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# An empirical analysis of the effects of juvenile offender placement in adult facilities on recidivism rates

Heather Lorraine Swanson  
*Iowa State University*

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**An empirical analysis of the effects of juvenile offender placement in adult facilities on recidivism rates**

by

**Heather Lorraine Swanson**

A thesis submitted to the graduate faculty  
in partial fulfillment of the requirements for the degree of

MASTER OF ARTS

Major: Political Science

Program of Study Committee:  
Tessa Ditonto, Major Professor  
David Andersen  
Kyle Burgason

The student author, whose presentation of the scholarship herein was approved by the program of study committee, is solely responsible for the content of this thesis. The Graduate College will ensure this thesis is globally accessible and will not permit alterations after a degree is conferred.

Iowa State University

Ames, Iowa

2018

## DEDICATION

This paper is dedicated to my family- my parents for pushing me to finish college, my three sons Austin, Hunter, and Dawson for being the reason that failure was not an option, and my spouse for standing by me through it all.

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## **ABSTRACT**

Over time, efforts have been aimed at protecting the public while at the same time resocializing young people who have entered the juvenile justice system. However, once they have entered, the juvenile justice system is putting young offenders into adult incarceration facilities resulting in them actually becoming worse criminals with higher chances of reoffending. This study demonstrates that not only are juvenile offenders different from adult offenders, they need to be treated as such. This thesis will discuss the ways in which youth offenders are different from adults and use quantitative analyses to show that juveniles incarcerated in adult prisons have a higher recidivism rate, and that juvenile public policy in many different states increases young offenders' chances of reoffending. I conclude that while juvenile offenders need punishment, they also need to be successfully reintegrated into society. Keeping them out of adult incarceration facilities is one important way to do this.

## INTRODUCTION

How should states handle juveniles who commit illegal offenses? When holding these offenders accountable for their actions, several factors must be taken into account. The juvenile justice system not only has to keep in mind the needs of these youth, but also the rule of law and the safety of law-abiding citizens. These considerations create a complex problem in state policy, and the choices the states make have important consequences for the lives of these young offenders. A wealth of scholarship exists which examines the consequences of treating juveniles like adults in the criminal justice system, and almost all of it concludes that the effects are detrimental both for society and for the juveniles themselves such as the physical and mental abuse along with some even committing suicide. However, many states continue to try juveniles as adults at high rates, largely relying on one of five public policy options that Congress and state legislature have given them to choose from. In an effort to both look more closely at how states make the decision to transfer youth offenders to adult courts and what the ramifications of those transfers are, this thesis will consider the only five types of state-level policies that exist which allow juveniles to be transferred to adult courts. In particular, it is the first study to examine the effects of these specific policies on recidivism rates, or the likelihood that a current or past offender will reoffend.

Because there are five distinct state-level policy choices that allow for the transfer of juveniles to adult courts, it is important to determine the impact of each of these laws separately. Does one of the policy's lead to higher recidivism

rates than the others? Specifically, this study will examine the following policies and their effects on recidivism rates: *prosecutorial discretion*-laws, which defines a class of cases that may be brought in either juvenile or criminal court where the decision is entrusted entirely to the prosecutor, *statutory exclusion*-laws, which grant criminal courts exclusive jurisdiction over certain classes of cases involving juvenile-age offenders, *“once an adult/always adult”* (adult) laws, which are a special form of exclusion requiring criminal prosecution of any juvenile who has been criminally prosecuted in the past—usually without regard to the seriousness of the current offense, *reverse waiver*-laws allow juveniles whose cases are in criminal court to petition to have them transferred to juvenile court, and *blended sentencing*- laws, which may either provide juvenile courts with criminal sentencing options or allow criminal courts to impose juvenile dispositions.

Before the year 1974, there was not a separate entity that dealt specifically with youth across the United States, at least not a national, centralized juvenile justice system. Instead, there were 56 different juvenile justice systems being inconsistently run by state and local governments that resulted in an inconsistent outcome for youth, families, and communities-including youth exposure to physical, mental, and emotional injury. The influence of the federally run consistent juvenile justice system was first initiated in 1974, when Congress passed the first federal law in this area named the ACT 4, which is also known as the “Juvenile Justice and Delinquency Prevention Act of 1974”. This act was created and enacted not only to address the inconsistencies that have been listed above, but also to improve outcomes for both youth and community safety.

This entirely changed the way in which states approached the area of juvenile justice. The JJDPA (which was revised in 2002) universally initiated and addressed what the federal standard of care and custody of children, youth, and families involved with the juvenile and criminal courts should be. That is not all the act was designed to do, as it was also designed to uphold the interest of community safety and the prevention of victimization at the same time. Along with creating a federal and state partnership, the JJDPA also administrated the juvenile justice system and implemented the following delinquency prevention programs:

- Juvenile justice planning and advisory system, establishing State Advisory Groups (SAGs), spanning all states, territories and the District of Columbia;
- Federal funding for delinquency prevention and improvements in state and local juvenile justice programs; and
- Operation of a federal agency (Office of Juvenile Justice and Delinquency Prevention (OJJDP)) dedicated to training, technical assistance, model programs, and research and evaluation, to support state and local efforts.

(Act 4 Juvenile Justice 2016).

When creating these federal standards, the JJDPA also had a goal of ensuring a minimum level of safety and equitable treatment for the youth who became a part of this newly designed juvenile justice system. These standards included a stipulation to the states that in order to be eligible for federal funds provided under the JJDPA, each state must comply with four core

requirements/protections: Deinstitutionalization of Status Offenders (DSO), Adult Jail and Lock-Up Removal (Jail Removal), Sight and Sound Separation, and Disproportionate Minority Contact (DMC). Of these four core requirements, the guideline most commonly disregarded are numbers 2 and number 3. Number 2, "Adult Jail and Lock-Up Removal." defines the limits on the amount of time youth may be detained in adult jails and lock-ups, with the exception of before or after a court hearing or in unsafe travel conditions. Number 3, "Sight and Sound Separation," specifies that contact with adults is supposed to be explicitly prohibited. Also under "sight and sound," children are not supposed to be housed next to adult cells, share any common spaces with adults, and/or be placed in any circumstances that could expose them to threats or abuse from adult offenders. (Office of Juvenile Justice and Delinquency Prevention 2016) These provisions were designed to protect children from psychological abuse, physical assault, and isolation. Unfortunately, they are not being continuously followed; the current housing of youth in adult incarceration facilities has resulted in subjecting them to the assault and abuse they were originally put in place to protect them from (Act 4 Juvenile Justice 2016).

Since the implementation of the JJDPA some 50 years ago, things should have changed, yet youth offenders are still put in harm's way. This is why it is so important to look at the problem at the level of state policy. The federal laws above states that juvenile offenders should not be sentenced to adult jails and incarceration facilities, yet states are continuing to do just that. Many state legislatures continue to pass laws that are "tough on crime," which is

demonstrated in the fact that many states such as California have not only raised the number of offenses that mandate the juvenile offender's automatic transfer to the adult court, but also limit judicial discretion and expand the number of offenses statutorily excluded from the juvenile courts (Redding, 2008). California, along with other states such as Michigan, Texas, Iowa, and others incarcerate youth offenders for simple and serious misdemeanors, many times for non-violent crimes such as possession of narcotics, yet do not give them any type of drug treatment.

There are approximately 93,000 youth currently confined in juvenile detention and correctional facilities in this country, with over half of them incarcerated in adult facilities. The Justice Policy Institute has found through research that states spent about \$5.7 billion in 2007 to imprison 64,558 youth committed to residential facilities. The per diem costs of locking up one young person ranges from \$24 in Wyoming to \$726 in Connecticut, but the American Correctional Association estimates that, on average, it costs states \$240.99 per day -- around \$88,000 a year -- for every youth incarcerated. That is just the monetary loss when putting youth offenders in adult corrections, not yet taking into account other factors (Gottesman and Schwarz 2011).

Evidence shows that youth offenders need to be given some type of rehabilitation to help make them a productive member of society when they are returned to the public, or they will just go back to reoffending. (Lyons, C. L., 2015) "This is partly because there is a big difference in the physical and mental levels of maturity between youth and adult offenders. Recent research has found

that there are different levels of maturity between the ages of 14-17, 18-21, 22-27, and 28-40” (Modecki 2015). Juveniles need to be given the tools to make it on the outside of the walls without just continuing to break the law and reoffend. Many of the tools needed can be provided at a fraction of the cost of just plain incarceration and help to benefit society. These include societal influences such as education, job training, and for many, psychological help. However, many youth are subjected to subpar treatment in adult facilities, such as being subjected to physical, mental, and even sexual abuse.

In this study, I will review existing evidence, including the social, psychological, and economic consequences that come from placing juvenile offenders in adult facilities, and then conduct both a legal and empirical analysis, to find what some of the consequences of current policy are for youth offenders. My analysis suggests that states are not following federal policies such as ACT 4, since many states are still automatically adjudicating many youth offenders to adult courts and incarcerating them in adult prisons—based simply on the offender’s age, background, juvenile court record, and/or seriousness of the crime. My quantitative analysis findings show that the use of certain policies that transfer youth offenders to adult courts, and result in the placement of youth offenders in adult correctional facilities, leads to higher recidivism rates. My findings lead me to recommend more stringent policy stating that juveniles are not to be housed in adult facilities, as well as repercussions for states that continuously choose not to follow federally mandated laws.

## LITERATURE REVIEW

Several themes emerge in the existing academic literature which suggests that treating youth as adult offenders is scientifically unfounded, and that it has negative consequences in the long run both for the offenders themselves and society as a whole. First, we must discuss the fact that teenagers are wired differently than adults, and especially adult offenders. (Van den Bos, W., Rodriguez C., Schweitzer J., McClure S., 2015) Many neuroscientists like Dr. David Shin have confirmed that teenagers do have brains, but they are wired differently from those of adults. This is one of the main reasons why many teenagers seek thrills, break rules and even seem nonchalant about their own safety. Knowing why has been a question many different researchers have worked hard to answer. Brain scientists have used functional magnetic resonance imaging to look at the teens' brain activity. It has been found while looking at the prefrontal cortex, which is the region of the brain that is associated with the inhibition of risky behavior that it does not fully develop until the age of 25. It has also been found that a number of deep structures in the brain are influenced by changes in hormones, which may also lead to teenager's heightened emotions. This research demonstrates that the brain is not fully developed until the age of 25-26 years old, so many of 15-19 year olds may offend due to problems with impulse control and low maturity levels (Casey, 2008, Casey et al, 2005, Giedd et al, 1999).

Shannon (2011) finds similar results in a study on the brain "to confirm the correspondence between the effects of age and impulsivity." The study used the

calculations of premotor functional connectivity between default-mode and attention/control networks, with the networks and regions being defined by juvenile offender data. Their findings were consistent with prior reports that found there was substantial individual variability. Yet in this article, there was a focus on the decreasing correlation between age and impulsivity in the default-mode network, where the research found that the correlation in the attention/control networks significantly increased with age. This finds that “younger brains tend to have a ‘more impulsive’ pattern of premotor functional connectivity” (Pgs.11241–11245).

Modecki (2015) further discusses how, based on empirical evidence, automatic adolescent transfer to adult criminal court poses significant processing, treatment, and recidivism problems for youths, especially when issues of developmental maturity are taken into account. Her research not only concluded a difference in maturity levels between adolescents (ages 14–17) who display less responsibility and perspective relative to college students (ages 18–21), young-adults (ages 22–27), and adults (ages 28–40), but also that maturity of judgment predicts self-reported delinquency beyond the contributions of age, gender, race, education level, SES, and antisocial decision making. Findings such as these may provide support for policies within the criminal justice system that view adolescents as differing in developmental maturity from adults. Such policies may hold youth accountable, but less culpable than adults for their crimes (Woolard et al. 1996).

Despite this, Bazemore and Umbreit (1998) have found that over time a punitive model has recently gained dominance over dispositional decision making in juvenile courts. Rather than using restorative justice, which is a participatory process that focuses on bringing together all three sides affected by the crime-victim, offender, and community to solve the situation and hopefully benefits both victims and offenders, the juvenile justice system is more often using a retributive justice paradigm, which just focuses on punishing the offender. Bishop (2000) shows that most state legislatures have now instituted punitive reforms in response to rising rates of youth crime. This includes provisions that transfer an increasing number and range of adolescents to criminal courts for adult prosecution. She goes on to state many proponents of juvenile justice claim the harsher sanctions on juveniles are not needed because they do not bring more positive results such as better deterrence or result in less incapacitation or even the insuring of more proportionate punishments for the juvenile offenders involved.

However, researchers have found that retributive justice measures like juvenile transfer to adult facilities do not increase public safety, and actually lead to higher recidivism. These results together actually suggest that, contrary to expectations, treating juvenile offenders as adults leads to a reduction of public safety (Ashkar & Kenny, 2008; Redding & Fuller, 2004). Further research has found that youth offenders who are tried in an adult court actually reoffend more often and with more serious offenses than youth offenders maintained in juvenile courts (Fagan, Kupchik, & Liberman, 2007; Lanza-Kaduce et al., 2002; Steiner et

al., 2006; Worrall, 2004). Redding (2008) found through his research that juvenile offenders with the highest recidivism rates were in fact these same juvenile offenders tried and sentenced in the adult criminal courts (not including drug offenders). The policy director for the Campaign for Youth Justice states that, “kids who are placed in the adult system are 34 times more likely to recidivate than their counterparts in the juvenile system” (Daugherty 2016, p.4). There have even been criminal justice scholars who have contended that transferring juvenile offenders transfer to adult court actually encourages recidivism (Pagnanelli, 2007).

The experiences of youth while in adult facilities are also of concern. Bishop(2000), states that “expansive transfer policies send many minor and nonthreatening offenders to the adult system, exacerbate racial disparities, and move adolescents with special needs into correctional systems ill prepared to handle them”(p. 88). When transferred some youth offenders suffer more severe penalties, yet there is no evidence that by sentencing them to this that it achieves either a general or a specific deterrent effect. These transfers also expose young offenders to many unfortunate experiences and outcomes such as beatings, sexual assault, suicide, etc. - this is not helping anyone, whether it is the offender or the society.

There is also evidence that youth offenders sent to adult facilities are more likely to engage in violence while in prison. Kuanilian, et al (2008)) conducted a study examining rates of disciplinary misconduct and violence among juvenile male inmates (N = 703) admitted to a state prison system from 1998 to 2002.

They found that “prevalence and frequency of prison misconduct and violence are higher among juveniles than comparison groups of nearest age youthful adults (N = 3,640) and adult prisoners generally (N = 33,114), and this disparity between juvenile and adult inmates increases along with the severity of violence” (pg.1192). This relationship is found to hold true even when other known correlates of prison violence are considered. These researchers also found by running a logistic regression model that included educational level, gang affiliation, offense of conviction, and sentence length, that age is the most consistent and strongest predictor of prison violence. Those who are younger than 18 when they are admitted to prison are far more likely than adults to be involved in prison misconduct and violence.

Similarly, A Center for Disease Control panel of experts and the Task Force on Community Preventive Services, which examined youth offenders, transferred from juvenile to adult facilities states "not only does it not deter youth crime, it actually makes them more violent. It may solve our desire to punish. However, do not get that confused with rehabilitation. Do not make the mistake of believing that punishment will help anything” (p.11-13). The panel's findings were based on a review of six studies of youths for periods ranging from 18 months to six years across the nation. Using youths with equivalent criminal records, the study of youths sent to the adult system had 34 percent more felony rearrests than those retained as juveniles, resulting in a significantly larger recidivism rate (Lanza-Kaduce, L., Frazier, E. C., Lane, J., & Bishop, D. M., 2002).

Instead of immediately transferring youth offenders to adult courts, some judges like to start with a “shock” type of treatment, hoping to deter the offenders from wanting to ever come back because they will wind up incarcerated. MacKenzie and Brame (2015) discuss these shock treatments in their analysis of data collected as part of the National Institute of Justice's multisite study of shock incarceration. There are many components of shock incarceration programs but military drill and physical exercise are two core components that all shock incarceration programs have. Counseling, treatment, and educational activities are important components of some programs, but are virtually nonexistent in others. The states that are included in this study reflect considerable variability in the prevalence of "rehabilitative/treatment" activities. They continue with more research in their “The Pathways to Desistance’ study. This research is done through a multidisciplinary, multisite longitudinal investigation of 1,354 serious juvenile offenders from Philadelphia County, PA, and Maricopa County, AZ. They studied them for 7 years after their court involvement while they were making the transition from adolescence to adulthood. The findings suggest that the level of supervision has a large impact on the shaping of the offender’s role during community activities. In other words, all things being equal, offenders typically respond to a threatened punishment that is more likely to occur than to one that is more severe. Thus demonstrating the level of supervision and where the youth offenders’ supervision takes place is a key factor in the rest of the offenders' lives. If the level of treatment effects the rest of the juvenile offenders’

lives, it would most definitely have an impact on whether they reoffend or not, affecting youth offenders recidivism rates.

Housing juvenile offenders in adult facilities is also not only bad policy for the housed youth but is a burden on society via the costs to taxpayers. A study was conducted assessing public support for both punitively and nonpunitively oriented juvenile justice policies by measuring respondents' willingness to pay for various policy proposals. The article introducing the study also used contingent valuation (CV) and willingness to pay (WTP) to measure the public's preferences for juvenile offenders: incarceration or rehabilitation. The findings of the analysis concluded that the public is at least as willing to pay for rehabilitation as punishment for juvenile offenders, especially in the area of early childhood prevention (Nagin, et al., 2006).

Despite the lessons of history, current juvenile justice legislation has been jailing juveniles with adult criminals, and forcing states to put a large numbers of young offenders into adult prisons if the state wants to be eligible for federal funds, even though that contradicts the initial federal guidelines of the juvenile justice system. There have been many advocates such as law enforcement officials and criminologists who have urged Congress to look at the research and consider the destructive effects of placing youth in adult jails and prisons, especially that the youth offenders placed in adult institutions become worse criminals.

The Justice Policy Institute states that in a "in a recent full page advertisement, sheriffs, district attorneys and legal professionals explained why

they think the proposed legislation will make their jobs more difficult: 'lock up a 13-year old with murderers, rapists and robbers, and guess what he'll want to be when he grows up?'" The conservative Council on Crime in America does not think locking children up with adults is a good idea either, stating in The New York Times advertisement that "most kids who get into serious trouble with the law need adult guidance. In addition, they will not find suitable role models in prison. Jailing youth with adult felons under Spartan conditions will merely produce more street gladiators" ("The Risks Juveniles Face When They Are Incarcerated With Adults" pgs. 1-3). As previously stated, the most disturbing aspect of housing juveniles in adult prisons is that thousands of young people are more likely to be raped, assaulted, and commit suicide. Surveys have documented the higher risks that juveniles face when they are placed in adult institutions, and people who work with youth know the all-too-familiar stories. "In Ohio, a 15-year-old girl is sexually assaulted by a deputy jailer after she is placed in an adult jail for a minor infraction; In Kentucky, 30 minutes after a 15-year-old is put in a jail cell following an argument with his mother, the youth hangs himself" (DiLulio, 1996).

Yet even with these concerns, legal tribunals may also rely on mandated waivers (both legislative and prosecutorial) as a basis to further judicial decision-making. A former prosecutor in Florida had stated in the past that transferring youths who had reoffended to the adult courts was better. He now states, "There is mounting evidence that such policies do not help youths or make communities safer. You could not ask for any worse results. We're getting faster recidivism for

more serious crimes" (Bilchik, 1998, p. 118). The evidence is overwhelming and there must be a better solution for youth offenders than just shipping them off to adult institutions. Research has stated that the most dramatic change in the juvenile justice system was the new practice of transfer, which occurred with policy reforms in the 1990s and early 2000s, because almost every state in the nation attempted to dramatically toughen laws governing criminal prosecution and sentencing of juveniles (Griffin, 2003). This is when studies show that statutory revisions widened to include a much larger amount of juveniles causing recidivism rates to rise, yet unlike this study they did not look at the 5 types of transfer and their effects on recidivism rates individually.

In conclusion, when examining research and their findings in regards to the effects of retributive justice and its use on youth offenders being transferred to adult facilities to increase public safety, the opposite effect is clearly seen. The same evidence is found through this analysis: transferring juvenile offenders to adult courts decreases public safety and raises recidivism rates, but rather than just using the blanket statement, this analysis identifies the five legislative policies that transfer juvenile offenders to adult courts and prisons and how they affect juvenile offender recidivism rates.

## METHODS

The research question addressed in this study is whether the five state juvenile public policies that incarcerate juvenile offenders in adult facilities increase or decrease state recidivism rates. Based on current evidence, I hypothesize that the use of any of the five state juvenile public policies: prosecutorial discretion, statutory exclusion, "once an adult, always an adult", reverse waiver, and blended sentencing increases so do juvenile recidivism rates because placing a juvenile offender in an adult institution will have a negative effect on recidivism rates and I do have prior expectations that states that use the statutory exclusion policy in conjunction with another of the remaining four policies will result in higher recidivism rates. I also expect that the number of these policies used in a particular state (regardless of which they are) may have an effect such that the more policies a state uses, the higher the juvenile recidivism rates for that state will be.

I seek to answer the question of whether state juvenile public policy that incarcerates juvenile offenders in adult facilities increases or decreases state recidivism rates, and which types of policy are better or worse for recidivism rates. When looking into state juvenile public policies, which put youth offenders in adult prisons, I was unable to find any states that only try juveniles in juvenile courts. Instead, there are five broad categories of policies used by state governments that determine the ways juveniles become adults in the eyes of the courts and are therefore punished like adults. The five categories are:

- *Prosecutorial discretion* (prosdisc) defines a class of cases that may be brought in either juvenile or criminal court. No hearing is held to determine which court is appropriate, and there may be no formal standards for deciding between them. The decision is entrusted entirely to the prosecutor.
- *Statutory exclusion* (statex) laws grant criminal courts exclusive jurisdiction over certain classes of cases involving juvenile-age offenders. If a case falls within a statutory exclusion category, it must be filed originally in criminal court.
- “*Once adult/always adult*” (adult) laws are a special form of exclusion requiring criminal prosecution of any juvenile who has been criminally prosecuted in the past—usually without regard to the seriousness of the current offense.
- *Reverse waiver* (revw) laws allow juveniles whose cases are in criminal court to petition to have them transferred to juvenile court.
- *Blended sentencing* (blendsen) laws may either provide juvenile courts with criminal sentencing options (juvenile blended sentencing) or allow criminal courts to impose juvenile dispositions (criminal blended sentencing). (Griffin et al.)

The dependent variable in this study is the mean recidivism rate for states that use each particular policy. Recidivism is defined as the number of youth who reoffend after incarceration. It is usually assumed that state recidivism rates are

similar to the national average, which the United States government lists as currently in between 33-34%. The reported juvenile recidivism rates as stated by the “Juvenile Justice Information Exchange,” and “Justice Policy Institute” in 2017 mostly range from 32 to 37%, yet there was a wide range with the minimum is as low as 12% and the maximum being as high as 59%. This wide range when broken down could be attributed to more in-depth and descriptive statistics such as ethnicity and background(<http://jjie.org>).

I chose to use the t-test and ANOVA research methods because I was confident it would show a good representation of the sample means of the different states’ recidivism rates along with the whether the number of policies used affected the means. The data used in Table 1 come from the “Juvenile Justice Information Exchange.” The website states it came from a web-based survey provided to the Council of State Governments’ Justice Center partnered with the Council of Juvenile Correctional Administrators to survey executive branch agencies responsible for juvenile state commitment facilities in each of the 50 states.

Table 1 shows the types of policies utilized in each state, as well as the state’s recidivism rate. For example, the recidivism rate in Michigan is .27 because 27% of juveniles reoffend. Using R, a binary indicator was created (using a 0 or 1) indicating whether each state uses each of the 5 types of policy that transfer juvenile offenders to adult courts listed above. In total out of the 47 states that provided data (3 states did not provide data), 12 states use *prosecutorial discretion*, 25 states use *statutory exclusion*, 27 states use *reverse*

*waiver*, 29 states use *once an adult*, *always an adult*, and 14 states use *blended sentencing*.

Using this data, I first conducted a 2-sample t-test in order to find the difference in the mean recidivism rate by whether or not the state uses each policy. I then created an additive scale of the number of policies used in each state. Using this measure I conducted an Analysis of Variance (ANOVA) in order to determine whether states who implement more of these policies have higher rates of recidivism.

<u>State</u>	<u>JuvRecRate</u>	<u>Policy Type</u>
Alabama	0.40	revw, adult
Alaska	0.55	revw, blendsen
Arizona	0.30	prosdisc, statex, revw, adult
Arkansas	0.33	prosdisc, revw, blendsen
California	0.50	prosdisc, revw, blendsen
Colorado	0.32	prosdisc, revw, blendsen
Connecticut	0.00*	no current data provided
Delaware	0.79	statex, revw, adult
Florida	0.71	statex, revw
Georgia	0.57	statex, revw
Hawaii	0.73	revw, adult
Idaho	0.37	statex, adult
Illinois	0.86	statex, adult, blendsen

<u>State</u>	<u>JuvRecRate</u>	<u>Policy Type</u>
Indiana	0.35	statex, adult
Iowa	0.30	statex, revw, adult
Kansas	0.52	adult, blendsen
Kentucky	0.00	revw
Louisiana	0.63	prosdisc, statex
Maine	0.33	adult
Maryland	0.66	statex, revw, adult
Massachusetts	0.22	statex, blendsen
Michigan	0.27	prosdisc, adult, blendsen
Minnesota	0.61	statex, revw, adult
Mississippi	0.22	statex, revw, adult
Missouri	0.50	adult
Montana	0.12	prosdisc, statex, revw, blendsen
Nebraska	0.27	prosdisc, revw
Nevada	0.59	statex, revw, adult
New Hampshire	0.00*	no current data provided
New Jersey	0.37	adult
New Mexico	0.12	statex, blendsen
New York	0.55	state, revw

**Table 1. (continued)**

<u>State</u>	<u>JuvRecRate</u>	<u>Policy Type</u>
North Carolina	0.39	adult
North Dakota	0.20	adult
Ohio	0.25	adult, blendsen
Oklahoma	0.26	prosdisc, statex, revw, adult
Oregon	0.36	statex, revw, adult
Pennsylvania	0.30	statex, revw, adult
Rhode Island	0.24	adult, blendsen
South Carolina	0.15	statex
South Dakota	0.45	statex, revw, adult
Tennessee	0.40	revw, adult
Texas	0.25	adult, blendsen
Utah	0.67	statex, adult
Vermont	0.30	prosdisc, statex, revw
Virginia	0.55	prosdisc, adult
Washington	0.00*	no current data provided
West Virginia	0.27	blendsen
Wisconsin	0.63	statex, revw, adult
Wyoming	0.20	prosdisc, revw

\*0.00 = no juvenile recidivism rate data was available

## RESULTS

Table 2 shows the difference between states that use prosecutorial discretion (PD) and those that do not. The juvenile recidivism rate for states that use PD is .406, while the rate for states that do not is .386. In other words, in states that use PD, almost 41% of juvenile offenders go on to reoffend in the future. In states that use other types of policies, almost 39% reoffend. This is a small 2% difference, and it is not statistically significant.

Table 2. Prosecutorial Discretion's Effect on Juvenile Recidivism Rates

	Juvenile Recidivism Rate
Use PD	.406
Does not use PD	.386
Difference in Means	.020
p-value	.632

Next, Table 3 shows the difference between states that use Statutory Exclusion and those that do not. The juvenile recidivism rate for states that use SE is .448, while the rate for states that do not is .335. In other words, in states that use SE, almost 45% of juvenile offenders goes on to reoffend in the future. In states that use other types of policies, almost 34% reoffend. This is an 11% difference, and it is statistically significant.

Table 3. Statutory Exclusion's Effect on Juvenile Recidivism Rates

	Juvenile Recidivism Rate
Use SE	.448
Does not use SE	.335
Difference in Means	.113
p-value	.020

Table 4 shows the difference between states that use Reverse Waiver and those that do not. The juvenile recidivism rate for states that use RW is .410, while the rate for states that do not is .391. In other words, in states that use RW, 41% of juvenile offenders go on to reoffend in the future. In states that use other types of policies, 39% reoffend. This is a 2% difference, and it demonstrates statistically insignificance.

Table 4. Reverse Waiver's Effect on Juvenile Recidivism Rates

	Juvenile Recidivism Rate
Use RW	.410
Does not use RW	.391
Difference in Means	.009
p-value	.632

Next, Table 5 shows the difference between states that use “Once an Adult, Always an Adult” policy and those that do not. The juvenile recidivism rate for states that use OA is .358, while the rate for states that do not is .423. In other words, in states that use OA, almost 36% of juvenile offenders go on to reoffend in the future. In states that use other types of policies, over 42% reoffend. This is a 6.5% difference, and it is not quite statistically significant.

Table 5. Once Adult, Always Adult’s Effect on Juvenile Recidivism Rates

	Juvenile Recidivism Rate
Uses Adult	.358
Does not use RW	.423
Difference in Means	.065
p-value	.132

Last, Table 6 shows the difference between states that use Blended Sentencing policy and those that do not. The juvenile recidivism rate for states that use BS is .412, while the rate for states that do not is .368. In other words, in states that use BS, over 41% of juvenile offenders go on to reoffend in the future. In states that use other types of policies, almost 37% reoffend. This is a 4% difference, demonstrating statistical insignificance.

Table 6. Blended Sentencing's Effect on Juvenile Recidivism Rates

	Juvenile Recidivism Rate
Use BS	.412
Does not use BS	.368
Difference in Means	.044
p-value	.747

Tables 7 and 8 present results of an Analysis of Variance which considers the number of policies a state utilizes. Just as each individual type of policy may make a difference for recidivism rates, states that implement more of these policies may also have higher rates of recidivism. While the ANOVA is not statistically significant, When looking at the results in the ANOVA tables it is quite interesting how the mean between the use of 2 and 4 policies increases continually, yet decreases significantly when all 5 are applied. This is suggestive that states that use more policies, generally, do have higher recidivism rates, though the 4 states that use all 5 seem to be an exception.

Table 7. ANOVA Results(1)

	#	Mean	Std. Deviation
1.00	2	31.9000%	7.21249%
2.00	6	29.7333%	13.32466%
3.00	21	43.9252%	19.20037%
4.00	15	47.8267%	20.15811%
5.00	4	29.4750%	15.52576%
Total	48	41.6652%	19.04135%

Table 8. ANOVA Results(2)

	Sum of Squares	Df	Mean Square	F	Significance
Between Groups	2316.057	4	579.014	1.691	.170
Within Groups	14724.876	43	342.439		
Total	17040.933	47			

In general, my findings failed to disprove my hypothesis because although four of the five types of state juvenile public policy- prosecutorial discretion, blended sentencing, reverse waiver and once an adult, always an adult showed

statistical insignificance, I did find a significant difference between states that use statutory exclusion and those that do not. Juveniles in states that use statutory exclusion are 11% less more likely to reoffend than juveniles in states that use other policy types. The ANOVA results also provide tentative evidence that more policies may lead to higher recidivism rates, as well, regardless of which they are. The fact high recidivism rates are across the board is a problem in and of itself, yet with the combination of the negative experiences said to be due to the youth's exposure to offenders that are more serious and many times, their experiencing of physical and/or sexual abuse, along with the evidence found in research articles about state policy, suggesting the connection between youth offenders placed in adult incarceration facilities with high juvenile recidivism rates, more attention needs to be focused on this problem. All of the evidence suggests that the courts may have lost sight of the basis the juvenile justice system was founded on-the goal to serve the best interests of the child, with an understanding that youth possess different needs than adults.

Looking at the empirical evidence, my research has found that juvenile offenders placed with adult offenders have a higher chance of reoffending, regardless of which public policy is used. Our juvenile justice system is supposed to be a rehabilitative system which aims for lower recidivism rates, when in turn this research concludes that the five state level policy's that are used actually increase the recidivism rates.

## DISCUSSION AND CONCLUSION

There has to be a better option when it comes to dealing with juveniles convicted of crimes-not only for the offenders, but also for the taxpayers, given the rising costs of incarcerating and supervising offenders. Many of these young adult offenders, ages 18-25, have been convicted of non-violent crimes and should be treated through rehabilitation not punished with incarceration. Throughout history, the punishment for young offenders had continuously changed until recent years, and the constant incarceration has not helped the offender, their family, or the society as a whole. The current study served to reinforce that young adult offenders should not automatically be incarcerated, and demonstrate to the court's and society that other options should be considered. It is understandable that the court's inundation is the result not only of increased juvenile crime, but also increased prosecution of juvenile crime (Snyder 2003). For instance, between 1987 and 1996 there was a 78% increase in formal processing of delinquency cases (Stahl 1999). Currently one in five juveniles who encounter police for delinquent behavior is processed through the legal system (Snyder and Sickmund 1999). Some have even come to believe that we as a people no longer want to help our youth, but studies like Moon (2000) have found that people actually do not see incarcerating our children as the right response to crime. These findings revealed that the public's belief in "child saving" remains firm, and citizens do not support an exclusively punitive response to juvenile offenders.

Since treating these youth as adults is negatively affecting the aspects of the law it is supposed to help, is not what the people want, is more expensive than rehabilitation, and is hurting rather than helping the youth committing crimes, hopefully it will stop. Juvenile justice has become outdated; juveniles are transferred to adult courts, eventually ending up in adult incarceration facilities essentially just being thrown away. On the other hand, there is evidence-supporting rehabilitation for these same youth offenders- using programs which address key risk factors such as: improving family functioning, decreasing association with deviant peers, education, and use behavioral interventions within the youth's natural environment. When looking at these young offenders, all of the research, analysis, and findings seem to result in the same conclusion, which was voiced by Dunn (2008), who analyzed youth offenders in regards to society and finds that "society's duty was no longer to punish the culpability of the juvenile; it was to "save him from a downward career." She goes on to agree with *In re Gault's* findings, "Rehabilitation was thought to be possible due to the developmental differences between children and adults. Not only are adolescents less responsible for their behavior, due to a lack of competency and experience, but they are also more corrigible and educable than adults, and thus more amenable to reform." There must be a better solution out there than just giving up on these youth offenders than just throwing them away, which is essentially, what the courts are doing when they sentence them to incarceration in adult prisons. This is shown especially in the area of my findings demonstrating the highest recidivism rates in states using

statutory exclusion, because it demonstrates that by states automatically transferring juveniles to adult courts resulting in them being incarcerated in adult facilities, they are returning more often, meaning they are reoffending which is detrimental to us as a society. As Dunn states youth are corrigible and educable, yet if encouraged and taught by other prisoners, they will come out of these places worse than they were when they went in. Presumably if not also traumatized from the other events they are subjected to while inside because “research has demonstrated that juveniles in adult facilities are at much greater risk of harm than youth in the custody of juvenile institutions” (Austin et al., 2000).

The reason my analysis is so important is that although along with the rest of the literature it may confirm many believe housing juveniles in adult facilities is bad, it goes a step further and breaks the five different policies down individually and tests them against the juvenile recidivism rates. I find that statutory exclusion is a particularly bad policy when it comes to youth recidivism, so lawmakers may want to think carefully about implementing these types of policies. I also find that through the ANOVA table, that the use of more policies that allow for the transfer of juveniles to adult facilities may lead to higher recidivism rates, regardless of which policies are used together. It is important to take these results with a “grain of salt,” as they are not quite statistically significant, but they are suggestive, nonetheless.

If I were able to find more itemized data-such as individual state recidivism rates of each policy used- I may have been able to dig deeper into

the effects individually by state and in particularly each type of policy itemized individually rather than as a whole, which would have provided more information to aid in the problem of rising recidivism rates in the juvenile justice system. Future research would benefit from examining the particulars of the findings, trying to contact state juvenile justice systems, especially here in my home state of Iowa, to learn more about the particular steps taken when dealing with juvenile offenders, and to see if the legislature is even aware of the rising juvenile recidivism rates. Finally, future researchers could look at this information as a stepping stone to helping find a better option in the realm of state-level public policy in the area of the juvenile justice system.

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