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The Transfer of Juveniles to Criminal Court: Does It Make a Difference?

Donna M. Bishop
Charles E. Frazier
Lonn Lanza-Kaduce
Lawrence Winner

Recidivism of 2,738 juvenile offenders who were transferred to criminal court in Florida in 1987 was compared with that of a matched sample of delinquents who were retained in the juvenile system. Recidivism was examined in terms of rates of reoffending, seriousness of reoffending, and time to failure, with appropriate adjustments made for time at risk. By every measure of recidivism employed, reoffending was greater among transfers than among the matched controls.

INTRODUCTION

Since the late 1970s a large majority of states has amended their juvenile codes to facilitate the transfer of juveniles to criminal courts (Feld 1987, 1988). Florida has been a leader in these efforts, in particular, by pioneering prosecutorial "direct file" policies (Bishop, Frazier, and Henretta 1989; Bishop and Frazier 1991; Thomas and Bilchik 1985). Changes in transfer policies were made with the goal of reducing juvenile crime. However, these changes were not informed by systematic research. The purpose of this study was to use Florida's experience to examine the impact of transfer on recidivism. We compared the recidivism of juveniles who were transferred to criminal court with that of a matched sample of youths who were retained in the juvenile system. Careful comparisons of transferred and nontransferred

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DONNA M. BISHOP: Associate Professor, Department of Criminal Justice and Legal Studies, University of Central Florida. **CHARLES E. FRAZIER**: Professor, Department of Sociology, University of Florida. **LONN LANZA-KADUCE**: Associate Professor, Center for Studies in Criminology and Law, University of Florida. **LAWRENCE WINNER**: Lecturer, Department of Statistics, University of Florida.

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offenders may inform us of the wisdom or folly of this "get tough" approach to juvenile crime.

THE EVOLUTION OF TRANSFER

Policymakers have looked on the transfer of juvenile offenders to adult court with increasing favor in recent years. Transfer is neither new nor unusual. Nearly all states established mechanisms to waive juvenile court jurisdiction for selected offenders early in the development of their juvenile justice acts (Flicker 1981, 1983; Hamparian 1981; Stamm 1973; Thomas and Bilchik 1985; Whitebread and Batey 1981; Wizner 1984). Contemporary efforts break with tradition because they provide for easier transfer mechanisms and encourage greater utilization of adult justice processes for juveniles.

Historically, transfer procedures were rarely invoked. The juvenile justice system remained firmly grounded in an orientation to rehabilitate youths through nonpunitive treatments. The seeds of change were planted in a series of Supreme Court decisions in the 1960s and 1970s which, in an effort to ensure fairness, made juvenile proceedings increasingly legalized and adversarial.[1] Almost simultaneous with these procedural changes came changes in philosophy that ushered in the current willingness to transfer juveniles in greater numbers.[2]

Crime rates soared in the 1960s and 1970s and influential voices proclaimed the vacuousness of rehabilitative methodologies (Lipton, Martinson, and Wilks 1975). Rising juvenile crime encouraged widespread sentiment that the juvenile justice system had failed its mission. Vocal critics of the juvenile justice system maintained that sanction alternatives for juvenile offenders—especially serious and violent offenders—were too lenient as well as ineffectual in either deterring crime or ensuring public safety (Wolfgang 1982; Regnery 1985, 1986). Politicians have responded to public concern and fears by advocating "get tough" policies and supporting legislation incorporating harsher penalties for youthful offenders (Albanese 1993). Bolstered by media accounts of violent youth crime, social conceptions of delinquents have shifted from pastel portraits of wayward, misguided youths to stark and ominous renderings highlighting the maturity and sophistication of young offenders (e.g., see Bernard 1992; Binder and Binder 1982). Unacceptably high rates of juvenile crime, public fear of crime, and changed perceptions of youthful offenders have converged to promote demands for greater accountability.

The response has taken a number of forms.[3] Juvenile codes in more than a dozen states have been amended to deemphasize rehabilitation and to include language explicitly acknowledging punishment and protection of public safety as proper juvenile justice goals. Several states have replaced or supplemented indeterminate placements with determinate and mandatory minimum sentencing and parole release guidelines. Most important for the purposes of this article, more than 40 states have recently altered their juvenile codes to facilitate movement of young offenders to the criminal courts (Feld 1987, 1988).

The jurisdiction of the juvenile court has been restricted in a number of ways by lowering the age of criminal court jurisdiction, by expanding legislated criteria for transfer, and by supplementing traditional, cumbersome transfer methods—judicial waiver and grand jury indictment—with expedited methods such as legislative exclusion and direct file/prosecutorial waiver (Fagan and Deschenes 1990; Feld 1987, 1988; Hamparian, Estep, Muntean, Preistino, Swisher, Wallace, and White 1982). The consequence has been a dramatic increase in the number of youths handled in adult courts (Bishop et al. 1989; Champion 1989; Nimick, Szymanski, and Snyder 1986; Schwartz 1989). Ironically, approval of transfer as a method of reducing youth crime survives and grows without support from empirical research. At present, transfer holds intuitive appeal as a commonsense solution, but its efficacy has not been established.

The Rationale for "Getting Tough"

In public discourse, it is almost taken for granted that getting tougher and harsher will be more effective than traditional modes of response to juvenile crime. Anecdotal accounts are common of juveniles laughing at the juvenile system, accumulating "free" crimes until they reach the age of majority. Some advocates of transfer claim that an experience in criminal court—no matter what the sentencing outcome—gives young offenders a good shaking up (Bishop et al. 1989). From this perspective, transfer sends an important message to youths—a message that they are now in the "big leagues" instead of being coddled by the juvenile justice system. In other words, transfer per se is thought to have symbolic value, quite apart from whatever consequences may follow at sentencing. Closely tied to this idea is the argument that if the criminal court gives young offenders "real" consequences—sanctions that are harsher and more punitive than the sanctions typically provided by the juvenile courts—their motivations to commit future crimes will be further reduced.

Proponents of transfer also point out that if offenders transferred to adult court are sentenced to terms of incarceration that are longer than the sentences they would have received had they been processed in juvenile court, their opportunities to commit subsequent offenses will be reduced accordingly. In addition to its deterrent value, then, transfer may achieve important incapacitative gains. Ardent advocates of punishment often couch their positions in rationales of social defense (Van den Haag 1975, p. 174):

> The victim of a fifteen-year-old mugger is as much mugged as the victim of a twenty-year-old mugger, the victim of a fourteen-year-old murderer or rapist is as dead or as raped as the victim of an older one. The need for social defense or protection is the same.

In sum, supporters of transfer view it as a promising means of reducing juvenile crime and increasing public safety. The criminal court alternative is believed to provide more effective deterrence and greater community protection.

PREVIOUS RESEARCH

Because transfer is an option generally intended to be reserved for serious or intractable offenders, or both, much of the scholarly research has focused on whether transfer practices effectively target appropriate offender populations (e.g., see Bishop et al. 1989; Bishop and Frazier 1991; Bortner 1986; Champion 1989; Champion and Mays 1991; Fagan, Piper, and Forst 1986; Fagan and Deschenes 1990; Feld 1987, 1990; Houghtalin and Mays 1991; Lemon, Sontheimer, and Saylor 1991; Nimick et al. 1986; Osbun and Rode 1984; Poulos and Orchowsky 1994).[4] For the most part, these studies have suggested that many youths selected for transfer do not match target populations. Typical are the results reported by Lemon et al. (1991), who found that most youths transferred to adult court in Pennsylvania were property offenders. Further, many of even these youths could hardly be considered "intractable": The concept of intractability implies that the juvenile justice system has exhausted its resources in trying to effect change. In fact, substantial proportions of transferred Pennsylvania property offenders had no prior juvenile placements.

Whether transferred youths are punished more harshly than they would have been had they been retained in the juvenile system is a second issue that has been frequently addressed (Barnes and Franz 1989; Bishop and Frazier 1991; Bortner 1986; Champion 1989; Fagan 1990; Feld 1987; Fisher and Teichman 1986; Greenwood, Abrahamse, and Zimring 1984; Houghtalin and Mays 1991; Mays and Houghtalin 1992; Lemon et al. 1991; Rudman, Hartstone, Fagan, and Moore 1986; Sagatun, McCollum, and Edwards 1985; Thomas and Bilchik 1985). These studies have produced mixed results. Some have found that juvenile offenders receive lenient sentences in the criminal courts. For example, Champion (1989), in a study utilizing data from four states, reported that most youths waived to criminal court received sentences of probation. Perhaps because of their youth and inexperience, adolescent offenders may be viewed by judges and juries as less serious than their adult counterparts (Champion 1989; Emerson 1981; Feld 1987).

Contrary findings have also been reported. Fagan, Forst, and Vivona (1987; see also Fagan 1990), in a study of practices in four states, found that violent offenders transferred to adult court received sentences considerably longer than those likely or even possible in the juvenile justice system. Barnes and Franz (1989) analyzed cases from a single jurisdiction in California over a 6-year period and reported that juveniles convicted of violent offenses were sentenced more harshly in adult court than would have been the case in juvenile court. However, the reverse was true for property offenders. Lemon et al. (1991) found that 89% of juveniles convicted in criminal court in Pennsylvania received sentences of incarceration, but approximately two thirds received jail sentences for periods close to the average stay in the state's secure juvenile facilities.

In sum, the extant literature has provided insights into who is transferred and how they are sanctioned, but it has not addressed the impact of transfer on recidivism. We need to investigate how treatment as an adult affects future behavior. More precisely, we need to know whether juveniles who are transferred to criminal court curtail their offending more than do those who are retained in the juvenile system.

THE PRESENT RESEARCH

Our study compared recidivism of youths transferred to criminal court with that of those retained in the juvenile justice system. This sort of research has been hindered in the past by the lack of comparability of transfer and nontransfer populations. To ensure equivalence across the two groups, we sampled the nontransfer population and employed a matching procedure to control for seriousness of the transfer offense, number of charges, number of prior offenses, severity of prior offenses, and sociodemographic characteristics (age, gender, and race).

Data Sources and Matching Procedures

Identification of cases for inclusion in the study was made using the Client Information System (CIS) maintained by Florida's Department of Health and Rehabilitative Services. CIS tracks all referrals to the juvenile justice system from the point of initial intake through final disposition. CIS data were obtained for all cases that entered Florida's juvenile justice system during the period beginning January 1, 1985, and ending December 30, 1987.

From the CIS data, we identified all youths who were transferred to criminal court in 1987 (n = 3,151).[5] We then reconstructed their offense histories from the data for the previous years. Next, we employed a precision matching procedure to draw a match for each transferred youth from the population disposed of in the juvenile justice system during 1987. Matches could not be generated for individuals who were indicted for capital and life felonies, offenses which must be prosecuted in Florida's criminal courts. Eight percent of the 1987 transfer population was lost for this reason. Matches were successfully generated for the remainder, yielding a study sample of 2,887.

Nontransfer matches were generated in terms of each of the following variables:

1. Most serious offense for which the transfer was made (coded in terms of each of 45 offense categories contained in the CIS database). Most of the CIS offense categories are very specific (e.g., armed robbery, carrying a concealed firearm) and leave little room for misclassifying transfers and their nontransfer matches. Other offense categories are quite broad. For example, the CIS includes a catchall category of "other felony" when an offense does not fall into one of the more precise designations. Thus for some offense categories there was less precision in the matches. Part of our analyses broke recidivism out by offense severity to see whether broad offense categories produced different results from severity categories comprised of more precisely measured offenses.
2. Number of counts included in the bill of information (coded 1, 2-3, 4 or more).
3. Number of prior referrals to the juvenile justice system (coded 0, 1-2, 3 or more).
4. Most serious prior offense. Offense histories were reviewed to identify the most serious offense for which each youth previously had been referred to the juvenile justice system. Precision matching was not possible on each of the offense codes contained in the CIS. Therefore, a scale was constructed which ranked prior offenses into eight severity classes ordered to correspond closely to the severity of penalties associated with each class.[6]
5. Age (coded in years).
6. Gender.
7. Race (coded White, non-White).

Matches were generated using a hierarchical procedure, with race being the last variable to enter. Precise matches were achieved for all variables except race. Two thirds of White transfers were matched with a same-race subject from the nontransferred group. Fifty-one percent of non-White transfers were matched with a same-race subject from the nontransfer group. The remaining matches were cross-race. A profile of subjects included in the study is provided in Appendix A.

Measuring Recidivism

We used several outcome measures to tap different dimensions of recidivism. These included individual rearrest and group rates of rearrest, severity of charges at rearrest, and time to failure among those rearrested.

All recidivism measures were derived from data on arrests through December 31, 1988, which were obtained for each of the matched pairs. These data were supplied by officials of the Florida Department of Law Enforcement, who ran national (NCIC) checks on each individual in the data set. The follow-up period ran from the date of case closure in 1987 to the end of 1988. Although this period was relatively short, individuals in the sample were at peak ages for offending. Given the "get tough" rationales, we would expect a short follow-up period to favor transfers over nontransfers in our comparisons. If getting tough merely delays reoffending, we will have missed some recidivism. Such a delay would benefit transfers in a head-to-head comparison with those retained in juvenile justice jurisdiction.

Analyses of time to failure and rearrest rates required adjustments for time at risk.[7] To make these adjustments, data were obtained from the Florida Department of Corrections, identifying the entry date and release date for each youth who spent time in a state correctional facility during the study period. Approximately 30% of the transferred youths were sentenced to prison, most for periods of 1-5 years. Five percent (n = 149) were incarcerated during the entire follow-up period. These offenders were deleted from the analysis, as recidivism was not possible for them during the study period. The analyses were restricted to those 2,738 transferred youths and their 2,738 nontransfer matches who were at risk for reoffending during some portion of the follow-up.[8]

Unfortunately, information was unavailable on county jail time served by transferred youths. For the analyses that follow, we assumed that youths not sentenced to a state correctional facility were on the street with opportunities to reoffend immediately following the date of disposition of the criminal case. The effects of this assumption are twofold. First, it yields inflated estimates

of time to failure for youths in the transfer population.[9] Second, it reduces the transferred youths' overall rate of recidivism, adjusted for time at risk. In other words, the assumption that all nonimprisoned transfers were at risk immediately after disposition operates to the advantage of the transfer group in comparisons of recidivism with the nontransfer matches.

It was important to adjust for time at risk for the nontransfer group as well. The CIS contained information on whether each youth was sentenced to a residential/institutional program, but dates of entry and release were not provided. Because we had no information on the specific facilities or programs to which each youth was confined, we assigned the average time served across all facilities. Based on information supplied by Florida's new Department of Juvenile Justice, the estimated average time incarcerated was set at 3 months.

Recidivism was examined using different levels of analysis. First, we focused on each matched pair to see whether or not both the transfer and the nontransfer cases recidivated. More specifically, we began by looking at whether or not there was a significant difference in the likelihood of rearrest within each pair. Next, we refined that comparison by looking at the severity of the 1987 offense that resulted in subjects' inclusion in the study. We examined whether transfer/nontransfer differences in rearrest were as likely to occur in cases where the 1987 offense was a felony versus a misdemeanor, and we explored whether differences in rearrest varied across seven categories of severity of the 1987 charge.

Then we turned to the overall rate of recidivism for the transfer population as a group and compared it to that for the aggregated sample of matched nontransfer cases. Analyses were performed to compare proportions rearrested in each group as well as rates of rearrest across groups adjusted for time at risk. Further analyses were conducted to assess differences across groups in the average time to failure (time between release and rearrest), to explore differences across groups in severity of rearrest offenses, and to explore offense transitions from the pretransfer to the posttransfer period.

FINDINGS

Matched Pair Comparisons

We began by taking advantage of the matching procedure to ask whether, within each pair, there were differences in recidivism between transferred and nontransferred subjects. Because these analyses involved dependent samples

of matched pairs, we made use of McNemar's Test (Agresti 1990). Defining P1 as the probability that a transferred youth was rearrested, and P2 as the probability that the nontransferred match was rearrested, we tested the hypothesis of no difference in rearrest probabilities (Ho: P1-P2 = 0). The results can be classified in the following 2 × 2 table:

		Nontransfer	
		No Rearrest	*Rearrest*
Transfer	No Rearrest	N11	N12
	Rearrest	N21	N22

Because each cell in the table represents numbers of matched pairs, we were interested in the off-diagonal elements, N21 and N12. N21 refers to the number of pairs where the transferred youth was rearrested and the nontransfer match was not. N12 refers to the numbers of pairs where the nontransfer match was rearrested and the transferred youth was not. For large samples, the hypothesis can be tested by computing

$$Z = \frac{N21 - N12}{\sqrt{(N21 + N12)}}$$

which under the null hypothesis is approximately standard normal (Agresti 1990).

This test was conducted for the total sample of matched pairs, as well as for various subsets of the sample. The results are presented in Table 1. For all pairs, the probability of rearrest was not equivalent. N21 was greater than N12, indicating that the transferred member of the pair was more likely to be rearrested (see Table 1, Section (a)). When the analyses were repeated for pairs of subjects for whom the offense that resulted in inclusion in the study was a felony, and for pairs of subjects where the offense that resulted in inclusion in the study was a misdemeanor, we again found a significant difference between pairs (see Table 1, Section (b)).

Finally, to see whether these findings were specific to certain offense categories but not to others, we repeated the analyses for each of seven classes of offense, ranging from the most serious felony person offenses (Class 1) to minor misdemeanor offenses against public order (Class 7)[10] (see Table 1, Section (c)). For six of the seven comparisons, the difference between pairs was significant. The only class in which the difference between pairs was not significant is Class 7 (the lowest level of severity). It should be noted that

TABLE 1: Results of McNemar's Test for Matched Pair Comparisons

		Z	P	N12	N21	N of Cases Out of Congruence
(a)	All pairs	8.97	.001	347	627	974
(b)*	Felony cases	7.93	.001	290	515	805
	Misdemeanor cases	3.99	.001	56	107	163
(c)*	Severity classes (in descending order)					
	Class 1	5.77	.001	70	157	227
	Class 2	2.30	.021	146	188	334
	Class 3	4.80	.001	23	69	92
	Class 4	3.93	.001	51	101	152
	Class 5	2.02	.044	17	31	48
	Class 6	3.15	.001	21	47	68
	Class 7	1.60	.108	18	29	47

*Six cases were deleted from these analyses because the nature of the rearrest offense was not specified.

even within this level, we still observed that N21 > N12, indicating the same direction of effect.

Odds ratios (measures of association) were estimated, as well as 95% confidence intervals, for all pairs, for felony versus misdemeanor cases, and for each of seven classes of severity of the 1987 offense. For transfers, the odds of being rearrested were computed by dividing the probability of rearrest by the probability of no rearrest. Similarly, these odds were computed for the nontransfer matches. The odds ratios were computed by dividing the odds of rearrest for transfers by the odds of rearrest for nontransfers.

An odds ratio of 1 implies that the likelihood of rearrest was the same for the two groups. A value greater than 1 means that the likelihood of rearrest was higher among transfers, whereas a value less than 1 means that the likelihood of rearrest was higher among the nontransfer matches. Results are reported in Figure 1, where we have plotted each of the odds ratios and their respective confidence intervals. The plots show graphically that over all pairs, and for all levels of severity of the offense for which each pair was included in the sample, the estimated odds ratios were greater than 1, and most of the confidence intervals were entirely above 1. These findings indicate that the probability of rearrest among transfer cases was greater than among matched controls consistently across all levels of offense severity. For all offense categories, the pattern of higher rearrest among the transferred member of the pair was maintained.

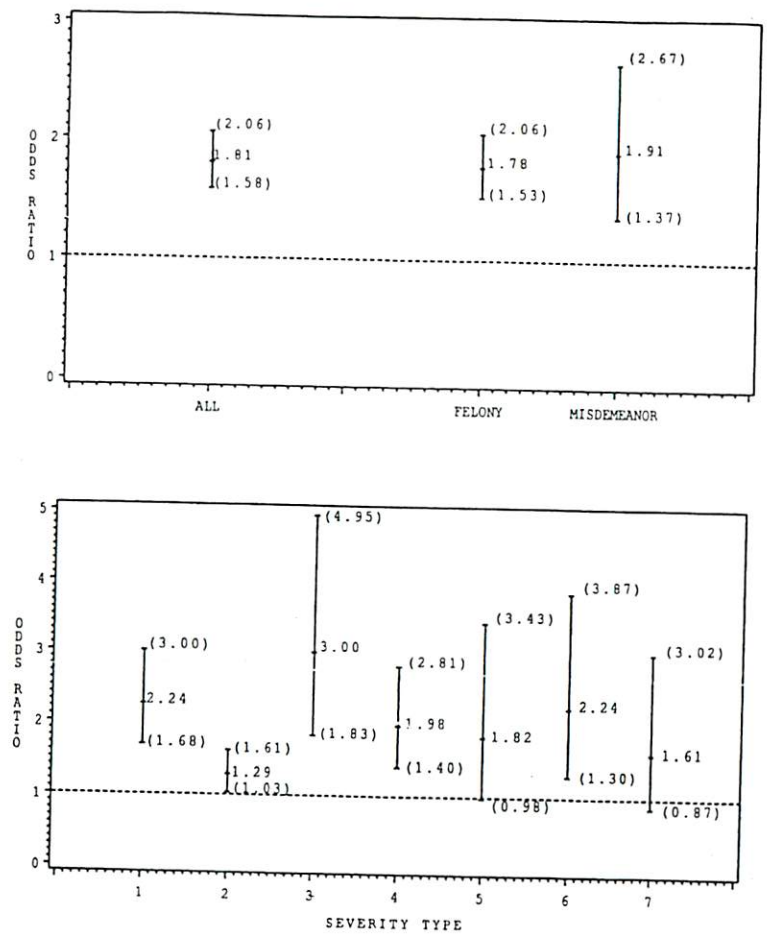

Figure 1: Plot of Odds Ratios and Confidence Intervals for Probabilities of Rearrest

Group Comparisons

We also compared recidivism by contrasting the proportions of persons rearrested and rates of recidivism for transfers in the aggregate compared to the sample of nontransfers. Recidivism was operationalized in three ways: arrest versus no arrest, length of time until rearrest, and relative severity of rearrest charges.

Rearrests. Of the transferred youths, 30% were rearrested during the follow-up period, compared to 19% of the nontransfer matches ($Z = 9.54$, $p < .001$). These findings at the aggregate level confirm what was observed in the matched-pairs analyses; that is, youths in the transfer group were significantly more likely to reoffend during the follow-up period than were their nontransfer matches.

These unadjusted proportions do not take account of differences in time at risk across the two groups. For the transfer group as a whole, the mean number of days of incapacitation was 38, compared to 33 days for the nontransfer group. For those who were incarcerated in the transfer group, the mean number of days of incarceration was 245, compared to 90 days for the nontransfer group.[11]

Adjusted arrest rates were calculated by computing numbers of rearrests within each group divided by days at risk, then multiplying by 365.25 to produce yearly rates of offending. For the total transfer group ($n = 2,738$), the rearrest rate was .54 offenses per person year of exposure, compared to a rate of .32 for the total nontransfer group ($Z = 13.60$, $p < .001$).[12] Looking only at those who reoffended during the follow-up period (808 transfers, 528 nontransfers), the adjusted rate of rearrest in the transfer group was 1.90 offenses per person year of exposure, compared to a rate of 1.70 for the nontransfer group ($Z = 3.09$, $p = .002$).[13]

Time to failure. The next question we addressed was whether mean time to failure differed across groups. For those 808 subjects who reoffended in the transfer group, mean time to failure adjusted for time at risk was 135 days; that is, the average elapsed time on the street prior to committing a new offense for those who reoffended in the transfer group was 135 days. For the nontransfer group, the average time to failure was 227 days. The difference across groups was significant ($Z = 10.57$, $p < .001$). Thus not only were transfers more likely to reoffend but they were likely to reoffend more quickly than their nontransfer matches. Had we been able to calculate jail time served for transfers, their time to failure would undoubtedly have been shorter, and the differences between groups even greater.

Severity of rearrest. Still another way of exploring similarities and differences in recidivism across the two groups was to examine the severity of rearrest offenses. For this portion of our analyses, we restricted our attention to the first rearrest for each individual who reoffended in the two groups and calculated the proportions who committed felonies versus misdemeanors.[14] Of the transfers who were rearrested, 93% were arrested for felony offenses. For persons rearrested in the nontransfer group, 85% were arrested for felony offenses. Although the difference across groups in proportions arrested for felonies was small, it was statistically significant ($Z = 4.075$, $p < .001$).

A second way of comparing severity of reoffending across the two groups involved pre-post comparisons—that is, examining offense transitions for each individual who reoffended to see how the severity of the first rearrest compared to the arrest that put the youth into the study. Among the transfers, 5% of those who reoffended showed some improvement in that, although they were transferred for a felony offense, they were subsequently arrested for a misdemeanor. Among the nontransfer matches, 11% showed improvement, transitioning from a felony arrest in 1987 to a subsequent misdemeanor offense. Again, the difference across groups was statistically significant ($Z = -3.73$, $p = .01$).

DISCUSSION AND CONCLUSIONS

Did the transfer of juveniles to criminal court make a difference? Advocates of transfer clearly think it should, and our research showed that it did. However, the effect was not in the direction its advocates expect. In these data, transfer actually aggravated short-term recidivism.

The transfer group recidivated at a higher rate than the nontransfer group. This was true within all seven classes of offense that resulted in subjects' inclusion in the study. Despite being incarcerated for longer periods of time, transferred youths nonetheless committed more offenses. When time at risk was controlled, the rate of reoffending in the transfer group was significantly higher than in the nontransfer group both in terms of time to failure and in terms of arrest rates. Further group comparisons revealed that transferred offenders were more likely than matched nontransferred youths to commit a subsequent felony offense. Comparing pre- to post-levels of offending among those who reoffended, more of the nontransfer matches improved their behavior over time. Among those rearrested, the offense transitions showed a significantly greater tendency toward rearrest for a lesser offense for the nontransfer group than for the transfer group.

Overall, the results suggest that transfer in Florida has had little deterrent value. Nor has it produced any incapacitative benefits that enhance public safety. Although transferred youths were more likely to be incarcerated and to be incarcerated for longer periods than those retained in the juvenile justice system, they quickly reoffended at a higher rate than the nontransferred controls, thereby negating any incapacitative benefits that might have been achieved in the short run.

Although our matches were designed to reduce the possibility of nonequivalence between transfer and nontransfer cases, some slippage in the offense categories used to generate the matches allowed for the possibility of selection bias. However, when we compared the matched pairs within different classes of offense, some of which have considerably more precision, the general pattern held.[15] Consequently, we do not think the results can be explained away by nonequivalence across groups.

Another possibility is that transfer to the adult system heightens law enforcement vigilance and increases the risk of rearrest more than of reoffending. Perhaps offenders transferred to criminal court are more closely supervised on probation and parole than are youths retained in the juvenile system, making detection of repeat offenses more likely. Or perhaps officials have a lower threshold of tolerance for violations committed by offenders transferred to adult court. To test these hypotheses would require self-reports of offending to supplement official arrest data.

Although we would be the first to recommend replication of our research with better matches and controls and in other jurisdictions, we also would be remiss if we did not state the obvious. There may be no way to "explain away" the results. Transfer to criminal court may indeed increase the likelihood of recidivism. In other words, perhaps the context in which sanctions are administered matters. Certainly the original "Child Savers" would not be surprised by our results.[16] Proponents of the labeling and social reaction perspectives have warned about the negative consequences of criminal sanctions for children. Consequently, we wonder about the messages that the juvenile versus criminal systems communicate to offenders, and how they are received. Certainly, the findings of this study are consistent with the idea that the criminal system sends a more negative message. Braithwaite's (1989) theory of reintegrative shaming cautions about the adverse impact of sanctions that reject and exclude, and the implications these have for future offending. Perhaps transfer from juvenile to criminal court signals to young offenders that they are outcasts. Although stigma is undoubtedly attached to juvenile justice processing, the stigma associated with criminal court conviction and adult sentencing is greater and more enduring than its juvenile counterpart. Social responses in the family, the community, and the workplace to a criminal conviction are condemnatory. In American culture, the sins of youth are more readily forgiven and forgotten than the sins of adults.

From this perspective, transfer denotes more than process and procedure. It is symbolic of status transformation from "redeemable youth" to "unsalvageable adult." Faced with that prospect, youths may surrender self-restraint, accept the negative attributions of the culture that has excluded them, and seek out the companionship of others who tolerate or support continued deviation from societal norms.

Lanza-Kaduce and Radosevich (1987), Tyler (1990), and Sherman (1993), in their discussions of procedural injustice and rule violations, suggest another possible interpretation for our findings. Lanza-Kaduce and Radosevich (1987) reported that a sense of injustice about formal processing was associated with increased drug use among incarcerated juveniles. Tyler (1990, p. 63) found that adults who had contact with police or the courts and who believed they had been treated unfairly were less compliant with legal norms than those who believed they had been treated fairly. Similarly, Sherman (1993) has argued that punishments increase the likelihood of recidivism when offenders perceive that sanctioning agents are acting unjustly. He suggested that this is especially likely to occur when the offender is alienated from the sanctioning agent or the community the sanctioning agent represents. Under these conditions, the sanction provokes angry pride, which predisposes the offender to repeat the sanctioned conduct. From this perspective, an important question is whether transferred youths attribute procedural and substantive unfairness to criminal justice processing. If so, their higher rates of reoffending may be best understood in terms of anger and defiance.

Certainly, other theoretical perspectives may be employed to interpret differential effects of juvenile and adult processing. Researchers should continue to explore the connections between alternative processing strategies and their behavioral consequences. Especially helpful would be longitudinal studies focused on the experiences and reactions of young offenders in juvenile versus criminal courts, and in juvenile versus criminal correctional systems.

Appendix A: Characteristics of Transfer and Nontransfer Samples

I. Most Serious Transfer Offense by Prior Record

1987 Offense	Prior Record None	1-2	3 or More	Total
Felonies				
Manslaughter	14	0	8	22
Attempted murder	5	0	10	15
Sex battery	28	21	29	78
Aggravated battery	46	68	147	261
Armed robbery	39	39	83	161
Other sex offense	1	1	3	5
Other robbery	10	19	51	82
Arson	1	0	3	4
Burglary	112	133	369	614
Grand larceny	16	23	40	79
Auto theft	31	26	137	194
Drug, not marijuana	9	14	11	34
Escape	0	0	33	33
Forgery/uttering	37	43	100	180
Concealed firearm	5	8	14	27
Receive stolen property	2	2	7	11
Other felony	65	67	167	299
SUBTOTAL	422	464	1232	2118
Misdemeanors				
Assault	22	15	57	94
Sex offense	1	1	2	4
Trespass	16	11	27	54
Petit larceny	15	17	27	59
Retail theft	22	27	44	93
Vandalism	15	10	17	42
Loitering/prowling	6	18	40	64
Receive stolen property	0	1	0	1
Concealed weapon	5	2	4	11
Disorderly conduct	6	4	17	27
Drug, not marijuana	2	4	4	10
Marijuana	6	5	13	24
Prostitution	0	0	4	4
Alcohol possession	9	4	12	25
Traffic	3	5	5	13
Other misdemeanor	25	14	29	68
Other (ordinance violations)	2	11	14	27
SUBTOTAL	155	149	316	620
TOTAL	577	613	1,548	2,738

II. Class of Most Severe Prior Offense for Those Offenders With Prior Records of Referral

	N	Percentage
Class 1	514	23.8
Class 2	870	40.3
Class 3	32	1.5
Class 4	310	14.3
Class 5	141	6.5
Class 6	162	7.5
Class 7	52	2.4
Class 8	73	3.4
TOTAL	2161	100.0

III. Number of Counts Included in the Bill of Information

One = 86%; Two-Three = 13%; Four or more = 1%

IV. Socio-demographic Characteristics

Gender:	Male, 92%		Female, 8%	
Age at Transfer:	17, 60%	16, 25%	15, 25%	<15, 3%
Race:	Transfer Group White, 53% Nonwhite, 47%		Non-Transfer Group White, 58% Nonwhite, 42%	

NOTES

1. See, especially, *In re Gault*, 387 U.S. 1 (1967); *In re Winship*, 397 U.S. 358 (1970); and *Breed v. Jones*, 421 U.S. 519 (1975).

2. For further discussion of the interaction between increased procedural formality and the shift toward more punitive orientations, see Gardner (1987), Forst and Blomquist (1991), and Feld (1984, 1988).

3. See Feld (1993) for a detailed discussion of these changes in juvenile justice philosophy and practice.

4. The manner in which transfer decisions are made has also been the subject of research. Concerns have been raised about arbitrariness in the selection of youth for transfer, and about the role of extralegal factors in transfer decision making (Barnes and Franz 1989; Bishop et al. 1989; Bishop and Frazier 1991; Fagan et al. 1987; Fagan and Deschenes 1990; Singer 1993).

5. More than 80% of the cases were transferred through prosecutorial waiver (direct file). The balance involved judicial waivers and a small number of grand jury indictments.

6. The most severe class (Class 1) consisted of felony offenses against persons that would generally be considered felonies of the first degree. Class 2 consisted of major property felonies.

Class 3 included felony drug offenses. Class 4 included an "other felony" category, as well as concealed firearms and receiving stolen property. Class 5 included misdemeanor offenses against persons and trespass/breaking and entering. Class 6 contained multiple midrange misdemeanors (petit larceny, retail theft, loitering and prowling). Class 7 included minor drug and alcohol offenses, and offenses against public order. Class 8 included status offenses.

7. For example, if a transferred youth was sentenced to prison for some period of time and was subsequently released while his or her nontransfer match was sentenced to probation, we wanted to adjust for differences in the time each was on the street with opportunities to commit further crimes.

8. The fact that such a large proportion of transferred youths was back on the street by the end of 1988 may be surprising to some. Recall, however, that some prior research suggests that adult sanctions received by transferred youth are lenient. Of the 2,887 youths transferred for other than life or capital felonies, approximately 30% received sentences of incarceration, most for periods of 1 to 5 years. During the time period covered by the study, "good time" and "administrative gain time" provisions in Florida were exceedingly generous, largely due to pressures related to prison overcrowding. Consequently, offenders were serving on average only 30% of their sentences.

9. That is, some of the transfers took longer to reoffend because they were in jail.

10. An offense severity scale was constructed using the same categories discussed in Note 6 to classify prior offenses. Class 8 was omitted because no youths were transferred for status offenses.

11. Recall that the incarceration estimates for the transfer group are *underestimates* because we were unable to obtain information on jail time served for this group.

12. Although these are reported as rates of rearrest, tests were conducted by treating the number of days of exposure as the number of trials, and the number of rearrest dates as the number of occurrences (or "successes"). We then used a Z test to determine whether the two proportions (number of rearrest dates divided by number of days of exposure) were equal.

13. See Note 11.

14. There was some loss of data for this portion of our analyses. Of the 808 transfers who were rearrested, the nature of the first offense following the transfer was not recorded in 146 cases (12%). Among the nontransfers, data were missing on the nature of the first rearrest offense in 51 of 528 cases (10%).

15. Of course it could also be that our transfers differed from our nontransfer matches along other dimensions that we did not measure that would have predicted recidivism. Perhaps judges and prosecutors select youths for transfer based on considerations independent of offense seriousness or chronicity, such as whether youths come from homes and neighborhoods that are especially dysfunctional or unstable. But if practitioners use economic, social, and family variables to treat some juveniles more harshly than others, questions of unequal justice would be raised.

16. This does not mean that we would advocate returning to the "good ol' days" of informal juvenile justice processing to "treat" the child. One does not have to accept a treatment philosophy or some form of diversion to find a theoretical rationale for our results.

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OJJDP FACT SHEET
Shay Bilchik, Administrator
August 1999 #113

A Study of Juvenile Transfers to Criminal Court in Florida

by Donna Bishop, Charles Frazier, Lonn Lanza-Kaduce, and Henry George White

Florida's study on juvenile transfers to criminal court is one of three transfer studies funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) since 1995. The project is assessing the impact of transfer laws and practices, including the effectiveness of using transfer as a crime control strategy.

In Florida, adolescents remain under the original jurisdiction of the juvenile court until their 18th birthdays, unless they are transferred to the criminal court. If they are transferred prior to turning 18, they are treated as if they were adults for any subsequent offenses under a "once an adult, always an adult" rule.

Florida leads the Nation in juvenile transfers to criminal court. In fiscal year 1994–95, nearly 5,000 juveniles (more than 7,000 cases) were transferred to criminal court. This represents more than 10 percent of the juvenile offenders handled judicially in the State. During that same period, 8,100 juvenile offenders received residential commitments in the juvenile justice system. The number of transfers has come to rival the number of residential placement dispositions for juvenile offenders in Florida. Consequently, the State is an ideal policy laboratory in which to study questions about transfer. This Fact Sheet provides a brief overview of the four research components of the Florida transfer study.

Component One

Prior to 1994, juveniles could be transferred to criminal courts in Florida through discretionary judicial waiver, discretionary prosecutorial waiver (or direct file), and, for those charged with capital or life felonies, grand jury indictment. The direct file provisions gave prosecutors broad discretion to transfer juveniles age 16 and older and limited discretion with respect to 14- and 15-year-olds. Direct file was first introduced in Florida in 1978. After only a few years, it eclipsed judicial waiver, the transfer mechanism traditionally used in Florida and other States.

In 1994, the Florida legislature expanded both the methods by which cases are transferred and the scope of eligibility criteria. These reforms expanded discretionary direct file criteria for 14- and 15-year-olds. They also mandated direct file of certain repeat and violent offenders and established a presumptive judicial waiver for other repeat offenders. The first component of the OJJDP-funded study is exploring the impact of these changes. Using automated data from multiple sources for 1993 and 1995, researchers are assessing transfer trends, generating profiles of transferred offenders, exploring the processing of transfer cases in criminal courts, and examining sentences.

Component Two

The Florida legislature also mandated that prosecutors in each of Florida's 20 judicial circuits develop written guidelines for transfer. In the second component of the study, researchers are analyzing these guidelines to determine how the law has been interpreted and translated into local policy and to assess the variation in policy across jurisdictions. Telephone interviews with juvenile and criminal prosecutors and judges in each judicial circuit are being conducted to assess general attitudes toward transfer and specific attitudes toward the new provisions, officials' perceptions of transfer outcomes, and shifts in policy, practice, and philosophy associated with the 1994 legal reforms.

Component Three

Crime control policymaking is often based on assumptions and speculations about how offenders will react to the processing, sanctioning, and treatment programs to which they are exposed. Transfer policies are no exception. One of the rationales for transfer is the belief that processing and punishment in the criminal justice system will deter juvenile offenders more effectively than juvenile justice system responses. However, little is known about the experiences of transferred juvenile offenders in the criminal courts and corrections systems, how young offenders understand or interpret those experiences, or how juveniles' experiences in the criminal justice system affect their attitudes about crime and subsequent behavior.

The third component of the project is designed to learn about the experiences and reactions of transferred juveniles in the criminal justice system and how they compare with the experiences and

reactions of juveniles processed in the juvenile justice system. Researchers are conducting face-to-face interviews with a sample of juveniles transferred to Florida's criminal courts and sentenced to the State Department of Corrections and with a sample of delinquent youth who were retained in the juvenile courts and sentenced to the most secure and restrictive juvenile placements. The interviews focus on juveniles' perceptions of and reactions to processing in juvenile and criminal courts, pretrial detention in juvenile halls and adult jails, community-based programs in both systems, and juvenile and adult criminal correctional environments.

Component Four

Prior research on transfer has relied largely on automated data systems that provide an incomplete picture of transferred juveniles, their offenses, and their offense histories. Little is known about some potentially crucial features of offenses and offenders that may influence transfer decisions and differentiate transferred youth from those retained in the juvenile justice system (e.g., use of weapons, extent of victim injury, role of drugs and alcohol, gang involvement, legal status of the offender). Many studies indicate that transfer practices do not effectively target serious, violent, and chronic juvenile offenders, but such conclusions may be premature given the lack of information about significant case details. Similarly, although studies suggest that transferred offenders may be more likely to recidivate than "matched" offenders retained in the juvenile justice system, they have not ruled out the hypothesis that differences in recidivism are attributable to unmeasured differences across groups that are linked to the risk of reoffending.

The fourth component of this project involves collecting detailed data from police and court records in four judicial circuits. Data are being obtained for transferred juveniles and for a sample of juveniles retained in the juvenile justice system with whom they have been matched using Florida's automated data system. The records contain considerable information on characteristics of offenses, offenders, offense histories, and dispositional histories and will supplement the automated data. This component of the project will permit researchers to describe transferred juveniles in greater detail and to make more valid assessments of the extent to which they constitute serious and/or intractable offenders. It also will help determine whether transfers are equivalent to the matches generated through the automated data system and, if not, whether more valid matches can be generated using detailed case information.

Results from the first phase of the project will be available later in 1999. In the final phase of the research, to be completed in 2000, analyses of recidivism will be conducted using the more detailed offense, offender, and offense history information gathered from the case records.

For Further Information

Donna Bishop
Northeastern University
College of Criminal Justice
421 Churchill Hall
360 Huntington Avenue
Boston, MA 02115
617–373–3327
617–373–8723 (fax)
d.bishop@nunet.neu.edu (e-mail)

Charles Frazier
University of Florida
Department of Sociology
Turlington Hall
Gainesville, FL 32611
352–392–5727
352–392–5065 (fax)
frazier@soc.ufl.edu (e-mail)

Donna Bishop, Ph.D., Charles Frazier, Ph.D., Lonn Lanza-Kaduce, Ph.D., J.D., and Henry George White are principal investigators of the Florida transfer study. Mr. White is also the Executive Director, Juvenile Justice Accountability Board, Tallahassee, FL.

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Executive Summary

Research on Juvenile Transfers

- The most common method of transfer discussed in published research is the judicial waiver. The number of transfers reported in the states in which the research is done is quite small compared to the numbers of transfers reported in Florida.

- The primary method of transfer in Florida is prosecutorial waiver or direct file. This is the case because Florida prosecutors have the discretionary authority to direct file virtually any case involving a juvenile eligible for judicial waiver.

- Research indicates that the intended target populations in discretionary transfer decisions are seldom met. Research on Florida's transfer practices shows similar results.

- Studies of dispositions of juveniles waived to adult court in several states show a tendency toward the use of light sentences, especially probation. More recent research shows that juveniles waived to adult court for serious offenses are increasingly likely to receive sentences involving incarceration. Similar trends are apparent in the sentencing of transfers in Florida.

- Despite a trend toward harsher sentences, research on Florida has shown that youths direct filed to adult court are neither the most intractable juvenile offenders nor are their profiles significantly different from those of juveniles committed to deep end juvenile justice programs.

The Present Study

- 1993 data from the Office of the State Courts Administrator (the OBTS data), indicate that juveniles transferred to adult court are about equally divided between very serious capital and life felonies (21 percent), serious second degree felonies (24 percent), moderately serious third degree felonies (29 percent), and misdemeanors and ordinance violations (26 percent).

- 1993 OBTS and DHRS/CIS data show that male, non-white, and 17 year old youths are over represented among transfers.

- Juveniles transferred in 1993 (as indicated by the DHRS/CIS records) had more serious offenses and offense histories than did non-transfers.

- The OBTS data for 1993 show that of the cases that received a court disposition during the calendar year, approximately eight percent were dismissed, acquitted, or found incompetent to stand trial. Ninety two percent were found guilty. Of those found guilty, five percent were adjudicated delinquent and returned to the juvenile justice system, 23 percent received a withheld adjudication, and 72 percent were convicted as adults.

- The distribution of conviction offenses was very much like the distribution of charged offenses, except those charged with very serious offenses were more likely to be convicted of a lesser offense. While 21 percent of those charged in adult court were for capital, life or first degree felonies, sixteen percent were convicted of an offense in this category.

- The likelihood of conviction in adult court decreases with offense seriousness. All cases involving capital, life, or first degree felony charges resulted in a conviction. Seventy five percent of those involving lesser felonies and only 67 percent of those involving misdemeanors/ordinances resulted in convictions.

- Of those convicted in adult court, 65 percent were sentenced to terms of incarceration in prison or jail. Thirty seven percent received prison sentences, 28 percent received jail sentences. Of the remaining third of the offenders, 27 percent were placed on probation or community control and eight percent were given sentences involving fines or restitution.

- Most offenders sentenced to terms of incarceration received sanctions harsher than would have been available in the juvenile justice system. Sixty four percent of the incarcerated offenders were sentenced to terms longer than one year. The vast majority of this group received sentences from one to ten years.

The Effect of Transfer on Recidivism

- A matched sample of 2,738 transfers and 2,738 non-transfers were followed for up to 21 months in national arrest records.

- Juveniles transferred to adult court were more likely than non-transfers to re- offend, to re-offend earlier in their at-risk period, to commit more subsequent offenses, and to commit more serious subsequent offenses. There is no indication in these data that transfer has a deterrent effect. In fact, to the extent these matched cases are fully comparable, it would appear the range of sanctions resulting from transfer are substantially less effective than are traditional juvenile justice treatments.

The Impact of 1994 Changes in Florida's Transfer Provisions

- 1994 changes in Florida's transfer provisions appear in three areas: Presumptive judicial waivers, mandatory direct file, and permissive direct file.

- Applying the new 1994 transfer provisions to 1993 CIS data, we estimate an additional 8,640 juveniles may be transferred to adult court in 1995.

- Most of the new juvenile cases likely to enter the adult criminal justice and corrections systems will be presumptive judicial waivers. We estimate 7,710 new cases may enter the adult system as a result of this change in Florida law. Permissive direct files are estimated to account for another 780 additional transfers. Mandatory direct files will probably account for only around 150 new juvenile transfer cases.

- Whether the costs associated with processing and carrying out the sentences in these cases are recovered as reductions in the cost of juvenile justice is yet to be determined.

- Projected corrections system costs for the new cases resulting from presumptive judicial waivers will approach $28 million in the 1995. If the transferred juveniles serve 100 percent of their sentences, the total costs over the life of the sentences will be in excess of $128 million in unadjusted 1994 dollars.

- Prisons will experience the greatest cost burden from the new juvenile transfer cases. Juvenile

transfers will add almost $20 million dollars in the first year and perhaps as much as $120 million dollars in new costs by the time the sentences are fully served. County jails will also experience a substantial cost burden from juveniles sentenced to jail terms . County jail administrators will see more than $6 million dollars in additional costs in 1995 alone. Based on current sentencing practices, adult probation and community control can expect more than 1,200 new juvenile cases in 1995. The costs for these new cases will be approximately $1,500,000 per year.

Acknowledgments | Preface

Florida Corrections Commission

JUVENILE JUSTICE TRANSFER LEGISLATION IN FLORIDA: ASSESSING THE IMPACT ON THE CRIMINAL JUSTICE AND CORRECTIONAL SYSTEMS

Charles E. Frazier
Sociology Department
University of Florida

Donna M. Bishop
Center for Studies in Criminology and Law
University of Florida

Lonn Lanza-Kaduce
Center for Studies in Criminology and Law
University of Florida

Lawrence Winner
Statistics
University of Florida

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The Transfer of Juveniles to Criminal Court: Reexamining Recidivism over the Long Term

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Presents results of a long-term recidivism study in FL on matched pairs of juveniles (N = 2,700 cases), where one subject in each pair had been transferred to the adult system in 1987 & the other had not. Rearrest information on the pairs from their release from sanctions through Nov 1994 was used to determine the probabilities fo rearrest & the times to rearrest of transfers & nontransfers, adjusting for time at risk. Analysis indicates that transfer diminished the rearrest chances for property felons, though this advantage was offset by an enhanced probability of rearrest among transfers for other offense categories. Survival analysis showed that transfers were rearrested more quickly & more times on average. 4 Tables, 3 Figures, 22 References. Adapted from the source document.

The transfer of juveniles to criminal court: reexamining recidivism over the long term. Lawrence Winner, Lonn Lanza-Kaduce, Donna M. Bishop and Charles E. Frazier.
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Abstract:

A long-term recidivism study was conducted in Florida on matched pairs ofjuveniles, where one subject in each pair had been transferred to the adultsystem in 1987 and the other had not. Rearrest information on the pairs fromtheir release from sanctions through November 1994 was used to determine theprobabilities of rearrest and the times to rearrest of transfers andnontransfers, adjusting for time at risk. Transfer diminished the rearrestchances for property felons, an advantage that was offset by an enhancedprobability of rearrest among transfers for other offense categories. Survivalanalysis showed that transfers were rearrested more quickly and were rearrestedmore times on average.

INTRODUCTION

Juvenile offenders have become increasingly subject to adult standards of culpability and punishment (see Feld 1987, 1988; Szymanski 1991; Torbet, Gable, Hurst, Montgomery, Szymanski, and Thomas 1996). In recent years, 40 states have adopted or modified laws to make it easier to prosecute juveniles in criminal courts (Torbet et al. 1996). Hundreds of thousands more juveniles will be dealt with as adults as a result to these changes (see Snyder and Sickmund 1995; Torbet et al. 1996). Initial research, however, has indicated that the "reforms" may be counterproductive, at least in regard to recidivism.

Fagan (1995) conducted a cross-jurisdictional analysis of the recidivism of robbery and burglary offenders over an eight-year period. He compared 15- and 16-year-old offenders from 1981-82, who were dealt with in the juvenile courts in two northern New Jersey counties, to their counterparts in two neighboring and similar New York counties. The New York youths were tried as adults. The New Jersey "juvenile" robbers reoffended less often and more slowly than did he New York "adult" robbers. No difference in recidivism between New Jersey and New York youths was found for burglary offenders.

Bishop, Frazier, Lanza-Kaduce, and Winner (1996) reported short-term recidivism rates for the population of juvenile offenders transferred to criminal court in Florida in 1987 for a broad range of offenses and for a matched group of offenders retained in juvenile court. In a short-term analysis of rearrest (through December 1988), they reported that youths who were transferred to criminal court were more likely to reoffend than were their matches who were processed as juveniles. This pattern was observed across seven offenses categories ranging from personal felonies to minor misdemeanors. Bishop et. also found that the transfers who reoffended were arrested more quickly and at a higher frequency (adjusted for time at risk) than were the nontransfers.

The analysis in this article extended the follow-up period for the cases studied by Bishop et al. (1996) through November 15, 1994, to determine whether the short-term differences in recidivism between transferred and nontransferred youths persisted over time for all types of offenders. The nearly six additional years of tracking provided insight

into the long-term impact of differential processing on criminal careers. The research was focused narrowly on how the transfer decision affected recidivism over the long term. It did not address whether transferring juveniles to adult court altered the duration of criminal careers, affected crime specialization, or changed the age pattern of desistance.

METHODOLOGY

Case information was obtained through the Florida Department of Health and Rehabilitative Services' Client Information System (CIS). CIS contains case information on all referrals to the juvenile justice system from initial intake through final disposition. This study used data from the CIS system for all delinquency cases entering the state juvenile justice system from January 1, 1987 through December 30, 1987.

All juvenile cases that were transferred to the criminal court in 1987 (N = 3,142) were identified. Individual case histories were constructed from information contained on prior referrals in the CIS data. For the long-term analyses, matches for 2,700 of the transferred cases were obtained from cases disposed of in the juvenile justice system.(1)

The matching of nontransfer cases with transfer cases was done on each of the following variables:

1. the most serious offense for which the transfer was made using the 45

offense categories included in the CIS data (for subsequent statistical

analyses, these 45 categories were grouped into the 7 offense classes listed in Table 1);

2. the number of counts included in the bill of information (coded 1,

2-3, or 4 or more);

3. the number of prior referrals to the juvenile system (coded 0, 1-2, or

3 or more);

4. the most serious prior offense (coded 1 = no prior referral, 2 =

prior status offense, 3 = less serious misdemeanors not categorized as personal,

property, or substance use offenses, 4 = middle-range misdemeanors including those

involving drug/alcohol use, 5 = most serious misdemeanors including those

involving property and personal offenses, 6 = felonies not categorized as

involving drug, property, or personal crimes, 7 = drug felonies, 8 =

property felonies, or 9 = personal felonies);

5. age (coded in years);

6. gender (coded male or female); and

7. race (coded White or non-White).

Marches were obtained through a sequential method in which each matching variable was added in the order just listed. Matches were successful for the first six variables.

Race was the last variable in the matching sequence and the hardest one on which to match. Only two thirds of White transfers could be matched with White nontransfers, and only about half of non-White transfers could be matched with non-White nontransfers. When the race criterion was relaxed, 92% of the cases were matched.

The analysis focused on several aspects of recidivism, the first of which was the probability of any rearrest during the follow-up period (an indicator of the prevalence of recidivism). The second focus was on the time (in days) to first rearrest, which we treated as a failure time in statistical survival analysis (Kalbfleisch and Prentice 1980). then, for the recidivists, the time to rearrest was reexamined and the incidence or frequency of rearrest was analyzed. Rearrest records were obtained from Florida Department of Law Enforcement data on arrests through November 15, 1994.(2)

Time-at-risk adjustments were made for time served in state adult and juvenile correctional facilities. Data were obtained from the Florida Department of Corrections (DOC) that indicated entry and release dates for transferred youths who spent time in state adult facilities. Data obtained from the DOC came in two disjointed segments, one with entry dates on or before December 31, 1988 and the other with entry dates on or after January 1, 1989. Information on release dates for those serving time on December 31, 1988 was not included, so 24 of the pairs with a subject in prison on that date were dropped from the analysis.

Information on country jail times served by transferred youths was unavailable. (Juveniles who were retained in the juvenile system could not be sentenced to jails.) For purposes of analyzing time at risk, we assumed that any youth not sentenced to a state facility was at risk immediately on disposition, which no doubt overestimated the actual time at risk for some transfers. That is, the average time to rearrest might have been shorter among transferred youths if information on jail time had been available. Thus, transfers were advantaged in time-to-rearrest comparisons to nontransfers.

It also was important to adjust for time at risk among nontransfers. the CIS data contained information on whether juveniles were sentenced to residential or institutional programs, but the CIS data did not include dates of entry or release, nor did they indicate the specific facilities or programs to which each youth was committed. Therefore, the average time served across all facilities was used to adjust for time at risk. Based on information supplied by Florida's Department of Juvenile Justice, the estimated average time was set at three months.

RESULTS

Probability of Rearrest

Among the 2,700 transfers in 1987, 1,128 (42%) were rearrested before November 15, 1994, whereas the number of matched nontransfers who were rearrested during that period was 1,163 (43%). This was a marked change from the 30% and 19% recidivism rates reported for the respective groups in the short-term analysis (Bishop et al. 1996). Over the long run, the probability of rearrest for the nontransferred juveniles caught up with (and very slightly surpassed) that for the transferred youths with which they were matched. According to McNemar's test (see Agresti 1990), however, the overall difference in probability of rearrest for the two study groups was not significant ($Z = .97$, $p = .332$) (see Table 1). In other words, in the aggregate, transfers were as likely to be rearrested as were their matches who were not transferred.

When the probabilities of rearrest were broken down by broad felony versus misdemeanor offense classifications, some differences between the groups emerged (see Table 1). Some of the results parallel those of the earlier short-term analysis (see Bishop et al. 1996). The probability of rearrest remained greater over the long term for those transferred for misdemeanors in 1987 than for their nontransferred matches (Z = -

2.79, p. = .005), but the probability of rearrest for those transferred in 1987 for felony charges reversed direction. By 1994, the nontransfer matches were more likely to have been rearrested than were the transfers (Z = 2.53, p = .011).

The offenses distinction was further broken down by degree of felony and misdemeanors (represented by seven offense classes). the enhanced probability of rearrest over the long term for nontransferred felons was due completely to cases in Class 2, those prosecuted for felony property offenses (see Table 1). This was the only offense class for which nontransfer matches were more likely than their transferred counterparts to be rearrested (Z = 5.47, p [is less than] .001). For Classes 3 to 7, the transfers were rearrested more often, a result consistent with the earlier short-term analysis. For Class 1, the personal felonies, there was no difference in the probability of rearrest between the transfer and nontransfer groups.

[TABULAR DATA 1 NOT REPRODUCIBLE IN ASCII]

These results raised the possibility of an offense-specific difference in recidivism between transfers and nontransfers. Because of the imprecision in matching on race, we also examined whether racial differences between transfers and their matches complicated the analyses.

We conducted a multivariate analysis by estimating a logistic regression model in which rearrest was regressed simultaneously on the transfer/ nontransfer status of the case and a series of dummy variables operationalizing the matching criteria. The coding categories were male versus female; White versus non-White; less than 14 years of age, 14-15 years of age, and 16 years versus 17 years of age; number of referrals prior to the 1987 offense (0 and 1-2) versus 3 or more referrals; the most severe charge level for prior referrals (see the nine categories in the matching procedure described previously); the number of charges involved in the 1987 case (1 and 2-3) versus 4 or more charges; and the most severe level of the 1987 charge from the seven offense classes described in Table 1. Nontransfer status, females, non-Whites 17-year-olds, a personal felony being the most severe prior offense, 4 or more counts in 1987, and Class 7 offense severity in 1987 (less severe misdemeanor) served as the reference categories. We constructed interaction terms between race and each of the 1987 charge levels and between transfer/ nontransfer and the 1987 charge levels. These interaction terms also were include in the logistic regression model.

This multivariate approach had several advantages. First, it isolated the effects of transfer on recidivism while controlling for other variables. Second, it showed whether transfer interacted with specific offenses to predict recidivism. Third, it showed whether race interacted with specific offenses to predict recidivism, an issue that may be important because of the imprecision on race in our matching procedure. Finally, it indicated which of the matching variables had a direct effect on recidivism, something that we did not examine in the short-term analysis.

Parameter estimates and their associated standard errors. Wald chi-square computations (and probabilities), standardized estimates, and odds ratios were computed (SAS Institute, Inc. 1992). Table 2 identifies the regression terms that were statistically significant at the .05 level. The effect of transfer status on the probability of rearrest was weak (Wald chi-square = 4.378, p = .036, standard estimate = .128) when other variables were controlled. Its direction indicated that the net effect of transfer was to increase recidivism in the long term, a finding that was consistent with the short-term analysis (Bishop et al. 1996).

[TABULAR DATA 2 NOT REPRODUCIBLE IN ASCII]

This result seemed to contradict the absolute numbers, which showed that a few more nontransfer matches actually were rearrested than were transfers. The absolute

numbers, however, were derived from an analysis that did not control for other influences on recidivism.

One of those other influences that was particularly strong had to do with Class 2 offenses (property felonies). The Class 2 offense category had two effects. Having committed a crime in this property felony class independently increased the rearrest probability (Wald chi-square = 16.533, p [is less than] .001, standard estimate = .258), and it interacted with transfer to reduce rearrest (Wald chi-square = 17.658, p [is less than] .001, standard estimate = -.210). In other words, property felons were more likely to be rearrested (a finding reported by others, for example, Gottfredson and Gottfredson 1988; Beck and Shipley 1989; Visher 1995) after controlling for other factors, but that tendency was counteracted when property felons were transferred to adult court (once again, after controlling for other factors). The class of felony property offenses was the only one that interacted with the transfer/nontransfer status of the case.

Belonging to two other offense classes, Class 3 (drug felonies) and Class 4 (felonies not classified as personal, property, or drug offenses), increased the probability of rearrest (standard estimates = .106 and .102, respectively).(3) However, neither interacted with transfer to predict recidivism.

The imprecision in matching on race did not affect our conclusions. The direct effect of race on the probability of rearrest was not significant (Wald chi-square = 1.342, p = .247) after controlling for other variables.(4) Podkopacz and Feld (1995) recently reported the same result in Minnesota over a two-year follow-up period. Moreover, race did not interact with property felonies, those Class 2 offenses for which transfer ameliorated rather than aggravated recidivism.

Race did interact with Class 3 offenses (drug felonies) to influence recidivism in 1987 (Wald chi-square = 5.398, p = .020), but the effect was weak (standard estimate = 0.065). White drug felons who were transferred were slightly less likely than White nontransferred youths to be rearrested, but non-White drug felons who were transferred were more likely to be rearrested than were their non-White counterparts who were not transferred.

The remaining significant effects from the logistic analysis did not address the differential impact of transfer on recidivism, but they did allay concerns about whether our study group was atypical. As expected, males were more likely to be rearrested than were females (odds ratio = 1.65), 16-year-olds were more likely to reoffend than were 17-year-olds 9odds ratio = 1.38),and those with three or more priors were more likely to reoffend that were those with fewer prior referrals (odds ratio = 0.48 for no priors and 0.66 for 1 or priors).

Time to Rearrest

We also obtained estimated survival functions of the time to rearrest for the transfers and nontransfers based on the Kaplan-Meier estimates (Kalbfleisch and Prentice 1980). The estimated curves were obtained using SASVersion 6.07 (SAS Institute, Inc. 1990). Furthermore, we conducted the log-rank test (Kalbfleisch and Prentice 1980) to assess whether the underlying survival functions were statistically different for transfers and nontransfers. This was done on the total population of cases and with the subpopulations of cases for each level of severity of the 1987 offense that entered the subject into the study. To determine which population (or subpopulation) was rearrested earlier after release, we observed the O-E (Observed-expected) values for the transfer group. Positive values indicated shorter times to rearrest for transfers than for nontransfers.

Among all pairs for all offenses, the two survival functions differed somewhat according to the log-rank (p=.058) (see Table 3). The positive O-E value indicated that transfers tended to be rearrested more quickly than nontransfers. The survival functions based on

the Kaplan-Meier estimates were plotted (see Figure 1). The function for the transfers descended more rapidly, but the nontransfer curve eventually caught up and interested with the transfer function about 1,500 days into release. Transfers who reoffended did so quickly, whereas their matches slower to reoffend.

[FIGURE 1 GRAPH OMITTED]

TABLE 3: Results of Log-Rank Test For Differences in Time to Rearrest

(distributions for all pairs of subjects)

Offense Group	(O-E)T	Chi-Square	p Value	Number of Pairs
All offenses	45.26	3.59	.058	2,700
Misdemeanors	32.48	9.88	.002	609
Felonies	15.18	0.50	.481	2,091
Class 7	12.36	4.61	.032	193
Class 6	14.37	4.62	.032	265
Class 5	5.86	1.19	.276	151
Class 4	23.38	6.63	.010	379
Class 3	18.92	6.75	.009	217
Class 2	-47.46	11.73	.001	886
Class 1	20.53	3.12	.077	609

NOTE: Offense classes are ordered from the less serious misdemeanors (Class 7) to middle-range misdemeanors involving offenses such as drug or alcohol use (Class 6), to more serious property or personal misdemeanors (Class 5), to felonies other than those involving drug, property, or personal offenses (Class 4), to drug felonies (Class 3), to property felonies (Class 2), to personal felonies (Class 1).

The time-to-rearrest analysis also was broken out by type of offense charged in 1987 (see Table 3). The two plotted survival functions were not significantly different ($p = .481$) for those charged with felonies (see Figure 2). The rate of decline (the speed of rearrest) was sharp for the transfers until it began to level off about 500 days after release (or after the period covered by the short-term analysis in Bishop et al. [1996]). The decline for nontransfers was more gradual, but the plot intersected with that for the nontransfers about 1,250 days after release.

[FIGURE 2 GRAPH OMITTED]

Among the subjects charged with misdemeanors, the two survival functions were significantly different ($p = .002$) (see Table 3). The transferred subjects tended to be rearrested more quickly than the nontransferred subjects throughout the long follow-up period. The plotted function for the nontransfers never intersected with that for the transfers (see Figure 3).

[FIGURE 3 GRAPH OMITTED]

The log-rank tests of the more refined offense classes (see Table 3) once again showed differences for those who committed Class 2 offenses (property felonies) in 1987. The negative O-E statistic indicated that transfers were rearrested less quickly only for this offense class (chi-square = 11.73, p = .001). For all other classes, transfers were rearrested more quickly over the entire follow-up period.(5) The negative O-E value for property felons probably reflected the fact that a larger percentage of them as compared to the nontransfers were not rearrested through November 1994, the end of the follow-up period.

Timing and Number of Rearrests Among Reoffenders

For the subset of subjects who were rearrested, we computed the means and standard deviations for the time (in days) to rearrest and the number of rearrests. We compared transfers to nontransfers for all cases and for cases broken out by the severity of their 1987 offenses (see Table 4). When only the reoffenders were examined, the average number of rearrests was higher for transfers than for nontransfers, and the average time to rearrest was shorter. This pattern held for all offenses aggregated, for the breakdown between misdemeanors and felonies, and across all seven offense classes. The results paralleled those found in the short-term analysis (Bishop et al. 1996).

[TABULAR DATA 4 NOT REPRODUCIBLE IN ASCII]

DISCUSSION

This study compared the long-term recidivism of Florida juveniles who were transferred to adult court in 1987 to a matched sample of nontransferred delinquents. Consistent with results reported earlier for a one-year follow-up period (Bishop et al. 1996), transferred youths reoffended more quickly than did their nontransferred counterparts. However, by examining rearrest data through November 1994, the present analysis showed that the nontransfers eventually caught up with the transfers in terms of the prevalence of rearrest. Further analysis indicated that this was due to the impact of transfer on cases for one type of offense: property felonies. Transfer seemed to reduce recidivism for property felons; more transferred property felons avoided rearrest on release than was true for their nontransferred counterparts. Once the effect of offense type was controlled, the logistic regression analysis indicated that transfer led to more recidivism. Moreover, the transferred youths who subsequently reoffended were rearrested more times and more quickly than were the nontransferred youths who reoffended regardless of the offenses for which they were prosecuted in 1987. Although property felons who were transferred may have been less likely to reoffend, when they did reoffend they reoffended more often and more quickly.

The general conclusion drawn in the earlier short-term recidivism study was substantially confirmed over the long run: Transfer was more likely to aggravate recidivism than to stem it. Several theoretical implications of this general conclusion were discussed previously (see Bishop et al. 1996) but bear repeating.

Although we would be the first to recommend replication of our research

with better matches and controls and in other jurisdictions, ... there may be

no way to "explain away" the results. Transfer to criminal court may indeed

increase the likelihood of recidivism.... Certainly, the original "Child

Savers" would not be surprised by our results. Proponents of the labeling

and social reaction perspectives have warned about the negative consequences

of criminal sanctions for children.... Braithwaite's (1989) theory of

reintegrative shaming cautions about the adverse impact of sanctions that

reject and exclude, and the implications these have for future

offending.... Lanza-Kaduce and Radosevich (1987), Tyler (1990), and Sherman (1993), in

their discussions of procedural injustice and rule violations, suggest

another possible interpretation for our findings.... An important question

is whether transferred youths attribute procedural and substantive unfairness

to criminal justice processing. If so, their higher rates of reoffending may

be best understood in terms ofanger and defiance. (pp. 184-85)

The theoretical complication that was added by our long-term analyses concerns property felons. Why did transfer reduce the probability of rearrest only for them? Why did transfer not also reduce the number of times they reoffended? We know of not theory that would predict offense-specific effects for transfer or that would specify why only some of the impact was salutary. In fact, the label "property felon" is a loose one that provides few distinctions to help make theoretical sense of our findings.

Prior research does not shed light on the issue either. In general, juveniles are even less likely to specialize in a class of crimes than are adults, and the type of prior offense in the juvenile arrest record is not very helpful in predicting the next arrest charge (for a recent review, see Visher 1995). We note that Fagan (1995) found that transfer affected burglars differently than it did robbers (although he did not find it to have the salutary effect for burglars that we found for property felons). Our findings of a higher prevalence of recidivism for transfers except for those transferred for property offenses, of a quicker time to rearrest for transfers generally, and of a higher frequency of rearrest among those transfers who reoffended suggest avenues for future research. Formal interventions may have differential impacts on the patterns of offending during a criminal career, and these may vary by the type of offender and/or the type of intervention. Future research needs to examine whether and how the transfer decision alters escalation or specialization of offenses over criminal careers. Because of the debate over the invariance or mutability of the relationship between age and crime (cf. Blumstein,, Cohen, and Farrington 1988; Gottfredson and Hirschi 1988), the impact of the timing of the intervention also is important to assess. For example, Smith and Gartin (1989) reported that the timing of juvenile arrests affects the likelihood of desistance. Perhaps the timing of transfer either alters the criminal career directly or interacts with offender or sanction differences to change the patterns of offending.

While we try to reach a more complete understanding of how transfer affects offenders, the message to policy makers is clear: The transfer of juveniles to adult jurisdiction may be no panacea. The baffling long-term effects of transfer often will be counterproductive.

NOTES

(1.) Matches were made for 92% of the cases. Matched pairs were lost for several reasons. No timely date of closure had been recorded for the transfer case or its match in 59 pairs. The records showed that in 87 of the pairs, either the nontransferred subject served prison time before rearrest or the transferred subject had served two prison terms before rearrest; this indicated some problem in record keeping. Insufficient information was recorded about the 1987 offense for one of the subjects in 2 pairs. The length of the

prison term for 24 transfers who were in prison as of December 31, 1988 could not be retrieved because of a break in the prison records. In addition, 15 pairs were eliminated when the transferred individual was cross-checked against identifiers that indicated he had been matched previously.

(2.) During much of this time, provisions of Florida law required fingerprinting for all juveniles who were taken into custody on probable cause that a law violation (including citations, misdemeanors, or felonies) had taken place.

(3.) The only prior offense code that predicted rearrest was drug felony. If a drug felony was the most serious prior offense, then rearrest was less likely (standard estimate = -.069).

(4.) The need for statistical controls became apparent in the course of exploring whether the mismatches on race created any problems. When the bivariate relationship between transfer status and recidivism was examined for only same-race pairs, it appeared that non-Whites in both transfer and nontransfer conditions were much more likely to reoffend than were Whites. Further elaborations suggested important differences between White pairs and non-White pairs. For example, among the pairs in the largest single offense category, those who in 1987 had committed Class 2 offenses (property felonies), more than 70% of the matched non-White pairs had three or more prior offenses, whereas more than 50% of the White pairs had fewer than three prior offenses. What appeared to be a race effect was driven by prior record. The multivariate logistic regression technique had the advantage of controlling for many predictors of recidivism simultaneously.

(5.) Because nearly 60% of the subjects in both the transfer and nontransfer groups were not rearrested, the survival functions were truncated for many pairs. To make sure that this truncation or censoring did not affect our conclusions, we reran the time-to- rearrest analyses on only those pairs in which both the transfer case and its match were rearrested before November 15, 1994. The log-rank tests for the analyses on this subset showed that transfers were arrested significantly more quickly than nontransfers overall for felonies, for misdemeanors, and for five of the seven offense classes. For two classes of misdemeanors (Classes 6 and 7), the differences between transfers and nontransfers in time to rearrest were not significant.

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