

**Juveniles Sentenced and Incarcerated as
Adults: Findings from a Qualitative
Analysis of Their Knowledge, Understanding,
and Perceptions of Their Sentences**

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Volume 9—No. 1—Spring 2012

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Abstract

Research has shown that incarceration of juveniles with severe penalties is largely ineffective in decreasing juvenile crime. Policies rest on theories that threats of severity lead to deterrence and rational decisions regarding commission. To add to the few qualitative studies of juveniles' awareness of sentencing as adults, this interpretive phenomenological study explored offenders' understanding, knowledge, and perceptions of their sentencing. Twelve adult inmates in four Ohio prisons were interviewed (10 males, 2 females; ages 19-30; sentenced as juveniles at ages 14-17; serving sentences from 2-45 years). No participants understood that juvenile transfer to adult court could apply to them, precluding deterrence and rational choice decision making. The findings add empirical evidence that without juvenile offenders' knowledge of severe punishment, crime is undeterred. Findings should also encourage exploration of juveniles' risk assessment abilities and specific deterrence value of juvenile sentencing to adult court, leading to more effective juvenile crime control models.

About the author

Karen Miner-Romanoff is an attorney and holds a Ph.D. in Public Policy and Administration from Walden University, graduating summa cum laude. Her predominant research interests are juvenile transfer to adult court and evidence-based policies, as well as deterrence as crime control. Her dissertation was based on her major interests and is a qualitative interpretive phenomenological study of adults currently serving the sentences they received as juveniles, their knowledge and understanding of sanctions, and the possible deterrent effects. An assistant professor of criminology, Dr. Miner-Romanoff has taught Sociology and the Law and Juvenile Delinquency and the Law and has arranged roundtable discussions between students and inmates. She currently teaches at Ohio State University and practices law as well, representing indigent juvenile offenders. She has presented papers at the 4th International Conference of Social Science Research and Midwestern Criminology Conference, the Academy of Criminal Justice Sciences annual meeting, and the American Society of Criminology Conference. Email: romanoff11@copper.net. Mailing address: 4090 Baughman Grant, New Albany, Ohio, 43054, Phone: 614-855-3206, Fax:614-755-4510.

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Introduction

As the crime rates of juveniles have increased in recent decades and public confidence in the juvenile court has wavered, most policy makers have turned to more punitive juvenile laws in response to public demand (Griffin, Addie, Adams, & Firestine, 2011); Snyder & Sickmund, 2006;). Between 1992 and 1999, 49 states amended their juvenile laws by expanding types of crimes that allowed for juvenile offenders' trials and sentences in adult criminal courts (Sickmund, 2003). Thirteen states limited their juvenile court jurisdiction to those under 15 or 16 years of age (Snyder & Sickmund, 2006), and some states eliminated any minimum age. Other states increased the offenses that mandated transfer to the adult court, limited judicial discretion, and expanded the number of offenses statutorily excluded from the juvenile courts (Redding, 2008).

Juveniles are bound over when, in accordance with existing laws, judges are allowed to transfer juveniles who would normally be classified as juveniles to trial and sentencing in the adult criminal court. This transfer takes place either because of the seriousness of the crime, the juvenile's previous offense record, or other statutorily defined circumstances assigned by the adult court (Rosch, 2007). Today, the laws regarding juvenile offenses remain punitive. According to the most recent data available (Allard & Young, 2002; Lanza-Kaduce, Frazier, Lane, & Bishop, 2002; Mole & White, 2005), an estimated 200,000 juveniles are tried as adults yearly, most for nonviolent crimes (Griffin et al., 2011; Sickmund, Snyder, & Poe-Yagamata, 1997), at an annual cost of over \$106 billion (Bauer & Owens, 2004). Most of these juveniles are excluded from juvenile court jurisdiction by offense or age and are defined as adults under state

law (Snyder & Sickmund, 2006). These statutory changes indicate that less emphasis is now placed on juveniles' individual circumstances and treatment and more emphasis on punishment and retribution (Feld, 2004).

Policy makers continue to rely on deterrence theory as a primary basis for sentencing programs, including those for juveniles. General deterrence theory holds that the threat of harsh punishment deters or dissuades the commission of crimes (Matthews & Agner, 2008). Closely related, specific deterrence holds that (usually severe) punishment of offenders should discourage them from offending again (Pogarsky & Piquero, 2003). These theories are based on a rational choice model of decision-making: that is, prior to commission of a crime, an individual consciously weighs the risks and rewards of commission (Peterson-Badali, Ruck, & Koegl, 2001). Notwithstanding such reasonable justifications, Bushway and McDowell (2006) aptly noted, "The measurement of potential crime-prevention benefits of incarceration is one of the more elusive but important questions in criminology and public policy" (p. 461).

As penal trends continue to sustain large numbers of juveniles waived to adult court, the cost continues to grow, including an increase in marginalized cultures, decreased social spending in distressed areas, and greater crime and disorganization (Listwan, Johnson, Cullen, & Latessa, 2008). The current national trend to sentence juveniles as adults is largely based on the assumption that more punitive sentences will lead to a greater general deterrent effect. However, research findings to date seem to contradict this assumption (Lee & McCrary, 2005; Steiner, Hemmens, & Bell, 2006; Steiner & Wright, 2006). As Redding (2008) pointed out, it is important to examine offenders' subjective knowledge and perceptions regarding their potential sentencing options.

This study was undertaken to determine the extent of juvenile offenders' understanding of their sentencing as adults. The findings may provide a basis for the reexamination of the continued rationale of deterrence as a justification for the severity of juvenile criminal justice policy and lead to development and implementation of new, more socially productive policies. Further, study findings may lead to implementation of educational programs for youth to increase their knowledge of juvenile sentencing and help them desist from criminal activity.

Literature Review

Most studies of adolescents seek to determine whether juvenile transfer provisions lead to greater public safety through general and specific deterrence and longer periods of incarceration. However, the few studies that have addressed this issue have found alarming results regarding higher recidivism and an absence of deterrence. These results suggest that, contrary to expectations, treating juveniles as adults leads to reduction of public safety and ineffective results of deterrence (Ashkar & Kenny, 2008; Redding & Fuller, 2004). Youth tried in adult court reoffend more often and with more serious offenses than their counterparts maintained in the juvenile courts (Fagan, Kupchik, & Liberman, 2007; Lanza-Kaduce et al., 2002; Steiner et al., 2006; Worrall, 2004). Redding (2008) reported that juveniles with the highest recidivism rates were those who were tried and sentenced in adult criminal court, with the exception of drug offenses. Other criminal justice scholars have contended that juvenile transfer to adult court actually encourages recidivism (Pagnanelli, 2007).

Punishment that is too harsh, not harsh enough, or accompanied by certain personal attitudes or characteristics can have a counterdeterrence effect and actually increase reoffending (Lanza-Kaduce et al., 2002; Pogarsky & Piquero, 2003; Wright, Casi, Moffit, & Paternoster, 2004). Thus, public safety is decreased in direct opposition to policy goals (Bushway &

McDowall, 2006; Ghatt & Turner, 2008; Kovandzic, Sloan, & Vieraitis, 2004; Lanza-Kanduce et al.; Raphael, 2006; Webster, Doob, & Zimring, 2006). Moreover, as in Ohio (Johnson, 2009), prisons remain overcrowded as corrections policies promote increased incarceration (Mears, 2007). These findings suggest that the juvenile transfer laws and increased emphasis on punishment have little deterrent effect on juvenile crimes.

Such findings have resulted from many quantitative studies (Fagan et al., 2007; Lanza-Kaduce et al., 2002; Ramirez & Crano, 2003; Steiner & Wright, 2006; Steiner et al., 2006; Webster et al., 2006), with mixed results. Steiner et al. (2006) used arrest data to examine 22 states that added statutory exclusion laws that removed certain youth from juvenile court jurisdiction and placed them in adult criminal court. Violent juvenile arrest rates declined in only two states, and only one showed an abrupt and permanent change. Fagan et al. (2007) compared similarly situated youths assigned to the juvenile or adult courts in contiguous states. Youth charged and punished as adults were more likely to be arrested for serious crimes more quickly and more often than their counterparts who remained in the juvenile courts. Such studies indicate higher recidivism and an absence of deterrence. However, the current national trend to sentence large numbers of juveniles as adults (Sickmund et al., 1997; Sickmund, Sladky, & Kang, 2008) is largely based on the assumption that more punitive sentences will lead to a greater general deterrent effect (Redding, 2008).

Few qualitative studies regarding offenders' subjective decision-making experiences have been conducted to better understand the subjective understanding, motivations, intentions, and perceptions of youth tried as adults. For example, Redding and Fuller (2004) studied 37 juveniles from Georgia charged with murder or armed robbery and tried and sentenced as adults. Redding and Fuller sought to understand the juveniles' knowledge and perceptions regarding the

possibilities of being tried as adults. Alarming, the majority said that they did not know or did not believe that the law transferring them to adult court would ever apply to them. This study is the only one of its kind to explore qualitatively juveniles' knowledge regarding punishment and the effect of knowledge on general deterrence.

Redding (2005) found that juveniles rarely even knew they could be tried as adults, but if they had known, they might not have committed their offenses. In later work, Redding (2008) called for future research that addresses three crucial questions: (a) Are juveniles aware of transfer laws? (b) Do they believe the laws will be enforced against them? (c) Does this awareness and belief deter criminal behavior? Redding's (2005) study, as well as these later questions, motivated the design of the current study. Peterson-Badali et al. (2001) studied Canadian youths' dispositions, perceptions, and experiences related to deterrence with a mixed-method approach. A theoretical basis for the study was a rational choice model of offending, and the researchers noted that deterrence must include a rational decision-making process, in which the severity of the punishment is a component of the decision to offend. To justify the qualitative component, the researchers explained that, in spite of research that illustrates flaws in deterrence theory, Canada continues to rely on increasingly harsher punishments as a crime control method.

Peterson-Badali et al. (2001) interviewed 53 male offenders to determine the demographic and offending characteristics that predicted offenders' views about the deterrent value of incarceration. In the quantitative component, participants' responses were quantified and subjected to logistic regression analysis; these characteristics yielded no predictive value. These findings illuminated reasons that deterrence may not be effective. In describing offenders' events, perceptions, and reflections that lead to their crimes, Peterson-Badali et al. (2001) documented the complex nature of offending that can only be understood through qualitative

approaches. For example, one participant explained that he might desist based on sentence severity. When the interviewer sought further clarification regarding the participant's mental processes, he explained his conviction that personal changes resulting from self-reflection and anger management and counseling were more important than sentence severity for specific deterrence. Given such interrelated factors, a larger purpose of this investigation appeared to provide empirical evidence to policy makers for reasons deterrence does not seem to be effective.

Another study with incarcerated juveniles was conducted by Ashkar and Kenny (2008) to understand their perceptions of future offending. Ashkar and Kenny (2008) discovered that offenders were ready to desist from crime based on several negative conditions of incarceration, suggesting the possibility of specific deterrence. Although this study is important to an overall understanding of high juvenile recidivism rates and illustrates the utility and importance of qualitative methods, it did not address issues related to original offending. The study did not apply to juveniles serving sentences in adult facilities and failed to address the juveniles' knowledge and perceptions of possible sanctions (the range of penalties at both the juvenile and adult court levels [Pogarsky & Piquero, 2003]). No other qualitative studies have been conducted with a population of offenders tried as adults after committing crimes as juveniles.

It is important to note here the contemporary studies regarding juveniles' decreased cerebral decision making capabilities and immature cognitive development, such as those by Kupchik (2006) and Pagnanelli (2007). These studies suggest that juveniles may not be as deterrable as adults, regardless of the offending circumstances. To better understand juveniles' deterrability, Jacobs (2010) suggests that scholars should conduct research that seeks to understand offenders' complex decision-making in non-hypothetical settings.

Because of the contradictory findings of previous quantitative studies, the erratic but consistently high rate of juvenile crimes and juvenile offenders tried as adults, and the few qualitative studies on this population, greater insight and understanding are necessary for application to more effective legislation. As Peterson-Badali et al (2001) explained, there is "a paucity of research reporting on juvenile offenders' perceptions about dispositions" (p. 594). Moreover, as Dowd (2011) explained, very little attention is paid to adolescents, because most deterrence research utilizes adults, non-offenders, or low level offenders. Such studies are necessary for development of more rational and evidence-based crime policies (Mears, 2007). A major basis for my study was Redding's (2008) suggestion of future research on three crucial questions: (a) Are juveniles aware of transfer laws? (b) Do they believe the laws will be enforced against them? (c) Does this awareness and belief deter criminal behavior? As Redding (2010) also pointed out, a law can only act as a deterrent if the targeted population is made aware of its provisions and consequences.

Thus, the current qualitative study explored and described the knowledge and perceptions of punishment of incarcerated adult offenders for crimes they committed as juveniles. Key to this investigation was the insights of participants' decision-making processes as juveniles and their knowledge regarding laws that either allow or mandate prosecution and sentencing in the adult criminal court (Ashkar & Kenny, 2002; Peterson-Badali et al., 2001; Redding, 2008). Equally important were participants' disclosures of how they obtained sentencing knowledge and used it in their decisions to commit or desist from criminal acts.

Conceptual Framework

The conceptual framework of this study incorporated deterrence theory, both general and specific, as applied to the decision to commit criminal action. Within this theory is the sub-

theory of rational choice theory. This theory is necessarily integrated into deterrence theory as part of the decision-making process (Beccaria, 1764/1963; Roshier, 1989; Wilson, 1983).

Deterrence theory as a crime control method is based on the concept that the threat of harsher sanctions deters or dissuades the commission of crimes (Matthews & Agnew, 2008). Based on a rational choice model of decision making, in which an individual weights the risks and rewards inherent in commission of a crime (Peterson-Badali et al., 2001), the emphasis of deterrence theory is on freedom, critical analysis, and choice (Roshier, 1989). In addition, application of cost/benefit analysis may instead be unique to each person's situational contingencies and propensities and may have no viable impact on the decisions or perceived risks of would-be offenders (Roshier, 1989).

Another necessary component of deterrence theory is the individual's perception of certainty. Researchers have found a significant but small connection between the perceived risk of getting caught and desistance (Nagin, 1998; Paternoster, 1987). However, with regard to the perceived risk of receiving a particular sentence, very little research exists (Dowd, 2011), and even fewer studies exist regarding juveniles' perceived risks of receiving adult sentences (Redding & Fuller, 2004). Instead, most studies have addressed only police detection and have not included other decision-making points in the criminal justice system, including certainty of prosecution and sentencing (Durlauf & Nagin, 2011). Accordingly, although certainty of apprehension is also crucial to determining overall risk perception for youth, this study does not attempt to address the important but distinct issue of sentence severity. Juvenile offenders, as well as adult offenders, may not think they will get caught.

For a general deterrence function to be effective with adolescents, policy makers must assume a rational choice model of criminogenic behavior. In this model, youth will weigh the

likely short- and long-term risks and benefits as part of a decision-making process to determine whether to commit a crime (Peterson-Badali et al., 2001). The model also assumes that youths' perceptions and understandings of such punishment must be thorough enough and abhorrent enough to them to deter them from committing the crime. Research suggests, however, that young people may not engage in such a deliberate cost/benefit analysis (Peterson-Badali et al., 2001; Pagnanelli, 2007).

Adolescents' brain development, decision-making capacity, and ability to weigh future consequences have been found to be less developed than that of adults (Arya, 2010; Rosch, 2007; Scott & Steinberg, 2008). Thus, "deterability," or "the offender's capacity and/or willingness to perform this calculation" (Jacobs, 2010, p. 417) must be seriously questioned. Moreover, a reflective cost-benefit analysis depends upon youths' subjective interpretations and understandings. Thus, it is important to examine their perceptions directly.

Role of the Researcher

In qualitative research, the researcher's knowledge provides a vital compass to and through the research (Groenewald, 2004; Lopez & Willis, 2003). With regard to the present study, my longstanding interest and considerable experience and knowledge as a practicing attorney advocating for youth and professor specializing in juvenile justice has helped identify the gaps in issues and prior research. Further, my exposure to similar populations in previous research (Huff & Romanoff, 1999) provided the background for design of the most pertinent interview questions. Thus, I brought broad knowledge and understanding to the interview questions and participants' mindsets and deeper meanings, as is called for in the interpretive phenomenological approach I used (Lopez & Willis, 2004).

Methodology

Recruitment of Participants

Of the 12 Ohio prisons, I selected four based upon maximum variation of geographic location and size of facilities. Then I contacted the Ohio Department of Rehabilitation and Corrections (DRC) for identification of inmates who had been bound over as juveniles and were currently serving sentences. Written approval for data collection was given by the managing officers at each facility, and potential participants were given a letter of introduction to the study. Over 100 juveniles initially volunteered. I selected participants based on maximum variation of age, most serious offense for which they were convicted, sentence length, amount of time served, race, and county of residence. If participants indicated willingness to participate, I scheduled preliminary meetings for review of the informed consent.

Research Setting

The prison environment had unusual challenges, such as limited access to participants and limited security provisions. Upon recruitment of all participants, the assistants to the wardens at each institution arranged private meeting rooms for the interviews. For maximum confidentiality of participants, I conducted the interviews with only the participant and myself present. However, because of the nature of the population (three were in shackles owing to the severity of their crimes), disruptive behavior within the institution, and security risk assessment, as well as for my security, a safety button was within reach to alert nearby corrections officials if help were needed. Officials were also stationed in close proximity in the interview administrative area.

Each room was arranged with a table and two chairs, with the participant on one side of the table and me on the other. A pitcher of water and paper cups were available on the table. Audiotape equipment was set up in advance and included noninvasive microphones.

Prior to each interview, in accordance with the National Institute of Health (2006) recommendations to protect participants, I met with an Ohio DRC employee who acted as the required witness and who read and signed a witness training memorandum which explained the roles and protections of the informed consent. The witness's purpose was to help assure that participants were provided sufficient opportunity to consider whether to participate based on the research purposes and nature of the confidentiality agreement, as well as minimizing possibilities for coercion or undue influence on participants. The witness observed the participant asking questions, signing the informed consent, and initialing all paragraphs. Then the witness signed the informed consent and withdrew from the interview room.

Participants

Selection for participation was based on five criteria: (a) Participants were adults serving sentences in secure institutions for crimes they had committed when they were juveniles. (b) Participants had experienced juvenile bindover (transfer by judges of juveniles who would normally be classified as juveniles to adult criminal courts (Rosch, 2007) and had been sentenced under Ohio's waiver law. (c) Participants had been continuously incarcerated in relation to their sentences as juveniles. (d) Participants acknowledged the crimes for which they were sentenced. Whatever the specifics of their crimes, participants were not subject to further prosecution and their circumstances were held confidential by law. (e) Participants could understand and read English at an eighth-grade level.

All inmates whom I interviewed met the criteria. The purposeful sample I interviewed in the four selected Ohio prisons was comprised of 12 adults, 10 males and 2 females; 50% Caucasian, 50% African American, all serving sentences for juvenile crimes. With an age range of 19 to 30, participants had been bound over to adult court as juveniles at ages 14 to 17 and were currently serving sentences from 2 to 45 years (Miner-Romanoff, 2010). Participants were also chosen based upon maximum variation in age, offending type, sentence length, and gender in order to “increase the likelihood that the findings will reflect differences or different perspectives—an ideal in qualitative research” (Creswell, 2007, p. 126). For example, maximum age variation allowed a greater depth and breadth of responses regarding participants' institutional experiences and reflective offending insights.

Several techniques were utilized to increase validity regarding participants' responses and reconstructions to verify information, including in-depth interviews, probing questions, leading questions, and crosschecking facts with prison records (explained below). I noticed that the younger participants were able to recall their experiences graphically but generally with little reflection. The older participants provided deep and rich responses regarding both their offending and institutional experiences and insight into their understanding and meaning of being transferred and institutionalized in an adult institution (Seidman, 2006). These different types of responses supported the rationale for selection of participants' wide age range.

Interpretive Phenomenological Method

I used in-depth interviews in the phenomenological tradition to better understand the basis of participants' behaviors and decisions that led to their juvenile offending. Interpretive phenomenology focuses on the meanings of behavior or events “for the people involved: their thoughts, feelings, and intentions” (Maxwell, 2004, pp. 59-60). In contrast to descriptive

phenomenological designs, the interpretive tradition of phenomenology also includes researchers' prior knowledge and expertise.

Research Questions

In formulating the research questions and sub-questions, I used both deterrence and rational choice theories (Beccaria, 1794/1963; Quinney, 1974; Roshier, 1989; Wilson, 1983), as well as current studies (Ashkar & Kenny, 2008; Redding & Fuller, 2004). As each interview progressed, I asked additional follow-up questions, as suggested in the application of interpretive methods (Conroy, 2003). These questions facilitated meaningful responses, aided in authenticity, pursued promising leads, and returned to earlier points that may have "require[d] further development" (Lincoln & Guba, 1985, p. 271), Open-ended questions, based on Seidman's (2006) recommendations, were divided into categories to elicit meaningful responses and facilitate data analysis (see appendix A).

Interview Techniques

Within the phenomenological tradition, I used several interview techniques to prompt in-depth exploration and "rich" description of participants' perceived experiences (Groenewald, 2004, pp. 2-3). Following Seidman (2006), I particularly used active listening, following up, and exploration. For example, when a participant used an adjective that could be further defined to gain additional insight, I asked specifically what the word meant to the participant. I also listened carefully for inconsistencies of responses (Miller, 2008; Taylor, 2007), asking questions for further clarification and repeated question sequences to test consistency.

I used additional interview techniques to enhance participants' comfort and openness and provide ongoing clarification, such as reflexivity. In this technique, I redirected questions or comments based on participants' past responses to encourage them to enlarge and clarify their

responses (Noaks & Wincup, 2004). I also carefully observed nonverbal clues, such as participants' tones and body language, which could encourage or discourage responses, and practiced reinforcement of points already raised during the interview (Conroy, 2003).

In addition, I applied "intersubjectivity" (Lopez & Willis, 2004, p. 729; Moustakas, 1994). This concept refers to the study's explicit frames of references and minimization of researcher bias during the interviews (Conroy, 2003). Intersubjectivity thus integrates the interviewer's knowledge and experience that, in turn, help produce participants' most relevant and important meanings and impressions within their social and cultural contexts (Burck, 2005).

Data Collection

My initial observations and impressions were often too complex to record during the interviews, and thus I scheduled significant time between interviews to "digest" the essence of the interviews and capture intuitions in writing not discernable from the interview tapes.—The most important of these impressions and observations were included in the transcript margins for enhanced analysis.

At the conclusion of each interview, participants were asked 10 questions pertaining to demographic information: age, gender, ethnicity, county, offense, age at waiver, sentence imposed, months served to date, months remaining to serve, and eligibility for parole. Based on the responses, I completed a demographic information sheet for each participant. Immediately after leaving the facility, I reflected privately on each interview and made additional notes about the participant's responses and my own.

Methods of Data Analysis

In this study, early analysis included field notes, preliminary theoretical observations, and my marginal and reflective remarks (Miles & Huberman, 1994), followed by data reduction

based on the study's objectives and research questions. First, transcripts were made of the audiotapes by a professional transcriber, after which I coded participants' transcripts by number only, repeatedly studied the transcripts, and marked specific pertinent passages as I "re-immersed" in the participants' subjective worlds (Conroy, 2003, p. 27).

Toward more accurate coding, for this study, as recommended by Maxwell (2004) and Miles and Huberman (1994), I created a concept map that provided further guidance and organization (Miles & Huberman, 1994). With this map as a guide, I completed multiple worksheets that identified the meaning units, codes, and initial themes for each interview.

I compiled a composite summary of the themes and patterns revealed by the data analysis (Creswell, 2007, p. 159; Groenewald, 2004).

Reliability and Validity of Data

To increase validity, reliability, and authentication of the data collected, I used several methods. First, participants were selected through purposeful sampling methods from a variety of prisons in order to decrease possible systemic bias that could result from recruitment from a single institution (Seidman, 2006). Second, the phenomenological data obtained were triangulated with the participants' official records, specifically the demographic information. The results of this triangulation indicated high participant veracity with regard to their demographic information (Table 1). Third, regarding validity of description, participants were questioned carefully with repeated sequences and interviewing techniques described above to better ensure the internal consistency of the narrative accounts (Taylor, 2007).

Fourth, the interview protocol was designed to increase validity because participants were provided repeated opportunities to clarify and expand through questioning sequences and probes; further, three experts in the field validated the protocol. Reliability of data analysis was further

enhanced by use of the worksheets described earlier. Finally, my initial interpretations were validated and authenticated by participant “member checks” to further preclude erroneous findings (Maxwell, 2004, p. 111) This technique also served to limit researcher bias and assure that the participants’ viewpoints and understandings were accurately represented.

Findings

The findings are reported in two parts. The first summarizes demographic characteristics as reported by participants, and veracity with comparison to public records. The second reports the qualitative findings of participants’ responses to the interview questions. These findings are supplemented by summary statistics and illustrated by verbatim participant responses.

Findings: Demographic Characteristics

Table 1 displays participants’ demographic characteristics, by mean and range for the ratio data and number and percentage for the categorical data. The first part of this table displays a summary of participant profiles. The current mean age was 22.6, the age at transfer to adult court was 16.5 years. The mean sentence was 169 months, months served to date 81.4, and months to be served 115.6. Comparison of participants’ responses verified by public records is reported in percentages.

The second half of the table represents the results of triangulation of participants’ demographic data with official records. Participants’ veracity with regard to this information was high, with 100% congruence for all but one of the characteristics, the offense. Almost all participants were male (83%), with ethnicity equally divided between Caucasian and African American. Participants were from four (50%) of the eight Ohio counties. Offenses included murder (50%), aggravated robbery (25%), felonious assault, kidnapping, and voluntary manslaughter (8% each).

Table 1*Demographic Characteristics of Participants and Veracity per Official Records*

Characteristic	Mean	Range	Percentage Responding Truthfully (Verified by Official Records)
Current age	22.6	19-30	100
Age at waiver	16.5	14-17	100
Sentence (months)	169	24-549	100
Months served to date	81.4	24-168	100
Months to be served	115.6	18-384	
Eligibility for parole (years) ^a	---	---	---
	Number	Percentage	
Gender			
Male	10	83	
Female	2	17	100
Ethnicity			100
Caucasian	6	50	
African American	6	50	
County (of 8 total) ^b	4	50	100
Offense			92 ^d
Murder	6	50	
Aggravated robbery	3	25	
Felony assault	1	8	
Kidnapping	1		8
Voluntary manslaughter	1	8 ^c	

^aMost participants were not sure; data not part of public record and thus not verifiable.

^bCounties not specified for reasons of confidentiality.

^cTotal of 99% because of rounding.

^dThis percentage reflects the report of one participant, who was unsure whether he was convicted of murder or voluntary manslaughter. Although he finally declared that he was convicted of voluntary manslaughter, official records indicated that he was convicted of murder.

Findings: Research Questions

The study findings are presented with summaries of the 12 research questions, illustrated by participants' responses. Table 2 presents descriptions of the themes revealed and numbers and percentages of respondents.

Participants were first asked about their understanding of possible adult criminal sentencing. Most indicated they had no knowledge of juvenile bindover, and all reported they did not understand it. Many expressed intense frustration, anger, and dismay when asked about their knowledge.

P1: We don't have no understandin'. We still seein' it as a game—we still wild, young, didn't care.

P1: Nobody knew!

P3: I had no understanding; I think it was cruel.

P6: I didn't know juveniles got bounded over. I thought they just went to DYS [Department of Youth Services].

In the two discrepant cases, P5 and P7 noted that they had a vague understanding that juvenile bindover existed. However, their knowledge was so unclear that they said they never considered adult sentences prior to committing their crime because they did not believe the adult sentences applied to them.

The participants' impassioned and decisive responses indicated that they had no knowledge of juvenile bindover, no understanding and no certainty of application to their offenses. As Redding and Fuller (2004) explained, it is impossible for a law to act as a deterrent if the offending population does not know of the law, understand the law, or perceive that the law can be applied to them.

Table 2*Summary of Themes, Numbers and Percentages (N = 12)*

Theme	Number	Percentage	Explanations, Comments
No knowledge of juvenile bindover	10	83	
No understanding of juvenile bindover	12	100	
Agreed youth be educated to juvenile bindover	12	100	
Where knowledge of bindover obtained	2	17	Television news
Where learned of bindover	2	17	Did not know
Influence of source(s) on understanding and knowledge of possible sentencing	2	17	Vague, not meaningful
How much believed the source(s), and why?	2	17	Assumed sources would not lie
Juvenile bindover did not apply to you	12	100	
Did not think about juvenile sanctions before committing crime	10	83	
Why did not consider punishment prior to commission of crime	10	83	Crime is a normal part of daily life.
Prior crimes not a factor	6	50	Younger, short sentences, "easy" time
Prior crimes admission of impulsive behavior	6	50	Admission that did not consider consequences, immature, did not care
Need for money for survival, family	3	25	
If sanctions understood, contribution to decision not to offend	11	92	
Consideration of current sentence on future decisions not to reoffend	9	75	Much thought given
Current sentence affects future decisions to deter or to reoffend	5	42	Isolation from family, loss of freedom, uncontrollable anger
Negative factors for future crime-free life	8	66	Length of incarceration, anger and tendency to violence, inability to find employment
Positive factors for future crime-free life	6	50	Maturation, supportive family, family responsibilities, institutional training
Felony record negative	2	17	Employment difficult, impossible
Additional thoughts	4	33	Advice to young people, think of life impact of criminal behavior

As a logical subquestion, I asked participants if they thought juveniles should be educated about juvenile bindover, and if so how. All (100%) said they firmly believed in education of juveniles about both juvenile bindover and adult sanctions.

P4: Because a lot of the young people don't know about the adult crime, they just think, well I'm a kid. They gonna give me kid time and it's not like that.

P6: I think it would make a big difference if they started letting kids know when they get arrested.

When participants were asked where they thought adolescents should be educated, they suggested middle schools, recreation centers, and the Department of Youth Services as possible sources. Interestingly, none suggested parents or guidance counselors. However, P9 summarized for many:

P9: Ohio Department of Youth Services and school; that's where you got the population at.

These responses indicate that participants believed knowledge and understanding of adult sanctions and a degree of certainty that the adult sanctions could be enforced against them could possibly deter young offenders. These beliefs applied particularly, to offenders already immersed in the juvenile justice system.

Participants were next asked where their knowledge of sentencing was obtained. Only the two participants, P5 and P7, who had some knowledge of juvenile bindover could respond. The source for both was television news. If they knew of juvenile bindover, participants were asked where they learned of it. Again, only P5 and P7 could respond, and neither could pinpoint when they had heard of juvenile bindover. Redding and Fuller (2004), acknowledged that

publicity surrounding punishment is important in order to educate the population regarding the accuracy of offending risks.

In response to questions on the influence of the source(s) on participants' understanding and knowledge of possible sentencing, once again, only P5 and P7 could respond. However, the information and participants' recollections were so vague that they offered no meaningful responses.

The two respondents who had some knowledge of juvenile bindover were asked how much they believed the source(s), and why? Both replied that they had believed the source.

P7: It was on the news, and I figured they not going to lie

Participants were then asked how seriously they considered the possible punishment and sentencing possibilities? The possibility of punishment at all was the first aspect of this research question. As with the foregoing research questions, P5 and P7 were the only individuals for whom this question included adult sanctions because they alone reported knowledge. As their responses indicated previously, neither seriously considered adult sanctions prior to committing their offenses; they did not believe that juvenile bindover applied to them or their offenses, further decreasing their perceptions of risk

In addition, none of the participants reported that they considered juvenile bindover and adult sanctions as applying to them. This question implicitly explored whether they engaged in any rational choice decision making regarding possible juvenile punishment. Although juvenile sanctions are not the focus of this research, the findings are illuminating for future research regarding juveniles' decision-making and criminogenic behaviors. Significantly, two participants reported that they thought about sanctions, but the thought did not impact their decisions. Ten

(83%) did not consider juvenile sanctions at all before they committed their offenses. Responses indicated multifaceted experiences as the participants recalled their decision-making rationales.

P2: I didn't really think about what the consequences were going to be when it happened at that time.

P3: Not thinking, not thinking about the punishment, you out there doin' drugs, smoking weed, kicking with your girlfriends, and having a good time partying and you aren't going to think about no punishment.

P7: I just didn't think about it, you know. It just wasn't on my mind. I was just trying to have fun.

Three discrepant cases were discovered. For example, P5 reported that he thought of punishment but explained that his crimes started out small and escalated, and that he was homeless at the time of his offense, which was aggravated murder. He was 14 and the need to survive outweighed punishment.

P5: I've always had it [punishment] in the back of my mind, but it was never really, 'cause my situation [early crime] it was small. I was homeless. My parents had kicked me out I robbed a lot of houses to get by.

Participants' responses clearly illustrated that they did not engage in any type of cost benefit decision-making behaviors in which consideration of juvenile sanctions might have been weighed as costs of offending. Only two, P5 and P9, acknowledged that they even thought about such sentencing possibilities briefly but not seriously prior to committing their offenses.

The majority of responses indicated that the deterrence model of crime control may not be effective for youth who do not consider risk of offending under any circumstances. Instead, the normative nature of their offending indicates that for them, crime was a way of life, not a

conscious choice, possibly precluding general deterrence. However, the three discrepant cases illustrate the possibility of rational choice capabilities; for these participants, the benefits of crime outweighed their perceived risks.

Participants were asked about when they considered possible punishment and sentencing possibilities—before, during, or after their decision to commit their crime. Again, because of the minimal responses of the same two participants, P5 and P7, this question was inapplicable.

Participants were then encouraged to expand their responses with more personal and subjective rationales as to why they did not consider punishment prior to committing their offenses. Their responses indicated clearly the subjective nature of their logic. As P9 aptly summarized,

P9: Your wrong may be my right.

Ten (83%) participants considered juvenile crime as a normal part of their daily lives.

P2: But, as a juvenile, [crime] is a whole lot easier than being in prison.

P3: Near my whole family been in jail. Like I was destined to come in here.

These responses further support the normative nature of juvenile offending for these participants and the subjective nature of offending risks.

Six participants (50%) reflected that the juvenile sanctions imposed on them for earlier crimes were not a threat because of their shorter duration and easier conditions than adult sentences. Their perceptions illustrate, for them, low perceived risks for juvenile sanctions as compared to the high risk regarding length and conditions of adult sanctions.

P6: I didn't care really . . . I was still young when I got out; juvenile detention centers is like daycare compared to here [present adult incarceration].

An additional six participants explained that their youth had led to impulsive and immature behaviors. (As Table 1 shows, the mean age at waiver to adult court was 16.5 years.).

These responses are consistent with research that indicates juveniles decreased decision-making capabilities that can lead to rash and immature decisions (Kupchik, 2006; Pagnanelli, 2007).

P1: We still seein' it as a game, we still wild, young, didn't care.

Indifference developed by and related to criminal relationships and structures impacted another six participants (50%), and three (25%) recounted their subjective needs as primary reasons they did not consider juvenile sanctions as a risk of offending.

P6: I didn't care really.

P8: I was just trying to protect myself because of the life I was livin', period.

Overall, at the time, thinking of punishment was not a big thing. . . . I had to survive.

As these responses indicated, for 10 participants, juvenile offending took on normative meanings within the context of their social structures and relationships with friends and family. Although these perceptions manifested in various ways, they were linked by common threads that converged with explanations of criminal lifestyles (Smith, Flowers, & Larkin, 2009).

Because only two participants (P5 and P7) had heard of adult sanctions applying to juveniles, I asked all respondents how or if they would have considered adult sanctions had they known and understood that the sanctions could have applied to them and their offense. Eleven (92%) explained that they would have considered adult sanctions before committing their offenses if they had they known and understood that they could receive them.

P2: 'Cause then I wouldn't have committed the crime. It would have helped me out in the long run, through my life that way I would at least know what I was gettin' into.

P6: I think it would have made a big difference!

P10: I think my life would have went a whole different route.

Although these insights are provided in retrospect, they are nonetheless important to an understanding of the lived experience of participants waived to adult criminal court. This is so especially because it is not possible to assess accurately subjective offending risks prior to the offense. Jacobs (2010) pinpointed the difficulties:

[T]he conclusion that deterrable offenders are responsive to sanction threats . . . requires the construct of deterrability to be operationalized. . . . Prospective designs have trouble doing this analysis because they are inherently hypothetical. Retrospective designs are grounded in actual decision-making processes that betray a concern for detection or the lack of it. (p. 429)

It is thus important and relevant to consider these responses; they may indicate a possible paradigm shift based on sentence length and adult conditions. That is, in retrospect, participants perceived the punitive sentences and conditions of adult incarceration as strong threats or risks that could keep them from offending.

Had participants known and understood beforehand that adult sanctions could and would apply to them, participants might have used that knowledge in rational choice decision-making that could have led to their decisions not to offend. However, if (and because) participants did not know and understand those risks, they could not consider them before committing their offenses. Hence, adult sanctions, which many reported they would have seriously considered as possible disincentives or deterrents before committing their crimes, could not act for these participants as general deterrents to juvenile offending. As a consequence, their subjective perceptions of offending risks were decreased and the possibility of general deterrence impossible (Redding & Fuller, 2004; Robinson & Darley, 2004). As Griffin et al (2011)

explained, one of the reasons that transfer laws may not act as effective deterrents may be because of “juveniles' general ignorance of transfer laws” (p. 26).

A large majority of the participants, nine, explained that that they had thought about how their current sentence could affect future decisions to reoffend or not commit a crime. Their current sentence, including its length and conditions of incarceration (such as loss of freedom and daily violence), had significantly affected their future intent not to reoffend.

P4: Yeah, 'cause I don't want to be here. This ain't no place to stay by choice.

P7: Being away from family, friends, worrying about safety, worrying about stuff getting' stolen from you, worrying about having to fight for your life. You know, that's a pretty good deterrence from reoffending.

These reflections suggest that imposing an adult sentence could lead to a specific deterrent effect. However, in contrast, and with admirable candor, five participants revealed that their current sentence could be either a deterrent to future offending or promote future offending. P1 explained that he did not plan to recommit. But he then went on to explain the negative conditions of his incarceration.

P1: I don't see how that's not justice to send somebody at 15 or 14 to 21, 30 years. to 88 years. That ain't justice. We don't get rehabilitated. We aren't learning our lessons. We surviving in here. . . . This . . . turning a whole lot of people bitter.

Similarly, P12 did not plan to recidivate and was convinced that she would not. However, in contrast to earlier assertions, she divulged that she was very angry, and this anger could lead to violence.

P12: This anger that I feel now it, it make me mad. It make me mad, but my temper is short . . . anybody can just look at me the wrong way or someone done say something wrong to me and I be ready to fight them 'cause I'm so angry I'm in

here because I'm getting treated a certain way. I'm isolated from my family and it's just crazy. It just make me a very hateful person being in here.

In summary, the majority of the participants explained that the length and conditions of their incarceration, especially their loss of freedom and the constant violence, would negatively affect their decisions to desist from crime upon release. However, further questioning revealed participants' feelings that reflected their ambivalence and apprehension about their current sentences. Even after explaining that they would never want to return, several participants expressed concern over challenges that they would face upon leaving the institution. These challenges, they explained, could impact their ability to desist in spite of good intentions

The majority of the participants expressed anger and feelings of injustice over being tried as adults. Several participants felt that they were too immature to be tried and held as adults. And others expressed dismay at being devalued and diminished to in the eyes of the judge and court.

P8: Like I'm not even a person; you know if I was like a physical entity, you know. I just felt like trash.

Such feelings of anger and injustice may lead to higher recidivism rates in juvenile transferred to adult court (Bishop & Frazier, 2000; Redding & Fuller, 2004).

Further, deterrents that were not related to their prison experiences were also explored. Six participants discussed additional personal features that, upon their release, could impact their decisions to maintain a lifestyle free of crime. They identified maturation, growth, supportive family members, and institutional training programs as possible insulators against future criminal behavior. However, two participants expressed fear and frustration over the prospect of finding employment with a felony record.

P2: You gotta take the time to think about the things before you do them . . . you get more mature and grow up.

P3: I got two sons and a daughter [to take care of]; that will stop me.

P6: If you can't get a job, if people ain't tryin' to hire you 'cause you a felon. It's going to be hard to get a job.

Participants were given the opportunity to discuss other issues they felt were important and not addressed in the interviews. Four added more thoughts regarding juvenile bindover, and others offered advice and opinions.

P2: I mean, just that for every juvenile out there, just think of what you do before you do it. Whatever you gonna do to make sure you don't commit a crime and have to spend the rest of your life in prison or be bound over as an adult and still have to be away from your family and friends and loved ones.

P12: I feel like sending juveniles to prison is stupid. It makes them angry.

Summary

In summary, as Table 2 shows, a number of interrelated thematic patterns emerged from the findings. Very few participants had knowledge or understanding of juvenile bindover and adult sentencing. Thus, they were precluded from rational choice as to offending and had no perceived risks of punishment (general deterrence). Inhibitors to deterrence included family norms of criminal behavior, age and immaturity, impulsive behaviors, perceived needs, and indifference to the consequences.

Most participants were very angry that they had not been informed of their choices regarding sentencing. They emphasized that juveniles should be informed of such choices through community centers, schools, and departments of youth services. On reflection, most

participants recognized the extreme tolls of sentencing in prison environments, loss of freedom, and difficulties of employment, leading to perceived future challenges upon release

Discussion

These findings indicate that exercise of rational choice and general deterrence for participants in this study were precluded by their ignorance of juvenile bindover. That is, because they lacked knowledge of the severe consequences of punishment as adults, they did not consider rationally the effects of their decisions to engage in criminal behavior. The findings further imply that knowledge of juvenile bindover could *possibly* result in general deterrence if juveniles had known and understood the realities of severe sanctions. In that case, their subjective notions of offending risks would have been more accurate. Nonetheless, the participants' immaturity and inability to rationalize offending risks, in combination with criminogenic lifestyles, could have precluded general deterrence. This conclusion, however, is theoretical, because the participants in this study did not actually understand the sentencing possibilities.

My findings are consistent with the few studies conducted regarding the general deterrent effect of juvenile transfer laws as minimally effective (Kovandzic et al., 2004; Steiner et al., 2006; Webster et al., 2006; Worrall, 2004). However, prior studies did not address the personal perceptions and meanings of incarcerated individuals that may have precluded general deterrence. Nor did they address knowledge and understanding as essential components of risk assessment and general deterrence, as did the present study. In light of previous research findings, the present findings illuminate inmates' ignorance of juvenile bindover and highlights the necessity of their full understanding of the impact of this socially and personally costly punitive sentencing trend.

Regarding the potential influence that knowledge of adult sanctions and understanding of the juvenile transfer process may have on juvenile offenders, almost all the participants, 11, explained that they vehemently believed they would have considered juvenile bindover as a risk of offending if they had known and understood it could be applied to them (see Table 2). This finding contrasts with past research that failed to find a general deterrent effect of juvenile transfer laws (Steiner et al., 2006; Steiner & Wright, 2006).

However, my findings support the results of Redding (2005) and Ashkar and Kenny (2008), who found that a majority of boundover youth claimed that they would have considered juvenile bindover and adult sanctions had they known the sanctions could apply to them. Admittedly, juvenile offending risk assessment is multidimensional and often hypothetical in nature. This study nevertheless supports the need for better educational programming and policies that can potentially lead to a greater general deterrent impact for juveniles who are bound over to adult criminal court.

These findings further support rehabilitative programming inside adult institutions. As several participants explained, the harsh and violent institutional conditions can create emotional and logistical obstructions to specific deterrence, including employment challenges and unresolved anger and bitterness that could lead to future offending. Consistent with these findings, prior research studies have indicated higher reoffending rates for juveniles bound over to adult court (e.g., Fagan, 2007).

It must also be noted that, although these participants were able to reflect on their possible future actions and provide insight as adults, their responses were hypothetical. We cannot know whether their claims would have been actualized when they were juveniles had they known that adult sanctions could apply to them. Nevertheless, these findings prompt questions

for present legislators about the efficacy of punitive sanctions. The participants' responses also point to the need for future research that replicates and expands upon this study for further understanding of juvenile offending decisions.

Recommendations for Future Research

Quantitative Studies

Based on the current findings, both quantitative and qualitative studies could be conducted on the issues of juveniles sentenced as adults and the effects on general and specific deterrence. Additional quantitative studies could be undertaken with participants in other Ohio institutions to determine the number of juveniles bound over to the adult court who knew and understood juvenile transfer sanctions. The sample could include juveniles currently serving adult sentences and adults serving adult sentences they received while juveniles. In the most recent preliminary data of Ohio prisons, approximately 700 hundred offenders are currently incarcerated who were bound over while juveniles (S. Vandine, Ohio Department of Rehabilitation and Corrections, personal communication, July 20, 2009). A random sample of these inmates could provide more generalizable data, in combination with qualitative studies, which might provide the impetus for dissemination of education about juvenile bindover and broad-based policy changes.

In addition, the Ohio Office of Criminal Justice Services or similar state offices could undertake a correlative study to determine whether juveniles who are tried and sentenced as adults are more likely to reoffend than their counterparts who were sentenced in the juvenile court. Similar to research by Fagan et al. (2007) and Lanza-Kaduce et al. (2002), the study could control for intervening variables such as sentence length, offense history, education, and parental income, as well as cultural elements, such as family history of criminal activity, number of

family members on welfare, gang membership, ethnicity, and geographic location. A study of this kind would provide rather comprehensive numerical evidence of the specific deterrence effectiveness of juvenile bindover.

An empirical study could also measure the extent to which juvenile justice officials inform juveniles about juvenile bindover. In my findings, repeated question sequencing revealed that no participant had heard of juvenile bindover from any juvenile justice official, and the two who had revealed only vague knowledge from television news. Survey research could be conducted with officials who regularly come in contact with juvenile offenders, including juvenile court judges, probation officers, juvenile prosecutors, and individuals who work with youth in various diversion and residential programs. Results could provide policy makers with clearer understanding on the extent to which these officials discuss escalating sentences and juvenile bindover with offending youth. As Robinson and Darley (2004) observed, for deterrence to be effective, policy makers should take into account the level of publicity surrounding punishment and the “target population” level of knowledge if sentences are formulated “under the express assumption that they will influence conduct” (p. 24).

Finally, no study currently exists that compares youth bound over to adult court with adult counterparts who have similar offending histories and have committed the same crimes. Several of my participants, with a median of 169 months of sentences, stated that they received harsher punishments than adults who had committed similar crimes. Their anger and sense of injustice at what they perceived as glaring inconsistencies calls for future investigation, as does the severity of their sanctions. Thus, a future quantitative study could determine the extent to which juveniles may be receiving harsher sentences than their adult counterparts for similar crimes.

Qualitative Studies

Although quantitative data can provide results that reflect the outcomes of crime control policies, such studies cannot provide meaningful perspectives into how and why offenders make their offending choices (Burck, 2005). Qualitative approaches can fill many gaps and contribute to understanding of the social world of current and prospective offenders as well as promote social change (Miller & Glassner, 2004; Redding, 2008).

Thus, in replication of the present study, concurrent studies could be carried out in Ohio and other states with large numbers of boundover youth, such as Florida (Fagan et al., 2007). In addition, with inmates who did know and understand juvenile bindover, a critical and interpretive phenomenological study could reveal the role of this knowledge in their decision-making process. Such a study would more fully illuminate juveniles' abilities to engage in rational choice decision making, a necessary component of general deterrence (Redding, 2008; Snyder & Sickmund, 2006; Steiner & Wright, 2006).

Further, offenders who have recidivated and been reincarcerated could be interviewed with the same qualitative interpretive phenomenological methods as those used in the current study to explore individualized meanings and structures that may have impacted their inability to desist. A closely aligned study could use the same methods to uncover resiliency factors that may have impacted offenders' inabilities to maintain a conventional lifestyle. Participants could be offenders who have been released or who have not reoffended for 1 year or more.

Policy Implications

The few studies that have addressed juveniles' understanding, perceptions, and knowledge of juvenile bindover suggested the respondents lacked basic knowledge of bindover, which logically precludes any general deterrent impact (Ashkar & Kenny, 2008; Redding &

Fuller, 2004). As such results confirm, and contrary to policy goals of public safety and decrease of juveniles' criminal behavior, the trial and sentencing of juveniles as adults does not appear to lead to public safety or a lessening of juvenile crime. The present study found that, alarmingly, 100% of the participants failed to understand juvenile bindover. As Table 2 indicates, only two had ever even heard of juvenile bindover. Yet, the majority, nine, also claimed that if they had they known they could receive adult sentences, they would have considered that knowledge prior to committing their crimes. Regarding social change, these findings could contribute to the development and implementation of policies toward more effective deterrence of juveniles from committing crimes and greater protection of the public.

The present study also found that, although participants' rational decision making regarding adult sanctions was precluded by their lack of knowledge, 10 did not consider juvenile sanctions at all prior to committing their crimes (see Table 2). Only two reported that they briefly considered juvenile sanctions, but this consideration did not impact their decisions to commit their offenses. These findings indicate that the participants did not engage in any rational choice decision making in which they weighed the risks of offending with the benefits of offending. Only one participant indicated that he engaged in rational choice decision making and briefly considered juvenile sanctions.

The illumination of adolescent offenders' decision-making processes in these findings provide the grounding for social change, because current juvenile laws continue to be based upon juveniles' presumed abilities to weigh rationally the costs and benefits of offending prior to committing their offenses (Peterson-Badali et al., 2001). To inform legislators and the public that juveniles minimally, if at all, weigh the costs and benefits of offending, these findings could be

disseminated and discussed by those with legal authority. Hopefully, discussions would lead to possible revision of the juvenile crime control models.

This study could additionally lead to social change regarding the specific deterrence value of juvenile bindover and severe sanctions. Although the majority of participants, nine, intended to desist upon release, with further questioning, eight (66%) also revealed deep concerns and challenges based on the conditions and length of incarceration. Three forthrightly declared that the length of their incarceration, the violence and anger that the conditions bred, and their inability to find employment would render them unable to desist. Conversely, half of the participants discussed positive factors that could help them desist from crime, including maturation, family support, and institutional training.

These findings could lead to positive social change in the development and extension of institutional programs that address participants' particularized concerns and fears and encourage their readiness for change. Follow-up support programs could be instituted on offenders' return to their communities. These could aid in offenders' adjustment to society and continue to strengthen nonviolent lifestyles.

Conclusions

Juvenile transfer to adult court impacts many youthful offenders today, although experts agree there is no accurate number. However, they do agree that the costs are staggering, both economically and socially. In 2010, the U.S. Department of Justice commissioned a study, the first in a decade, to capture accurate data on the number of boundover youth (Kelly, 2010). The Campaign for Youth Justice (Ayra, 2010) uses the same estimate cited here—200,000 to 250,000 a year. Nevertheless, the majority are excluded based on several states' statutes that automatically terminate juvenile court jurisdiction at 16 or 17 years of age.

The policy of juvenile transfer to adult court was meant to deter would-be serious juvenile offenders, lower crime rates, and improve public safety. However, the efficacy of this severe sentencing strategy is dubious at best (Peterson-Badali et al, 2008; Redding, 2005; Steiner & Wright, 2006). Previous quantitative research illustrated no general or specific deterrent impact and possibly even counterdeterrent effects (Fagan et al., 2007; Lanzu-Kaduce et al., 2002; Steiner et al., 2006). The present findings support those of earlier quantitative studies as well as the few qualitative studies conducted to determine the understanding and knowledge of juvenile offenders regarding bindover. The distressing findings of this study indicate preclusion of general deterrence as a result of incarceration, in contrast to policy goals.

Potential educational programs could lead to adolescents' rational choice decision making, in which they consider the realities of risks prior to offending. However, further research is also needed, based on prior research and the present study findings. Juveniles lack the abilities to fully weigh risks and benefits pursuant to rational choice decision making.

This research could provide the impetus for concurrent policy dialogue and future research with regard to juveniles' knowledge and exercise of choice prior to serious offending, as well as further theoretical development and refinement of general deterrence and severe sanctions. As the public continues to call on lawmakers to address the nation's consistently high crime rates, especially of juveniles, researchers are called upon to constantly evaluate the effectiveness and efficiency of current crime control strategies. Evaluation is especially necessary regarding juvenile bindover and its doubtful positive impact on crime prevention. It is hoped that the findings of this study prompts further study and the reevaluation and possible extensive revision of sentencing policies for juvenile offenders.

Recent changes in state juvenile justice laws have resulted in fewer youth being transferred and processed in adult criminal courts (Arya, 2010). Although reconsideration of juvenile sentencing laws is currently taking place in an increasing number of states, much progress remains to be made. It is hoped that the findings of this study will contribute to more widespread and permanent changes in policies and laws for offending youth toward decrease of crime and more effective rehabilitation.

Appendix A: Open-ended interview questions

Understanding of Sentencing Possibilities:

1. As a juvenile offender, what was your understanding regarding possible adult criminal sentences? That is, what did adult criminal sentences mean to you?

Sources of Sentences and Sanctions:

2. As a juvenile, where did you get your knowledge of sentencing? Was it a person, a book, a magazine, a TV show, an Internet source, or another source?
3. If you had such knowledge, when did you learn about possible adult sentences?

Influence of Sources:

4. What was the influence of the source(s) on your understanding of possible sentencing? (Example: Was sentencing clearly explained to you?)
5. What was the influence of the source(s) on your use of the knowledge about possible sentences? (Example: If the information came from a judge or a law book, you may have believed it or taken it more seriously.)
6. How much did you believe the source(s), and why?

Use of Knowledge About Sentences:

7. As a juvenile, how seriously did you consider the possible punishment and sentencing possibilities?
8. If you considered possible punishment and sentencing possibilities, when did you do so—before, during, or after your decision to commit your crime?
9. What contributed to your consideration of punishment and sentencing possibilities?

Possible Future Crime:

10. How could your current sentence affect your possible future decision to reoffend or not commit a crime?
11. What might stop you from committing crime in the future?

Additional Comments:

12. Are there any other comments you would like to add?

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