

GEORGIA SENATE BILL 440: AN EXAMINATION OF DETERMINING FACTORS OF
YOUTH WHO ARE WAIVED TO SUPERIOR COURT AND THE EFFECTIVNESS OF
JUVENILE WAIVERS AS A DETERRENT TO RECIDIVISM

by

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(Under the Direction of Edwin A. Risler)

ABSTRACT

In response to the increasing number of violent crimes committed by youth, states began to pass laws that charged youth who committed such heinous acts as adults. Georgia was not an exception, The Juvenile Justice Reform Act, also known as Georgia Senate Bill 440, was passed into law in 1994. This law stated, in part that youth ages 13-17 who commit one of the following seven offenses murder; voluntary manslaughter; rape; aggravated sexual battery; aggravated child molestation; and robbery, if committed with a firearm would be charged as an adult. This study examined the possible contributing factors (i.e., race, academic achievement, geographic residence and income) of youth being waived to superior court and charged as adults in the State of Georgia. Secondary data were utilized with an N= 5819 from the Georgia Department of Juvenile Justice. Also recidivism rates were compared between youth who received waivers and those who were processed in juvenile court. Results indicated that race and geographic residence were variables that indicated the likelihood of a youth being waived to Superior Court. When recidivism rates were analyzed the results indicated that those youth who were waived to

Superior Court were less likely to recidivate when compared to youth who were processed in Juvenile Court.

INDEX WORDS: Waivers, Geographic Residence, Recidivism, Race, Violent Crimes

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DEDICATION

First, I would like to thank the Almighty for providing me with the strength and endurance to complete this document. This document is dedicated to the memory of my grandmother, Marie M. Porter, and my father Leon Banks, Sr., who provided me with the inspiration and encouragement to complete this journey. To my wife, Suzanne, whose love, support, and confidence through the years has helped me through every tough time. To my son Will, whose smiles and unconditional love always seem to cheer me up. To my best friend Dan, thank you for always listening. Finally to my mother Rosemary Banks, who always encouraged me to dream and never allowed me to give up on myself.

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CHAPTER 1

INTRODUCTION

Overview of the Problem

In response to the increasing number of violent crimes committed by youth, states began to pass laws that charged youth who committed such heinous acts as adults. Serious violent crime “includes incidents involving rape and other sexual assaults, robbery, and aggravated assault” (*Statistical Briefing Book: Juveniles as Offenders*, “Other Violent Crime” section, para. under graph). Fedaei–Tehrani (1990) found that, from 1960-1979, the number of arrests for serious violent crimes doubled for those individuals eighteen years and older however, the number of arrests of youth under the age of eighteen had quadrupled. For example, 45% of burglaries, larceny, and vehicle thefts were committed by youth under the age of eighteen. The Office of Juvenile Justice and Prevention (2004) reported that, from 1989-1998, serious violent crimes among juveniles increased by 15%. The Office of Juvenile Justice Prevention also reported that in 2004 there were 269 arrests for violent crimes for every 100,000 youth between the ages of 10-17 (retrieved May 12, 2006 from http://ojjp.ncjrs.org/ojastabb/crime/JAR_Display.asp?ID=qa05201). DeMatteo and Marczyk (as cited in Helburn, Goldstein, & Redding, 2005) reported that:

1. Juveniles accounted for 17% of all arrests and 16% of all serious violent crime arrests, which included 9% of murder arrests, 14 % of aggravated assault arrests, 16% of forcible rape arrests, and 19% of sex offenses.

2. From 1989-1994, the arrest of juveniles who committed violent crimes increased by 62%. However, after 1994, the juvenile arrest rates for violent crimes began to decline, and by 1997, these rates reached their lowest in 10 years.
3. Of the 2.4 million juveniles arrested in 2000 approximately 100,000 were arrested for serious violent crimes.

In the state of Georgia, the number of juveniles arrested for murder increased 49% from 1989 to 1993(Risler, Sweatman, & Nackerud, 1998). State of Georgia statistics also show that, from 1984-1994, youth accounted for 10% of murder arrests, 14% of forcible rape arrests, and 13% of aggravated assault arrests during the years 1984-1994 (Risler et al, 1998). National and state crime statistics such as these have: (a) challenged social scientists to address the treatment of juveniles in criminal court; (b) sparked debate among sociologists, social workers, criminologists, and politicians regarding whether treatment or punishment is the appropriate response to juvenile crime; (c) motivated researchers to raise questions about factors that are associated with juvenile offenders who are charged as adults; and (d) prompted the juvenile and criminal justice systems to reexamine their stance on juvenile crime.

In Georgia, efforts to curb the rise in serious violent crime among juveniles prompted the passing of the Juvenile Justice Reform Act in 1994, also known as the Georgia Senate Bill 440 (S.440, 1994) This bill specified, in part, that youth ages 13-17 who commit any of the following seven offenses will be charged as an adult: murder; voluntary manslaughter; rape; aggravated sexual battery; aggravated child molestation; aggravated sodomy; or robbery, if committed with a firearm. The trend of waiving juvenile offenders to adult criminal court has become a national response to juvenile crime in that most of the fifty states have passed laws similar to the Georgia Juvenile Justice Reform Act/Georgia Senate Bill 440 (S.440, 1994)

To begin to understand the waiver system, the different ways in which a youth could be tried as an adult must first be clearly delineated. There are four main types of waivers: discretionary, presumption, mandatory and prosecution waiver. The discretionary waiver allows judges to waive jurisdiction over individual cases involving minors to adult court (Mears, 2003). For example if a youth commits a violent crime the judge could review other mitigating factors such as the youth cognitive functioning, or the circumstances surrounding the crime. The presumption waiver designates a category of cases involving juveniles in which transfers to superior court are appropriate. Mears (2003) outlines another important aspect of the presumptive waivers by stating the following: “Presumptive judicial waivers anticipate that cases will be judicially waived unless a compelling argument can be presented to why they should not” (p. 158). For example if a youth is charged with murder the presumption is that the case will be waived. But if representatives for that youth can persuade the court that other mitigating factors (i.e. self defense or cognitive delays) were contributing factors then the case could be heard in juvenile court. The third type of waiver is the mandatory waiver which allows juvenile courts to waive case under certain conditions (Klug, 2001). For example Georgia is mandatory waiver state in which a juvenile commits one of a series of identified crimes then the case is automatically waived to superior court (Klug, 2001). It should be noted that Georgia is also a discretionary waiver state. The last type of waiver is the prosecution waiver, where the discretion to waive a juvenile to superior court is held by the District Attorney (Klug, 2001). Typically with this type of waiver the District Attorney reviews the case and makes a determination to try the case in either juvenile or superior court. It should be mentioned at this point that in some instances states have decided to utilize the classification of “Once an adult always an adult” when deciding on the appropriate setting to hear a youth’s case. This means that

once a child has been tried as an adult that in all subsequent cases involving that juvenile will be addressed in criminal court (Klug, 2001).

There are many factors that can determine when and how each of these waivers are implemented, which include the type of offense, the youth's prior record and the minimum age criteria (Mears, 2003). Most states do adhere to one or more of the different waiver options. Mears (2003) points out that in 1997, 46 states had discretionary judicial waivers, 14 had mandatory judicial waivers, 15 had presumptive judicial waivers, 15 adhered to the prosecution discretion waiver and 31 states had once an adult always an adult provision.

With the passing of the new juvenile justice Detention and Prevention Act, federal policy appears to be changing, but the long term affects of new policy for youth who come from poor families will have to be evaluated over a long period of time to determine its effectiveness. Further policy analysis has shown that Congress has enacted legislation through the appropriation process, which requires that states consider changing their current laws to make the transfer of juveniles to adult court easier (Finley & Schindler, 1999). Congress has expressed considerable interest in amending the federal statutes governing the prosecution of juveniles and has proposed a number of bills that would result in significant changes to the existing juvenile provisions, including a potential increase in the number of juvenile proceedings (Adair and Cunningham, 1999). During 1999, in response to such incidents as the Columbine High School shootings, Congress proposed the passing of two bills: the Violent and Repeat Juvenile Offender and Rehabilitation Act of 1999, and the Consequences for Juvenile Offenders Act of 1999 (Adair & Cunningham, 1999). These two bills will allow the federal government to play a larger role in the prosecution and punishment of youth who have been charged with adult crimes. In 1997, the House of Representatives offered financial incentives to states if they changed their laws to

prosecute juveniles who commit violent crimes (Gray, 1997). Recent statistics have shown that the rate of juvenile violent crime has decreased, but more than forty states have passed policies for increased prosecution of juveniles in adult court (Finley & Schindler, 1999). States have accepted the mandate given to them by the federal court by: 1) increasing the number of offenses for which juveniles can be transferred to adult court after a judicial hearing; 2) lowering the age at which juveniles can be transferred; 3) designating certain offenses for which juveniles are automatically prosecuted in adult court; 4) establishing that for some offenses there is a presumption that the juvenile should be prosecuted in adult court, but the juvenile can try to prove that he is amenable to treatment, and get waived into juvenile court; and 5) giving prosecutors the authority to decide in individual cases whether young people should be charged in juvenile court or adult court (Finley & Schindler, 1999). These policies directly affect youth from poor families because youth from socially and economically depressed environments are being disproportionately arrested for crimes much more so than youth from economically thriving environments (Woodhouse, 2004). The next section will address the history of the criminal waiver system in the United States and the paradigm shifts on the treatment of juvenile offenders from the earlier 1800's to the present.

History of the Problem

In the early 1800's, several prominent males from across the country instituted a form of social control by creating insane asylums, penitentiaries, almshouses, and reform schools to provide youth with the habits necessary to function as law-abiding citizens in a capitalistic society (Mennel, 1982). During this time, the courts began to criminalize behaviors that were associated with normal development and, as a result, many youth were sent to reformatories for behaviors such as not listening to parents. Many children from poor families were placed in

reform schools or houses of refuge when they were convicted of a criminal act (Mennel, 1982). The wayward-child laws embodied the reformers' assumption, readily embraced by state appellate courts, that children who engaged in troublesome behavior would inevitably graduate to a life of crime if not restrained. Thus, to meet this threat, the state had a duty to take in hand young people who manifested the warning signs of predicted criminality (Garlock, 1979).

In principle, the reform schools of the 1800s and early 1900s were designed to correct, educate, and socialize deviant youth; in practice, however, they were institutions delegated for free labor (Pisciotta, 1983). Additionally, during this time, the differential treatment of young offenders based on race and class began to emerge (Pisciotta, 1983). For example, Shelden (1974) found that in Memphis, Tennessee, between the years of 1900-1917, a majority of working class and poor African-American youth were waived to criminal court while their white counterparts learned of their punishment in juvenile court. Also, Pisciotta suggested that African Americans were often given apprenticeships in reform schools that required manual labor, while their white counterparts were given apprenticeships that taught them a marketable skill. These practices were designed to create a perpetual group of marginalized people who would perform laborious tasks that others would not do (Pisciotta, 1983).

Due to these practices and to the many atrocities that often occurred in reform schools such as physical, emotional and sexual abuse there was a public outcry for more institutional regulations (Mennel, 1982). This led to the formation of the first juvenile court in 1899 in Illinois and to the courts becoming more committed to *parens patriae* (i.e., "the State as the parent") (Mennel, 1982). The premise of this doctrine was to provide protection for children whose parents could not provide adequate supervision for them, such as in the case of juvenile delinquency. Mennel (1982) stated that the court's main purpose was to reform children without

reform school or jail. Risler, Sweatman, and Nackerud (1998) supported this point when they stated that, historically, judges were more inclined to provide treatment options instead of punitive ones. Tanenhaus and Drizin (1998) cited the Honorable Judge Richard S. Tuthill who presided over the first juvenile court in July 1899 concerning the fundamental principal of juvenile court: “That no child under 16 years of age shall be considered or be treated as a criminal; that a child under that age shall not be arrested, indicted, convicted, imprisoned, or punished as a criminal” (p. 642). Furthermore, Judge Tuthill stated:

It of course recognizes the fact that such children may do acts which in an older person would be crimes and be properly punishable by the State therefore, but it provides that a child under the above age shall not be branded in the opening years of its life with an indelible stain of criminality, or be brought, even temporarily, into the companionship of men and women whose lives are low, vicious, and criminal. (Tanenhaus & Drizin, 1998, p. 646).

This proclamation established the mission of the juvenile court in the early days of its existence (Tanenhaus and Drizin ,1998). Platt (2002) asserted that establishment of the juvenile court allowed states to treat juveniles as a separate class of offender and that the states had the power not only to intervene when youth commit criminal acts, but also when they showed signs of a reckless lifestyle with acts such as truancy and promiscuity. Furthermore, Platt argued that the establishment of the juvenile court was based on class bias because it was directed at rehabilitating lower-class youth and reaffirming middle-class values. Lilly, Cullen, and Ball (2002), as well as Platt, believed that, unfortunately, the juvenile court movement did not address the structural roots of poverty in America.

Theoretically, the purpose of the juvenile courts has not always been demonstrated in practice. Tanenhaus and Drizin (1998) stated that in the early twentieth century the juvenile court entered into an informal agreement with the state court in which some serious and violent offenders were tried by the state prosecutors. By the early 1920s the courts began to see the transferring of some juvenile offenders to adult criminal court, as a viable option. The juvenile court judges rationalized their decisions by stating that their decision to actively transfer some cases is a means of protecting younger children housed in reform schools. In 1919 the Honorable Judge Merritt Pickney explained the position of the juvenile courts regarding transferring juvenile offenders:

A child, a boy especially, sometimes becomes so thoroughly vicious and is so repeatedly an offender that it would not be fair to the other children in a delinquent institution who have not arrived at his age of depravity and delinquency to have to associate with him.

On very rare and special occasions, therefore, children are held over on a mittimus of the criminal court (Tanenhaus & Drizin, 1998 p.648)

Even though there were some critics of the effectiveness of the juvenile court system and some of its agencies, no one criticized the court's compassionate intent (Menuel, 1982).

However, as a number of youth began committing more serious crimes, policy makers and the public felt the need to abandon the *parens patriae* doctrine in favor of a more punitive one. That is, they believed that providing harsher sentences and limiting treatment options was the answer to juvenile delinquency. This change in philosophy continued into the 1960s when the paradigm shifted back to more a treatment-oriented focus (Menuel, 1982).

During the 1960s, President Lyndon Johnson's war on poverty was a major effort to demonstrate that treatment, rather than punishment, was the way to stop juvenile delinquency

(Ferdinand, 1991). However, research on various initiatives during this era showed that treatment did not work on youth who committed delinquent acts. It should be noted that most of the programs implemented during this time were in impoverished neighborhoods which, in some cases, did not provide the offending youth with viable options to delinquency. Also, the concept of states being responsible for the rehabilitation of youth was a relatively new idea. The apparent failure of treatment is important to note because the belief of the policy makers and the public was that if the juvenile court could not act as an effective parent to offending youth by offering effective treatment alternatives, then it could, at least, begin to provide punishment to youth who offend. This lack of faith in treatment was the beginning of another paradigm shift within the juvenile justice system (Ferdinand, 1991).

The Federal Bureau of Investigation's 1960 Uniform Crime Report statistic revealed that arrests of persons under 18 had more than doubled since 1950, yet, at the same time the youth population ages 10-17 increased by less than one-half (Decker, 1984). Raymer (as cited in Decker, 1984) revealed that from 1959 to 1960 there were increases in serious crimes committed by juveniles, that is: (a) a 2.6 % increase in the areas of murder and non-negligent manslaughter; (b) a 45.5% increase in manslaughter by negligence; (c) a 24.6% increase in robbery; and (d) an 11.6 % increase in aggravated assault. Due to crime spreading to both rural and urban middle class neighborhoods, the public became more fearful and demanded a more intense response from the federal government in the area of juvenile delinquency prevention and control. Also, the public outrage to juvenile crime prompted the passing of the Juvenile Delinquency and Youth Offenses Act of 1961. This legislation was the first federal law aimed at controlling and preventing delinquency and provided the framework for future federal juvenile justice policy (Raymer as cited in Decker, 1984).

In the late 1980s and early 1990s, the number of homicides committed by juveniles increased. This led Duilo and Fox (cited in Tanenhaus & Drizin, 2003) to predict there would be a growing number of youth who would be remorseless and morally delinquent. Their predictions were based on two factors: (a) projected increases in the nation's youth population and (b) the concern that juvenile courts could not address the increasingly violent behavior of this "new breed" of youth, the "super-predators" (Tanenhaus & Drazin, 1994). The assumptions made by Duilo and Fox (cited in Tanenhaus & Drizin, 2003) inspired state and local prosecutors and crime conservatives to adopt this new super-predator theory. Those who supported this premise believed that juvenile courts were archaic and were never intended to handle violent and serious youth offenders. It was during this time that state legislators began to listen to those who supported the revamping of the juvenile justice system and, thus, the beginning of tougher legislation that made it easier to prosecute juveniles as adults (Tanhaus & Drazin, 1994). The next section will discuss two relevant court cases and their impact on current policy as it relates to juveniles being waived to adult court.

Relevant Court Cases

Two court cases highlight some of the problems involving juvenile offenders.

Gault v. United States. In 1967 Gerald Gault, a 15year old citizen of Arizona, made several lewd telephone calls to a neighbor (Gault v. United States,1967). After a complaint by the neighbor, Gault was arrested and detained by police. Upon coming home and not finding their son at home, Gault's parents searched for him and later found out about the arrest from a friend; Gault's parents were never notified by the police. In addition, several standard trial procedures were not followed with Gerald Gault:

1. The arresting officer filed a petition with the court on June 9, 1964 which was not seen by anyone until the habeas corpus hearing on August 17, 1964.
2. At the trial, Gault's father was not present and neither was the complainant.
3. No one was sworn in at the trial and the trial was not recorded (Gault v. United States, 1967).

Gault was found guilty and was sentenced to the state industrial school for six years until he turned 21. An adult charged with the same crime would have received a maximum of a \$50 fine and two months in jail. Gault's lawyers filed a writ of habeas corpus, but were denied by both the Superior Court of Arizona and the Arizona Supreme Court.

Later, the case was heard by the U.S. Supreme Court. Supreme Court Justice Abe Fortas stated that “the child receives the worst of both worlds. . . he gets neither the protection afforded to adults, nor the solicitous care and regenerative treatment postulated for children” (Redding, Goldstein, & Heilbrun, 2005). The Supreme Court found against the previous Arizona court rulings and determined that juveniles were entitled to due process under the 14th amendment. The Supreme Court opinion held that, “neither the Fourteenth Amendment nor the Bill of Rights is for adults alone” (Gault v. United States, 1967, p.542). The Supreme Court decision was critical for the application of juvenile justice in this country. From this point forward, juveniles were entitled to full due process rights, privileges, and protections afforded to adults (Gault v. United States, 1967; Redding, et al., 2005). The Court also cited the following in their written opinion of this case:

We do not in this opinion consider the impact of these constitutional provisions upon the totality of the relationship of the juvenile and the state. We do not even consider the entire process relating to juvenile “delinquents.” For example, we are not here concerned

with the procedures or constitutional rights applicable to the pre-judicial stages of the juvenile process, nor do we direct our attention to the post-adjudicative or dispositional process. We consider only the problems presented to us by this case. These relate to the proceedings by which a determination is made as to whether a juvenile is a "delinquent" as a result of alleged misconduct on his part, with the consequence that he may be committed to a state institution. As to these proceedings, there appears to be little current dissent from the proposition that the Due Process Clause has a role to play. The problem is to ascertain [387 U.S. 1, 14] the precise impact of the due process requirement upon such proceedings. (*Gault v. United States*, 387 U.S. 1, 1967)

Kent v. U.S. Supreme Court. Morris Kent was arrested at the age of 16 in connection with charges of housebreaking, robbery, and rape. As a juvenile, he was subject to the exclusive jurisdiction of the District of Columbia Juvenile Court unless that court, after "full investigation," should waive jurisdiction over him and remit him for trial to the United States District Court for the District of Columbia (*Kent v. United States* 1966). Kent's counsel filed a motion in the Juvenile Court for a hearing on the question of waiver and for access to the Juvenile Court's Social Service file which had been accumulated on Kent during his probation for a prior offense. The Juvenile Court did not rule on these motions; it entered an order waiving jurisdiction, with the recitation that this was done after the required "full investigation."

Kent was indicted in the District Court. His counsel moved to dismiss the indictment on the grounds that the Juvenile Court's waiver was invalid; the District Court overruled the motion. Kent was tried and convicted on six counts of housebreaking and robbery, but acquitted on two rape counts by reason of insanity. On appeal, Kent's counsel questioned the validity of the Juvenile Court's waiver of jurisdiction. The United States Court of Appeals for the District of

Columbia Circuit affirmed, finding the procedure leading to waiver and the waiver order itself valid. The Juvenile Court order waiving jurisdiction and remitting petitioner for trial in the District Court was invalid (*Kent v. United States* 1966). This case set a precedent and provided a list of seven standards that should be considered by judges before waiving a juvenile case to adult court (*Kent v. United States*, 1966):

1. Judges should determine the seriousness of the alleged offense to the community and whether the protection of the community requires waiver.
2. Judges should decide whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner, as well as evaluate whether the alleged offense was against persons or against property, with greater weight being given to offenses against persons especially if personal injury resulted.
3. Judges should assess the prosecutive merit of the complaint, that is, whether there is evidence upon which a grand jury may be expected to return an indictment (to be determined by consultation with the United States Attorney).
4. Judges should decide on the desirability of trial and disposition of the entire offense in one court when the juvenile's associates in the alleged offense are adults who will be charged with a crime in the U.S. District Court for the District of Columbia.
5. Judges should determine the sophistication and maturity of the juvenile by considering his or her home life, environmental situations, emotional attitudes, and patterns of living.
6. Judges should consider the record and previous history of the juvenile, including previous contacts with the Youth Aid Division, other law enforcement agencies,

juvenile courts and other jurisdictions; prior periods of probation to this Court; and prior commitments to juvenile institutions.

7. Judges should assess the prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile if he or she is found to have committed the alleged offense by the use of procedures, services, and facilities currently available to the juvenile court.

The Kent case had some negative ramifications for minority youth. According to Tanenhaus and Drazin (2000), in 1997 an estimated 8,400 juveniles were waived from juvenile court by adult court judges; minority youth were much more likely to be transferred to the adult court system. For example, African Americans comprised 39% of juvenile court drug cases and 63% of those cases were transferred to adult court, as compared to only 35% of white offenders with the same charge cases being transferred. The Kent decision was originally applied to the D.C. courts, but the impact of this decision was widespread and set in motion the foundation for the current waiver system (Tanenhaus & Drazin, 2002). In the next section age of criminal responsibility will be analyzed. This section will discuss both national and international standards on the age of criminal responsibility.

Age of Responsibility

There has been much debate over the minimum age of criminal responsibility. Leschied and Wilson (1988) stated that before the Canadian Youth Reform Act took effect, the minimum age of criminal responsibility was seven; as a result of the legislation, the age of criminal responsibility was raised to 12. Also, Leschied and Wilson found that 11-year-olds had more contact with the criminal justice system than they did in past years. Leschied and Wilson noted that factors such as divorce and separation, which causes some economic stress, were some of

the variables associated with delinquency. Strain Theorists would agree with this type of research because it reaffirms their assumption that any type of strain or stress, be it economic or emotional, will lead to criminal behavior (Agnew, 1991).

In Australia the age of criminal responsibility was determined to be 10 (Bradley 2000). Bradley argues that before any determination can be made on the age of criminal responsibility consideration should be given to the developmental age of the youth. Bradley (2000) believes the fundamental tenets of Piaget and Kohlberg theories should be applied to determine the moral legitimacy and the pliability of imposing sanctions on juveniles. Fried & Reppucci (2001) expound on Bradley's argument by stating the premise for the establishment of the juvenile court system in the United States was to afford special consideration for juveniles who are less mature and thus less responsible for the crimes they commit. It is this premise that Bradley (2000) argues should be utilized by the Australian government. With such a low age for criminal responsibility, the government of Australia has received a tremendous amount of criticism from the United Nations for possible human rights violations. It is the belief of some researchers that the United States policy towards criminal responsibility is becoming more representative of European nations and Australia which is currently age 10 (Fried & Reppucci 2001).

Statement of the Problem

In 1994, in response to the growing number of serious crimes committed by youth, the state of Georgia voted to implement Senate Bill 440 also known as the Juvenile Justice Reform Act which stated that youth ages 13-17 could be charged as an adult if found guilty of committing one of the following seven crimes: murder, rape, voluntary manslaughter, aggravated sexual battery, aggravated child molestation, aggravated sodomy, and robbery if committed with a firearm (Risler, Sweatman, & Nackerud, 1998). In a national study juveniles who were

convicted of murder received, on average, 106 months (Rainville & Smith, 1998). Also, Rainville and Smith found that of juvenile defendants who were tried as adults, 60% of those convicted of violent crimes were sentenced to prison, as opposed to 40% of adults who were convicted of violent crimes. These statistics show that, on average, more youth who are charged with violent crimes are more likely to be sentenced by state courts.

Jones (1998) reported that when a youth is charged with a crime in Georgia, the amount of bail set may make it virtually impossible for many low income families to secure release of their children. It should be noted that Georgia currently has a system of informing parents of their rights to post bail and no bail setting guidelines. Although such a finding may suggest that the lack of resources is associated with the disposition of juvenile offenders, there has been very limited research on the relevant variables that are associated with juveniles who are waived to adult criminal court. In the next section the purpose of the study will be outlined. Relevant statistics along with the overarching theme of the study will be highlighted.

Purpose of the Study

The purpose of this research study is twofold. First, the study is designed to determine if race, income, academic achievement, geographic residence and custodial arrangements are predictors of which juvenile offenders receive waivers to adult superior court. These variables were chosen based on findings from several research studies. Leiber and Stairs (1995) found that race was a factor in differential sentencing with regards to juvenile crime. Hischi (1969) suggested that youth who are attached and committed to school and who have positive beliefs and aspirations towards school and school achievement, are less likely to become involved in delinquency. Other studies (Conger & Miller, 1966; Pagani, Boulerice, Vitaro, & Tremblay, 1999; Risler, Sweatman, & Nackerud, 1998) found a relationship between poverty and juvenile crime.

The Juvenile Justice Reform Act, also known as the Georgia Senate Bill 440, states that youth ages 13-17 will be charged as an adult if they commit murder, voluntary manslaughter; rape, aggravated sexual battery, aggravated child molestation, or robbery (if committed with a firearm). Ostensibly, reducing the likelihood that juvenile offenders waived to adult court would engage in violent crimes again (i.e., recidivate) was one of the motives Georgia legislators had in passing this bill (Risler, Sweatman, & Nackerud, 1998). Some research findings, however, do not support this motive. A report by the University of Colorado Center for the Prevention of Violence (2005), as well as findings by Smith & Craig (2001), suggested that youth who are waived to criminal court are more likely to recidivate than those sentenced in juvenile court. Furthermore, Bishop, Frazier, Lanza-Kaduce, and Winner (1997) concluded that waving juveniles to criminal court did not reduce recidivism rates, but increased them. Katsiyannis and Archwamety (1997) asserted that cognitive deficits and lack of treatment alternatives and family involvement are some of the factors that contribute to higher rates of recidivism among juveniles who are waived to criminal court. Thus, the second purpose of this research study is to determine if juveniles who have received waivers to criminal court are less or more likely to recidivate.

Relevance of the Study to the Social Work Domain

It is imperative that social workers become more cognizant of the variables that contribute to juveniles being charged as adults. Risler, Sweatman & Nackerud (1998) concluded that the relationship between poverty and juvenile crime is not mutually exclusive and more research is needed to determine the strength of this relationship in order to ensure effective treatment and equity in the criminal justice system. It is also imperative that attention be given to factors such as custodial arrangements, geographic residence and race. The rise in the number of

heinous crimes committed by juveniles illustrates the critical need for social workers to provide meaningful research, practice, and advocacy for this population

Conclusion

This chapter provided a history of juvenile justice policy on youth being tried as adults and a rationale for the proposed study. Two Supreme Court case decisions were highlighted as relevant cases that not only shaped the course of juvenile justice policy but also provided the framework for the juvenile waiver to superior court. The variables of race, geographic region, academic achievement, and income are introduced as possible predictors of youth who are waived to superior court. The chapter also begins to build a case for the relevance of this study by drawing from recent crime statistics that show a rise in offenses that could be waived to superior court.

The following chapter presents a review of the literature to expand upon the points introduced in this chapter concerning juveniles who are waived to superior court and possible variables that may explain this trend. Several theories of delinquency will be examined as the theoretical underpinnings of this study. There will also be an in-depth analysis of previous research methods used to analyze juvenile crime.

CHAPTER 2

LITERATURE REVIEW

In 1994, in response to the growing number of serious crimes committed by youth, the state of Georgia voted to implement Senate Bill 440, which in part states that a youth who is between the ages of thirteen and seventeen could be charged as an adult if found guilty of committing one of the following seven crimes: murder, rape, voluntary manslaughter, aggravated sexual battery, aggravated child molestation, aggravated sodomy, and robbery if committed with a firearm (Risler, Sweatman, & Nackerud, 1998). Now that adult courts have the ability to try juveniles charged with the aforementioned offenses that have been waived, many researchers are beginning to question the fairness and effectiveness of juvenile waivers. Since the advent of judicial waivers, there has been some debate as to whether a more current knowledge base is needed to explain the etiology of criminal acts among juveniles. This chapter will focus on the relevant risk factors of juvenile crime and relevant theories that can explain the etiology of violent juvenile crime. These risk factors will be utilized as the basis for the research design in this study.

Risk Factors

The Office of Juvenile Justice and Prevention (OJJJ) reported that, from 1989-1998, violent crimes increased 15% among juveniles (OJJJ, 2004). These numbers have sparked debate among social workers, criminologists, sociologists and politicians over whether treatment or punishment is the appropriate response to juvenile crime. To grasp some conceptual understanding of juveniles who are being waived to criminal court, some researchers are utilizing

variables of social bonding, race, and socioeconomic status. However, empirical evidence on the role of poverty as a cause of what is considered to be extreme juvenile behavior appears to be very limited. Pagani, Boulerice, Vitaro, and Tremblay (1999), in a study that examined the link between poverty and delinquency, concluded that poverty is correlated with delinquency. Conger and Miller (1966) stated that the role of poverty cannot be overlooked and is a predictor of juvenile delinquency. Loeber and Farrington (1998) considered the relationship between socioeconomics and delinquency in their Pittsburg Youth Study. They concluded that the strongest correlate of delinquent behavior was with those families that receive public financial assistance. Small houses, unemployed father, and a poorly educated mother were also found to have a strong correlation with delinquent behavior.

Redding, Goldstien, and Heilbrun (2005) state that it is imperative that other factors such as previous criminal behavior be taken into consideration. They asserted, “approximately 4% of juvenile offenders whose offending is serious, violent, and chronic tend to be multiple-problem youth who exhibit behavioral and other problems in early childhood, with an early onset of criminality perhaps the most robust predictor” (p. 14). Redding et al. (2005) also assert that despite the superpredator theory put forth by Duilio and Fox, only about 8-10% are responsible for most of the serious and violent offenses. Some researchers have speculated that consistent exposure to media-based violence or violence witnessed in the home or community may contribute to aggressive behavior among juveniles (De Matteo & Marczyk, 2005). However, there are some researchers who assert that witnessing violence may desensitize adolescents to the effects of violence, which may reduce their propensity to committing violent acts (Dawson & Reiter, 1998).

Academic Performance

Poor academic performance appears to contribute to delinquent behavior among juveniles (Dawson & Reiter 1998) Dawson and Ritter (1998) pointed out low academic achievement, poor school behavior, and low commitment to school is strongly associated with violent behavior among juveniles. Hirchi (1969) supported the above assertion concerning lack of commitment to school or school related activities being closely related to delinquent behavior with his research on gangs. Hawkins, Herrnkohl, Farrington, Brewer, and Harachi (2000) further found the link between delinquent behavior and academic achievement by concluding that academic failures, frequent absences, withdrawal from school, multiple school transitions, and associations with delinquent peers are contributing factors to delinquent and violent behavior among juveniles. Dawson and Reiter (1998) stated that high truancy rates among children ages 12-14 are associated with higher rates of violence in adolescence and adulthood. Academic performance is just one of many factors that impact juvenile crime. The next section will analyze the relationship between income and delinquency.

Income and Delinquency

Woodhouse (2002) stated that, on average, youth who come from economically depressed neighborhoods are sent to jail while middle class youth who commit the same offense are sent to treatment facilities such as alcohol and drug or behavioral health hospitals. She believed that these disparities are due, in large part, to the lack of resources that are available to youth who come from poor families (Woodhouse, 2002). Woodhouse (2002) also suggested that allocations of more resources (e.g., financial Resource, community centers, and mentoring

programs) would help prevent delinquency. She also suggested that, due to more resources being allocated to affluent neighborhoods, crime is less prevalent in these neighborhoods.

Myers & Talarico (1985) refuted the assumption that judges sentence individuals based on socioeconomic status. Their analysis concluded that sentences in Georgia are not dependent on the wealth of the individual, but on legally relevant factors such as the seriousness of the crime. Myers (1987) suggested that community inequality, not socioeconomic status, was an explanation for sentencing disparity and that in communities where the majority of the population was African American, white offenders received harsher sentences than African Americans. He further concluded that neither race nor other sociological factors affected sentencing. Fedaei-Tehrani (1990) concluded that the cause of youth committing criminal acts is economics, not behavioral deficiencies. Fedaei –Tehrani (1990) explained further that slow growth in the economy was a contributing factor in the increased crime rates in youth who come from economically depressed neighborhoods. Horton (2002) suggested in his study of Chicago youth, that the increase in violent crime in Chicago is directly associated with poverty in that community. While Horton's study did not include a large sample of youth, it does help in framing the argument about the role of poverty in crime. It is believed that this differential association concept of perceived blocked opportunity for economic success that has led to the rise in crime among youth.

Differential Treatment

Thornberry (1979) also analyzed the question of differential treatment in sentencing. He found that, while socioeconomic status had an influence on sentencing, other variables such as previous record, race, and seriousness of crime were not mutually exclusive. It is interesting to note that Thornberry did find that African American youth who were from poor families received

harsher sentences than white youth who had the same variables attributed to them. Wolfgang and Thornberry (1987), in their study of case records of males born in 1945 in Philadelphia, concluded that whites who were from higher socioeconomic backgrounds were more likely to not re-offend in childhood and adulthood than non-whites from lower socioeconomic backgrounds. These researchers provided two explanations for this conclusion. First, whites from higher socioeconomic backgrounds could have continued to commit crimes or delinquent acts but were not caught for the subsequent acts. Another explanation is the number of resources available (*i.e.*, better schools, recreational centers, positive peers, and financial support) to prevent individuals from committing crimes were more prevalent in the neighborhoods where persons from high socioeconomic backgrounds live (Wolfgang & Thornberry, 1987).

Leiber and Stairs (1994) suggested that race must be considered when discussing differential treatment in sentencing. They observed that in jurisdictions in Iowa, African Americans received jail sentences while whites charged with the same crimes received treatment options. Joseph (1995) furthered the argument on the relevance of race and differential treatment by stating in Florida between 1980 and 1990, the percentage of black male youths transferred from juvenile court to adult court increased from 47% to 55%. Joseph (1995) also stated that, in 1989, 86% of youth waived to adult court were black.

Myers and Reid (1995) acknowledged that the role of the prosecutors and district attorneys must also be considered when discussing differential treatment; in most states, the decision to waive juveniles to criminal courts is made by the local District Attorney or prosecutor. Joseph's (1995) study supported the relevancy of race in waiving juveniles to adult court by stating in 1984 in New Jersey that 73% of all waivers filed were against minority youth. Joseph (1995) also stated that in 1989 black juveniles in Florida were incarcerated in adult

prisons at a rate of eight and one-half times more than their white counterparts. It is very common when discussing differential treatment and race that the focus is primarily on the sentencing differences between Whites and African-Americans. Researchers such as Cintron (2006) have petitioned that Latinos, the fastest growing population in the United States, be included in the argument of differential treatment among minorities. Cintron (2006) points out that Latinos are overrepresented in juvenile justice system and receive harsher treatment than White youths when charged with the same crime.

A majority of the research on the topic of differential treatment does not hold poverty as the only determinant in this phenomenon. Most legal scholars and social scientists have stated that other variables such as race, jurisdiction, and severity of sentence are factors that affect treatment of youth and adult offenders (Cintron 2006; Joseph 1995; Leiber & Stairs, 1994). Juskiewics and Schindler (2001) contend that when considering the argument of differential treatment, other factors such as race should not be ignored because minority offenders received more severe treatment than Caucasian offenders at every decision point throughout the justice system.

Parental Supervision

Differential treatment is not just exclusive to sentencing; it also applies to the families of the youth who are charged with a crime. The juvenile justice system has long held the notion that a youth's transgression was, in large part, the fault of the parent (Menuel, 1982). This view has led to judges looking more critically at the role of the parent as it relates to the child's delinquent behavior. In response to this problem, judges and the juvenile justice system have begun to implement parenting classes for those parents deemed to be ineffective (Snyder and Martin, 1998). A study of those attending parenting classes revealed that a disproportionate number of

the parents were classified as either working-class or lower-class. The ultimate goal of the class is to make better parents of those whose sons or daughters commit juvenile acts.

Woodhouse (2002) suggested that the problem in lower economic and working class families was not a lack of parenting skills in these families, but a lack of economic opportunities that led to parents having to work two to three jobs, rather than spending more time supervising their children, which then results in youth committing delinquent acts. In some of his earlier studies, Hirschi (1969) suggested that lack of supervision, not poor parenting, is the cause of delinquent behavior in youth. The literature states that the link between youth who come from poor families and differential treatment is very strong and, both explicitly and implicitly, policy for youth sentenced as adults is geared toward poor and minority groups.

Court's Response

The local, federal, and state courts' responses to juveniles who come from impoverished backgrounds and are sentenced as adults have been very controversial. In recent years, there has not been any direct link between the courts' responses and the sentencing of impoverished youth, but links have become stronger over the past ten years. The courts are now taking a hands-off stance and allowing the district attorneys or prosecutors to make the decision as to whether youth should be charged as adults (Woodhouse, 2004). This process appears to be in direct contradiction to the Supreme Court Decision in *In re Gault*, which essentially stated that youth have the right to due process of law (Menuel, 1991). Without the benefit of good legal service or treatment alternatives, many poor and disadvantaged youth are becoming victims of a fledgling system. The courts and policy makers believe that by imposing harsh sentences, the likelihood of recidivism may decrease (Risler et al., 1998). However, that assumption has proven to be inaccurate (Risler et al., 1998, Winner et al., 1997). The aforementioned studies suggested that

state courts imposing harsher sentences on youth did not impact recidivism. This result was contradictory to the super-predator theory, which asserted harsher sentences are necessary deterrents in preventing the rise in violent juvenile crime (Tanenhaus and Drezin, 1998). The second suggestion from the aforementioned studies was that the imposition of harsher sentences did not demonstrate a significant decrease in the number of crimes that could be waived to criminal court.

The history of the federal, state, and local court has been one of punitive treatment rather than rehabilitative treatment. However, this ideology as it pertains to youth has just recently taken hold in our judicial system (Menuel, 1992). In 1899, the first juvenile court mission was to act as the protector of the child and to institute services that would be more treatment-focused than punitive. Once the notion of treatment was abandoned during the 1960's, due to its perceived ineffectiveness, the judicial system decided to change its philosophy to that of the adult system. Rainville and Smith (1998) reported that youth who were waived to adult court received an average of nine to twelve months of confinement. Juvenile felony defendants who were convicted and sentenced for drug or property offenses received a median of thirty-six months in prison. Juveniles who were convicted of murder received, on average, nine years (Rainville & Smith, 1998). Rainville and Smith (1998) also found that of juvenile defendants who were tried as adults, 60% of those convicted of violent crimes were sentenced to prison, as opposed to 40% of adults who were convicted of violent crimes. This suggests that, on average, youth who are charged with violent crimes are more likely to be sentenced to prison by state courts than adults who commit similar offenses.

Today's juvenile court is characterized by higher volume of cases, with multi-problem youth and families (Penn 2001). The array of problems presented by these youth and their

families include substance abuse, domestic violence, psychiatric difficulties, and socioeconomic adversities. The difficulties that permeate within these families come during a time when resources and alternatives to confinement are limited. The lack of financial resources have placed many juvenile courts in a precarious position in determining which youth will receive treatment as oppose to a punitive confinement (Penn 2001).

Legislative Response

In 1974, the federal government passed the Juvenile Justice Delinquency and Prevention Act (JJDP). This act was the first piece of legislation that provided a federally supported comprehensive approach to the problem of juvenile justice and juvenile delinquency. This act also required that states not place youth in any institution where they would have regular contact with adults convicted of criminal charges (OJJP, 2004). The reauthorization of the JJDP act in 1980 was the first time that federal policy began to focus on offenders who committed serious or violent crimes (OJJP, 2004). This legislation is very important because it is during this time period that the United States Department of Juvenile Justice began to disassociate itself from the offenders who commit serious crimes and began waiving them to adult court. The revision of the JJDP in 2002 was, again, the first time that state and local agencies were required to address the issue of crime in minority and poorer communities.

To be found in full compliance with the requirement on disproportionate minority contact (DMC) [§223(a)(22)] a locality must address the development of a comprehensive system of service which is equally accessible and available to youth regardless of race, gender, socioeconomic status or geographic locale. Localities selected for grant funding may be asked to develop and implement specific plans if the proportion of youth receiving services is not

consistent with the demographics of the community (Commonwealth of Virginia Department of Juvenile Justice, 2004).

This revision of the act was the first time that poorer youth would receive the same services, regardless of their income. However, for youth who are charged with more serious crimes, this legislation and its safeguards are a myth. Several studies continue to show that the local, state, and federal courts have not addressed the problem of differential treatment and funding for preventative programs (Leiber & Stairs 1998, Woodhouse 2002). One ancillary problem that many state courts face in addressing the problem of juveniles who are charged with serious crimes is the prospect of the charges being sent back to juvenile court (Risler et al, 1998). For example, if a youth is charged with armed robbery and the case is initially heard in adult court, the case could be sent back to juvenile court due to lack of evidence or an inappropriate charge. This lack of communication and indecisiveness between the superior court and the juvenile court leave many youth who do not have money to post bail or bond in limbo. The lack of efficiency can also be very costly to tax payers. In many cases, it also begins to infringe on the youth's 5th amendment rights and also violates the Supreme Court decision in *In re Gault* (which ensures that youth who are charged with crimes receive due process) (Woodhouse 2002). This response by the courts continues to oppress those youth whose families do not have the resources to provide adequate counsel and, thus, they receive differential treatment within the criminal justice system (Woodhouse, 2002). Manuel (1999) stated that the 1980's were a new era in the way the government addresses the problem of youth crime, with many states passing laws that lowered the age and increased the number of offenses for which juveniles could be sent to criminal court.

The '80's were also the era of conservatism, with the Regan administration block granting many social programs, based on the belief that providing federal funding for social service programs exacerbate rather than solve life's problems (Menuel, 1999). The perception during the Regan administration was the role of federal government as it pertains to the social programs such as head start and Assistance for Dependent Families, was not only costly but they also made society dependent on government(Krist-Ashman. 2006) This ideology existed in stark contrast to the Great Society Programs. The obvious change in the mindset of the Supreme Court was adequately stated in the opinion given by Justice Warren Burger, who believed that establishing constitutional safeguards for juvenile offenders was less important than providing the juvenile court with the resources to complete its job. The nation's taking a more reactive than proactive approach in the '80's, with policy makers cutting funding to social programs, and more youth being charged as adults, proved to have disastrous effects on youth who come from poor families (Menuel, 1999). According to Klug (2001) the 80's were a pivotal time for those who support the juvenile waiver system. Klug states that during the 80's it was public perception that juveniles were committing significantly more violent crimes than in previous decades. Although these perceptions were misconstrued the tone had been set for the advent of stricter sentences and eventually waivers to adult court for violent juvenile offenders (Klug 2001). The response of the court and policy makers of the '80's has had long lasting effects on policy. With almost all of the fifty states having adopted some statute that requires juveniles to be charged as adults, and a continual decrease in the age of personal culpability, the demands on families are becoming untenable.

As stated previously with the passing of the new Juvenile Justice Detention and Prevention Act, federal policy has made a paradigm shift to include more treatment, but the long

term affects of new policy for youth who come from poor families will have to be evaluated over a long period of time to determine its effectiveness (Menel 1999). Further policy analysis has shown that congress has enacted legislation through the appropriation process, which requires that states consider changing their current laws to make the transfer of juveniles to adult court easier (Finley & Schindler, 1999). Congress continues to express considerable interest in amending the federal statutes governing the prosecution of juveniles and has proposed a number of bills that would result in significant changes to the existing juvenile provisions, including a potential increase in the number of juvenile proceedings (Adair & Cunningham, 1999).

The House of Representatives voted in 1997 to offer financial incentives to states if they changed their laws to prosecute juveniles who commit violent crimes (Gray, 1997). This change in legislation was in response to such incidents as the Columbine High School shootings, congress proposed the passing of two bills: the Violent and Repeat Juvenile Offender and Rehabilitation Act of 1999, and the Consequences for Juvenile Offenders Act of 1999 (Adair & Cunningham, 1999). These two bills will allow the federal government to play a larger role in the prosecution and punishment of youth who have been charged with adult crimes. Recent studies have shown that the rate of juvenile violent crime has decreased, but more than forty states have passed policies for increased prosecution of juveniles in adult court (Finley & Schindler, 1999). States have accepted the mandate given them by the federal court by increasing the number of offenses for which juveniles can be transferred to adult court after a judicial hearing; lowering the age at which juveniles can be transferred; designating certain offenses for which juveniles are automatically prosecuted in adult court, establishing that for some offenses there is a presumption that the juvenile should be prosecuted in adult court, but the juvenile can try to prove that he is amenable to treatment, and get waived into juvenile court; and giving

prosecutors the authority to decide in individual cases whether young people should be charged in juvenile court or adult court (Finley & Schindler, 1999). These policies directly affect youth from poor families because youth from socially and economically depressed environments are being disproportionately arrested for crimes much more so than youth from economically thriving environments (Woodhouse, 2004).

Conclusion

In recent years cases such as the Lionel Tate in Florida have questioned whether the age of criminal responsibility should be lowered for youth. However, there are factors that should be taken into consideration before policy lowering the age of criminal responsibility is instituted, first the developmental age of the youth, and secondly the economic background of the youth (Bradley 2000). If these factors are not taken into consideration, the policies for youth who come from economically depressed families and minorities will continue to allow differential treatment. Sutherland (1993) provided an explanation for this treatment when he asserted that reasons for such policies are to keep marginalized groups from disturbing the capitalistic system. More provisions need to be made to allow for better counsel and more treatment options for youth who come from economically depressed environments. If these considerations are not taken by politicians, judges, and social workers, then there is a possibility of an increase in the number of youth who will be charged as adults. It is important that social workers take a more active role in advocating for laws that will provide justice for all. The next section will begin to develop the relevance of Labeling and Strain theories in providing the framework the present study.

Theory

Due to the complexity of the problem being analyzed, more than one theory is needed to explain the phenomenon of juvenile crime. While a wide array of theories on juvenile delinquency exists, for the purpose of this study Labeling and Strain theories will be utilized as the theoretical framework for this study. As demonstrated in Figure 1, Labeling Theory is a Social Reaction Theory and Strain Theory is a Social Structure Theory. Labeling and Strain Theory not only provide the explanations into the prevailing structures that create an environment for juveniles to be waived to Superior Court (i.e. poverty, racism, and poor academic achievement) but also the reaction by the legal system to those juveniles who are waived to Superior Court.

To begin to understand the rationale for the application of the above mentioned theories a brief understanding of other prominent theories and their relevance in the continuum of juvenile justice theories is relevant. To begin to understand juvenile justice theories there must be an explanation of the two schools of criminological theories (classical and positivist).

Classical

During the time of pre-enlightenment governments did not afford its citizens many legal protections once arrested. It was normal for an individual who was arrested to not have any legal assistance, subjected to torture and kept in secret from family and friends (Lilly, Cullen & Ball, 2002). Once an individual was determined to be guilty, punishment ranged from burning alive to branding. Lilly et al (2002) reported the following “Death by execution in early 18th century London took place every 6 weeks, with 5 to 15 condemned to hang on each occasion.” (p.14). In response to these atrocities utilitarian social philosophers began rethinking the prevailing concepts of law and justice (Cordella & Siegal, 1996). These philosophers believed that human

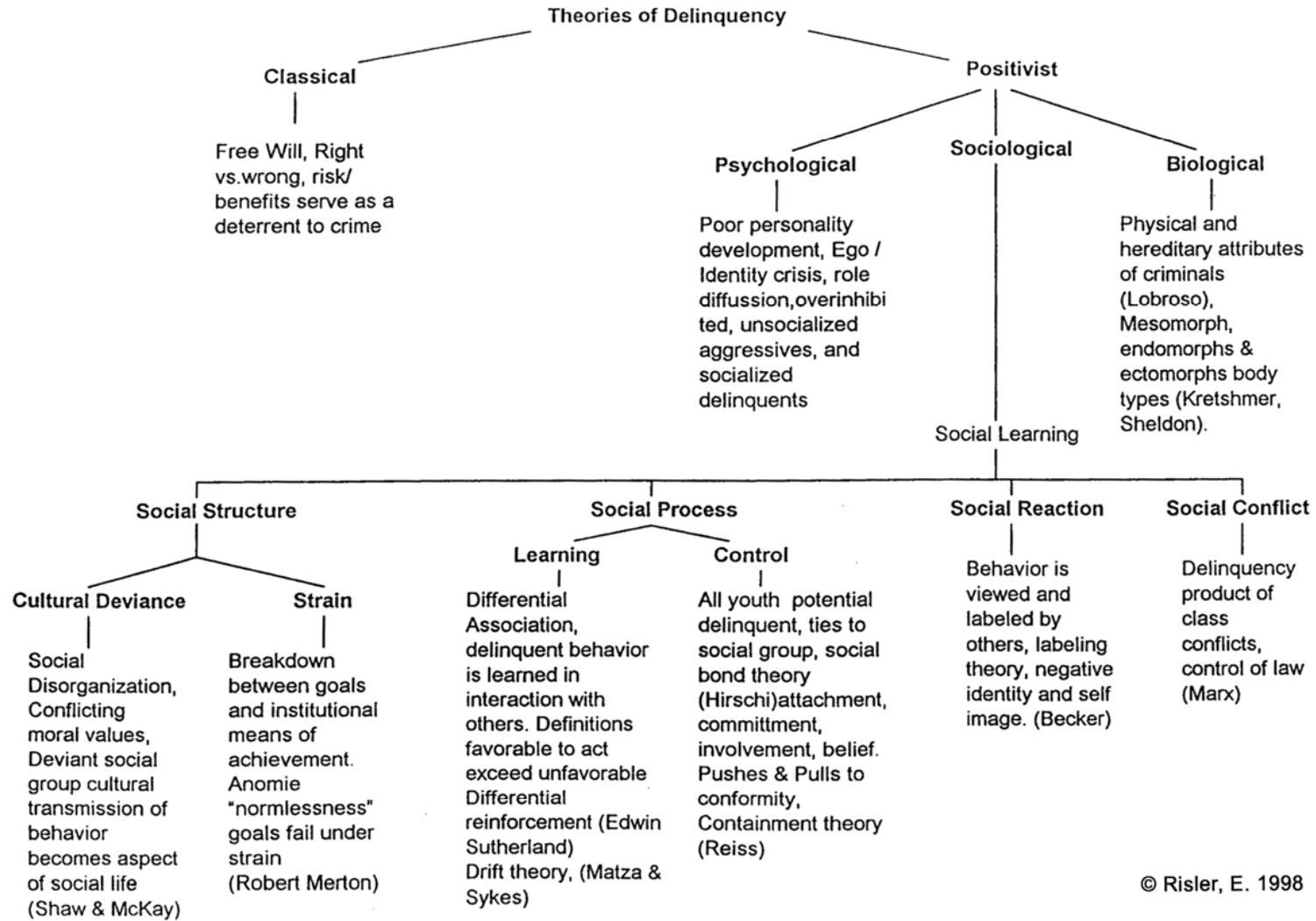


Figure 1. Theories of Delinquency

behavior is designed to be useful, purposeful, and reasonable, therefore a rationale approach to punishment was needed. The founder of the classical school Cesare Beccaria (1738-1794) suggested that the motivation for human behavior is the aspiration for pleasure and the avoidance of pain (Cordella & Siegal, 1996). Classical theorists assert that crime must provide some pleasure to the criminal and to deter crime pain must be administered in an appropriate amount to counterbalance the pleasure the individual receives from committing a crime.

Jeremy Bentham (1748-1833) further expanded the writings of Beccaria by asserting that actions are evaluated by their tendency to produce advantage, pleasure, and happiness and to avoid or prevent mischief, pain, evil, or unhappiness. (Cordella & Siegal, 1996). From the writings of Beccaria and Bentham four core tenets developed: (1) People in society have free will to choose criminal or conventional solutions to meet their needs or settle their problems; (2) criminal solutions may be more attractive than conventional ones, because they usually require less effort for a greater payoff; (3) illegal actions are limited to by fear of detection and punishment; (4) the more severe, certain, and swift legal punishment is, the better it can control criminal behavior.

Ideas such as the presumption of innocence and that punishment for a crime should not extend beyond what is necessary to prevent and deter crime can be found in such documents as England's Penitentiary Act of 1779 and the U.S. Constitution. It was the aforementioned ideas that in part gave rise to the French Revolution (Lilly et al, 2002).

Positivist

Due to many of the challenges to its core doctrine that human behavior was self-directed and a product of rational choice, the classical school of criminological thought fell into disfavor and created an opportunity for the development of the positivist school of criminological theory

(Cordella & Siegal, 1996). During the mid nineteenth century many felt that the scientific approach to the study of human societies could be utilized to help solve social ills (Williams & McShane, 1993). In the forefront of this movement was Cesare Lombroso, a medical doctor who utilized his training as a physician to identify characteristics and features that suggested criminals were different from the rest of society. From his research Lombroso concluded that criminals had a criminal personality and were largely more primitive than were non criminals. This was the first time that any scholar attempted to identify a cause for crime. Other writers and researchers expanded on this idea of looking at a cause for crime and began writing on a variety of assumptions that could be attributed to criminal behavior, which gave rise to the foundation of modern criminology. Williams and McShane (2002) accurately summarizes the effect of the Positivist school by stating the following:

The essence of this school of criminology is not so much an emphasis on biological causes as it is an emphasis on the study of criminal behavior and the use of scientific methodology, the assumption of pathology, classification of criminal types, predication of criminality, and treatment of criminals (or the problem factors, whatever they may be) (p.5).

It was the Positivist school that begot such theories as Social Control, Social Learning, Conflict and Feminist approach to criminology.

The next section provides a brief highlight of two theories that were a result of the positivist movement (Social Control and Conflict theories). Figure 1 outlines Social Control and Conflict theories place on the continuum of juvenile justice theories.

Social Control

Travis Hirschi, one of the preeminent Social Control theorists, envisioned his version of this theory as bridging the gap between Strain Theories and Labeling Theories (Williams & McShane, 1993). Although Social Control Theory is closely associated with Hirschi, there are many variations of this theory. However, all of the variations of Social Control Theory have one common assumption, that deviance does not need to be explained. Conformity is the problem that social control theorists want to examine (Williams & McShane, 1993). Deviance is believed to occur when there is a disruption in socialization (Williams & McShane, 1993). There are three theories that fall under the umbrella of Social Control Theory: (1) Techniques of Neutralization, (2) Containment Theory, and (3) Hirsch's Social Control Theory. However, it is Hirschi's Social Control Theory that is cited in most of the literature that investigates juvenile delinquency. It would be negligent to not briefly discuss the concepts of the Techniques of Neutralization and Containment Theory and their contributions to the delinquency knowledge base; however, most of the discussion and analysis in this section will focus on Hirschi's Social Control Theory.

Gresham Sykes and David Matza are considered to be the founders of Techniques of Neutralization, and developed this theory as a direct response to Cohen's Subculture Theory. Sykes and Matza believed that lower class delinquents do not have different values from middle class delinquents (Williams & McShane, 1993). The method of temporarily overcoming societal values is called "techniques of neutralization." This theory suggests that youth will temporarily suspend their commitment to societal values, and this temporary suspension enables them to commit delinquent acts (Williams & McShane, 1993). There are five techniques of neutralization that represent the ability of youth to become detached from the dominant value

system and justify the commission of the delinquent act: (1) denial of responsibility, (2) denial of injury, (3) denial of the victim, (4) condemnation of the condemners, and (5) appeal to higher loyalties.

Developed contemporaneously with Techniques of Neutralization (Williams & McShane, 1993) was Walter Reckless' Containment Theory. This theory has two major components: internal and external containment, which both exert control over youth and prevent them from committing delinquent acts. Reckless (1961) identified proper family, self control, self concept, ego strength, well-developed superego, goal orientation and high sense of responsibility as just a few of the components of that comprise inner containment. External containment is defined as the structural buffer in a person's immediate social world which is able to restrain his behavior without physical bounds. Some conceptual examples of external containment are effective supervision and discipline, opportunity for acceptance, and institutional reinforcement of norms and goals (Reckless, 1961).

Hirchi's Social Control Theory has been utilized in numerous research studies on delinquency as a means of understanding the delinquent juvenile. Hirschi contended that delinquency would not occur if youth were not controlled in some fashion (Williams & McShane, 1993). Hirchi's research produced four elements of the bond that creates conformity: (1) attachment, (2) commitment, (3) involvement, and (4) belief.

Conflict Theory

Conflict Theory is divided into two camps: Radical Conflict theorists and Conservative Conflict theorists. Radical Conflict theorists take a Marxist approach to understanding crime, with the essential belief that, due to class structure and capitalism, crime and delinquency will always exist. Conservative conflict theorists believe there is a struggle for control of resources,

events, and situations, and that competing groups always fight to maintain control. However, both of these schools of thought believe that conflict is the natural state of human society (Williams & McShane, 1993). It is important to examine these sets of theories because they focus on the link between economics and crime. Spitzer (1975), one of the proponents of this theory, states that two problem populations are identified by the controlling population: (1) “Social Junk” are individuals (*i.e.*, the elderly, mentally handicapped, and homeless) who participate in society but are quiet. This group is a burden on the capitalist society, but as long as they stay quiet they are harmless. (2) “Social Dynamite” are individuals (protestors, rebels, deviants, criminals, etc.) who threaten the capitalist order, especially economic relations in the mode of production. To test these assumptions with the juvenile population, Lieber and Stairs (1999) utilized Conflict Theory in their research with African American juvenile offenders. They state that the underlying assumption is that decision makers perceive minorities as unable to abide by middle class standards and are considered to be symbolic threats to such standards. Their research concluded that, due to these perceived threats, African Americans were more likely than their white counterparts to be recommended for court processing in jurisdictions that were considered low in terms of structural and attitudinal measures towards African Americans. Lieber and Mack (2003) utilized Conflict Theory as their theoretical basis in concluding that, due to their minority status, and contrary to their white counterparts, African American juveniles were more likely to either be given harsher sentences or not receive any treatment alternatives.

Conflict theory does not explain the reason for crime in other socioeconomic categories, but it does give plausible explanations of crime among marginalized groups of young people in America.

All of the theories that were mentioned have provided society with reasonable insight into the etiology of juvenile delinquency in America. However for this study the reaction and the prevailing structure that lead to superior court waivers make Labeling and Strain Theories the practical choice for this study. The next section will provide a closer examination into both Labeling and Strain theories.

During the 1950's there was an overwhelming emphasis on criminals and delinquents and those trained in symbolic interactionism began to inquire about the reaction of others to deviance and the results of this reaction (Williams & McShane, 1993). Labeling theorist interest in the attribution of deviance along with absence of studying the reaction to deviance, caused labeling theorist revised their perspective to one that emphasized the importance of society's role in defining a person as a criminal or delinquent (Williams & McShane, 1993). However it should be noted that Labeling Theory borrowed its fundamental tenets from Mead's social psychology, which assumes juveniles, in their routine activities, presented with a variety of different cues and clues as to how they are perceived by others in the community (Adams, Robertson, Ray and Ray, 2003). Mead believed "to name or define something is never merely and idealistic procedure. It is instead a consequence of an act" (Adams et al , p 173). Williams and McShane (1993) also note that this new perspective was alternatively known as the social reaction school. James (2006) further explicates the beliefs of labeling theorist by stating the following:

Labeling theorists believe that labeling and reacting to offenders as "criminals" has unanticipated negative consequences, deepening the criminal behavior and making the crime problem worse. They believe that the criminal justice system is dangerous in the sense that it is "casting the net" of social control too widely. Thus, net-widening, or any state intervention, is inherently criminogenic. Furthermore, scholars in this tradition work with revisionist

assumptions of what crime is. Broadly defined, revisionism in criminology refers to a rejection of legalistic conceptions of what is considered a crime. Labeling theorists therefore are critical of conceptions that crime is behavior that violates criminal law. To be sure, they agree that certain acts, like murder, are inherently reprehensible. However, they argue it's not the harm that makes an act "criminal", but whether the label is conferred on the act, and this varies from situation to situation. The audience, not the actor, determines when certain behavior becomes defined as crime (retrieved May 2,2005 <http://faculty.ncwc.edu/toconnor/301/301lect12.htm>).

This new definition led to new and more critical way of analyzing who engage in delinquent acts. Paternoster and Iovanni (1996) believe "that the reaction of social control agent through the application of a "deviant" label, results in the actor's being typified or "cast" as deviant" (p.174) A central concern for the labeling theorist is, "What happens to the individual after being labeled?" (Paternoster & Iovanni, 1996). According to these theorists, being labeled as deviant has three main consequences. First is the alteration of personal identity. This means when a person is labeled as deviant they begin to manifest deviant and unruly behavior in many facets of their life. Secondly, consequence from being labeled is the exclusion from conventional opportunities. An example of this is the unwillingness of certain business to hire persons who were recently released from prison. This exclusion from conventional opportunities is not just exclusive to ex-felons, but also to those who have been labeled with many socially undesirable terms (e.g., mentally challenged, deviant, poor, and unruly). The last consequence according to labeling theorists that result from being labeled is the increase in the probability of further deviance (Paternoster & Iovanni, 1996). Labeling theorists believed that if a youth has been excluded from society due to a deviant act and thus was labeled as deviant that youth will

probably commit a second deviant act which will probably lead into a life time of criminal behavior.

Lilly, Cullen, and Ball (2002) argue that most offenders are defined falsely as criminals. However this is not to imply that the offender did not violate the law or that the justice system has no reason for intervening. Instead, the fallacy of this definition is directly related to the fact that once a criminal label is conferred, it not only makes them socially undesirable, but also places an undeniable stain on the moral character of the offender. Lilly et al (2002), further explicates this point by stating when a person is arrested and processed through the criminal justice system, society not only defines the offender as a criminal, but as a consequence the offender is labeled as the type of person who will soon be in trouble again. Einstader and Henry (1995) argue that weather a label is successfully applied depends on the negotiation of the person being labeled in society. They state that in many instances criminal status is negotiated during the organizational processing and through “plea bargaining”. Einstader & Henry (1995) concluded their point by asserting the following: “From the initial arrest, to the courts, to probation, to prison and parole there are procedures designed to process and classify individuals into “criminal molds” (p.217).

Brenburg and Krohn (2003) conducted a study on secondary deviance, which is considered the direct result of being labeled was tested. Secondary deviance was defined as deviant behavior which results from a stigmatized sense of self. A person’s self can be stigmatized or tainted via public labeling. The researchers utilized a panel study involving urban youth (n=1000) that spanned early adolescence to early adulthood. The researchers found that when a youth has an official encounter with the criminal justice system the likelihood of them obtaining academic success decreases, while the likelihood of engaging in a career crime

increases. Brenburg and Krohn (2003) asserted that once the official intervention occurs that urban youth is label as criminal and other mitigating factors such as low socioeconomic status and race perpetuate the label of criminal among their sample. Meade (1974) study also concluded there was statistically significant relationship between formal labels of delinquency and recidivism. However, he did warn that researchers be careful when making connections between labeling and secondary deviance. Liu (2000) analyzed parental labeling and its relationship to juvenile delinquency. In her study of (N = 1,261) youth and their parents, the researcher concluded that it has a strong effect when combined with peers who have positive attitudes towards delinquency and peers who engage in delinquent behavior. These studies not only support the efficacy of the theory, but also its predictive ability in regards to juvenile crime.

Kaplen & Johnson (1991) emphasize when negative social sanctions result from a label, the individual has a greater chance of engaging in criminal behavior. The criminal behavior is not a result of the self-fulfilling prophecy, but a result of financial necessity due to the withdrawal resources by society as a whole. This withdrawal of resources forces the individual to survive via non-conventional methods such as crime. Kelly (1975) continued to demonstrate the efficacy of labeling theory in analyzing delinquency, by suggesting once a youth is formally labeled as delinquent that it becomes very difficult for that individual to remove that label, especially in school settings. Kelly (1975) also found when youth are formally labeled their behavior in school deteriorates because of the conscious expectation of the school staff that the youth will continue to display the behavior that initially caused the youth to receive the label of delinquent (Adams, Robertson, Ray & Ray 2003).

Criticism of Labeling Theory

One criticism levied on labeling theory is that it does not go far enough to explain the analysis. The critics of labeling theory believe the theory absolves the individual from accountability for delinquent behavior and that crime is the result of societal stigmatizations. Radical criminologists argue that the origins and applications of criminal labels are rooted in capitalism and class. Einstadter & Henry (1995) stated that the early labeling perspective ignored the question of how control agents are allowed to exist as they do, and it ignores the interest they serve. Another major criticism of Labeling theory is that it does not explain why youth from upper class families commit crimes (Einstader & Henry, 1995).

When labeling theory was first formulated in the 1960's it was embraced by the many sociologists as a radical approach that challenged the criminal justice system. However , Einstadter & Henry (1995) point out that between the years 1970 and 1975 labeling theory lost some momentum. The theory moved from critiquing established orthodoxies to being the torch barer of new orthodoxies to be criticized.

Strain Theory

Albert Cohen assumed that delinquency is a result of the strain of pursuing goals within diverse opportunity structures (Hoffman, 2003). However, Strain Theory, as well as others in this family of theories on delinquency, actually saw its genesis in the work of Emile Durkhiem, a French sociologist, who developed the concept of *anomie*. This term is used to explain the lawlessness created when societies are disrupted by events such as economic and/or political upheaval (Williams & McShane, 1993). Durkhiem further explained that, because societies are constantly evolving from primitive to complex, the probability of disorganization will increase and, as a result, there could always be some degree of anomie present in society (Williams &

McShane, 1993). Merton furthered the concept of anomie by developing five modes of adaptation to anomie: (1) conformity-if the individual conforms even if there is anomie, then conformity was a type of deviance; (2) innovation--the individual would continue to find goals that were attractive, but would not use deviant, rather than normal means of achieving them; (3) ritualism-- goals are rejected as unobtainable but the means are kept and pursued as if they were the goals; (4) retreatism--in this stage, both goals and means are rejected; and (5) rebellion in this stage, the goals and means are rejected and other goals and means are substituted for them (Williams & McSchane, 1993). It is important to mention in greater detail the work of Merton because it not only gave rise to Cohen's Subculture Theory, as well as Richard Cloward and Lloyd Ohlin's Differential Opportunity Theory, but also to the whole Strain Theory movement in criminal justice. These aforementioned principles are the basis for the conceptual framework of Strain Theories.

Classical strain theorists assumed that man is inherently moral and wishes to obey the rules, and that a person must be under great pressure to perform a deviant act (Hirschi, 1969). Hirschi (1969) stated that strain theory has often been utilized as an explanation of acts that are characterized by irrationality or intense emotion, such as suicide, pointless acts of violence and unmotivated destruction of property. Agnew (1991) stated that Strain Theory has two fundamental tenets: First, the type of social relationship that leads to delinquency, and secondly the motivation for delinquency. Strain theorists believe delinquency is a direct result of negative affective states, specifically anger and other related emotions that result from negative relationships (Agnew, 1992). For example, if a youth is physically or emotionally abused by his parents, then the youth may release the frustration, and anger from this situation in ways that are not constructive. Agnew (1992) and other strain theorists argued that focusing on the negative

relationship with others can lead to delinquency through the negative affect. It is this concept that distinguishes strain theory from other theories of delinquency (*i.e.*, Social Control, Differential Association and Social Learning). Negative relationships, according to strain theorists, are defined as “relationships in which others are not treating the individual as he or she would like to be treated” (Agnew, 1992). This definition of a negative relationship has evolved from that offered by its initial founders Albert Cohen and Robert K. Merton, which focused on the relationship in which others prevent the individual from achieving a valued goal. Specifically, such goal-blocking is experienced by individuals in lower socioeconomic classes trying to achieve monetary success or middle class status (Agnew, 1992). More recently, Agnew and other strain theorists have expanded this definition and stated that adolescents are not only concerned about achieving future goals of monetary success, but are also concerned about the achievement of more immediate goals, such as good grades, popularity with the opposite sex, and success in athletics (Agnew, 1992).

In addressing the link between poverty and crime, strain theorists maintain the importance of some reinforcers which are associated with those who refrain from criminal activity, in particular the value of jobs and other sources of wealth and status. Strain theorists believe that as these reinforcers decline in strength, the reinforcers associated with crime begin to dominate the choices confronting the individual (Wilson & Herrnstein, 1996). Barron (2004) used a sample of homeless street youth to determine that strains such as criminal victimization and monetary dissatisfaction will lead to the commission of violent crimes. The results of Barron’s study seem to suggest there is a link between one’s socioeconomic status and the likelihood a person will commit violent crimes. Barron (2004) suggested that it would be better to apply Agnew’s revised version of General Strain Theory instead of Cohen’s classical version.

This assertion is very important because it indicates that the researchers realized a modified version of the theory is necessary to capture the variables that contribute to the delinquent behavior of today's diverse population of youth.

Criticisms of Strain Theory

Those who criticize strain theory cite the inability of the theory to explain crime that occurs in the middle-class. Wilson and Herrnstein (1996) stated that if crime is disproportionately committed by lower-class persons because of lack of schooling and job opportunities existing as barriers to the realization of legitimate aspirations, then persons with adequate schooling and reasonable job opportunities should not commit crimes. Hirschi (1969) further expounds on Wilson and Hartenstein's criticism by stating that strain theorists usually created the perfect relationship between social class and delinquency. Hirschi (1969) also stated that strain theorists are misleading and inaccurate when discussing delinquency as a relatively permanent attribute of the person, as a regularly occurring event, and suggesting that persons accepting legitimate goals are, as a result of this acceptance, more likely to commit delinquent acts. This lack of explanation of the commission of crime by members of all social classes has dissuaded some social scientists from using Strain Theory as a means of explaining delinquency. Recent studies have begun to provide some explanation of the relationship between poverty, juvenile crime, and strain theory. Vowell and May (2000), in their study of African American youth, concluded that the Strain Theory concept of perceived blocked opportunities due to poverty provided some explanation for violent behavior and gang membership among this population. However, this relationship and discrimination were not mutually exclusive. Vowell and May noted that discrimination was identified by both poor and affluent African American

youth as the cause of blocked opportunities (Vowell & May, 2000). The next section will review the effectiveness of both qualitative and quantitative methods in analyzing juvenile crime.

Research Methods on Juvenile Crime

Research in the area of juvenile justice has evolved from archaic methodology to more current and advanced methods. For many years, social science, especially the field of social work, has often been criticized for methodological flaws in research (Agnew, 1992). Today, although there have been vast improvements in research methods and data analysis, there is still room for improvement when trying to understand the phenomenon of juvenile delinquency. This section will critically analyze current research in the area of juvenile justice.

To begin to understand the methodology in juvenile justice research, one must first understand the two common research methodologies, qualitative and quantitative. To begin this discussion, the basic concepts of both methods should be evaluated. The purpose of quantitative methodology is to gain an understanding of a phenomenon through a process that would eventually lead to the results being generalized to a portion of the population. Bogdan and Biklen (2003) held that the focus of quantitative methodology is theory, testing, establishment of facts, statistical description to show the relationship between variables, and prediction. Conversely, when utilizing qualitative methodology, the goal of the researcher is not to generalize the results to the larger population, but to gain understanding of the phenomenon as it observed in the group or individual that is being studied (Bogdan & Biklen, 2003). Although researchers who subscribe to one of the aforementioned methodologies have debated the issue of which method is most effective, both methods have shown varying degrees of efficacy in juvenile justice research (Bogdan & Biklen, 2003).

Research in the area of juvenile crime and its link to poverty has been very limited. The use of rigorous methodologies in gaining a level of understanding of youth who are being waived to criminal court and the link to variables such as socioeconomic status, race, and sentencing is sorely needed in the area of juvenile justice. The use of such methodologies in this area will not only help inform practice, but will also provide policy makers with the information needed to make practical legislative decisions about youth who are being charged in criminal court.

Quantitative Methods

Researchers have used archival data on many occasions in an attempt to understand social phenomena. Some of the advantages and disadvantages of using archival data were illustrated in Sampson and Laub's 1994 study. The researchers analyzed data obtained in 1950 by Sheldon and Eleanor Glueck. The purpose of Sampson and Laub's study was to utilize the data from the Glueck study to analyze urban poverty and the family context of delinquency as it relates to today's youth. The researchers should be commended for utilizing structural equation modeling as a means of understanding causation among variables. The use of such high level analysis provides a deeper understanding into level of causation associated with each variable. However, the use of historical archival data might not accurately inform the knowledge base when trying to understand juvenile crime in today's context. The use of historical archival data may provide the researcher with explanation of crime in the context in the era in which the data was originally collected. However, changes in variables such as income, type of crime and age of commission of a crime could provide the researcher with some difficulty in transferring historical crime data to explain current trends in juvenile crime.

The use of such advanced quantitative methodology should be noted, but the question about whether the use of this type of analysis is necessary in informing the knowledge base of

criminal justice literature remains. Mertler and Vannatte (2002) provided the best explanation for the use of causal model when they stated that, “the causal model examines whether a pattern of intercorrelations among variables fits the researcher’s underlying theory of which variables are causing other variables” (p.199). Sampson and Laub (1994) met the criteria for the use of this type of methodology by utilizing the concepts of social control theory as their theoretical underpinning. However, the use of data that was collected in 1950 makes the application and analysis of the results significant for historical relevance but insignificant for understanding of today’s youth.

Current research studies (such as Leiber and Stairs, 1994; Feld, 1991; Risler, Sweatman & Nackerud, 1998) utilize variables (*i.e.*, race, severity of crime, and poverty) in their research that are applicable to today’s population of youth and would better inform practice and test theory. Preski and Shelton’s (2001) use of secondary data in analyzing how child and parent factors predict criminal outcomes in adolescents provided an appropriate example of how secondary analysis can inform practice. The data in the above mentioned study was collected from detained juveniles in 1996. The variables that were served as predictors of criminal behavior in youth were physical illness, mental illness, level of involvement, criminal record, and substance abuse history. The method of analysis applied in this study was a forward stepwise deletion. It should be noted that this method of prediction is very simplistic and has limitations in the type of information that it can provide. The use of a causal model such as path analysis should have been the preferred method of analysis for this study. However, the variables utilized do have some current applicability that was not evident in Sampson and Laub’s study. Because more advance statistical methodology was not employed in its application, the results of Preski and Shelton’s (2001) study should be reviewed with some skepticism.

Some studies utilized sound research methodologies in explaining the issue of juvenile delinquency. A study conducted by Pagani, Boulerice, Vitaro, and Tremblay (1999) is an excellent example. In this longitudinal study of Canadian youth, these researchers examined the impact of poverty on academic placement and self reported delinquency in sixteen-year-old boys. Pagani et al. (1999) utilized logistic regression for analysis of self reported delinquency factors. Logistic regression is considered to be a more advanced extension of regression analysis (Mertler & Vanatta, 2002). According to Mertler and Vanatta (2002), when logistic regression is chosen as the primary method of analysis, the researcher has identified the dependent variables as being continuous (Mertler & Vanatta, 2002). The variables that were utilized in this study were delinquency, extreme delinquency, fighting, theft, and family poverty. There are some limitations in utilizing this method of regression; Mertler and Vanatta (2002) stated that logistic regression has the following limitations:

1. If there are too few cases relative to the number of predictor variables, then this procedure may produce very large parameter estimates and standard errors.
2. If any of the cells have expected frequencies that are too small (< than five) then the analysis may have too little power.
3. This procedure is very sensitive to outliers, which may result in a less than precise fit (p. 317).

In reexamining Pagani et al. (1999) study, there are several issues that should be taken into consideration. First, the measures used to evaluate delinquency were all self reported measures. Self reported measures for delinquency and substance abuse have been shown to be very inaccurate. Second, the researchers dismissed thirty-one cases due to missing data, but there was no mention of the methods utilized to address missing data. As mentioned earlier, the

method by which missing data is addressed is especially important when logistic regression is being utilized. Roth, Campion and Jones (1996) suggested the use of the following methods in the treatment missing data: (1) mean imputation, (2) regression, (3) hot deck, and (4) cold deck. These various methods would limit the amount of cases that would have to be deleted. The treatment of missing data is one of the methodological deficiencies found in juvenile justice research. Of the aforementioned studies that utilized regression, none addressed the issue of missing data. However, the results of the Pagani et al. (1999) study proved to be valid; the study was one of several that have begun to inform the practice of those who work with youth who commit delinquent acts. The above mentioned study began to frame the argument on the effects of poverty and parental attachment as a predictor of juvenile delinquency. Pagani et al. (1999) hypothesized that the relationship between family, economic hardship and antisocial behavior has a direct or indirect affect on delinquency when considering the process variables of parenting practices and academic failure. The recommended method of analysis should be a causal model such as path analysis or the structural equation model. "Path Analysis is a technique utilized in regression analysis that provides explanation of the possible causal relationships among a set of variables" (Mertler & Vannatta, 2002, p. 199). Mertler and Vannatta (2002) further stated that the advantage of utilizing path analysis is that both indirect and direct causal effects can be estimated. Using this particular technique would have yielded results that were consistent with the aforementioned hypothesis.

Thompson, Mitchell, and Dodder (1984) utilized path analysis in their study on Hirschi's social control theory. Through the use of this technique, they concluded that when delinquent companions are added to their path model, the relationship between attachment and conventional attitudes are weakened. Elliot, Wilson, Huizinga, Sampson, Elliot, and Rankin (1996)

demonstrated the relationship between disadvantaged neighborhoods and youth development, with their utilization of path analysis. These researchers concluded, through their path model, that informal control and social integration are positively related to developmental outcome.

Vowell and May (2000) further explored the link between poverty, delinquency in poverty status, perceived blocked opportunity, and gang membership as predictors of adolescent violent behavior by utilizing a causal model. In this study, the concepts of strain theory were used to test the effects of poverty on juvenile delinquency. Structural Equation modeling was utilized as the means of analysis. According to Vowell and May (2000), “the primary concern of the study was the theoretical path of poverty status \geq perceived block opportunity \geq gang memberships \geq violent activities, while controlling for gender in each of the equations.” Their results indicated the following: (1) both African American and European American males were significantly more likely to report gang membership and violent acts (.044, $p < .001$ and $p < .001$, respectively); and (2) poverty status had an effect on perceived blocked opportunity among European Americans (.184, $p < .001$). Poverty status was found not to be a significant predictor of perceived blocked opportunity among African Americans. The researchers also concluded that the overall structural equation model accounted for 24 % of the variance in self reported violence among European Americans and 20.1% of the variance in self reported violence among African Americans (Vowell and May, 2000). The use of the structural equation model in this study provides practitioners with both the indirect and direct effects of poverty, and also explains the effects of the strain theory concepts of blocked opportunity on delinquency. The current trend in the utilization of advanced quantitative statistical measures in the area of juvenile justice research has not only made research credible, but has advanced the knowledge base in this area.

Another popular mode of data analysis and collection in juvenile justice is the use of data from longitudinal studies. Agnew (1991) discussed the deficiencies of utilizing longitudinal studies as a means of explaining juvenile delinquency: “Most longitudinal studies not only suffer from problems in measuring variables, but also from problems in specifying in the relationship between variables” (p.135). Agnew further stated that, when utilizing a panel analysis, researchers could encounter autocorrelation, that may stem from several sources, including omitted variables in the model which have similar effects on time 1 and time 2 in measures of delinquency: “Autocorrelation may cause and overestimate in the effect of time 1 and time 2 delinquencies measures and underestimate the effects on other variables” (1991 p. 132). There have been several longitudinal studies in juvenile justice research and very few of these studies have attenuated these problems. However, Agnew (1991), in spite of his reservations, conducted a longitudinal study where he did diminish various problems associated with longitudinal studies. One way to account for the difficulties in using a longitudinal study is the use of the Hierarchical Linear Model.

When attempting to construct a model that will predict delinquency, there are a number of considerations that must not be overlooked. First, previous research in the area needs to be analyzed to assess any trends and obtain relevant variables. Secondly, the role of theory as a means of understanding the phenomenon should be acknowledged. One study that abandoned the above considerations was Tatum’s (1996) study on the factors that contribute to the delinquency of black youth. This study boasted many good attributes; however, the design as a whole lacked the rigor that would inform practice. This lack of rigor in juvenile justice research is one of several reasons why some of the other sciences criticize the results of social science research. When utilizing a multiple regression model, it is vital that variable ordering and issues

of colinearity are discussed (Pedhazur, 1999). In Tatum's (1996) study, there was no mention of variable ordering and colinearity was only briefly mentioned. Again, as with most research in this area, there was no mention of missing data and how the specific problems that are associated with missing data were addressed. Issues of race have been proven to be a very important variable in prediction of delinquency and differential treatment of young offenders (Leiber and Stairs, 1994). However, when Tatum (1996) research attempted to explain the link between race and delinquency is poorly done, the ramifications are tremendous. As previously noted, more sophisticated types of analysis needed to be utilized in Tatum's (1996) study to maximize the relationship among variables. Again, a causal model such as path analysis would have explained how some of the exogenous variables (*i.e.*, black female heads of household and the exclusion of black juvenile males from the labor force) directly or indirectly affect the endogenous variable of juvenile delinquency among black youth.

Hierarchical Linear Models (HLM) or multilevel models are methods of analysis that group variables into hierarchies (Center for Multilevel Modeling, 2004). Pedhazur (1997) stated that when addressing the issue of HLM one must think of this level of analysis of a two-level model as a two-stage process. In the first stage, the dependent variable is regressed on level one of the independent variables within each unit, which results in a separate regression equation for each. In the second stage, coefficients estimated in the first stage are treated as dependent variables (Pedhazur, 1997). Multilevel models also allow for a decomposition of variance in the outcome of interest into two components: (1) the part attributable to differences between individuals located in different contexts and the part related to variation between individuals within the same context; (2) the decomposition of variance between (attributable to context) and within (attributable to individuals) components yields some indication of the relative importance

of variables from the different levels of aggregation on the outcome under consideration (Teachman and Crowder, 2002, p. 286).

Given the obvious advantages of utilizing HLM, a subsequent search of the literature yielded limited research studies in the area of juvenile justice that have employed this method. The use of HLM is a very appropriate method of analysis for longitudinal studies which are very prevalent in juvenile justice research. HLM models can provide those who utilize longitudinal data a more effective way of evaluating whether there is a systemic change over time and whether this change varies across individuals (Wang, 2002). However, it should be noted that, with the limited computing capabilities prior to the 1990's, few researchers considered hierarchal structures of multilevel factors (Wang, 2002). HLM may be somewhat complicated, but improvements in statistical software have eased some of the difficulty in analysis (Wang, 2002). Other disciplines, such as Education and Psychology, through a multitude of studies (i.e. Kuo and Moholer, 2002; Teachman and Crowder, 2002; and Xin and Cartwright, 2003), have discovered the effectiveness of using HLM when analyzing multilevel data. Sampson and Laub's (1994) and Agnew's (1992) analysis of longitudinal data on delinquent youth would have been enhanced and more of the variance would have been explained if HLM had been implemented. Wiesner (2001) provided an excellent example of the appropriate use of the multilevel model when analyzing data from a panel study. In aforementioned study, the relationship between depression and delinquency was evaluated using data from a four- wave panel study (Weisner, 1991). Weisner (2001) stated the following conclusion for her model as it relates to boys and girls respectively:

“Findings showed that base models with specific factors significantly improved models fit relative to base models without specific factors. With the exception of the indicator for

depressed affect, the reliable variance of each indicator thus was explained better by common and specific latent factors than by common latent factors alone. The two unidirectional effects models did not significantly improve model fit, and the same applied to the reciprocal effects model...According to the data the models were significantly better accounted for by the base model with specific factors than the base model without specific factors. Common and specific latent factors thus provided a better explanation for the covariation among the delinquency and depression indicators (with the exception of the depressed affect indicators) than common latent factors alone. The unidirectional effects of depression model significantly improved model fit relative to the base model with specific factors, and the same applied to the unidirectional effects of delinquency model”(p. 637).

The researcher obviously has a firm grasp of the concept of multilevel analysis and its importance in analyzing longitudinal data in juvenile justice. The use of this type of advanced statistical analysis would provide more understanding into the factors that lead to juvenile crime

Qualitative Research and Juvenile Justice

Brogdan and Bilken (2003) stated that the goal of qualitative research is to develop sensitizing concepts, describe multiple realities, and to develop understanding. Usually, the goal of qualitative research is not to generalize a behavior or attribute it to a population. It should also be noted that sample sizes are small and may be nonrepresentative and purposeful. Van Maanen (1979) stated the following: “Qualitative research is an umbrella term covering an array of interpretive techniques which seek to describe, decode, and translate into terms with the meaning, not the frequency, of certain more or less naturally occurring phenomena in the social world.” Qualitative researchers focus on discovery, insight, and understanding from the

perspective of those being studied (Brogdan & Bilken, 2003). It is important to note that data is collected in a variety of ways when using qualitative methodology (*i.e.*, existing documents, field notes, photographs, interviews and observations). Qualitative research can be very useful in understanding some of the intrinsic meanings of youth crime in an individual (via a case study) or a group (via ethnography). Qualitative methods have received much criticism from those who believe that this type of methodology does not inform practice and does not have any real applicability in understanding a phenomenon in a population. Critics also state that this type of inquiry is very long and that it does not attenuate researcher bias (Brogdan & Bilken, 2003).

The four major types of qualitative research are phenomenology, case study, grounded theory, and ethnography. In juvenile justice research, some studies have employed one of the four types of qualitative methodology as a means of analyzing juvenile delinquency. MacDonald and Marsh (2001) utilized the qualitative technique of case study to understand how single motherhood, persistent unemployment, and drug related crime impact youth. In their study, the researchers provided a very detailed description of how these particular factors affect a youth's outlook on life. MacDonald and Marsh (2001) were able to extract the relevant themes from their research to help in providing them with an understanding of delinquency in a sample of youth from a specific community. Even though qualitative methodology in the area of delinquency is very limited, there are some studies that attempt to explain the phenomenon of juvenile crime in individuals, groups, and communities. Many sociologists, social workers, and criminologists have utilized qualitative methodology in the past when studying various phenomena among groups and individuals.

Ethnographies

Ethnographies, more than any other kind of qualitative research methodology, can provide a substantive explanation of the culture of crime among certain groups. Ethnographies allow the researcher to gain some insight into the norms, practices, and rituals of people. This type of qualitative methodology provides the researcher some explanation as to etiology and maintenance of certain criminal behaviors. Those who utilize ethnographies are interested in how subjects see, explain, and describe order in the world in which they live (Bogdan and Biklen, 2003). Merriam (2002) defined the ethnography as a study that focuses on human society with the goal of describing and interpreting the culture of the group. Haziani (1991) utilized the ethnography to examine the relationship between aligning vocabulary and the distribution of symbols throughout society with two Israeli youth groups who practiced delinquent activity such as car theft. The lack of juvenile justice research that utilizes ethnographies limits the ability of practitioners and researchers to fully understand the culture of crime.

Case Study

Case studies are another type of methodology that has received some attention from those who conduct research in the area of juvenile justice. A case study is defined by Bogdan and Biklen (2003) as a “detailed examination of one setting or a single subject, a single depository of documents or one particular event” (p.54). Brogden and Bilken (2003) further stated that, “Case studies vary in complexity, but characteristically they are easier to accomplish than multisite or multisubject studies” (p.54). Merriam (1992) stated the following in regard to sampling: “The process of conducting a case study begins with the selection of the case” (p 178). The selection is done purposefully, not randomly; that is a particular person, site, program, process, community, or other bounded system is selected because it exhibits characteristics of interest to

the researcher.” There are four different types of case studies: (1) Historical Organizational, (2) Observational Case Studies, (3) Life History, and (4) Documents (Bogden and Biklen, 2003). Each of the above mentioned forms of case study will yield equally important and rich data. In the area of juvenile justice research there have been a moderate amount of studies utilizing this form of qualitative methodology. David Walcott (2003), a renowned qualitative researcher, utilized the historical organizational case study method to explore the treatment of juveniles in Detroit in 1907. He concluded that juveniles were not afforded the opportunity of due process. His research maintains its importance because it continues to provide meaningful implications related to the *In re Gault* Supreme Court case that availed due process for all juveniles who are charged with a crime. Walcott’s (2003) analysis also provided a picture of the treatment of youth before the implementation of juvenile courts.

Conclusion

This chapter outlined Georgia’s response to the problem of violent crimes among juveniles. The chapter also explained the Strain and Labeling Theory and the rationale for utilizing them in this study. Strain and Labeling Theory provides the framework to explain recidivism and identify the assumptions for the implementation of Senate Bill 440 crimes. The response of the federal, court system along with along with disparities in sentencing was analyzed. This chapter also established the rationale for the relevant variables for the current research project. Research methodologies in juvenile justice were also reviewed, and the need for more rigorous research methods in the field was stressed.

Strain and Labeling Theories were utilized to identify variables such as income, race, geographic residence, and contact with Social Services. It is believed and the literature

demonstrated that these variables when analyzed with the fundamental tenets of both Strain and Labeling Theories can explain juvenile crime.

The next chapter will establish the research questions along with providing the information on the sample and the methodology that will be used in this study. The theoretical and operational definition will also be presented. The next chapter will also identify the design and other relevant research procedures that will be vital for the success of the study.

CHAPTER 3

METHODOLOGY

The purpose of this research was to determine if variables such as race, income, academic achievement, geographic residence, and involvement with social services are factors that predict which juvenile offenders are charged as adults and are waived to Superior Court. These variables were chosen based on several research studies. For example, (a) Leiber and Stairs (1995) concluded that race is a factor in differential sentencing with regards to juvenile crime; (b) Hischi (1969) concluded that youth who are attached and committed to school, and who have positive beliefs and aspirations towards school and school achievement are less likely to become involved in delinquency; and (c) Pagani, Boulerice, Vitaro, and Tremblay (1999), Risler, Sweatman, and Nackerud (1998), and Conger and Miller (1966) found a strong relationship between poverty and crime. This chapter will outline the design of the study along with the researcher questions and subsequent hypotheses. Detailed definitions of the independent variables and the techniques used to analysis the data will also be provided.

This chapter will examine the setting in which the data was collected and the design of the study. The research questions along with the subsequent hypotheses will be presented and theoretical and operational definitions will be presented. Finally this chapter will outline the data collection techniques and sampling procedures utilized in the research study.

Setting

The Georgia Department of Juvenile Justice (DJJ) provides supervision, detention, and a wide range of treatment and educational services for youth referred to the Department by the

Juvenile Courts (Georgia Department of Juvenile Justice, 2005). Under the present leadership of Commissioner Albert Murray, DJJ provides delinquency prevention services for at-risk youth through collaborative efforts with other public, private, and community entities. DJJ has a staff of over 3,500 employees who manage programs, services, and facilities throughout the state. There are over 59,000 youth who are served annually, including youth who are placed on probation, who are sentenced to short-term incarceration, or who are committed to the custody of the Georgia Department of Juvenile Justice.

The Georgia Department of Juvenile Justice 2005 annual report indicates that 12.4 % of all admissions were violent offenses and 34.8% of those admissions received a long term Youth Detention Center Commitment. The report concluded 29.5% of all admission were white males and 18.1% of those admissions were Youth Detention Center (YDC) long term commitments; 32% of all admissions were African American males and 65.5% of these admissions received long term; 15.9% of admissions were white females and 17.2% of all admissions were African American females (Georgia Department of Juvenile Justice, 2005).

Design

This research used a quasi-experimental correlational design. Dudley (2005) stated that a quasi-experimental design is used to explore the relationship between the independent variable and dependent variable. The design was used to determine (a) if race, income, academic achievement, and geographic residence are predictors of which juvenile offenders receive waivers to adult superior court and (b) if juveniles who have received waivers to criminal court are less or more likely to recidivate. This type of design is not unusual in the Juvenile Justice field. Rodriguez and Webb (2004) effectively used the quasi-experimental design to compare recidivism rates of juveniles assign to drug court with those youth who were assigned to standard

probation. Fass and Ron Pi (2002) and Fritsch, Caeti, and Taylor (1999) also used the quasi-experimental design to analyze several pervasive problems in juvenile justice such as child maltreatment and gang violence.

Further, Campbell and Stanley (1966) stated that the non-equivalent group design allows the researcher to sample without the restrictions of a true experimental design and that threat to external validity represented by reactive arrangement are present to a lesser degree than one would see in a true experimental design. Explanations about why these youth commit these crimes or about why certain youth are being waived to criminal court are beyond the scope of this research. However, it is the hope that the results of this quasi-experimental study will lead to further inquiry into laws which have the provision that juveniles can be tried and sentenced as adults.

Dudley (2005) stated that researchers who employ the quasi-experimental design must attenuate to five conditions before using a quasi-experimental correlational design: external factors/history, internal factors, difference in the research participants, reactivity, and loss of research participants. External factors, or history, refer to other factors that are present during the time that an intervention is introduced that can affect the outcome of the research. For example, a research participant may be receiving outpatient addiction services while receiving the researchers addiction related intervention. Internal factors refer to the biological or physical processes that specifically vary with time independent of specific external events. For example a researcher could see increased self-esteem, gradual physical decline, increased maturation, or the emergence of a depressed mood in the research participant, all of which happened independently of an intervention. The differences between the research participants who receive the intervention and those who do not can affect the outcome variable. This means that participants

in the intervention group may improve to greater extent than the participants in the comparison group for reasons other than the intervention (Campbell & Stanley, 1963). For example the participants in the experimental group could have a higher motivation to succeed or their problems could be less severe than those in the comparison group.

Reactivity caused by the data collection instruments used to measure the client outcome variable is another condition identified by Dudley (2005) that could also influence the client outcome variable. Campbell and Stanley (1963) stated that there are two types of reactivity: testing interference and instrumentation interference. Testing interference refers to the biases in the participants' test responses based on their sensitivity to the outcome variable of the test. In other words, the pretest could desensitize the participant to the outcome variable and thus the posttest would not be reflective of effects of the intervention (Dudley, 2005). Instrumentation interference refers to the inconsistency in the administration of the instrument by the researchers from pre-test to post-test (Campbell & Stanley, 1963). Finally the loss of research participants during the experiment could influence the outcome variable. For example a study may begin with 200 participants and, due to a variety of reasons, concludes with 93 participants. This dramatic decrease in participants could interfere in the measure of the impact of the intervention. Campbell and Stanley (1963) referred to this as mortality.

Research Questions

The following section is a list of the research questions and corresponding hypotheses used in this study. Also provided in this section are both the theoretical and operational definitions for each of the independent variables.

1. Are race, socioeconomic status, geographic residence (urban or rural), and academic achievement, predictors of juveniles receive waivers to superior court?

- 1a. Non-white juvenile offenders are more likely to receive waivers to superior court than white juvenile offenders.
 - 1b. Juvenile offenders with lower family incomes are more likely to receive waivers to superior court than juveniles with higher family incomes.
 - 1c. Juvenile offenders with lower levels of academic achievement are more likely to receive waivers to superior court than juveniles with higher academic achievement.
 - 1d. Juvenile offenders from urban areas are more likely to receive superior court waivers than their counterparts from rural areas.
2. Are juveniles who are waived to criminal court more likely to recidivate as compared to those who are processed in juvenile court?
 - 2a. Juvenile offenders with superior court waivers will have higher rates of recidivism, when compared to rates of recidivism for those offenders who are processed in juvenile court.
 3. Are juveniles who are placed in foster care more likely to be waived to Superior court than those who are not in foster care?
 - 3a. Juvenile offenders who are placed in foster care are more likely to receive criminal waivers from superior court.

Definitions of Variables

Income

The theoretical definition of income is the amount of money received from employment (salary, wages, tips), profit from financial instruments (interest, dividends, capital gains), or other sources (welfare, disability, child support, social security and pensions) (retrieved March 20,

2006 from <http://www.msun.edu/stuaffairs/finaid/glossary/i.htm>). This definition can sometimes be confused with the theoretical definition of socioeconomic status, which is a measure of an individual's or family's relative economic and social ranking. Income as a variable in predicting delinquency for juveniles has been used in numerous studies. Ebi (1989) in a study of juveniles in Legos used income as predictor variable. Chung, Hawkins, Gilchrist, Hill, and Nagin (2002) conducted a study using a sample from the Seattle Social Development Project again utilized income, along with family factors as predictors of juvenile delinquency in their study. The study concluded that family factors significantly predicted desistance from offending by age 18 in low income families.

The Census Bureau (retrieved May 2005 from <http://www.census.gov>) also indicated that average size for a typical family is 3.13 people, this is important because the researcher realizes that subjects in this project may come from families with more than three people or less than three people in the household. The researcher will utilize the above classification as means of providing a means of standardizing data as it relates to income. The Census Bureau calculations provides the researcher with a standardize method of calculating the socioeconomic status for what is considered the average household. For the purposes of this research study, income was operationally defined as the monthly income of a juvenile's parents that was reported in the data set.

Race

The National Council on Crime and Delinquency (2006) reported the following as it relates to race and delinquency: (1) African Americans accounted for 55% of the felony defendants under age of 18. (2) African American Males (50%) accounted for than 3 times the percentage of white males (15%), and twice the percentage of Hispanics males (25%) under age

18. These statistics emphasize the importance of race as a relevant variable in analyzing juvenile crime.

The theoretical definition of race is a distinct population of humans distinguished in some way from other humans. The most widely observed races are those based on skin color, facial features, ancestry, genetics, and national origin (retrieved May 2005 from <http://www.census.gov>). Conceptions of race, as well as specific racial groupings, are often controversial due to their political and sociological uses and implications (retrieved May 2005 from <http://www.census.gov>). Race was operationally defined in this study as the group with which the offender identifies (i.e., white, black, Latino, or other).

Academic Achievement

Academic achievement has often been defined as the measure of an individual's academic success, using either subjective or standardized measures or using both subjective and standardized measures. Some researchers (Lawrence, 1985; Maguin, Loeber, & LeMahieu, 1993; Zingraff, Letter, Johnsen, & Meyers, 1994) used standardized measures along with subjective measures, such as grades and progress reports, as a means of defining this concept. For example, in a study that examined the relationship between academic success and delinquency, Lawrence (1985) used personality assessment along with grades as means of defining academic achievement. In a related study, intelligence test scores, along with self-report measures were used as a means of operationally defining academic achievement (Maguin, Loeber, & LeMahieu, 1993). For this study, academic achievement was measured using scores on the Test of Adult Basic Education (TABE Battery and Survey) and also the offenders' grades prior to incarceration (Vensky & Bristrow, 1997). The TABE is a widely used and respected test for assessing academic achievement (Vensky & Bristrow, 1997). It should be noted that results

from this measure were computed and placed in the data set by the Department of Juvenile Justice.

Geographic Residence

In defining geographic residence the term itself should be deconstructed into the components that it comprises. This is necessary provide a level of standardization to variety of definitions for the different components of geographic residence. In this case those components include the terms urban and rural. The second and most important consideration is the relevance of geographic environment in this study. To provide rationale for the inclusion of geographic environment, highlights from Department of Justice Rural, Urban, and Suburban (2005) crime victimization report was utilized and the following was concluded: First, from 1993 to 1998 the trends in violent and property crime for urban and suburban areas were similar. For both urban and suburban areas, violent and property crime trends during this period decreased at a greater rate than in rural areas. The report also indicated that the average annual 1993-98 violent crime rate in urban areas was about 74% higher than the rural rate and 37% higher than the suburban rate (Department of Justice 2005). Another salient point from the Department of Justice Rural Urban and Suburban crime report was that urban males experienced violent victimizations at rates 64% higher than the average combined suburban and rural male rate and 47% higher than urban females (Department of Justice 2005). This suggests that males who reside in urban areas are more likely to be victims of crimes such as murder, assault, and arm robbery.

Finally the Department of Justice crime report indicated the following in regards to violent and property crimes. First, most violent crimes in urban (60%), suburban (68%), and rural (70%) areas were committed without a weapon, firearm usage in the commission of a violent crime was higher in urban areas when compared to suburban or rural areas (12% urban

versus 9% suburban and 8% rural). Secondly, between the years of 1993 and 1998, 19 in 20 suburban and rural households owned motor vehicles; however, in suburban households the theft of motor vehicles (13 per 1,000 households) was twice the rural rate (6 per 1,000 households) during this period. Thirdly, property crimes were generally completed at higher rates against urban households than against suburban or rural households. Finally the report indicated that urban violent crime victims were more likely than suburban or rural crime victims to be victimized by a stranger (respectively, 53%, 47%, and 34% of violent crime victims). These statistics are noteworthy because of the specific delineation in the types and frequency of crime in these various types geographic residence.

While the U.S. Census Bureau makes the clear theoretical and operational distinction between Urban and Rural areas, Suburban is not clearly defined. Urban as defined by the Census Bureau is as follow: All territory, population and housing units in urban areas, which include urbanized areas and urban clusters. An urban area generally consists of a large central place and adjacent densely settled census blocks that together have a total population of at least 2,500 for urban clusters, or at least 50,000 for urbanized areas. Urban classification cuts across other hierarchies and can be in metropolitan or non-metropolitan areas (Census Bureau 2004). Rural is defined by the Census Bureau in the following way: Territory, population and housing units not classified as urban. Rural classification cuts across other hierarchies and can be in metropolitan or non-metropolitan areas (Census Bureau, 2004). In a poverty study conducted by Nackerud and Risler (1998), geographic type was defined by a classification set by Doug Bactchel noted demographer who has published the Georgia County Guide which defines urban, suburban, rural and rural decline areas in Georgia. His county guide was also utilized as means of stratifying the sample in a Georgia Welfare Reform study conducted by Nackerud, Risler, and Brooks (1998).

The following classifications and subsequent definitions were utilized in the Georgia Welfare Reform Project: (1) Urban counties in Georgia were classified as populations over 50,000 people, with a vast majority of the population having the skills and resources needed to take advantage of economic opportunities. However there is an equally large segment of the population, who are young, inadequately educated and live below the poverty level. (2) Suburban counties are mostly metropolitan; due to a majority of the residents living there commute into the urban areas to work. The residents are predominately white, affluent, and have high degree of educational attainment and income level. (3) Rural growth counties are scattered across the state, with most of the concentration in the northern part of the state. These areas have either scenic beauty or some type of landscape which attracts tourism. These areas located near regional growth center which contribute to the economic development of the county. (4) Rural decline are counties have long term population loss, lack of employment, low educational attainment and low level of supportive services. Most of the residents are dependent on social services (Nackerud, Risler, and Brooks, 1998). For this study, rural and urban areas were used as means of operationalizing the geographic type of the sample. Out of the 159 counties in Georgia eight counties were identified as urban and the rest of the counties were classified as rural. Suburban, rural growth and rural decline as define by Doug Bactel were collapsed into one category rural (retrieved on May 20, 2006 from <http://www.agecon.uga.edu/~countyguide/1>). While the other counties not identified in the above classification was identified as urban. The urban counties are: Clarke, Chatham, Fulton, Muscogee, Richmond, Bibb, Dougherty, and Dekalb.

Recidivism

A seminal question in this research is to determine if sentencing juveniles as adults reduces the rates of recidivism. Smith and Craig (2001) postulated that youth who are waived to criminal court recidivate more than youth who are processed in juvenile court. A report by University of Colorado Center for the Prevention of Violence (2005) also concluded that youth who are waived to criminal court are more likely to recidivate than those sentenced in juvenile court. Bishop, Frazier, Lanza-Kaduce, and Winner (1997) results were consistent with the aforementioned studies, that waving Juveniles to criminal court does not reduce recidivism , but increases the rates of recidivism. Katsiyannis and Archwamety (1997) believe cognitive deficits, lack of treatment alternative and family involvement are few of the factors that provide some explanation to higher rate of recidivism among juveniles who are waived to criminal court.

The Bureau of Justice Assistance (2005) defines recidivism as the repetition of criminal or delinquent behavior. This definition provides the appropriate theoretical definition for the present research. Katsiyannis and Achwamety (1997), in constructing their operational definition for recidivism, stated the following: “a youth whose second committed date was less than three after the first” (p.47). For this study recidivism was operationally defined as committing a crime again after one has been adjudicated previously.

Foster Care

Morris (2004) stated that children who are placed in foster care are more likely to appear before juvenile court and he suggested two possible explanations for this: (a) a lack of attachment to foster parents or group home staff and (b) a lack of family or child welfare representative. It is believed that when a youth appears before a judge without a family representative, the judge is more likely to assume that the youth is unstable. Also, Morris

pointed out that youth who appear in court without family representatives are not likely to be considered for alternatives to detention.

The Department of Health and Human Resources (2005) defines foster care as: “ Twenty-four-hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to, family foster homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes regardless of whether the facility is licensed and whether payments are made by the State or local agency for the care of the child, or whether there is federal matching of any payments made (retrieved May 5, 2005 from <http://www.acf.hhs.gov/programs/cb/dis/ncands98/glossary/glossary.htm>).

This above provides the theoretical definition of foster care for this study. Foster care was operationally defined as the number of times that an offender had a custodial arrangement supervised by the Department of Family and Children Services. Table 1 provides a complete list of the independent variables in this study and their corresponding definitions.

Procedure

Sample

This study used the population of offenders taken from the 1996-2004 archival records from the Georgia Department of Juvenile Justice. The data set included data from offenders who are sentenced under Senate Bill 441 and from offenders who were processed in juvenile court. The population originally consisted of 6819 participants, however 1000 participants were eliminated from the study due to missing data and incorrectly coded data.

Table 1

Operational Definition of Independent Variables

Variable	Type	Coding	Definition
Race	Categorical	1= White 0 = Non white	Race was measured by what the respondents, self-identification recorded in the data: white, black, Latino, and other.
Income	Interval	1= 0-20,000 = Low income 2= 20,001- 50,000 = Mid income 3= 50,001 and above= High income	Income was defined as monthly family income reported by the juvenile offenders
Recidivism	Categorical	0 = did not recidivate 1= did recidivate	Recidivism was defined as committing a crime again after one has been adjudicated previously.

Table 1 continued

Variable	Type	Coding	Definition
Geographic Type	Categorical	1= Urban 0 = Rural	This variable was defined by the definitions the Department of Juvenile Justice. Urban counties are Chatham, Bibb, Clarke, Fulton, Muscogee, Richmond, and Dougherty.
Contact with Department of Family and Children services. (Foster Care)	Categorical	1 = DFACS Custody 0 = Not in DFACS Custody	The number of times greater than an offender had a custodial arrangement supervised by DFACS.
Academic Achievement	Continuous	TABE Score	Academic achievement will be measured by each offender's TABE scores and grades prior to incarceration, which

Table 1 continued

Variable	Type	Coding	Definition
Academic Achievement (continued)	Continuous	TABE Score	was calculated and included in the data set by the Department of Juvenile Justice

For research question two, which states: Are juveniles who are waived to criminal court are more likely to recidivate as compared to those who are processed in juvenile court? A sample of 104 was used. The sample was taken because the size of the data set it would have been impossible to answer the question given the construction of the data. The sample was taken using a confidence interval of 9.52 and a confidence level of 95%. Approximately 1% of the population was used which was proven to be an accurate representation of the population. Random selection was completed via the random number seed on SPSS 12.0.

Data Collection

Approval was granted in October 2005 by the University of Georgia Internal Review Board to begin collection of the data set. The data was then collected from the Georgia Department of Juvenile Justice. The data was gathered from the archival data set, coded by the researcher, and compiled into a database including all of the identified variables. Each youth was assigned a unique number to identify his or her case for gathering data. The participants' name was not be known by the researcher nor used in the research study. The participants'

personal identifiers were excluded from the database developed by the researcher. No identifying information was made public or presented in the results of the study. In all analyses the data was aggregated ensuring that no individual information could be identified.

Data Analysis

There were a number of data analysis techniques used in evaluating the research questions and their corresponding hypotheses. These techniques included t-tests and logistic regression. Logistic regression, which is considered to be a more advanced extension than multiple regression was one of the main analytical techniques used (Mertler & Vanatta ,2002). Mertler and Vanatta (2002) pointed out several advantages to using logistic regression: (a) logistic regression requires no assumptions about the distribution of the predictor variables need to be made by the researcher; (b) logistic regression cannot produce negative predictive probabilities; (c) logistic regression has the capacity to analyze the predictor variables for continuous, discrete, and dichotomous data; and (d) logistic regression is useful when the distribution of data on the criterion variable is expected or known to be nonlinear with one or more predictor variables. For the above reasons, logistic regression was used as the primary mode of analysis for the three research questions and the corresponding hypotheses. Also, Kendall's tau-b was used to determine the strength and relationship between the independent variables and dependent variable. Kendall tau-b is used to test the strength of association of the cross tabulations when both variables are measured at the ordinal level. It makes adjustments for ties and is most suitable for square tables. Values range from -1 (no association) to +1 (the theoretical maximum possible association) (Kendall, 1975).

Data Analysis Tools

The Statistical Package for Social Sciences 12.0 was used as the tool for performing the statistical analyses for this project. The data was gathered from the archival record system, coded by the researcher, and compiled into a database including all of the identified variables. Each youth was assigned a unique number to identify their case for gathering data. The participant's name were not known by the researcher nor used in the research study. The participants' personal identifying information was excluded from the database developed by the researcher. No identifying information was made public or presented in the results of the study.

Secondary Data Collection

Data collection and the use of secondary information used in this research presented a number of difficulties. Many of these difficulties were due to fact that a computerized data based tracking systems was not in place during the time this policy were implemented. The Georgia Department of Juvenile Justice Staff was very helpful assisting in addressing these problems; however these were some of the difficulties encountered in this study. First, the administrative records of the Department of Juvenile Justice that were contained in several data sets posed significant issues. This required the data to be cleaned and aggregated, which was a difficult and time consuming process. It took approximately five months to configure and merge the administrative records from excel to SPSS and convert the data set for the appropriate analysis. In addition, the size of the raw data set containing all records (N 6819), made this process even more difficult.

Secondly, missing data within each record presented another obstacle in developing a usable data set for the research. Once the data set was cleaned and organized, it became apparent there were significant amounts of missing data on the key variable income. Unfortunately, data

techniques such as mean substitution were not feasible due to the amount of missing data on this variable (86%). This problem made it impossible to analyze question relating to income (hypothesis 1b) which examined the relationship between income and those individuals who were waived to superior court. Another ancillary effect was the omission of the income variable from the logistic regression model. It should be noted that when there is a large amount of missing data, the variance as it relates to that particular variable can not be accurately explained. Mertler and Vannatta (2005), further explain the detriments of missing data by stating that it poses a significant disadvantage when using logistic regression,

A third impediment in utilizing secondary data was the inability to determine if the data set will sufficiently answer the research questions. When utilizing secondary data one approaches the analysis with the hopes that data will answer all the research questions. It should be mentioned to adjust research questions to support the data set is an ethical violation (a priori research). However, there were instances in this researcher where the data did not yield the information needed to adequately answer the research questions and subsequent hypothesis. For example, as mentioned a key component of this research study was to examine the relationship between juvenile waivers and income. However the large amount of missing data prevented this hypothesis from being analyzed. Another effect of not knowing limits of the data was the inability to analyze hypothesis 1c, which examined the relationship between academic achievement and juvenile waivers. Academic achievement could not be analyzed because it was a constant meaning there was no variation, all youth who were in the data set was in their correct grade.

The last difficulty encountered from the use of secondary data was data entry. It appeared that there were some data points that were entered incorrectly, however this could be a

result of human error related to the size of the data set. The incorrect or suspect entries were discarded. It should be noted that the data entry difficulties did not have significant effect on the overall integrity of the data, but should be mentioned as a possible difficulty for those who will utilize secondary data in the future.

The use of secondary data did have its drawbacks and proved at times to be very cumbersome and tedious to analyze. Despite of all the drawbacks the data was able to yield information that was beneficial in the analysis of Senate Bill 440. It would be advisable when utilizing secondary data, that a research prepares for the possibility of missing data, the possibility that all question may not be answered, and the possibility of a long and tedious cleaning process.

Conclusion

This chapter explained the design of the research study along with a concrete explanation of the variables that were utilized in the study. This chapter also outlined the procedures used to analyze the data set, provided an explanation about the sampling procedures used, gave the rational for the construction of the research questions, and reviewed the data collection procedures used in this study. The next chapter will present the statistical analysis techniques used in this study and will provide an in-depth analysis of the research questions and the findings.

CHAPTER 4

ANALYSIS

This research examined several factors as variables which contribute to juveniles being charged as adults: income, race, academic achievement, geographic environment, and placement in foster care. The variables chosen were identified in the current literature. This chapter will provide evidence that will refute or support the previous stated research questions and subsequent hypotheses. This chapter discusses the results of the analysis of the data. First, there will be an explanation of descriptive statistics for the overall data set. Then results for each question and its subsequent hypothesis will be presented. There will also be an explanation about the sampling procedures and analysis methods used in this study.

Descriptive Statistics

There were a total of 396 females and 5,423 males in this data set for a total of 5,819 cases. These numbers illustrate a significant difference in the number of female juvenile offenders as compared to male offenders in this population. In regards to race, there were 1,447 white offenders, 4,060 black offenders, 12 Asian/Pacific islanders, and 300 offenders who were classified as “other”. It should be noted that when organizing this data, “other” includes Hispanic and Native American. With respect to the race of those who had committed offenses that led to being charged as an adult under Georgia Senate Bill 444 (i.e., murder, voluntary manslaughter, rape, aggravated sexual battery, aggravated child molestation, or robbery, if committed with a firearm), 2,379 were black, 909 were white, and 197 offenders who were classified as other. With respect to geographic region, 1,487 offenders were classified as urban

and 2,930 offenders who were classified as rural. It should be noted that there were 1,399 cases with missing data. Tables 2 and 3 graphically display the demographic breakdown of each of the above mentioned categories.

Table 2

Demographics

	Frequency	Percent
	(N)	(%)
Race		
White	1447	24.9
Black	4060	69.8
Other	312	5.2
Gender		
Male	5423	93.2
Female	396	6.8
Geographic Residence		
Urban	1487	25.6
Rural	2930	50.4
Missing	1399	24.0

Table 3

Juvenile Waivers

	Waived (N)	Not Waiver (N)
Race		
White	909	538
Black	2379	1681
Other	197	115
Gender		
Male	3366	2057
Female	119	277

Analysis of Questions

Question 1. Question 1 examined whether race, socioeconomic status, geographic residence (urban or rural) and academic achievement were significant factors in determining which juveniles receive waivers to superior court. To determine the predictive ability of these independent variables (geographic residence and race) logistic regression was conducted. Data screening was conducted and there were no outliers present. Regression results indicated the overall model of the one predictor (race) was statically reliable in distinguishing between those individuals who are waived and those who are not waived (-2 Log Likelihood = 5932.063.; $X^2(3) = 51.709$; $p < .05$). The model correctly classified 56.2%. Regression coefficients are presented

in Table 4. Wald statistics indicated that the variables significantly predicted those who receive waivers. However the odds ratio for this variable indicates little change in the likelihood of juvenile offenders being waived as result of the independent variables. The odds ratio for geographic residence ($e^2 = 1.1609$) and race ($e^2 = .901$).

Table 4

Regression Coefficients

	<i>B</i>	<i>Wald</i>	<i>df</i>	<i>p</i>	<i>Odds Ratio</i>
Geographic Residence	-1.050	2.721	1	.099	1.609
Race	.153	4.399	1	.036	.901
Constant	.267	37.035	1	.000	1.306

Hypothesis 1a. Hypothesis 1a examined whether non-white juvenile offender are more likely to receive waivers to superior court than white juvenile offenders. Kendall's tau- b was utilized to measure the strength of the relationship between the independent variable race and the dependent variable. When calculated, Kendall's Tau b had a value of ($\text{tau-b}=.034$, $p<.05$). This is a statistically significant positive, but very weak, relationship between race and those who commit Senate Bill 440 crimes. The variable race was coded as follows: Non-white= 0 and White=1. The results of this analysis suggest that white youth have a slightly higher propensity being waived to superior court. See Table 5.

Table 5

Cross Tabulation and Measure of Association Kendall's tau-b Hypothesis 1a

		Ever waived to superior court		
		No	Yes	Total
Race	not white	1799	2581	4380
	white	535	904	1439
Total		2334	3485	5819

	Value	Std Error	Approx T(b)	Approx Sig
Hypothesis 1a	.034	.083	-5.762	.008

Hypothesis 1b. Hypothesis 1b examined whether Juvenile offenders with lower income backgrounds are more likely to receive waivers to superior court. This hypothesis could not be analyzed due to 86% of the data on this variable was missing. By having high numbers of missing data, no definitive conclusion concerning the relationship between income and juvenile waivers could be made.

Hypothesis 1c. Hypothesis 1c examined whether Juvenile offenders with higher levels of academic achievement are less likely to receive waivers to superior court. This hypothesis could not be analyzed due to academic achievement being computed as a constant. The lack of

variation in a constant, accurate examination of this hypothesis was not possible. Due to all the participants being placed in their appropriate grade and since grade level was utilized as means of measuring academic achievement; the researcher could not determine if academic achievement had an effect on youth who received waivers to superior court.

Hypothesis 1d. Hypothesis 1d examined whether Juvenile offenders from urban areas are more likely to receive superior court waivers than their counterparts from rural areas. For this hypothesis Kendall's tau-b was used as the statistical analysis technique. Kendall's tau-b had a computed value of (tau-b= -.031, $p < .05$). This is a statistically significant but weak negative relationship between geographic residence and waivers. The results of this analysis suggest that those juveniles who live in rural areas receive more waivers than those youth who live in urban areas. The variable geographic residence was coded as follows: Urban = 1 and Rural = 0. See Table 6.

Question 2. Question 2 examined whether juveniles who are waived to criminal court more likely to recidivate as compared to those who are processed in juvenile court. A random sample was taken from the population of 5,819. The sample was taken using a confidence interval of 9.52 and a confidence level of 95%. The sample consisted of 104 cases; 63 of those cases were juveniles who were waived and 41 were juveniles who were not waived. There were 97 males and 7 females included in the sample. The sample also included 29 whites and 67 African Americans and 8 cases that were classified as other. There were 63 cases waived to superior court and 41 processed in Juvenile Court. The mean age for the sample was 14.95 with a $SD=1.12$. See Table 7.

Table 6

Cross tabulation and Measure of Association Kendall's tau-b Hypothesis 1d

		Ever waived to superior court		
		No	Yes	Total
Geographic Residence	rural	1237	1693	2930
	urban	675	812	1487
Total		1913	2505	4418

	Value	Std Error	Appox T(b)	Approx Sig
Hypothesis 1d	-.031	.015	-2.043	.041

Table 7

Demographics

Variable/Label	n	%	m	SD
Gender				
Female	7	6.7		
Male	97	93.3		

Table 7 continued

Variable/Label	n	%	m	SD
Ethnicity				
African Americans	67	27.9		
White	29	64.4		
Other	8	7.7		
Juvenile Status				
Waived	63	39.4		
Not Waived	41	60.6		
Age			14.95	1.125

Question 2 hypotheses and analysis. Hypothesis 2a examined whether juvenile offenders with superior court waivers will have higher rates of recidivism, when compared to rates of recidivism for those offenders who are processed in juvenile court. For hypothesis 2a Kendall tau-b was used. Kendall's tau-b computed a value of (tau-b= -.492, p<.05). This value demonstrates an inverse but moderate relationship between recidivism and being waived. It can also be inferred from this value that juveniles who were not waived are more likely to recidivate than those who were waived. The variable being waived to superior court was coded as follow: Waived =1 and Not Waived = 0. See Table 8.

Table 8

Cross Tabulation and Measure of Association Kendall's tau-b Hypothesis 2a

		Ever waived to superior court		
		No	Yes	Total
Recidivism	no	8	44	52
	yes	33	19	52
Total		41	63	104

	Value	Std Error	Appox T(b)	Approx Sig
Hypothesis 2a	-.492	.083	-5.762	.000

Question 3. Question 3 examined whether juveniles whose families have had particular types of contact (i.e. placement in foster care) with the Department of Family and Children Services are more likely to receive waivers for Senate Bill 440 offense as compared to those juveniles whose families have not this type of contact with DFACS. Within the population of 5829 there were 87 cases that were considered as contact with the Department of Family and Children Services. There were also 3963 cases that were classified as other custodial arrangement (i.e. grandparent, uncle, aunt, single parent, two parent, and cousin). When it comes

to youth who were in DFACS custody 39 youth were waived and the youth who had custodial arraignments other than DFACS 1723 youth were waived. See Table 9.

Table 9

Custody

Variable label	N	%	Number waived
Other Custodial Arrangements	3963	97.9	2240
DFACS Custody	87	2.1	39
Total	4050	100	22.79

Question 3 hypothesis and analysis. Hypothesis 3a examined whether Juvenile offenders who were placed in foster care are more likely to receive criminal waivers from superior court. Kendall's tau B was computed to determine the relationship between juvenile offenders who have some type of foster care placement and those who do not have a foster care placement. For this question the population of 5819 was utilized. The computed Kendall's tau B value was (-.034, $p < .05$). The analysis indicated a weak but significant negative relationship for being waived and a juvenile's custodial arraignment. The analysis also indicated a slight propensity for juveniles who were not placed in DFACS custody (i.e. two parent households, and single parent households) to receive superior court waivers as compared to juveniles who were placed in DFACS custody. See Table 10.

Table 10

Cross Tabulation and Measure of Association Kendall's tau-b Hypothesis 3a

		Ever waived to superior court		
		No	Yes	Total
DEFACS Custody	no	1723	2240	3963
	yes	48	39	87
Total		1771	2279	4050

	Value	Std Error	Appox T(b)	Approx Sig
Hypothesis 3a	-.034	.016	-2.177	.034

Summary

The statistical analyses of the data from the sample provided partial support for one of the three research questions. However, the statistical relationships among the variables were shown to be moderate at best, when Kendall's tau-b test of association was used to test the strength of the relationships. The overall logistic regression analysis for question one did indicate that race was the strongest predictor of youth who are waived for Senate Bill 440 offenses when placed in combination with geographic residence. However the assumptions made in hypothesis 1a which states Non-white offenders are more likely to receive waivers and

1d which stated: Juvenile offenders from urban areas are more likely to receive waivers than those individuals from rural areas were rejected. In regards to research question two, there was no statistical evidence to support the hypothesis that those who commit Senate Bill 440 crimes are more likely to recidivate. There was also no statistical evidence to support question three and the corresponding hypothesis that youth who committed a Senate Bill 440 crime are more likely to have been in a foster care placement.

The next chapter will discuss the results more thoroughly and also look at the implications to social work practice. Also, Chapter 5 will make the link between the theory and the results. The limitations and possible future research possibilities will be discussed as a means of advancing the research agenda of this study and juvenile justice community.

CHAPTER 5

DISCUSSION

Summary of Results

This research examined factors that contribute to juveniles who are waived to superior court. A data set from the Georgia Department of Juvenile Justice was used to determine the following: (a) if race and geographic residence were predictors of youth who are waived to superior court; (b) if youth who have Department of Family and Children Services custodial arrangements such as foster care have a higher penchant for waivers; and (c) do youth who have received waivers have a higher penchant for recidivism than those youth who are processed in juvenile court?

The previous chapter reviewed the analysis of the data as it relates to the research questions. The chapter also provided a detailed explanation for the two main analysis techniques, Kendall's tau-b and Logistic Regression. This chapter will further explain the results and how they either support or not support the fundamental tenets of both strain and labeling theories. This chapter will also describe the various limitations of this research and the implications for both social work practice and policy.

Race and Juvenile Waivers

The results revealed that race is a statistically significant factor as it relates to youth who are waived to superior court. However, since the relationship was a weak one, race could be classified as being a minimal predictor of which youth will be waived to superior court. The data also suggested that white youth were more likely to be waived to superior court than non-white

youth. This result rejects the initial hypothesis that non-white youth are more likely to receive waivers. This result was contradictory to a previous research study conducted by Joseph (1995) in which she concluded that African-Americans have a higher propensity to receive superior court waivers. The results from this research are more closely associated with findings of Myers' (1995) study, in which he concluded that whites are more likely to receive harsher sentences than African Americans in a community where the majority of the population was African American. However, as it relates to this study and subsequent hypothesis, the variable of race as a predictor of which juveniles are waived to superior court is negligible. This could be attributed to Georgia being an automatic waiver state and not a state in which a hearing has to be conducted to determine if a case should be waived to superior court. It appears by Georgia being a state that operates under the guidelines of automatic waivers it reduces the chances of judicial biases related to race.

Theory Labeling and strain theory were used as a basis of understanding for this study. It was initially believed that by being labeled as a minority or non-white youth would predict a higher probability of being waived. However, the results of this study indicate that being labeled as a non-white youth does not have a role in whether or not a juvenile is waived to superior court. Again, this results is contrary to the findings from a study conducted by Albonetti (1998) who suggested the negative label associated with being (African-American, or Latino) increases the proclivity of someone associated with these races being waived to Superior Court.

Also, the tenets of general strain theory were not supported as result of the analysis of this study. The present study yielded results which suggested white youth have a higher penchant to receive waivers to superior court. Agnew (1995) believed that racial discrimination could cause a certain amount of strain that could lead to delinquent behavior. Also, Cloward and Ohlin

(1960) concluded that if a juvenile sees his race as being an impediment to a positive opportunity, then the likelihood of committing a delinquent act increases. Simons, Chen, Stewart, and Brody (2003) also assert that racial discrimination can be a stressor in which delinquency could result. However, the results of this study indicated that the above mentioned assumptions on the relationship between race and General Strain Theory were not supported.

There are several plausible explanations for the slight propensity for white youth to receive waivers than non-white youth. First, the system of mandatory waivers for prescribed crimes decreases the opportunity for discrimination. Secondly, maybe economics and not race has a greater influence on the number crimes that are committed. It could be surmised that if a youth has the financial resources to obtain good legal counsel, that race becomes less significant in determining the outcome of a trial. Finally, with the country becoming more cognizant of discriminatory policies that supported racial profiling, more efforts are being made to eradicate those policies.

Geographic Residence

It was hypothesized that juvenile offenders from urban areas were more likely to receive superior court waivers than their counterparts from rural areas. The analysis from the data in this study rejected the stated hypothesis. The data suggested that rural youth have a slightly higher probability of being charged with crimes that would result in a juvenile waiver. The widely held belief that urban youth are more likely to be charged with waiver crimes than their counterparts from rural areas (Joseph 1995) was not supported in this study. It should be mentioned that the results did deviate from the beliefs of labeling theorists Brenburg and Krohn (2000) who concluded that being labeled as an urban youth and poor increases a youth's likelihood of committing a crime and being labeled as a deviant. The results are also in contrast to crime

statistics that indicate violent crime rates in urban areas are 74% higher than rural areas (Department of Justice, 2005). To make the assertion that this result provides conclusive evidence to support previous research and the fundamental tenets of labeling theory would not be prudent due to the relatively small statistical relationship between geographic residence and being waived to superior court. However, the relationship should not be totally discredited regardless of the relatively small statistical relationship, because it can be inferred that the law (Senate Bill 440) is being applied equally across the state regardless of one's residence.

The results from this study do not provide evidence in support of Strain Theory, which suggests that urban youth have a greater likelihood of being waived to superior court. However, as mentioned earlier, the relationship between geographic residence and juvenile waivers was very small, which makes it very presumptive to assume with a high degree of certainty that rural juveniles have a higher incidents of juvenile waivers than urban youth. Strain theorists believe that urban youth do have a higher propensity to be waived due to the large amount of crime, especially property crimes, in those areas. However, results do raise several questions. First, is strain in rural areas proportional to strain in urban areas? For example if a person living in a rural area does not have access to transportation to go to work is that proportional to the person living in the urban area that does not have the opportunity to work, due to the lack of available jobs in the area? Both situations can cause stress, however the question must be asked which situation causes the amount of stress needed to commit a criminal act. Secondly, are there available resources to help youth cope with the varying levels of stress associated with living in rural or urban area? Hirchi (1966) suggested that the more positive and pro-social activities youth are involved in, the less time and motivation they will have to commit a delinquent act.

The results of this hypothesis not only provide support to the original assumption that geographic residence is a factor for those youth who receive juvenile waivers, but it also challenges the notion that urban youth would have the higher tendency to be waived to superior court than rural youth. One possible explanation for the departure of the results from the literature is crime is not static, it is dynamic. This means that crime trends may change based on a number of factors (e.g., income, and access to resources). The possible lack of resources for activities in rural areas could increase the proclivity for criminal activity. Another possible explanation is the police presence in rural neighborhoods. In urban areas law enforcement officials have more people under one jurisdiction due to the population differential making it difficult for them to apprehend every person who may have committed a crime. However the above assertion is not true in rural neighborhoods. Rural law enforcement officials have less people in their jurisdiction, making it easier for them to apprehend youth who commit crime.

Race and Geographic Residence

Earlier analyses of both race and geographic residence suggested there was no relationship between these variables and those youth who receive waivers, when analyzed together. The results suggested that race was a stronger more reliable predictor of juvenile waivers when placed in combination with geographic residence, but the odds ratio for these variables indicated little change in the likelihood of which youth receive superior court waivers. These results also suggest that race was a significant predictor for which juveniles who receive waivers; however, it cannot be determined which youth; white or nonwhite are more likely to receive superior court waivers. These results are inconsistent with the results of the Kendall's tau-b for each independent variable (geographic residence and race) which indicated significance but marginal influence of these variables to predict which youth receive juvenile waivers. This

inconsistency could be due to relatively weak relationship between geographic residence and youth who are waived to superior court. Again the overall analysis does show partial support for the question that race and geographic residence are predictors of those youth who receive juvenile waivers. However the evidence is not overwhelming. It should be noted that when placed in combination with race, geographic residence was proven not to be a significant predictor of youth who receive juvenile waivers.

The findings in this study also seem to contradict some labeling theorists and Strain theorists (Brenburg & Krohn, 2003; Joseph, 1995) who suggest that non-white urban youth are more likely to commit crimes that would lead to superior court waivers. However, if the results of this study are analyzed more generally it does support the claim made by both labeling and Strain theorists that geographic residence and race have an effect on which juvenile receives superior court waivers.

Recidivism

The goal for question 2 was to determine if juveniles who are waived to criminal court are more likely than juveniles who are processed juvenile court. A comparison was made between two groups and was analyzed utilizing Kendall's tau-b which indicated that those individuals who were processed in Juvenile Court have a higher probability of recidivating than those youth who received waivers. Data analysis in this study presented two noteworthy findings. First, it seems in this sample that waivers are an effective deterrent for juveniles committing future crimes. The possibility of having an adult sentence imposed or being placed in an adult facility seems to have an effect on preventing subsequent crimes from youth who receive superior court waivers. Secondly, the sanctions given to youth who are processed in juvenile court, do not enough of a deterrent from committing future offenses. In response to the

aforementioned assumptions it should be asked if youth who are waived and convicted in adult court complete their sentences in adult facilities. This is important because the juvenile who is waived would probably age out of the juvenile system or end up in the adult system. This transfer in custody would make it difficult to accurately account for the youth in the juvenile justice system.

The data in this analysis also indicated a moderate relationship between the independent variable recidivism and the dependent variable juvenile waivers. The results seem to support the basic assumption made by labeling and Strain Theories, that stress from being labeled as a criminal would increase one's propensity to commit another crime. According to labeling theorists, the socially undesirable label that would result from committing a crime resulting in a waiver, would increase the likelihood of that individual committing future crimes. This proclivity to criminal behavior may be due, in part, to society rejecting that individual's inclusion into normal socially desirable activities.

Strain theorists also believe that those individuals who commit serious crimes would have a greater chance of committing future crimes because of the block in opportunities for them to become viable and productive citizens in society. However, the results do contradict the belief that the more serious the crime the more likely the person would be to commit another crime. Vowell and May (2000) stated when an individual feels the strain of being discriminated against because of their race, economic situation, or previous criminal history, crime is seen as one of the few options available to them. The findings of this study do speak to the issue of discrimination, as presented in Vowell and May's (2000) argument, however it does not support the notion that the more severe the crime a youth commits increases the potential to commit

crimes in the future. Nonetheless, the results in this study raise questions about the effectiveness of the juvenile waivers in deterring a youth from committing future offenses.

It would be negligent if a few questions were not brought to the forefront at this point. First, did individuals who were waived age out of the juvenile system while incarcerated? Knowing this information increases the degree of certainty in which various assumptions about the recidivism rates among youth can be made. Secondly, if these individuals did age out, do we know with any degree of certainty they did not commit any further crimes? This is an important question to answer, because the data is indicative of those youth who are currently in the juvenile system. Currently it is difficult to track youth who were waived and then transferred to adult prison. The reason for the difficulty is the transfer of information from the Department of Juvenile Justice data base to the Department of Corrections data base and vice versa .The results in this study do shed some light on the question of recidivism and the effectiveness of juvenile waivers as a deterrent to future criminal activities.

Custodial Arrangements

Question 3 addressed the issue of custodial arrangements and its effect on superior court waivers, specifically if individuals, who have been supervised by the Department of Family and Children Services (DFACS) have a higher potential of being waived to superior court. The data in this analysis presented two noteworthy findings. First, custodial arrangements do predict which youth would receive waivers. For example, if a youth resides with a family member the likelihood of them committing a crime that would result in a waiver to superior court is higher than those individuals who reside in foster care or have some type of DFACS custodial arrangement. Further examination of the findings demonstrated that custodial arrangements other than DFACS have an increased likelihood of receiving waivers.

Secondly, findings from this analysis indicate that juveniles who have been in the care of DFACS do not have a higher likelihood of being waived to superior than those juveniles who have not been in the care of DFACS. However, it should be noted that the relationship between custodial arrangement was weak and those youth who were placed in DFACS custody have a slightly lower chance of being waived than those who are not in DFACS custody. These findings are inconsistent with previous research done by Morris (2004) on the relationship between custodial arrangements and juvenile criminal activity. Morris (2004) contends that there are two possible reasons for the high rate of criminal activity among children who have foster care placements. First, he suggests that criminal activity is related to a lack of attachment to foster parents or group home staff and youth who lack a family or child welfare representative receive differential treatment. Secondly, Morris asserts that when a youth appears before a judge without a family representative, the judge is more likely to assume that the youth is unstable. He also contends that youth who appear in court without family representative are not likely to be considered for alternatives to detention. The data from this study provides finding contrary to the research of Morris. One possible explanation could be the number of additional therapeutic services provided by DFACS to children in their care (i.e. individual counseling, family counseling and case monitoring). Another possible explanation could be the improvement in the quality of training provided to foster parents. This improvement in foster parent training provides foster parents with ability to address the behavioral and emotional needs of children in their care.

Theory and custodial arrangements. The results presented in this analysis were inconsistent with viewpoints of both strain and labeling theories. The findings suggest that a youth who has been in DFACS custody may have a level of structure that would decrease the youth's likelihood of receiving a waiver to superior court. It also appears that the social strain from being a child in foster care does not result in criminal behavior. It may also be inferred from the results that the negative labels associated with being placed in an alternative placement does not contribute to the juvenile's motivation to commit a crime. Again it is believed the labels placed on the youth by society prevent them from being fully accepted into mainstream society which leads to the alternative of crime. However the results suggest the opposite to be true, and being labeled a "foster kid" and the social stigmas that arise from this label is not enough to determine if a youth will commit a crime that will result in a juvenile waiver.

Based on the previous studies of researcher such as Morris (2004) it was expected that there would be a strong relationship between DFACS custodial arrangements and juvenile waivers. However there are some possible explanations for the lack of strength in this relationship. One possible explanation is single parent households may have weakened the relationship since those relationships were included in the non DFACS custodial arrangements. Several studies (Demuth, Brown, S, 2004; Morse, 2003; and Nagin, Farrington., & Pograsky, G., 1997) suggest that single parent households have an effect on juvenile delinquency when compared to households with two parents. Another possible explanation could be the training foster parents receive to address the needs of youth who reside in foster care. This training along with supervision from the DFACS case worker may provide an environment in which a youth has the opportunity to be successful. The results of the present study are not to suggest that children who are from other custodial arraignments (i.e. single parent house holds, two parent

household or relative placements) will be waived to superior court, but they do suggest that some youth who are waived to superior court do not have a history of DFACS placements.

Limitations

This study provided reasonable explanations for the research questions and subsequent hypotheses. It was a goal of this study to determine if variables such as race, income, and geographic residence are factors that influence which youth receive juvenile waivers. However, there were several limitations present in this study that prevented the research from achieving its full potential. In this section the various limitations and their effect on the study will be discussed.

When using an existing data set there are many problems that can occur. One such problem is missing data. In this particular case it was the researcher's intention to determine if poverty was a predictor of youth who were waived to superior court. However, after cleaning the data set it was determined that there were significant amounts of missing data on this variable (86%). With such a high number of missing cases Kendall's tau-b could not be used to determine the strength and the direction of relationship between income and waivers. Also this variable could not be used in the logistic regression model which would have provided some insight on how much influence income, when put with the combination of geographic residence and race has predicting which type of youth will receive a waiver to superior court.

Another limitation of this study that resulted from the use of the secondary data is the consideration that the data could be out-of-date and that cases were not recent cases. The use of secondary data presented another difficulty, the number of missing data and inaccuracies in reporting on some of the variables. The researcher was able to rectify the difficulty with the missing variables by utilizing the mean imputation technique illustrated by Roth (1975).

However, the high number of missing data points on the income variable made it impractical to utilize any of the techniques outlined by Roth (1975), such as mean imputation or regression.

By not having the ability to analyze academic achievement or income prevented the researcher from either making a stronger case for relevance or irrelevance of both Strain and Labeling Theory in this study. Again the elimination of academic achievement and income from, these limitations should not be ignored, because of the possible impact of these variables on the overall regression model. Due to the elimination of academic achievement and income a significant portion of this study was impacted. Strain Theorists such as Agnew (1992) utilized income as a means for enhancing the argument that economic strain is a predictor of criminal behavior. It would have enhanced the study if these variables were utilized. Another limitation was the lack of variation in academic achievement. When analyzing academic achievement it was determine that every youth had the correct academic placement, which means no determination could made on whether or not a youth academic performance predicted being waived to superior court. Due to this lack of variation it was impossible for it to be entered as a variable in the logistic regression analysis.

The next section will describe the potential impact of this study on social work practice and policy. This section will also provide suggestions to practitioners, policy makers and researchers on how to utilize the results from this study to improve their application, interpretation and analysis of juvenile waivers.

Implications for Social Work Practice and Policy

This study examined the factors of one's race, custodial arrangement, and geographic residence as it relates to juvenile waivers. The study also examined the effectiveness of juvenile

waivers in preventing recidivism. The following section will explore the implications of the research for social work practice and policy.

Practice

The study is a reminder to practitioners who work with at risk juveniles to examine every aspect of the child's life. Also the study reminds the practitioner not to enter into a therapeutic relationship with a youth with an inherent bias about the contributing factors of their delinquency. It has been a long held belief that African American youth from urban neighborhoods have a greater likelihood to commit crimes. However, when these stereotypes are internalized by the social work community, without sound empirical evidence, other segments of the population (i.e. rural, non-black youth) do not receive the interventions that are needed in the community. Also the stereotypes create an atmosphere of prejudice and unsubstantiated fear for the community in which these youth reside.

This study also reinforces the importance of parenting training for at risk youth. It was not surprising to see that youth who are in foster care are at a lower risk of being waived than their counterparts that are not in foster care. Recently the State of Georgia has recommitted its' self and its' resources to providing a safe and nurturing environment to children who are in their care. Even though the relationship between custodial arrangements and juvenile waivers was weak, there is still a need for family preservation and foster care training programs as means of preventing troubled youth from committing violent crimes. It is incumbent that social workers advocate for the following: (1) more resources to be provided for foster care training not only to foster parents but also to foster care workers, and (2) more resources to programs that assist parents in addressing behaviors of at risk youth

Policy

From a macro level of analysis there were several issues that emerged from the results of this study with policy implications. First is the issue of the effectiveness of the automatic waiver system in Georgia. It appears via this study the automatic waiver system is effective in eliminating differential treatment from the courts. However, the automatic waiver system does not allow for the argument of extenuating circumstances. By the law itself being ridged and having little flexibility in its parameter, can cause economic and emotional hardship for those youth who have extenuating circumstances. However, it should be mentioned that the current system does allow for some discretion from the superior court judge and the District Attorney in determining which youth will be waived to superior court. Nonetheless, if the youth's family is poor and have very little understanding of the process, having to go through two court proceedings (juvenile and superior) can be financially exhausting.

It is incumbent as stated earlier that focus by policy makers be more on preventive strategies, rather than responsive ones. By allocating resources in the area of prevention it is believed that there would be a dramatic decrease in the number of youth who commit the heinous offenses outlined in Senate Bill 440. It has been a long held belief of many legislators that an effective deterrent to juvenile crime is to provide tougher laws and harsher sentences. However, the strategies do not work over the long haul, because they ignore the larger more systemic problem of poverty, discrimination and family instability. It is vital that the policy maker reexamine their stance on juvenile crime and begin implementing laws that will address the root caused of juvenile crime instead of creating laws that only address the end results of delinquency.

Future Research

There were many more questions that arose during the process of completing this research that could not be answered in this study. The next section will list considerations for future research in the area of juvenile waivers.

Analyzing sentence discrepancy would have provided a more in-depth view into whether there is judicial bias in sentencing. It would be beneficial for future researchers to determine if there is a significant difference in length and type of sentences given based on race, geographic residence, academic achievement, and income. By analyzing sentence discrepancy, the question of judicial bias could be answered.

By utilizing secondary data the researcher could not evaluate the experiences of the juvenile or juvenile's family. By having direct contact with the participants in the study would have provided more credence to the arguments made in this study. Also it would have been beneficial to gather information from the law makers who voted were proponents for juvenile waivers and the judges who have to implement the provision of this bill. This input would have provided the researcher with some insight on the reasons for the implementation of this bill and whether all parties feel that this bill has been effective. Also it would have been beneficial to interview the juvenile probation officers to access their opinion on the use of waivers in the rehabilitation of youth and if they feel there should be any modifications to bill as it currently exist. However this study did not receive any funding and trying to solicit some of this information would have been very costly.

The above mentioned considerations or suggestions could provide more in-depth answers into the effectiveness or juvenile waivers. In the future it would be beneficial to other researchers who want to analyze violent juvenile crime to consider the following. First, there

should be considerations for a mix method study, by combining both quantitative and qualitative methods would make for a richer and more comprehensive study. Secondly a researcher should consider soliciting information from policy makers and implementers. By interviewing state congressmen, judges and DJJ workers provides a researcher with the opportunity to determine if all parties' views on this issue are in concert with one another. Finally, there should be some direct contact made with the juvenile who was waived and his/her parent or guardian. This allows the researcher to determine if the predictors mentioned in this study along with the predictors gathered from the review of literature are accurate.

Conclusion

In conclusion, the research study explored the contributory factors race, geographic residence, and custodial arrangements of youth who receive superior court waivers. The results yielded some surprising results that were contrary to other studies in this area. However, due to limitations incurred from the data, variables such as academic achievement and income were unable to be analyzed.

In this study, a quasi experimental design was used to determine if significant variables (geographic residence, custodial arrangements, and race) determine if juveniles received waivers to superior court. Logistic regression and Kendall's tau-b were utilized to determine if these variables were accurate predictors of superior court waivers and also to determine the strength and direction of the relationship between the independent variables and juvenile waivers. The results suggest that race and geographic residence are predictors of youth who receive waivers. The results also suggest that juvenile waivers are a deterrent from future crime. Finally the results suggest that there is a relationship between a youth's custodial arrangement and his propensity to be waived to superior court.

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