strategy (using the CIS data) was used to identify the matched pairs. It extends the original studies in two ways.

First, the earlier recidivism studies did not check the cases against local records. In this Final Report, only those matched pairs of transfers and juvenile justice detainees for which local records information was available to confirm the matching are studied. These 950 cases (475 pairs) become the basis for one series of sub-analyses in this report. For examining recidivism in the aggregate (i.e., when the group of all 475 transfer cases

is compared with the group of all 475 juvenile justice retainees), this first series of comparisons is referred to as “all cases.” When making paired comparisons (i.e., when the focus is on each of the 475 matched pairs), reference is made to “all pairs.”

Second, this recidivism analysis is extended one step further. If the matching juvenile cases were less serious overall than were the transfer cases, recidivism comparisons would be compromised. The local records data provided additional details that could be used to check for any differences between the comparison groups in how serious the cases were.

The local records data were used to develop an index of “less serious” cases. Each pair could be examined to make sure that both the transfer and the matching juvenile retainee were similar. Cases were considered less serious along 12 dimensions (as indicated in the local records): 1) if they involved no prior intake referral charges; 2) if they involved only a single arrest charge; 3) if they grew out of a single incident; 4) if they were not consolidated at any point in the processing with other cases/charges; 5) if they had no indications of intervening legal problems during processing; 6) if they had no indication of gang involvement; 7) if they involved no codefendants or accomplices; 8) if they involved no property damage or loss; 9) if no one was hurt; 10) if no weapons were involved; 11) if the charge involved a misdemeanor; and 12) if the case record indicated more mitigating factors (e.g., victim of abuse, learning disabilities, mental or emotional difficulties) than aggravating circumstances (substance abuse, various school problems) circumstances. An index score could range from 0 through 12.⁸

In 160 of the 475 pairs, the juvenile justice retainee was less serious according to the index (i.e., had an index score of more than one point higher than the transfer case in the pair). The juvenile match case was found to be as serious on the index in 315 pairs.⁹ These 315 pairs (630 cases) constitute the subset of pairs in which the juvenile justice retainee (match) is as serious as the transfer. A second series of analyses is performed on this subset. When examining recidivism in the aggregate, these results are labeled under “subset of cases; retainee is as serious as transfer.” For making paired comparisons, the results are presented under the heading “subset of best matched pairs.”

ENDNOTES

¹ The transfer cases could not be generated easily from the local records in those circuits because they were included with all the other criminal cases in the jurisdiction.

² Forty-five offense categories in the CIS data were grouped into personal felonies, property felonies, drug felonies, other felonies, more serious property or personal misdemeanors, substance use misdemeanors, and other less serious misdemeanors. Matching on offense was performed within each of these seven categories.

³ A few of these matched pairs repeated an individual. For example, a juvenile match case in 1995 may become a 1996 transfer case. To the extent that the unit of analysis is the case and not the individual, these cases pose few problems to the analysis. Even if the unit of analysis is the individual, there were so few of these duplicates that the conclusions about recidivism would not be altered.

⁴ This underscores the importance of drawing each juvenile case from the same circuit as the transfer to which it was matched. Both the transfer case and the match would be more likely to deal with the same agencies.

⁵ The FDLE data did not always correspond with the local records data either. Fifty-two of the cases for which there were FDLE arrest records did not include an entry for the primary offense that gave rise to the case's selection in the sample. That primary offense had been identified by CIS and confirmed by local court records. Fortunately, similar numbers of transfer and juvenile justice match cases had primary offenses that were absent in FDLE records so this source of error seems to be evenly distributed across the comparison groups.

⁶ We now question the "time-at-risk" assumptions made in our earlier recidivism studies (Bishop, Frazier, Lanza-Kaduce, & Winner, 1996; Winner et al. 1997). Those analyses depended only on DC entry and release dates and assumptions about average amount of jail time (for those who were given a jail sentence) and average times juveniles spent in relatively secure placements. The precise information for each case was not available and the local records research done for this study raises doubts about whether it can be obtained accurately.

⁷ Juvenile records are considered for sentencing when someone 18 or older has been convicted. The local court data routinely used juvenile records—CIS data—for calculating sentencing guidelines for felony convictions for adult sentences. See Lanza-Kaduce et al. 1999. Consequently, there should be little differential bias after age 18 in whether felonies committed by individuals from the transfer and juvenile comparison groups are handled by DC commitments. The presence or absence of felony recidivism should be comparable. Any differences may have to do with transfers receiving prison rather than community placements because of their previous exposure to adult sanctions. Since the DC data capture both prison commitments and community placements, the data

can be used to measure felony recidivism even if placement cannot be used as a measure of seriousness.

⁸The index appears to have some validity, at least in terms of the severity of the disposition that cases received. The mean index score of those who received state prison sentences was the lowest (4.68) while that for those who received weak sanctions (other than incarceration or community supervision) was highest (7.15). In other words, those who were sent to prison were more serious than those who received weak sanctions.

⁹In 59 of these pairs, the index indicated that the match was actually more serious (i.e., had an index score of more than one point less than the transfer case).

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Appendix D

FOLLOW-UP INTERVIEWS

The planned follow up telephone interviews with the 144 individuals whom we had previously interviewed face-to-face were not nearly as successful as the research team had hoped, even though the interviewees had agreed to a follow-up during the initial interview. The difficulty was not in obtaining consent from individuals to speak to us, in building rapport with the individuals over the phone, or in refusals to respond to the self-report items. The major difficulty was in locating the youth. The following provides a chronology of the efforts to complete the interviews, and the presenting obstacles that hampered this part of the research.

Locating Subjects

The researchers were provided with CIS face sheets for 144 individuals who had been interviewed in earlier phases of this research. These face sheets varied in the amount of information provided: some included last known phone numbers, others had only parent or guardian names, some had street addresses, still others had only addresses with no phone or family member information. The CIS face sheets represented the most recent information available for all of the non-transferred youth in the sample; however, in many cases, the youth had been out of the system for up to two years, and often the information provided was no longer valid. Only 54 of the face sheets included phone numbers; of these, only eight led to an actual interview, either by permitting us to reach the individual directly, or by allowing us to make contact with a family member who provided us with the youth's current phone number.

For those juveniles who had been transferred and entered the Jacksonville Jail Program, more current information was given to the research team by program staff. Phone numbers believed to be current were provided for most of these youth. For transferred youth who had been in prison or on Department of Corrections (DC) probation, DC officials assisted in providing some additional information on many of these clients. However, the DC information included only street address and city, not a telephone number.

When a phone number was provided, we were unsuccessful in reaching the youth to be interviewed in the vast majority of cases. Most commonly, the phone number was no longer valid or the answering machine was always on. At some numbers, a recording reported that the number was "not in service for incoming calls."

We also tried to locate prospective interviewees by accessing three of the Florida Department of Corrections databases on persons involved in the system. These databases provide information on inmates currently incarcerated, released inmates, and individuals currently under probation supervision. By far, the most useful database in locating individuals was the active inmate database, as it specified the facility, date of arrest, charges, and date of entry, for individuals who are currently incarcerated. Through this

database we were able to locate 28 individuals who are currently incarcerated in DC facilities. Some had not been released since the time of our original interview (N=10), others have been incarcerated in the state prison system for the first time, and still others had been released from prison and subsequently re-incarcerated. For the latter two groups, information on recidivism was recorded, but we have not yet interviewed them. Information on the names and locations of these individuals has been passed on to the Department of Corrections so that we can obtain clearance to complete phone interviews. DC officials in Tallahassee will notify the superintendents at each of the facilities where these individuals are housed to let them know the purpose of our call. We will then contact the superintendent at each institution and set up a mutually convenient time to interview these inmates. In total, there are 18 individuals currently incarcerated in DC institutions for new offenses, most of whom re-offended within a very brief period following their release.

With the vast majority of individuals having no active phone number specified through the DC or CIS, we placed calls to “411” to try to obtain phone numbers for the remainder of the interview sample. When the CIS sheet offered parents or guardians’ names, these names were also checked with 411 operators. Due to sporadic responses from 411 operators early on in the project, we tried 411 information at least twice for each possible name. In many cases, 411 operators were contacted up to six or more times: twice for the individual, and twice for each of the parents or guardians listed. On every call, the operators were asked to search not only the listed town, but the surrounding area as well. Operators were also asked to cross check any address that was available. When an address would pop up with a matching last name, that number would be attempted. In many cases, the 411 operator would have one or more persons with a first initial and last name match, but with a different address. (For instance, if the client’s name was John Doe, there might be four or five “J. Doe’s” listed.) Although the operator was not at liberty to give more than three or four numbers at a time, when these numbers were available, they were taken and attempted. When the call was made to these households, we would most often have reached a wrong number. In 45 cases (31% of the total) neither the individual nor a family member match could be found through the 411 search.

On some occasions, 411 was able to provide us with the number of a relative who in turn provided us with a phone number of the individual we wished to interview. Other times, it was another dead end, with the relative stating they either did not keep in contact, the son/grandson had no phone, or that they would relay a message.

When contact had been made with a family member but not the youth himself, we sometimes learned that the youth was in jail. Occasionally family members had no knowledge of the individual’s whereabouts. For example, one mother reported that her son had a severe drug addiction and was living on the street. If the youth lived at the address we had called but was not at home, we asked when he was expected in, or if there was a good time to call back. At least ten subsequent attempts were made to try to reach the individual at home. Often no one answered or we got only answering machines (on which we never left messages).

In summary, multiple attempts were made to contact each youth. When one avenue seemed to lead to a dead end (via a disconnected or non-working phone number), multiple calls were made to reach an individual listed on the CIS face sheet. In many cases, these efforts also led to dead ends: individuals were not related to the case (but had the same or similar names), or were not able to put us in touch with the individual.

First Contact: Family Members

When a phone number was either given or obtained through 411, in most cases initial contact was made with a family member (as the individual usually did not answer the phone). Initially, we were hesitant to reveal the purpose of the call to family members, and this hesitancy tended to make family members suspicious. Several asked defensively what we wanted with their son/grandson/brother, etc., and it became obvious that they regularly screened calls for the individual whom we were trying to reach. After the first few calls in which family members hung up when we were not forthcoming, the approach with family members was modified. After we asked for the young man, we identified ourselves as part of a project at the University of Florida, and stated that we had previously conducted an interview with the individual. We indicated that we were calling as a follow up to see how the youth was doing, and informed the family member that the youth had previously indicated that it would be "ok" for someone from the project to call. This introduction appeared to assuage the family members' fear that we were law enforcement or probation officials, and to assure them that the call had a benevolent purpose. Most family members were helpful after hearing the purpose of the call.

A summary of our efforts to contact the 144 individuals in the sample is provided in Table D-1 (below). It is clear that the vast majority of cases were lost because we had no current phone number. This is a transient population, also one which resists being contacted (as indicated by the number of unpublished numbers and cases in which the answering machine was always on). In retrospect, it would have been helpful had we asked individuals at the time of the face-to-face interview where they expected to live upon release as well as the phone number of a relative who would be likely to know how to reach them.

Interviewed	18
No Number Listed; Could Not Be Located Through 411	45
In Prison On A New Offense	18
Unpublished Number	12
Not Yet Released From Prison	9
No Answer (Multiple Call Backs)	10
Number Disconnected Or Moved And No Forwarding Number	9
Family Member Reports Individual Is In Jail/Detention	7
Listed Number Is Incorrect	5
Phone "Not In Service For Incoming Calls"	3
Individual Declined To Be Interviewed	3
Family Member Refused To Give Individual's Number Or Put Individual On The Phone	3
Family Member Has No Knowledge Of Individual's Whereabouts	2
Total	144

The Interviews

An informed verbal assent form, previously approved by the University of Florida's Institutional Review Board, was used at the outset of any conversation with respondents. This verbal assent was given as clearly as possible, giving the participant time to respond or ask questions after each point. None of the individuals expressed any surprise by anything stated in the verbal assent portion of the interaction. A few expressed the willingness to agree to conditions to speed up the process, although each participant was given the full verbal assent procedure. As part of the approved verbal assent, each respondent was also given a number to call if they had questions about the study at a later time. Two individuals tacitly declined to be interviewed, and they did so prior to listening to the full verbal assent, by instructing the interviewer to call back at a specified time (e.g., "call back in twenty minutes") and then not picking up the phone on the follow-up call.

In the first few interviews, the research team directly followed the verbal assent with the self-report questions. In the first few interviews where this was done, the individuals hung up on the interviewer as soon as it became apparent that we were only interested in hearing about their illegal activities. Because of this, we subsequently followed the verbal assent with some general inquiries to express interest in how the individual had been faring since his release, whether he had found a job(s) or was attending school, and other non-threatening preliminaries. This initial conversation worked tremendously well in the interviewing process; it allowed the researcher and the respondent time to build some rapport, and it expressed to the respondent that the researcher cared about how life was going for him. Perhaps most importantly, because (in most cases) appointments were not made with these individuals, these preliminary questions eliminated the shock for the respondents of being called “out of the blue” and asked immediately about their criminal/delinquent activity.

Respondents appeared to respond thoughtfully and frankly to the self-report items. The only question which regularly elicited balking or nervous laughter was whether (and how many times) they had “had sex with someone without their consent;” however, this response was not characteristic for any other question. In most cases, at least one (usually between three and five) of the questions would cause the respondent to pause and think about his response, indicating to the interviewer that he was being thoughtful in trying to recollect the number of times he had engaged in a particular behavior and to consider the likelihood that he would engage in a particular act in the future. In only one interview did the respondent deny engaging in any of the listed activities. The rest of the interviewees responded affirmatively to at least one of the items included in the self-report.