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2000

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PRINT VERSION CITATION: Mears, Daniel P., and Samuel H. Field. 2000. "Theorizing Sanctioning in a Criminalized Juvenile Court." *Criminology* 38(4):983-1020.

PRE-PRINT VERSION

THEORIZING SANCTIONING IN A CRIMINALIZED JUVENILE COURT*

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BIOGRAPHICAL STATEMENTS

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THEORIZING SANCTIONING IN A CRIMINALIZED JUVENILE COURT

ABSTRACT

Under recent reforms, juvenile court systems increasingly have adopted more criminal-like, “get tough” approaches to sanctioning, such as enhancing the ease with which transfer to adult court can occur. To date, however, researchers have focused primarily on determinants of transfer rather than on examining the range of sanctions available at sentencing or exploring the applicability of theories of adult sanctioning to juvenile processing. The present research addresses these issues by drawing on several theories of sentencing to develop a set of hypotheses about the effects of legal, extra-legal, and processing factors, as well as sentencing options, in a highly proceduralized and criminalized juvenile court in Texas. Quantitative and qualitative data are used to examine four sentencing outcomes for waiver ineligible youths and five for waiver eligible youths. The analyses reveal substantive relationships largely consistent with derived expectations. However, certain relationships are conditioned by the availability of waiver and vary across levels of sanction severity. Contrary to arguments that increased proceduralization and criminalization of the juvenile court might eliminate consideration of extra-legal factors (e.g., age, gender, race/ethnicity), the results suggest that in the jurisdiction under study such factors exert an effect on sentencing outcomes, though not necessarily in expected directions. Whether the findings extend to other criminalized juvenile courts remains to be examined. It is recommended that future sentencing research draw on studies of both juvenile and adult sentencing.

ABSTRACT (revised/shortened 8/31/00 per Jennifer Bursik's request)

Recent juvenile justice reforms have produced increasingly complex and criminal-like approaches to sanctioning youths, yet research to date has not examined the full range of newly available sentencing options nor systematically drawn on theories of adult sentencing. The present study addresses these issues by developing competing hypotheses about the effects of legal, extra-legal, and processing factors, as well as sentencing options, in a highly proceduralized and criminalized juvenile court in Texas. These hypotheses then are tested using quantitative and qualitative data. The results are largely consistent with derived expectations and do not support arguments that increased proceduralization and criminalization of juvenile courts will eliminate consideration of age, gender, or race/ethnicity in sentencing decisions.

THEORIZING SANCTIONING IN A CRIMINALIZED JUVENILE COURT

In recent years, increasingly tougher, more criminal-like approaches to juvenile sanctioning have emerged. These changes clearly run counter to the traditional ideal of the juvenile court (Feld, 1999). Indeed, they suggest that at the end of the twentieth century, juvenile and adult sentencing practices perhaps are not so different as they once were (Singer, 1996).¹ What is striking, therefore, has been the relative inattention to applying theories of adult sanctioning to juvenile court processing and, more generally, to theorizing juvenile court decisionmaking. As many states have focused their “get tough” efforts on expanding the ease with which transfer to adult court can occur (Torbet et al., 1996), an obvious need has arisen to study the uses and effects of transfer.² However, the restricted and largely atheoretical focus of this research neglects important facets of juvenile sanctioning (see, generally, Howell, 1996); these include the importance of “blended sentencing” laws (Torbet et al., 1996), organizational factors bearing on decisionmaking (Dixon, 1995), and the fact that transfer is but one of several sentencing options (Singer, 1996). The limited focus is unfortunate in part because of missed opportunities to develop more theoretically meaningful and predictively accurate models of not only juvenile but adult sanctioning. Indeed, it is likely that juvenile and adult sentencing research literatures can inform one another and, in turn, perhaps lead to more general sociological theories of sanctioning.

Taking these observations as a point of departure, the present research uses quantitative and qualitative data to examine juvenile sentencing in a large, urban county in Texas (hereafter referred to as “Texas County”). In this jurisdiction, juvenile court processing is highly proceduralized and criminalized. It thus affords a unique opportunity to identify potential parallels with adult processing and to suggest several dynamics that likely are or will become relevant to understanding sentencing in other criminalized juvenile courts.

Several sources supply the theoretical underpinnings of this research. Research on the increasing criminalization of the juvenile court provides the core basis for expectations about the

effects of key factors in Texas County's criminalized juvenile court (Feld, 1993a, 1993b, 1998, 1999; Howell, 1996; Singer, 1996; Torbet et al., 1996). Research on organizational context (e.g., Dixon, 1995), substantive and procedural rationality (Ulmer and Kramer, 1996), and symbolic threats (Sampson and Laub, 1993; Smith and Damphousse, 1998; Steffensmeier et al., 1998) provides a further basis for deriving expectations about the effects of key legal, extra-legal, and processing factors.³ Finally, evidence regarding accumulated bias in sentencing over various stages in processing (see Feld, 1999; Pope and Feyerherm, 1993; Sampson and Lauritsen, 1997), as well as from interviews conducted for this study, provide further warrant for exploring variation in the predictive utility of these variables across different sentencing options and outcomes.

The purpose of this study is three-fold. First, we illustrate the potential usefulness of applying theories of adult sentencing to the study of juvenile court processing, and, more generally, of developing theories of sentencing that can be applied to both juvenile and adult court sanctioning. Our focus on one jurisdiction necessarily precludes definitively assessing the potential of such an approach. However, as an initial case study (see Bishop et al., 1989; Feagin et al., 1991; Geis, 1991; Griset, 1996), it is intended to stimulate and provoke further theoretical development in an area that to date has remained largely atheoretical and descriptive. Second, we provide a preliminary analysis of the dynamics potentially underlying sanctioning processes in other highly proceduralized and criminalized juvenile courts. As increasingly more juvenile courts embrace the "get tough" orientations adopted by many criminal justice systems (Feld, 1998; Torbet et al., 1996), opportunities will arise to assess more systematically the extent to which the dynamics identified in Texas County extend to other similar types of courts. Third, we highlight the importance of modeling multiple sentencing outcomes when assessing the contribution of key predictors to sentencing severity. Whether such outcomes are viewed as ordered or non-ordered in terms of severity, it likely remains the case that not all factors equally predict the likelihood of receiving one type of sanction or another. Indeed, it is possible, if not probable, that the availability of certain sentencing options changes the decisionmaking processes

in which prosecutors and other court actors engage (Mears, 1998b).

We begin by discussing the development of determinate sentencing in Texas and, because of the focus of our study, on how it is used in Texas County. In this context, we situate determinate sentencing with respect to waiver options in Texas and in other states. We then move to a discussion of four perspectives on sentencing. The first perspective, which emphasizes the increasingly criminalized nature of juvenile court processing, provides warrant both for applying adult theories of sanctioning to juvenile court and for deriving expectations about the effects of key predictors on juvenile sanctioning. The remaining perspectives derive more directly from research on sentencing in criminal courts. Following this discussion, we then provide a brief presentation of the central hypotheses guiding our study. Finally, we present the key findings and discuss their implications for juvenile and adult sentencing research.

DETERMINATE SENTENCING AND TEXAS COUNTY

In 1995, the Texas Legislature introduced widespread “get tough” changes to the juvenile justice system. These changes included: lowering the age at which waiver could occur to 14-years-old for capital, first degree, and aggravated controlled substance felony offenses; incorporating punishment as a primary purpose of the juvenile justice system (captured symbolically by a renaming of the Family Code to the Juvenile Justice Code); and greatly expanding the determinate sentence statute that first was enacted in 1987 (Dawson, 1996). Originally designed to serve as a type of “third justice system” (Dawson 1988), determinate sentencing provided for more severe punishment of violent offenders who could not be transferred to the adult system. It also provided for less severe punishment of offenders who could be transferred to the adult system but were more appropriate for the juvenile justice system, while still providing for potentially lengthier sentences than typically afforded through traditional indeterminate sentence proceedings (Dawson, 1988, 1990, 1996).

Under determinate sentencing, any juvenile, regardless of age, can be sentenced for up to

forty years to the Texas Youth Commission (TYC), with possible transfer to the Texas Department of Criminal Justice (TDCJ). Furthermore, juveniles violating conditions of determinate sentence probation are potentially subject to the full length of commitment available at the initial sentencing hearing. By contrast, under conventional delinquency proceedings, violations of probation at most can lead to incarceration at TYC to age 21 (Dawson, 1996). Finally, and perhaps most importantly, prosecutors can choose to pursue determinate sentence proceedings rather than conventional delinquency proceedings or, if the offense and offender's age allow, waiver proceedings, but in both cases they first must obtain grand jury approval.

The changes introduced in 1995, which took effect beginning in 1996, consisted of expanding the number of offenses eligible for determinate sentencing from five to approximately thirty. These offenses included many new first degree felonies as well as many second and third degree felonies.⁴ The changes also included modifying the conditions under which parole or transfer from TYC to TDCJ can occur. Finally, they also provided for sentences of up to forty years for a capital or first degree felony, twenty years for a second degree felony, and ten years for a third degree felony (Dawson, 1996). Given the potential severity of sentences associated with determinate sentencing, the Legislature afforded juveniles who are subject to the statute with all of the procedural safeguards afforded adults, including the right to a jury at trial and sentencing.

Relatively little empirical research has focused on determinate sentencing, especially since the changes in 1995. Some research has provided descriptive information on youths determinately sentenced to TYC (Texas Criminal Justice Policy Council, 1997) and on comparisons of lengths of sentences received and served by youths determinately sentenced to TYC and youths waived to TDCJ (Fritsch et al., 1996). Other research has identified a wide range of factors potentially associated with the use of determinate sentencing (Dawson, 1988, 1990; Mears, 1998a, 1998b). To date, however, no attempt has been made to model sentencing decisions of youths eligible for determinate sentencing. Indeed, such an attempt would be of limited use insofar as determinate sentence proceedings are rarely sought. There is, though, one context in which such an attempt not only is appropriate but provides an opportunity to explore

how key factors affect decisionmaking in a criminalized juvenile court -- namely, when a juvenile court automatically invokes determinate sentence proceedings for all eligible cases and is known for its highly proceduralized and “get tough” approach to crime.

The jurisdiction that is the focus of this study, Texas County, represents just such a court in that it is both highly proceduralized (Dixon, 1995: 1911)⁵ and criminalized (Feld, 1993a). This court automatically uses determinate sentencing for all eligible cases; it has a highly efficient and proceduralized system for processing cases eligible for determinate sentencing; it purports to give primary emphasis to legal factors (offense severity and type, prior history of offending); and it is widely known for its “get tough” approach to sanctioning. This characterization is based on existing literature on organizational context (see, e.g., Dixon, 1995) and interviews with practitioners in various jurisdictions throughout Texas (discussed in “Data and Methods”).

Consider, for example, the following remarks of the chief juvenile prosecutor in Texas County:

Our policy is that all of the offenses that are within the [determinate sentence] list go to the grand jury, as long as it’s an appropriate case -- and that’s basically 98% of them. I know there are a lot of jurisdictions that don’t do that and in fact may not send any. Then there are jurisdictions that send [just] a few. Our jurisdiction has decided that if the law allows [the use of determinate sentencing] and that [an eligible case] should be reviewed by a grand jury, then that’s what will happen. [When asked why this policy existed, the prosecutor replied: “The law so provides.”]

Similarly, the chief juvenile probation officer stated, “Here, determinate sentencing is automatic. It’s real black-and-white.” And one of the juvenile court judges commented, “It’s just the policy [of the prosecutor’s office] that if [an offense] fits the guidelines, they’re going to go to the grand jury with it. I think that’s the way it ought to be done, too, because you can put the ball in the judge’s lap and let the judge make the decision about how to handle the case most appropriately.”

The existence of what might be termed a culture of proceduralism pervades Texas County, as reflected in part by the policy of invoking determinate sentence proceedings in all eligible cases. This proceduralism was remarked upon by several practitioners in an adjacent county.

Prosecutors here operated under what they termed, by way of comparison with Texas County, a “good old boy” network. Their informality is reflected in such practices as proactively avoiding formal processing of cases, affording individual prosecutors considerable discretion in how cases are handled, and providing defense attorneys direct access to prosecutor case files. By contrast, Texas County automatically seeks formal processing of cases, has formal rules for seeking the most punitive sanction afforded under the law, and requires that defense attorneys file formal requests for prosecutor case files. Indeed, Texas County has a reputation for being so efficient in the processing of special types of proceedings (e.g., determinate sentence or waiver cases) that prosecutors in other jurisdictions frequently seek assistance from Texas County in handling such cases.⁶ The proceduralism of Texas County is not characteristic of most jurisdictions in Texas (see Dawson, 1992). Consider one prosecutor’s opinion, echoed by many practitioners in other jurisdictions in Texas: “If the Legislature wanted every single possible determinate offense to be presented to the grand jury, the Legislature would have mandated that.”

The proceduralism characteristic of Texas County is paralleled by a marked punitive orientation toward sanctioning. Practitioners across Texas consistently described it as one of the most aggressively “get tough” jurisdictions in the state, a view echoed by various court actors within Texas County. The “get tough” approach appears to have been sustained over many years, perhaps due in part to a belief among Texas County practitioners that this approach has led to a reduction in crime. For example, one Texas County judge stated: “Most of the violent crime that we’ve seen has decreased, and I think the reason is because we’ve got the bad kids off the street and into the Texas Youth Commission.” Texas County juvenile court processing thus is notable both for a proceduralism that places considerable plea bargaining leverage in the hands of prosecutors and for a remarkable consistency among diverse court actors in embracing a “tough on crime” focus, especially against violent offending. It thus might be aptly characterized as operating within a “proactive political environment” in which a general consensus exists about the prevalence of a problem (i.e., violent juvenile crime) and the means by which to address it (Hagan, 1989, 1994; Smith and Damphousse, 1998: 73).⁷

DETERMINATE SENTENCING VERSUS WAIVER

In recent years, many states have provided for a wider array of options for sanctioning juveniles (Howell, 1996; Torbet et al., 1996). The emphasis, though, clearly has been on more severe, “get tough” sanctioning, primarily through various attempts to facilitate the transfer of juveniles to adult court (Feld, 1998; Sanborn, 1994; Singer, 1996). This can occur through a variety of mechanisms, including lowering the age of waiver eligibility, expanding the number or type of offenses eligible for waiver, and locating, through various means, more discretionary authority with prosecutors. Currently, the most prevalent type of transfer mechanism is judicial waiver (Torbet et al., 1996: 4), which essentially requires that prosecutors seek the permission of judges to send a juvenile to adult court. However, other types of waiver options have been created and are rapidly expanding. For example, by 1996 eleven states provided for prosecutorial direct filing, thirty-seven provided for statutory exclusions, thirteen provided for presumptive waivers, twenty-two provided for reverse waivers, and eighteen enacted “once waived/always waived” statutes (Torbet et al., 1996: 4-5). In each instance, there has been a trend toward age and/or offense-based, punishment-oriented sanctioning, symbolized in part by giving prosecutors greater discretion in the transfer decisionmaking process (Sanborn, 1994; Singer, 1993). Texas law provides only for judicial waiver of juveniles, which applies to youths 14-years of age who have committed capital, first degree, or aggravated controlled substance felonies and to youths 15 or 16-years of age who have committed any felony offense (Dawson, 1996: 29).

In contrast to various waiver reforms, so-called “blended sentencing” statutes also have been enacted that combine elements of juvenile and adult sanctioning (Torbet et al., 1996: 11). These statutes provide for intermediate sanctions that bridge the gap between the juvenile and adult systems. For example, the Texas determinate sentencing option provides for sentences that begin in the juvenile system and that can be completed in the adult system, thus leading one observer to describe determinate sentencing as representing a “third justice system” (Dawson, 1988). Such

options (or systems) essentially constitute “last ditch” efforts to treat youthful offenders as “juveniles” rather than as “adults.” By extension, they represent an attempt to preserve the rehabilitative ideal of the juvenile court while highlighting the idea that some youthful offenders are best handled through punishment in the adult system. Clearly, though, the reforms of recent years reflect a convergence between the juvenile and criminal justice systems that increasingly blurs the distinction between juvenile and adult processing (Singer, 1996).

FOUR THEORETICAL PERSPECTIVES ON SANCTIONING

Although the overlap between juvenile and criminal courts is substantial, surprisingly little research has attempted to develop theories of sentencing that apply to juvenile and adult processing (Sampson and Laub, 1993: 286). Consider the following similarities between juvenile and adult courts: both focus on processing individuals arrested and charged with criminal offenses; both attempt to balance competing goals, including rehabilitation and punishment/retribution (though ostensibly each system weights these goals differently)⁸; both rely on similar sets of court actors and proceedings, with prosecutors increasingly occupying a central role in juvenile and adult courts; both face similar organizational contexts, including not only the presence of similar sets of court actors but factors such as caseload, plea bargaining, and the balancing of substantive and formal rational concerns, which, arguably, is endemic to most types of legal proceedings.

Despite these parallels, theory construction has tended to be more developed in the area of adult rather than juvenile sentencing. The relative inattention to sentencing theory in the juvenile context is unfortunate because it is likely that attempts to apply theories of sanctioning to multiple contexts will provide a crucial means by which to develop and expand current theory. In this section, four perspectives on the criminalization of the juvenile court and on sanctioning are briefly outlined because of their potential relevance to juvenile processing under new, “get tough” reforms. We then derive expectations about juvenile court processing in the specific type

of county under study -- that is, a highly proceduralized and criminalized juvenile court in a large, urban county in Texas.

CRIMINALIZED JUVENILE COURT

The juvenile justice procedural reforms of the 1960s and the “get tough” reforms of the 1990s have resulted in what some have termed a “criminalization” of the juvenile court (Feld, 1993a, 1993b, 1998; Singer, 1996). From this perspective, there essentially is little difference between juvenile and adult court processing, save for the absence of the procedural protections typically afforded adults (Feld, 1999). The individualized, rehabilitation-focused aspect of the early juvenile court is seen as giving way to offense-based, punishment-focused sanctioning. Similarly, the traditional emphasis on the “best interests of the child” is seen as disappearing as a consideration, while the protection of society assumes paramount importance. Among the more prominent indicators of these trends are the proliferation of various types of transfer mechanisms and the increased emphasis on procedural protections (Feld, 1999; Torbet et al., 1996). Whether these or other indicators are appropriate measures of criminalization ultimately remains both a conceptual and empirical matter, yet clearly there is an emerging consensus that significant changes in the juvenile court have occurred (Singer, 1996). This change provides a unique opportunity both to examine directly the potential consequences of increasingly criminalized forms of juvenile processing and to apply and develop theories of sanctioning, including those focusing on organizational context, substantive and procedural tensions in court processing, and symbolic threats.

ORGANIZATIONAL CONTEXT

Considerable debate attends to the exact role of organizational context on whether and how legal, extra-legal, and processing factors affect sentencing (see, generally, Dixon, 1995; Forst,

1995; Ulmer and Kramer, 1996). As but one example, urbanization frequently is assumed to serve as a proxy measure of bureaucratization or of formal or loosely coupled organization, even when the latter are not clearly defined and when research supplies contradictory evidence regarding such assumptions (Dixon 1995: 1166). Not surprisingly, consistent support for various organizational perspectives -- such as substantive political, formal legal, or organizational maintenance theories of sentencing (Dixon, 1995) -- remains elusive. Nonetheless, recent research suggests that many seemingly competing theories actually are complementary when specific organizational contexts are identified. Dixon (1995: 1191), for example, has found that legal variables (e.g., offense severity, prior history of offending) consistently predict sentencing in both low and high bureaucratic contexts, but that plea bargaining assumes particular importance in the latter.

SUBSTANTIVE VERSUS PROCEDURAL RATIONALITY

Scholars have long noted a tension in the law between substantive and procedural (formal) rationality. Not surprisingly, therefore, one of the most prominent approaches to studying sentencing involves emphasizing this distinction. In contrast to substantive rationality, in which decisionmaking is guided primarily by views of moral legitimacy, procedural rationality involves decisionmaking that is guided primarily by views of procedural fairness (Gould 1993). Ulmer and Kramer (1996: 384) recently have argued that “substantive rationality in sentencing entails consideration of defendants’ particularistic circumstances, needs, or characteristics as well as the practical consequences of sentences for individuals and organizations.” By contrast, procedural (formal) legal theories of sentencing typically emphasize Weberian notions of bureaucratic and legal decisionmaking. From this perspective, technically rational and formal rules of conduct guide decisionmaking and little or no consideration is given to extra-legal factors (Dixon 1995: 1161). Which type of emphasis predominates in a given setting (e.g., court, county, state, country) in large part is an empirical issue and has constituted a central point of departure for

various conceptual and empirical treatments of the topic.

SYMBOLIC THREATS

Many researchers have emphasized that at certain places and times, courts will tend to target specific offenses, offenders, or cases in the belief that these represent particular and clear threats to social order. For example, Sampson and Laub (1993: 293) have argued that gang members from underclass populations increasingly have become the target of punitive policies because they are perceived to represent an especially potent threat to society. Steffensmeier et al.'s (1998) "focal concerns" perspective echoes this view by stressing the importance for sentencing practices of "the offender's blameworthiness and degree of harm caused the victim, protection of the community, and practical implications of sentencing" (p. 766). It also is echoed in recent work by Smith and Damphousse (1998) arguing that certain values and sentiments may affect sentencing decisions and in essence "liberate" jurors or judges in certain types of cases (e.g., particularly weak or strong cases) "to follow their own sentiments in determining guilt or innocence" (p. 69; see also Kalven and Zeisel, 1966). Their research extends Hagan's (1989, 1994) work in arguing that proactive political environments concentrate on specific types of cases (e.g., terroristic acts) perceived to threaten society. A common thread in these and other perspectives (see, e.g., Ulmer and Kramer, 1996; Crawford et al., 1998) lies in the emphasis on offenses, offenders, or cases deemed by specific court actors, courts, counties, states, etc., to be especially serious or threatening, and, in turn, the effect that this emphasis has on sanction severity.

THEORETICAL EXPECTATIONS

Although recent changes in juvenile justice have emphasized "get tough," adult-like treatment of serious, violent, or chronic youthful offenders, as yet we know little about the effects

of these laws or how criminalization of the juvenile court affects sentencing (Fagan, 1996; Singer, 1996). In this paper, we thus focus on a context in which juvenile court processing is highly proceduralized and criminalized. Based on the four perspectives outlined above, we develop a set of expectations about processing in Texas County. The expectations we derive are consistent with, but should not be viewed as critical tests of, the different perspectives. Rather, our goal is to illustrate the potential usefulness of applying theories of sanctioning to juvenile court processing, to provide an initial foray into understanding the dynamics of sanctioning in a criminalized juvenile court, and to highlight the importance of modeling multiple sentencing outcomes.

We agree with calls for studies of macro-level variation in juvenile sentencing (see, e.g., Liska, 1993; Sampson and Laub, 1993). However, due to the limited examples to date of highly proceduralized and criminalized juvenile courts, we restrict ourselves to focusing on a single jurisdiction, Texas County. This county was chosen because it is unique among jurisdictions in Texas both in its size (more delinquency petitions are filed annually in this jurisdiction than in many states -- Sickmund et al., 1998) and, of more direct relevance, in adhering to a model of highly proceduralized and criminalized juvenile court processing. For purposes of our analyses, the commitment to “get tough” sanctioning and the fact that determinate sentence proceedings are automatically invoked in all eligible cases are the defining features of this jurisdiction. Although unique in Texas, recent reforms nationally suggest that increasingly more juvenile courts are becoming criminalized.⁹ Thus, analysis of juvenile processing in Texas County should be of direct relevance to understanding processing in similar courts in other states.

In short, we provide what in essence is a case study of how juvenile court processing may operate in other (increasingly) criminalized juvenile courts. The benefit of this approach, as noted earlier, is to provide a basis for stimulating theoretical efforts in the area of juvenile court processing and of sentencing research generally (Geis, 1991). It should be explicitly emphasized, however, that although the hypotheses presented below pertain to what we might expect to find in criminalized juvenile courts, the findings are from a study of one jurisdiction only. Thus, the

extent to which our findings (including tests of hypotheses) extend to other jurisdictions must remain unknown until further research in other jurisdictions and states is conducted.

Two additional points should be emphasized. First, the theoretical perspectives relied upon to derive our hypotheses generally have been developed to examine between-jurisdiction variation in sentencing. For example, arguments are made about the effects of certain factors in rural vs. urban courts or less bureaucratized vs. highly bureaucratized courts. Ideally, therefore, we could present analyses comparing less criminalized juvenile courts with highly criminalized courts. However, as was noted earlier, Texas County is unique among Texas jurisdictions (and among most jurisdictions in other states) in its sanctioning of juveniles. It nonetheless is possible to derive what amount to case study expectations about what we should find in this one jurisdiction. In turn, the findings can be used to suggest avenues for further research on juvenile court processing in other jurisdictions and states that are, or are becoming, increasingly proceduralized and criminalized. For example, and as discussed earlier, some states have enacted automatic waiver statutes that involve the mandatory transfer of juveniles charged with certain offenses to adult court. Although prosecutorial discretion in what to charge still is a critical factor in whether such statutes are “used” (Sanborn, 1994; Singer, 1993), clearly the possibility for highly proceduralized and criminalized processing looms large. It should be emphasized, however, that what is critical to studies of criminalized juvenile court processing is not the specific statutory options per se (e.g., determinate sentencing or automatic waiver). Rather, what is of particular relevance is what they may represent (e.g., criminalization of the juvenile court), how they are used (e.g., in an ad hoc or highly proceduralized manner), and how they may affect processing.

Second, as is explained below (hypothesis 10), we present sentencing models for waiver ineligible and waiver eligible youths. There are two reasons for adopting this approach. One is that waiver must be modeled separately for those youths for whom it is an available option -- that is, juveniles within the determinate sentence-eligible pool of referrals who are 14-year-olds and who have committed capital, first degree, or aggravated controlled substance felonies, or are 15

or 16-year-olds and who have committed any felony. For some juveniles (e.g., youths 13-years-old and under), it would not make sense to model waiver because it is not an available option for them. Another reason for adopting this approach is that prosecutors and other court practitioners interviewed for this study reported that the availability of certain options affects how certain factors are weighted in decisionmaking. Since neither the existing sentencing literature nor these interviews provide guidance about how exactly the presence of certain options affects sentencing decisions, no a priori expectations are derived (the one exception is for age -- see hypothesis 10).

Hypothesis 1: Our main hypothesis is that in a highly proceduralized and criminalized juvenile court (i.e., Texas County), only legal (e.g., offense severity, prior history of offending) factors -- not extra-legal (e.g., age, gender, race/ethnicity) or processing (e.g., plea bargaining) factors -- will be positively and strongly associated with sanction severity.

Hypothesis 2: A less extreme position holds that legal factors will not be the only determinants of sentencing in Texas County, but that they will exert the largest effect. It bears emphasizing that although legal factors typically are robust predictors of juvenile and adult sentencing (Dixon, 1995; Feld, 1999; Howell, 1996), such an association should be especially pronounced in a court that emphasizes offense-based rather than individualized sentencing (Feld, 1993a: 249).

Hypothesis 3: A related position suggests that commission of targeted types of offenses, especially those deemed most serious or threatening to society -- for example, drug offenses (Sampson and Laub, 1993: 290) and violent offenses (Fagan and Deschenes, 1990: 345) -- should be associated with more severe sanctioning. Such a view is consistent not only with a model of proceduralized or formally rationalized sanctioning but also with a substantively-oriented form of sanctioning. We can imagine, for example, contexts in which emphasis is given to more severely sanctioning cases for which general consensus exists about a real or symbolic threat to society (Ulmer and Kramer, 1996; Crawford et al., 1998; Sampson and Laub, 1993; Smith and Damphousse, 1998; Steffensmeier et al., 1998). Given the statements of Texas County's juvenile court practitioners about the focus on violent offending, we hypothesize

therefore that violent offenses (here operationalized as person assaults) will be sanctioned more severely than others. We further hypothesize that offense severity and prior record interact to result in more severe sanctioning of offenders who commit more serious offenses and have extensive prior records.

Hypothesis 4: Insofar as a parens patriae, rehabilitation-centered rather than punishment-centered view of juvenile processing prevails in Texas County, and insofar as younger offenders generally are seen as more impressionable, less culpable, and more harmed by severe sanctioning (Podkopacz and Feld, 1995: 152, 1996: 475), we expect that younger offenders will be sanctioned less severely. In addition, age may serve as a means by which to increase the efficiency of court processing (Dixon, 1995). For example, court practitioners may group youthful offenders into two categories -- “authentic juveniles” vs. “young adults” -- in order to provide a convenient marker by which to facilitate court processing (see, e.g., Dawson, 1992; Podkopacz and Feld, 1995, 1996; Fagan and Deschenes, 1990). Similarly, young adult offenders may be viewed as a symbolic threat that merit especially severe sanctioning and especially waiver (Sampson and Laub, 1993; Singer, 1996; Smith and Damphousse, 1998; Steffensmeier et al., 1998). In each instance we expect older offenders to be sanctioned more severely than younger offenders.

Hypothesis 5: Research on gender and juvenile sanctioning generally has found that offense severity and prior record are the primary determinants of sentencing severity for males and females in delinquency cases (Chesney-Lind and Shelden, 1998: 159-161; Empey et al., 1999: 362-363). Thus, insofar as males (like older offenders) represent a symbolic threat in Texas County, we expect that they will be sanctioned more severely than females in delinquency cases.

Hypothesis 6: Considerable research attests to the presence of accumulated racial/ethnic bias in sentencing throughout judicial processing (Bishop and Frazier, 1996; Feld, 1999). Among other reasons, this may be due to the perceived symbolic threat of minority offenders (Crawford et al., 1998; Sampson and Laub, 1993; Steffensmeier et al., 1998). Consequently, as with our hypotheses concerning older and male offenders as symbolic threats, we expect that minority

youths will be sanctioned more severely than white (non-Hispanic) youths in Texas County.

Hypothesis 7: Given that plea bargaining has consistently been found to be associated with less severe sanctioning, especially in highly bureaucratized organizational contexts (Dixon, 1995), we hypothesize that plea bargaining will be similarly linked to sanctioning in Texas County.

Hypothesis 8: Smith and Damphousse (1998: 82) have argued that the effect of plea bargaining may be contingent upon offense severity. The idea, derived from structural contextual theory (Hagan 1989, 1994), is that plea bargaining has a greater effect in cases involving minor offending due to the more systematic, aggressive, and unyielding focus upon serious and violent offending in proactive political environments. Thus, in an organizational context in which particular emphasis is given to punishment of the most serious offenders (as appears to be true in Texas County), we expect that there will be an interaction between plea bargaining and offense severity.

Hypothesis 9: Recent research suggests that important interactive effects occur between race and other key predictors of sentencing (Bishop and Frazier, 1996; Steffensmeier et al., 1998). For example, Steffensmeier et al. (1998: 783-789) found that among their sample of adult offenders, young black males were more likely than other age/gender/race groups to receive severe sanctions, a finding that was robust for both incarceration and length of sentence analyses (Steffensmeier et al., 1998: 783-789; see also Bishop and Frazier, 1996). Invoking Steffensmeier et al.'s (1998) "focal concerns" argument, but inverting it in the juvenile context, we hypothesize that older minority (black, Hispanic) juvenile offenders will be more severely sanctioned than other groups (i.e., younger minority or white offenders) in Texas County.¹⁰

Hypothesis 10: Although some researchers have identified the existence of accumulated bias in sentencing (see Pope and Feyerherm, 1993; Sampson and Lauritsen, 1997), few have examined the extent to which there is variation in the effects of various factors depending on the sentencing options available and the specific outcomes modeled (see, however, Cohen and Kluegel, 1978). For example, should we expect age to exert a similar influence on sentencing

decisions both when waiver is an option and when it is not? Few theories provide a basis for deriving such an expectation. Instead, specific factors generally are viewed as increasing or decreasing the likelihood or severity of sanctioning. Based on interviews with juvenile justice practitioners (described below), we hypothesize that modeling different sentencing options and contrasts will contextualize the effects of key predictors in Texas County, albeit in directions difficult to specify a priori. The one exception is for age, for which we expect a more pronounced effect to emerge. Why? The central reason is that when waiver is an option, prosecutors in essence suddenly have an opportunity to consider more explicitly a distinction between youthful and adult-like offenders. In this situation, it seems likely that a binary form of decisionmaking occurs wherein prosecutors are more likely to categorize younger offenders as “youths” and older offenders as “adults.”

DATA AND METHODS

Data for this study come from two sources: court data from a large, urban jurisdiction (Texas County) for 1996 and 1997, the first two years after the modification and expansion of determinate sentencing; and interviews with practitioners from Texas County and other counties in Texas. As noted earlier, this jurisdiction was selected because of its highly proceduralized, “get tough” approach to juvenile crime, and, especially, because of its unique practice of invoking determinate sentence proceedings in all eligible cases. It is because of this latter practice that we restrict our analyses only to determinate sentence-eligible referrals to Texas County for the given time period.

Much previous research on sentencing focuses on two types of dependent variables: (a) the binary decision to incarcerate or, in the case of juvenile processing, to commit a juvenile to a correctional facility or to waive a juvenile to adult court; or (b) sentence length. By contrast, we employ a series of cumulatively ordered logit models for the four possible outcomes available for waiver ineligible youths (dismissal, probation/placement, indeterminate sentence, determinate

sentence) and the five available for waiver eligible youths (dismissal, probation/placement, indeterminate sentence, determinate sentence, waiver). In all models, the outcome category is cumulative; for example, the first model is dismissal vs. all other higher order categories, the second model is dismissal and probation/placement vs. all other higher order categories, etc. It is only the last cumulative logit model for the waiver eligible youths that represents the traditional approach in waiver research -- that is, all lower order outcomes (dismissal, probation, indeterminate or determinate sentence) are contrasted with the highest order outcome (waiver).

This modeling decision derives from several concerns. First, sentencing decisionmaking involves consideration of many possible and alternative outcomes (e.g., dismissal, probation, juvenile commitment) and not simply a decision “to waive or not to waive.” Second, it is likely (and, indeed, was borne out during interviews with practitioners for this study) that decisions about which sentencing outcomes to seek depend in part on the options available (e.g., for some referrals, waiver is an option and for others it is not). By modeling sentencing outcomes in the manner described above, we are able to draw a more nuanced set of conclusions about the effects of select legal, extra-legal, and processing variables. Rather than restricting our attention to a particular contrast (e.g., waiver vs. non-waiver), we examine the effects of these variables across the entire range of possible outcomes for a given case. Also, by comparing model parameters estimated for waiver ineligible and waiver eligible cases, we can determine the extent to which the effects of key variables are conditioned by the set of available options.

In our view, the various sentencing outcomes should not be considered an interval level measure of sentencing severity. Rather, each arguably represents a discrete level of an underlying ordinal scale ranging from the least severe (dismissal) to the most severe (waiver). The use of OLS (ordinary least squares) regression therefore is inappropriate primarily because it assumes that the dependent variable is unbounded and continuous. Thus, we employ cumulative logit models to examine the variables of interest on the assumption that a given case falls into either a higher (more severe) or lower (less severe) sentencing outcome.¹¹ Since not all youths in our sample were subject to the same range of sentencing outcomes, we estimated separate models

for the waiver ineligible and waiver eligible youths, respectively.

Like other multinomial regression techniques, cumulative logit models involve estimation of several regression equations. However, rather than comparing each category of the dependent variable to a reference category, cumulative logit models define a series of overlapping events by adding at each step the next higher level to all lower levels of the dependent variable. The most parsimonious cumulative logit model, the proportional odds model, assumes that slope coefficients for each of the independent variables in the model are invariant across all of the equations estimated (Menard, 1995: 87-88). If this assumption is rejected, then estimation procedures that allow the slope coefficients to vary across each of the equations should be used. The statistical test provided by SAS (statistical analysis system) to estimate the waiver ineligible and waiver eligible cumulative logit models, respectively, indicated that the proportional odds assumption should be rejected in each case at the .05 level. Thus, we estimated separate logistic regression equations for each category of the transformed dependent variable for both waiver ineligible and waiver eligible youths. The results are presented in Table 2.¹²

Table 1 provides coding and descriptive information on the dependent and independent variables. Several comments about the data bear mentioning. First, the two groups have largely similar profiles, except that a greater percentage of waiver ineligible youths received a sentence of probation. Second, offense severity refers to the initial referral offense class, which ranges from a third degree felony (1 = least serious) to second (2) and first (3) degree and capital felonies (4 = most serious). Although offense severity represents one measure of the seriousness of an offense, so, too, does the type of offense. In this study, close attention is given to person assaults because of the particular attention reportedly given by Texas County to these types of offenses. The two measures are conceptually and empirically distinct, with person assaults distributed somewhat evenly throughout the felony classification levels. Third, our proxy measure of plea bargaining is case adjustment, which is the difference between the referral and sentencing offense class, coded “1” if the case was adjusted and “0” if it was not. Most cases were adjusted downward (i.e., the sentencing offense class was lower than the referral offense

class) or were not adjusted at all. The few cases that were adjusted upwards (i.e., where the sentencing offense class was higher than the referral offense class) were coded “0.” Although in many instances adjustments in the offense felony class likely reflect plea bargaining practices, we prefer the more literal/descriptive “case adjustment” terminology to highlight that the adjustments also may reflect a more realistic or appropriate offense characterization at sentencing. Fourth, our data are limited in that we do not have information on several factors that may bear on sentencing, including socioeconomic status (Sampson, 1986), marital status of parents (Singer, 1993), clinical and psychological evaluations (Podkopacz and Feld, 1996), and whether the juvenile was detained prior to sentencing (Feld, 1993a: 247-250; see, generally, Podkopacz and Feld, 1995). Nonetheless, the data provide key predictors of sentencing and assume particular importance in the organizational context of the jurisdiction under study (i.e., a highly proceduralized and criminalized juvenile court).

Table 1 about here

In addition to the court data, qualitative data from semistructured interviews by the first author are used. These interviews were conducted with juvenile justice practitioners in Texas County (a judge, the chief juvenile prosecutor, and the chief juvenile probation officer), an adjacent county (two judges and the chief juvenile prosecutor), and other counties throughout Texas; a total of 41 interviews were conducted throughout the state. They are used to help document the organizational and cultural context of Texas County (see above discussion) and to help explain the quantitative analyses. These interviews were selected through a purposive sampling design (Babbie, 1995) that included several rural, suburban, and urban jurisdictions throughout Texas and involved court practitioners, legislators, agency officials, and two scholars knowledgeable about Texas juvenile law. All interviews were conducted by the author in fall 1997 as part of a research project on the goals, uses, and effects of determinate sentencing (Mears, 1998a, 1998b). Most were conducted in-person, ranged from one-half hour to two hours,

and were taped and transcribed by the author. This paper relies on the interviews conducted in Texas County and the adjacent county, and incorporates quotations from Mears (1998b) that assist in understanding several of the findings.

FINDINGS

Table 2 presents two sets of cumulative logistic regression models for waiver eligible and waiver ineligible youths, respectively. For each set of models, the following variables are included: offense severity, prior history of offending, type of offense (assaults against persons, with other as the omitted category), age, gender, race, and case adjustment.¹³ For all models, the predicted “event” (coded “1”) is the specified sanction category and any and all lower severity categories. Thus, negative coefficients indicate a reduced likelihood of being in the lower sanction categories, or, alternatively, an increased likelihood of being in the higher sanction categories. The main findings from these models derive not from any single model, but rather from comparison of models within and between each set of youths. We first report the results of these comparisons, discuss their significance for the hypotheses, and then conclude by situating our analyses with respect to theories of sanctioning and to arguments about the criminalization of the juvenile court.

Table 2 about here

As comparison of the two sets of models reveals, the two legal variables (offense severity and prior history of offending) most commonly included in sentencing models are associated with an increased likelihood of more severe sanctioning. Among waiver eligible youths, offense severity is, however, more strongly associated with sanction severity than is prior record of offending.¹⁴ Notably, extra-legal and processing factors also influence sanction severity. Indeed, in some models the effects of these factors are as or more pronounced than that of the two legal factors.

Examination of offense type reveals that there appears to be little if any influence of this factor in waiver ineligible cases but that there is a marked influence in three of the four waiver eligible models. For example, in the indeterminate sentence model, the effect of person assaults is of a magnitude mid-way between that of the two legal factors. This finding suggests that among waiver eligible youths in particular, not only offense severity and prior history of offending but also the type of offense is of direct relevance in predicting sanction severity in Texas County.

Given our focus on the criminalization of the juvenile court, it is of particular interest that age exerts a negligible effect among waiver ineligible youths in Texas County. By contrast, a relatively pronounced effect surfaces among waiver eligible youths, especially among the higher sanctions. For example, in the indeterminate (IS) and determinate sentence (DS) models, a one year increase in age decreases the odds of receiving a less severe sanction by 25% ($\exp[-.29] = .75$) and 72% ($\exp[-1.27] = .28$), respectively. That is, older offenders are more likely to receive more severe sentences, especially when the decision is between determinate sentencing and waiver. Use of discrete age categories (results not shown here) revealed specific age thresholds. For waiver ineligible youths the threshold is 13-years-old¹⁵, and for waiver eligible youths it is 17-years-old.¹⁶ Closer examination of the indeterminate and determinate sentence models for the waiver eligible youths revealed that 17-year-olds are much more likely to be waived to adult court.

The limited number of females in our sample constrained our ability to estimate reliably the effects of gender in several models, especially among the waiver ineligible youths. Nonetheless, for both sets of youths, the results are relatively consistent: there is little or no effect of gender on sanction severity. The one exception is for the indeterminate sentence (IS) model among waiver eligible youths. In this model, males are more likely to be sanctioned severely relative to females.

Among both sets of youths, the effect of race/ethnicity is seemingly counter-intuitive: blacks were more likely to receive less severe sanctions than whites. This effect is more pronounced

among waiver ineligible youths than among their waiver eligible counterparts. Further analyses revealed no significant race and age interactions for any of the models.

Finally, case adjustment is associated with decreased sanction severity among waiver ineligible and waiver eligible youths. The one exception for each group occurs at the lowest level of sanction severity (i.e., dismissal). Here, case adjustment still is significant, but its effect is to increase rather than decrease sanction severity. This seemingly paradoxical effect likely can be attributed to the idea that plea bargaining generally involves negotiating any type of sanction, however nominal (e.g., probation). Thus, defendants in borderline cases (i.e., possible dismissals) may be negotiating for the least severe sanction possible as opposed to outright dismissal. In all other instances, plea bargaining occurs as we would expect. That is, individuals who plea bargain receive a less severe sanction than they would receive if they did not bargain. Tests for interactions between case adjustment and other key variables also yielded no statistically significant results.

DISCUSSION

Overall, we found that in Texas County's highly proceduralized and criminalized juvenile court, legal factors were among the primary determinants of sanction severity, yet their effects differed when waiver was an option. In addition, extra-legal and processing factors were related to sanction severity, albeit not always in the same manner or to the same extent, depending on the specific options and outcomes. Here, we examine these patterns and draw on the previously identified theoretical perspectives, as well as interviews with practitioners, to help explain them.

Although it is not surprising that legal variables consistently predicted sanction severity, the difference in their relative strength across the two groups is. For example, among waiver eligible youths, offense severity exerted a stronger effect than it did among waiver ineligible youths. Why? One reason may be that when waiver is an option, the "stakes are raised" in terms of the kind of sanction that may occur. It is not simply that waiver may occur, but that a plea bargain to

an indeterminate or determinate sentence may be negotiated as an alternative to waiver. In these situations, prosecutors have potentially more leverage in negotiating plea bargains and thus in obtaining harsher sanctions. In turn, they may feel compelled to justify this severity by more strongly emphasizing offense severity relative to what they might do when waiver is not an option.

Among waiver eligible youths, the relatively stronger effect of offense severity, as compared with prior record, may reflect a similar dynamic. For example, as the possibility of harsher sanctions arises, court actors increasingly may rely on certain markers more than others (see, e.g., Podkopacz and Feld, 1995: 171). The relatively stronger effect of offense severity thus may reflect greater consensus among court actors about the importance or reliability of offense severity, as compared with prior record, when the stakes are raised. This image is reinforced by the fact that offense type (person assault) was only significant in the waiver eligible models.

Together, these results suggest the usefulness of considering the extent to which court context and available sanctions dictate the weighting given to certain factors, particularly when the potential sanctions become more severe (Dixon, 1995; Hagan, 1994; Smith and Damphousse, 1998; Ulmer and Kramer, 1996). As we have argued, the Texas County juvenile court operates within a highly proceduralized and generally “proactive political environment” (Smith and Damphousse, 1998: 73) that may be especially conducive to consistently more emphasis being given to certain factors (offense severity, offense type) as against others (prior record).

The age thresholds for the waiver ineligible youths (13-years-old) and for waiver eligible youths (17-years-old) suggest that compared to their younger counterparts, older offenders are more likely to be viewed as “almost adults” (Dawson, 1992: 1045). The latter finding is consonant with waiver research showing that older offenders are transferred more often than are younger offenders (Dawson, 1992; Fagan and Deschenes, 1990; Podkopacz and Feld, 1995, 1996). Two explanations for the more severe sanctioning of older offenders, especially among waiver eligible youths, seem likely. First, given public concern in the 1990s about juvenile crime, older offenders may represent a particular type of threat who the court or community feels

should be targeted for harsher sanctioning (Fagan and Deschenes, 1990; Sampson and Laub, 1993; Smith and Damphousse, 1998; Steffensmeier et al., 1998; Ulmer and Kramer, 1996).

Second, and echoing the previous arguments, there may be more agreement among court actors about the culpability or lack of amenability to treatment of older offenders (Fagan and Deschenes, 1990: 336-345; Podkopacz and Feld, 1995: 152, 1996: 475). In turn, there may be a correspondingly greater level of consensus about the appropriateness of more severely sanctioning these offenders. That is, when processing older offenders, substantive concerns about rehabilitation may carry less weight than when processing younger offenders. This view echoes Dawson's (1992: 994) finding that "it appears that prosecutors think of fifteen year olds as juveniles, but of sixteen year olds as potential adults." Observe, however, that especially in considering waiver decisions, the basis for viewing waiver as desirable or appropriate may differ among court actors. For example, prosecutors may feel compelled to appear "tough on crime," whereas defense attorneys may encourage transfer of older offenders in the belief that their clients will obtain more "favorable" decisions in criminal court, such as dismissal, probation, or short terms of incarceration (see Fagan, 1996: 78).¹⁷ Thus, although considerable agreement among court actors may exist about how a certain juvenile should be sanctioned, there nonetheless may be considerable disagreement about why a given sanction is appropriate. Such possibilities in turn suggest the need to understand better the manner in which "tight coupling" (Hagan, 1994) within courtrooms is achieved and how it affects sentencing decisions.

Contrary to research on adult sentencing (Steffensmeier et al., 1998: 765), but consistent with research on juvenile sentencing in delinquency cases (Chesney-Lind and Shelden, 1998: 159-161; Empey et al., 1999: 362-363), there is little effect of gender in Texas County. The one exception is for one of the relatively more severe sanction categories (IS) among waiver eligible youths. In this instance, males were more likely than females to receive harsher sanctions (i.e., indeterminate or determinate sentences). Limited support thus exists for the idea that young males represent a symbolic threat or focal concern in Texas County.¹⁸

Considerable evidence attests to the possibility that young minority offenders are viewed as

symbolic threats to social order (Bishop and Frazier, 1996; Crawford et al., 1998; Feld, 1999; Sampson and Laub, 1993; Steffensmeier et al., 1998). Why, then, did we find that blacks (but not Hispanics) actually were more likely to receive less severe sanctions, especially among waiver ineligible youths? There are at least two plausible explanations for this seemingly paradoxical effect. First, Texas County has been under strict scrutiny the last few years to examine race differences in processing, and so may be exercising a systematic and concerted effort to sanction blacks less severely. These efforts may be facilitated in cases in which the defendant is more easily seen as a juvenile than as an adult (e.g., when waiver is not an option).

The second possibility is that decisions made at previous stages of processing systematically involve a type of racial selectivity that is masked when only one stage of processing is examined (Bishop and Frazier, 1996; Podkopacz and Feld, 1995; Pope and Feyerherm, 1993). For example, the police may be arresting more black youths whose cases are marginal, relative to those of whites. Such a practice, in conjunction with the potential sanction severity available under determinate sentencing, may result in more black youths plea bargaining to lesser sentences. This effect would be compounded if black youths were to receive consistently less rigorous defense representation than their white counterparts (see, e.g., Feld, 1999; Puritz et al., 1995). In this regard, consider the comments of a judge from a large, urban county who once had served as a judge in Texas County (see also Dawson, 1990: 1931):

[Plea bargaining] is a really interesting issue. I sat as a juvenile judge in Texas County. There [the prosecutors] charge high and reduce the charges pretty fast. So, you have kids basically pleading to probation very readily, perhaps even on marginal cases, because they're charged under the determinate sentencing statute. . . . To me, [prosecutors] are using [determinate sentencing] as a tool, by charging high and pleading low. I mean, when you charge regular probation, there's no incentive to just take probation because you can try the case and the worse you can get is probation. But under determinate sentencing you've got a hit you [can] take if you go back [on a revocation].

One test of the explanation provided above would be to introduce a measure of the evidentiary

strength of a case to determine if the effect of race could be reduced or eliminated (Ulmer and Kramer, 1996: 86; Forst, 1995: 366-368). If it could, such a finding would suggest that our results actually represent an unfavorable sentencing context for black youths. It also would suggest that much closer attention is needed to studying the varied effects that race may have, and how race effects are to be interpreted at any given stage of processing. Indeed, although we found little evidence of an interaction between race and age, the types of concerns that we have mentioned indicate the need to investigate more carefully potential interactive effects among key factors and their interpretation in different organizational, social structural, historical, and political contexts (Bishop and Frazier, 1996; Dixon, 1995; Feld, 1999; Myers and Talarico, 1987; Podkopacz and Feld, 1995, 1996; Pope and Feyerherm, 1993; Sampson and Laub, 1993; Smith and Damphousse, 1998; Steffensmeier et al., 1998; Ulmer and Kramer, 1996).

The results of our study suggest that, as expected, case adjustment (as a proxy for plea bargaining) is associated with more lenient sanctioning (Sanborn, 1993). However, it is associated with more severe sanctioning when the negotiation involves attempts to have a case dismissed. In such instances, the plea bargaining most likely centers around attempts by defense attorneys to minimize the severity of the sanction to be received rather than to obtain a dismissal. Thus, the more severe sanctioning in these cases generally involves placement on probation rather than a commitment to TYC or waiver to adult court. More generally, the absence of any interactive effects between case adjustment and the other factors suggests that it serves primarily to facilitate court processing. That is, from an organizational standpoint, this aspect of case processing does not appear to differentially target certain groups of offenders.

Finally, as the foregoing analyses highlight, various factors are differentially associated with sanction severity in Texas County -- that is, they are conditioned by the availability of waiver and vary across levels of sanction severity. However, this variation centers around the strength and significance of a given variable rather than the direction of its effect. For example, age consistently is associated with increased sanction severity, but the strength and significance of this effect varies among waiver ineligible and waiver eligible youths as well as among levels of

sanction severity. Such patterns suggest the complexity of sentencing decisions and, by extension, the incomplete picture of juvenile sentencing rendered by a delimited focus on specific outcomes.

Before concluding, two additional points should be made that have direct bearing for future research on sentencing. First, juvenile and adult courts frequently are characterized as representing rehabilitative and punitive orientations, respectively. Such characterizations obscure the fact that both orientations can be present in the same court, and that the same sanction can be viewed as rehabilitative or as punitive. The comments of a Texas County juvenile court judge, widely reported to be among the more “get tough” judges in the state, illustrate the point:

I think that determinate sentencing is a good concept; I think it's a good law. I think we ought to use it because it's beneficial to everybody, including the kid -- because now with TYC having to keep them for a longer period of time, they can go through the sexual offenders program or the capital offenders program.

In this judge's view, support for so-called “get tough” determinate sentences represents support for rehabilitation, not punishment. Clearly, though, the potentially much lengthier sentences available through determinate sentencing, as compared with indeterminate sentencing, render it a “tougher,” and in the eyes of many juvenile justice practitioners, punitive sanction (see, e.g., Texas Criminal Justice Policy Council, 1997).

This example involves a comparison of indeterminate and determinate sentencing. However, a similar contrast can be made between determinate sentencing and waiver. The same judge stated:

The determinate sentence is good because it gives judges an alternative to certifying the youth to stand trial as an adult, knowing that you can handle [him/her] appropriately in the juvenile justice system; it gives you an opportunity to correct a mistake. Let's assume that you've got a kid who's a budding sociopath and nobody knows about it at the time, and you decide not to certify that kid. If he goes to the Texas Youth Commission on an [indeterminate]

commitment, then that's it. Once he gets out down there, then there's nothing else that can happen to him. It doesn't matter how he conducted himself there; once he gets out, that's it. On the other hand, if he's sent down there on a determinate sentence and he demonstrates to them that he is someone who can't be trusted on the outside, then you can go back and correct that mistake. [You can] say, "We tried. We gave you an opportunity. But you went down there and demonstrated that you can't be trusted, that the likelihood is that you're going to reoffend again." So, you can correct that mistake and send him on to prison. I mean, that's the best of all possible worlds. You have all the safeguards involved in the system, but the safeguards, in addition to protecting the kid, also protect the public. That's why I like it. In short, even in a jurisdiction known for its "get tough" orientation, there can be strong support for rehabilitation. Moreover, there can be competing views about how to interpret what a given sanction (e.g., a determinate sentence or waiver) "means." To some, waiver may mean more punitive sanctioning; to others, it may mean a way of keeping a juvenile from inappropriately being placed in a criminogenic (prison) setting. That such views may directly affect decisionmaking processes suggests that they merit closer attention in future studies of sentencing.

Second, as this study of Texas County has emphasized, it is not only adult courts but also juvenile courts that may give primacy to punitive and offense-based sanctioning. It thus is critical that future research consider the political and social context within which particular courts operate (Dawson, 1990: 1047; Fagan and Deschenes, 1990: 345; Podkopacz and Feld, 1995: 86).¹⁹ Consider the remarks of a chief juvenile prosecutor from another urban county in Texas:

When I worked in _____, there was zero tolerance for kids with guns on school campuses. If they were of an age where we could certify them, then we would certify all of those kids -- and the judge usually went along with that. It was the attitude of the community, the judge, and the district attorney's office; and the defense attorneys knew what to expect. In [the county where I currently am working], that kind of use of determinate sentencing is unheard of. If a kid has no priors and has good parents that are going to support

[him/her] -- the attitude of this office would not be to certify a kid whose only offense at this point has been bringing a gun onto the school campus.

It should be evident that any model of sentencing in this prosecutor's previous county of employment would need to go beyond accounting for the influence of legal and extra-legal variables. It would need, for example, to consider specific types of offenses, such as carrying a weapon on school grounds. More importantly, it would need to address why emphasis is given to certain offenses and how, given the diverse range of actors involved, this emphasis can be consistently sustained. Given the increasingly central role of prosecutors to juvenile proceedings, and especially to waiver decisions (see, e.g., Dawson, 1992), considerably more research would also need to attend to whether and how other courtroom actors influence court decisionmaking.

CONCLUSION

On the one hundredth anniversary of the first juvenile court (Champion, 1998), and as juvenile courts nationwide increasingly come to resemble criminal courts procedurally and substantively (Feld, 1999), it is appropriate to begin in earnest to develop theories of sanctioning that apply to both juvenile and adult courts (Sampson and Laub, 1993: 286). Our preliminary attempt suggests some tentative findings from a study of one highly proceduralized and criminalized juvenile court: (a) legal factors, including specific targeted offenses (e.g., person assaults), likely will be the strongest but not the only determinants of sentencing; (b) "youth discounts" (i.e., where youthfulness serves as a mitigating factor) likely will occur with little or no statutory prompting (see Dawson, 1992: 1047; Feld, 1999: 315-321; Podkopacz and Feld, 1996); (c) rehabilitation may still play a central role in guiding sentencing decisions; (d) plea bargaining likely will be highly prevalent; and (e) depending on the court context and decisionmaking at earlier processing stages, gender and race/ethnicity may influence sanctioning decisions in non-obvious ways. Clearly, however, considerably more research will be needed to determine whether and to what extent these findings extend to other criminalized juvenile courts.

As noted at the outset, a central goal of this paper has been to suggest the potential usefulness of applying (adult) theories of sanctioning to criminalized juvenile courts. In focusing on one such context, Texas County, we have argued that there is much to be gained by attempts to employ research on organizational context (e.g., Dixon, 1995), substantive vs. procedural/formal rationality (e.g., Ulmer and Kramer, 1996), and other such perspectives. These sources provide guidance about how certain types of offenses, offenders, or cases may be deemed by specific court actors, courts, counties, states, etc., to be especially serious or threatening, and, in turn, the effect that this focus may have on sanctioning (Crawford et al., 1998; Sampson and Laub, 1993; Smith and Damphousse, 1998; Steffensmeier et al., 1998). However, a central task that remains is to synthesize these approaches in developing a general model (a) of which kinds of offenses, offenders, or cases are the targets, deliberately or not, of selective sanctioning processes, and (b) of how and why these processes occur. Similarly, further theoretical development is needed linking studies of macro- and micro-level variation in sanctioning (Liska, 1993; Sampson and Laub, 1993). Such development is far from being relevant only to scholars. For example, research about substantive vs. procedural rationality in court processing has direct bearing on policy debates concerning the criminalization of juvenile courts. As Singer (1996: 13) has emphasized: “Defining the boundary between juvenile and criminal courts depends . . . on whether policymakers adopt a juvenile or criminal court’s jurisprudential ‘point-of-view’ and focus on characteristics of the offender or of the offense.”

Defining this boundary likely involves more than simply identifying a “rehabilitative” or “punishment-” oriented view of sentencing, but of identifying both the organizational and the substantive focus of juvenile court processing. One juvenile justice practitioner interviewed for this study observed that “there are some jurisdictions where the prosecutor and judge and probation department are a close-knit unit and are flexible from case-to-case.” Clearly, however, a close-knit department could be inflexible -- and consistently so -- in its handling of certain types of cases. For example, there could be agreement that older or violent offenders should be sanctioned more severely, regardless of mitigating factors or circumstances. The analytical

distinction between organizational characteristics and the direction in which these characteristics are channeled (e.g., toward certain types of offenders) remains a critical aspect of sentencing that has yet to be sufficiently addressed in the juvenile or adult sentencing literatures (see, however, Dixon, 1995; Smith and Damphousse, 1998; Ulmer and Kramer, 1996).

Another goal of this research has been to suggest the need for studies of sanctioning to model the full range of sanctions available during plea bargaining negotiations and at sentencing (see Blumstein et al., 1983; Cohen and Kluegel, 1978; Fagan and Deschenes, 1990; Mears, 1998b; Pope and Feyerherm, 1993; Sampson and Lauritsen, 1997; Singer, 1996). This paper has provided logical and empirical support for employing methodologies that allow for more accurate modeling of actual decisionmaking (i.e., decisions among multiple available outcomes). The different findings associated with specific sentencing options and outcomes highlights the limited extent to which theory or policy implications can be drawn from studies relying on unnecessarily circumscribed operationalizations of outcomes. Consider, for example, a study of determinate sentencing that focused only on cases resulting in incarceration at TYC. Such a study would exclude consideration of probation as a potential plea bargained outcome, and thus would dramatically underestimate the extent to which prosecutorial invocation of determinate sentence proceedings is associated with an increased occurrence of probation (see Mears, 1998b). Indeed, failure to consider, and, thus, to model, different constellations of sentencing options and outcomes results in a concomitant failure to recognize that certain factors may differentially predict various sanctions, depending on the set of options that are available at sentencing.

A related issue concerns assumptions about the putative severity of sentencing outcomes. A frequent, and problematic, assumption is that waiver is more punitive than a juvenile sanction. In this study, interviews with prosecutors revealed that in situations where both determinate sentencing and waiver are options, determinate sentencing occasionally is viewed by prosecutors as a more severe sanction than waiver. Why? One reason is that there is a not entirely unjustified perception that waiver to adult court frequently results in probation (see Howell, 1996). In this same vein, some defense attorneys in this study reported that sometimes their

youthful clients prefer the prospect, via waiver, of a short period of incarceration in the criminal justice system to a lengthy period of incarceration in the juvenile justice system. Contrast these perspectives with those of the judge quoted above who, despite a reputation for being “tough on crime,” nonetheless expressed a strong belief in the rehabilitative ideal of the juvenile court.

These examples suggest that while studies of macro-level variation in juvenile court processing are needed (Sampson and Laub, 1993: 287), considerably more research also is needed on how sanctions are viewed by court actors and, in turn, how these views affect sanctioning decisions.

The results of this study reinforce calls for a more nuanced approach to understanding bias and discrimination in sentencing (Bishop and Frazier, 1996). In this study, bias in Texas County may not be directly evident not only because just one stage of processing is examined (Podkopacz and Feld, 1995; Pope and Feyerherm, 1993) but because the specific organizational, social structural, historical, and political context potentially affects how certain relationships should be interpreted. Although we found evidence that black youths were more likely than their white counterparts to receive a lesser sentencing outcome, it does not necessarily follow that reverse discrimination is occurring. It is possible, for example, that these same youths have cases that are marginal (e.g., due to lack of evidentiary strength). For these youths, concerns about the potentially severe sanctions available under determinate sentencing may lead to plea bargains rather than attempts to obtain dismissals. Future research thus would do well to consider addressing the relationship between race and the evidentiary strength of cases (see Forst, 1995: 366-368; Smith and Damphousse, 1998: 86; Steffensmeier et al., 1998: 764). Additional consideration should be given to the extent to which race and defense representation, especially quality of representation, interact to result in disproportionate plea bargaining of black youths to more severe sentences (Puritz et al., 1995; Sanborn, 1993). More generally, systematic attention should be given to how other case characteristics interact with or otherwise affect the role of race in sentencing (Bishop and Frazier, 1996; Dawson, 1992: 1001; Feld, 1999; Podkopacz and Feld, 1995; Pope and Feyerherm, 1993).

Finally, this paper should be viewed as complementary to research that calls for attention to

interactional effects (Bishop and Frazier, 1996; Steffensmeier et al., 1998), contextual effects (Myers and Talarico, 1987), macro-level variation (Sampson and Laub, 1993), and multistage variation in the processing of offenders (Feld, 1993a: 250; Pope and Feyerherm, 1993). In each instance, a common theme is the plea for greater attention to theorizing sentencing and for employing more sophisticated and appropriate modeling strategies. The point should be emphasized: If research on juvenile or adult sentencing is to be cumulative, and if the respective literatures on juvenile and adult sentencing are to inform one another, attention to theory and improved modeling is imperative. Similarly, if debates about criminalized juvenile courts are to rise above rhetoric, theoretical and empirical research increasingly will be needed on what the likely consequences of a criminalized juvenile court are or will be. Consider, for example, that in this analysis of one criminalized juvenile court, a “youth discount” appears to be given to younger offenders (see Dawson, 1992; Fagan and Deschenes, 1990; Feld, 1993a, 1993b, 1999). Thus, there is evidence of a de facto, non-statutorily required type of youth discounting already occurring within this specific juvenile court. The extent to which such a youth discount would occur if it were mandated in a unified juvenile-criminal court is a critical question that to date remains unanswered.

In a recent study of practitioner perceptions of juvenile sentencing, Sanborn (1996: 112) concluded that juvenile sentencing may “involve too many factors, with interactions too subtle and complex and varying too much among courts, to be subjected to the scrutiny of sound research; we may never be able to derive a completely accurate picture of the factors affecting juvenile court sentencing.” To researchers who study sentencing, Sanborn’s (1996) argument is persuasive. Dixon (1995: 1167), for example, has written: “In the past few years, there have been fewer sentencing studies that empirically examine sentencing processes in courts with differing organizational contexts. Perhaps, this reflects dissatisfaction with the lack of any coherent pattern in the sentencing literature.” Although both authors may be in part correct, they each provide an example of the type of research, which we have attempted to further here, that can delineate the exact limits to which we can predict sentencing. We submit not only that such

delineation can occur but that it is requisite to the formulation of better theory, methodology, and empirical modeling of both juvenile and adult sanctioning processes.

NOTES

¹In juvenile court, youths receive “dispositions” rather than “sentences.” The distinction reflects the history of the juvenile court as operating like a civil rather than criminal court (Champion, 1998). However, to emphasize continuity with the adult sentencing literature, the “sentencing” rather than “disposition” terminology is used here. It merits noting that the courts generally have viewed transfer to adult court as a sentencing decision (Podkopacz and Feld, 1995: 75).

²Transfer or waiver, what also is sometimes termed certification, refers to the placement of juveniles into the jurisdiction of criminal court. This process can occur through a variety of mechanisms and varies considerably across states (Torbet et al., 1996).

³For systematic reviews of research on criminal justice sentencing, see Blumstein et al. (1983), Fagan and Deschenes (1990), Feld (1991, 1993a, 1999), Hagan (1994), Howell (1996), Myers and Talarico (1987), Reitz (1998), Sampson and Lauritsen (1997), Singer (1996), Tonry (1995, 1996), and Tonry and Moore (1998).

⁴In 1987, the only offenses eligible for determinate sentencing were first degree and capital felonies, including murder, capital murder, attempted capital murder, aggravated kidnapping, aggravated sexual assault, and deadly assault on a law enforcement officer (dropped in 1991). In 1995, new offenses were added, including sexual assault, aggravated assault, indecency with a child, aggravated robbery, injury to a child/elderly person, felony deadly conduct by discharging a firearm, criminal attempt (murder, indecency with a child, aggravated kidnapping, sexual assault of a child, aggravated sexual assault, aggravated robbery), criminal solicitation of capital and first degree felonies, criminal solicitation of a minor, controlled substance felony, aggravated controlled substance felony, and habitual felony conduct. In 1997, arson also was added. The inclusion of criminal solicitation offenses, which include within them many other potential offenses, renders an exact count of eligible offenses difficult.

⁵Employing Dixon’s (1995: 1177-1179) terminology, this jurisdiction evidences organization that is primarily bureaucratic in that it is judicially complex (i.e., specialized), prosecutorially complex (i.e., the prosecutor’s office has more than three divisions), and prosecutorially decentralized (i.e., dispositions and plea bargaining of delinquency cases can be handled or approved by individual prosecutors, so long as this handling conforms to

departmental policy). However, it also is non-bureaucratic in that it is judicially centralized (i.e., judges are assigned cases not tasks).

⁶Efficiency here refers to the timely processing of cases in which special proceedings are required. It does not refer to the extent to which such proceedings result in an outcome (e.g., waiver) desired by the prosecutor's office (see Dawson, 1992: 1051).

⁷There are many criteria one might apply in ranking the extent to which a jurisdiction is more or less proceduralized or criminalized (see, e.g., Dixon, 1995). Clearly, for example, juvenile courts can vary with respect to caseload, detention practices, provision of or access to defense counsel, charging practices, etc. (Feld, 1991). There currently is little guidance, however, regarding how exactly to operationalize "proceduralism" or "criminalization." The characterization provided here is based primarily on two factors: (a) the fact of Texas County's practice of automatically invoking determinate sentence proceedings; and (b) consistently expressed views by practitioners across the state, as well as by knowledgeable scholars and researchers in Texas (see, e.g., Dawson, 1992), concerning Texas County's relatively greater proceduralism and punitiveness as compared with other counties. (On the uses and limitations of relying on "key informants," see Rossi et al., 1999: 135). In this vein, it might be noted that the automatic use of any sanctioning policy in juvenile court would appear to represent a type of proceduralization distinct from that evidenced by various Supreme Court due process decisions (see Feld, 1993a, 1998). It also is distinct from such quantifiable factors as caseload or rates of defense representation (Feld, 1991).

⁸One practitioner who was interviewed for this study stated the following:

You'd be surprised how many juvenile prosecutors still think in the adult mentality. . . . Prosecutors to me are just as ill-prepared, ill-trained as they were umpteen years ago. It's the same thing as when I first started twenty years ago. You've got the same type of people becoming juvenile prosecutors. Young attorneys. . . . We have some prosecutors -- they're in the adult vein, they're the state; they don't look at the child at all.

⁹See, for example, review of Florida's and Minnesota's juvenile sentencing reforms in Bishop and Frazier (1996) and Podkopacz and Feld (1996), respectively.

¹⁰Too few female offenders were available in our data to allow specification of three-way interactive effects between age, race, and gender.

¹¹Examination of the data using discriminant function analysis (Klecka, 1980) reinforced the notion that the outcome categories are ordered from lower to higher levels of severity. These models also revealed largely similar results in terms of the direction, magnitude, and significance of the effects of key predictors. For example, case adjustment, which exerts the strongest and most consistent effect in the cumulative logit models of both the waiver ineligible and waiver eligible youths, emerges as the only significant correlate of the strongest discriminant function among both sets of youths. (Similarly, nuances identified in non-ordered multinomial logit models did not differ dramatically from those presented in the cumulative logit models.) We therefore present the results of the cumulative logit models for several reasons: (a) as noted, the results are not dramatically different from what is obtained through discriminant function (or other) methods; (b) the cumulative logit models highlight the ordinality of the outcome variables while allowing us also to identify more easily certain nuances across models and between groups; (c) the parameters of the cumulative logit models provide the most concise basis for summarizing our findings and testing the hypotheses; and (d) unlike with discriminant function analysis, violations of multivariate normality are not problematic and there is no requirement that the predictors be measured on an interval or ratio scale (see, generally, Klecka, 1980; Sharma, 1996; Stevens, 1992).

¹²For discussion of the -2 log likelihood (-2LL) statistic presented in Table 2, see Hosmer and Lemeshow (1989: 14-18), Menard (1995: 20), or Agresti (1996: 114). When the model χ^2 is statistically significant, we can be confident that the use of a set of independent variables allows us to make better predictions than without them (Menard, 1995: 21). R^2_L , which is analogous to R^2 in linear regression, is a “proportional reduction in the absolute value of the log-likelihood measure” and “indicates by how much the inclusion of the independent variables in the model reduces the badness-of-fit D_0 [baseline model] chi-square statistic” (Menard, 1995: 23).

¹³In some models, case adjustment could not be included because too few of the higher order sanctions involved a case adjustment. However, inspection of all other models where case adjustment could be included revealed that inclusion of this variable did not markedly alter the direction, magnitude, or significance of the effects of the other independent variables.

¹⁴Statements about relative effects of different factors are based on comparison of unstandardized coefficients (as shown in Table 2) and standardized coefficients (not shown here).

¹⁵Inspection of the data revealed that among waiver ineligible youths, the effect of age in the probation model is driven almost entirely by the distribution of age across dispositional categories (i.e., very few 10, 11, or 12-year-olds were indeterminately or determinately sentenced). To check whether inclusion of these youths biased the model parameters, all models for the waiver ineligible youths were re-run using only the 13 and 14-year-olds. Comparison of the two sets of models yielded substantively similar sets of estimates.

¹⁶Although the jurisdiction of juvenile courts in Texas extends to youths aged 10 to 16, our sample includes 17-year-olds who were referred to juvenile court while still 16-years-old.

¹⁷In keeping with this view, one long-time observer of Texas juvenile law noted, “I think that for just about anybody a determinate sentence is going to be a harder sentence than a TDCJ sentence.”

¹⁸Tests of potential interactive effects between age, race, and gender (see Steffensmeier et al., 1998) were precluded by data limitations.

¹⁹It also is critical that the philosophies of different judges within a given jurisdiction be considered. One recent study in Minnesota found, for example, that within one urban jurisdiction various judges “applied the same law and decided cases of similarly situated offenders significantly differently” (Podkopacz and Feld, 1995: 172).

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Table 1. Descriptive Statistics, Waiver Ineligible and Eligible Youths (percentages in parentheses)^a

Variables	Waiver Ineligible Youths		Waiver Eligible Youths	
Type of Disposition				
Dismissal	163	(33)	297	(35)
Probation/placement	304	(62)	347	(41)
Indeterminate sentence	8	(2)	67	(8)
Determinate sentence	17	(4)	94	(11)
Waiver	NA	---	45	(5)
Type of Offense				
Person assault (1)	296	(56)	598	(66)
Other (0)	234	(44)	306	(34)
Defendant Gender				
Male (1)	448	(85)	803	(89)
Female (0)	82	(16)	103	(11)
Defendant Race/Ethnicity				
White (0)	143	(27)	200	(22)
Black (1)	285	(54)	451	(50)
Hispanic (1)	102	(19)	255	(28)
Case Adjustment				
Yes (1)	166	(33)	235	(27)
No (0)	342	(67)	650	(73)
	<u>Mean</u>	<u>S.D.</u>	<u>Mean</u>	<u>S.D.</u>
No. of Prior Felony Referrals	0.15	0.5	0.62	1.2
Offense Severity (1-4)	2.2	0.6	2.4	0.7
Defendant Age (years)	12.79	1.1	15.49	0.7

a. For waiver ineligible youths, N = 530; for waiver eligible youths, N = 906. Data are from a large, urban county in Texas, 1996-97.

Table 2. Unstandardized Logistic Regression Coefficients of Selected Independent Variables on Disposition -- Waiver Ineligible vs. Waiver Eligible Youths^a

	Waiver Ineligible Youths			Waiver Eligible Youths			
	DISMIS	PROB	IS	DISMIS	PROB	IS	DS
OffSev	-0.36* (.18)	-1.01** (.40)	-0.96* (.48)	-0.68*** (.13)	-1.45*** (.17)	-1.86*** (.22)	-1.87*** (.32)
PrFelRef	-0.18 (.20)	-0.92*** (.24)	-0.80*** (.25)	-0.05 (.07)	-0.34*** (.08)	-0.14† (.08)	-0.27** (.11)
Person assault	-0.06 (.23)	-0.66 (.49)	-0.23 (.56)	0.26 (.18)	-0.62** (.20)	-0.72** (.24)	-1.17** (.47)
Age	0.02 (.09)	-0.51† (.28)	-0.53 (.34)	-0.06 (.11)	-0.13 (.12)	-0.29* (.14)	-1.27*** (.28)
Male	0.11 (.31)	-- --	-- --	-0.13 (.27)	-0.55 (.39)	-1.24* (.63)	-- --
Black	0.36 (.25)	1.77*** (.55)	1.52** (.61)	0.44* (.22)	0.62** (.25)	0.61* (.29)	-0.33 (.55)
Hispanic	0.17 (.32)	0.58 (.56)	0.94 (.72)	0.11 (.24)	-0.04 (.25)	-0.10 (.30)	-0.83 (.57)
Caseadj	-2.20*** (.32)	2.01** (.82)	-- --	-3.37*** (.38)	1.26*** (.26)	1.94*** (.40)	-- --
Intercept	0.02 (1.39)	11.42** (4.12)	12.04** (5.01)	2.22 (1.85)	7.52*** (2.03)	12.24*** (2.42)	29.56*** (4.72)
-2LL	542.55	153.30	147.83	891.69	750.94	570.34	256.54
χ ²	82.38***	44.39***	21.89***	208.35***	190.48***	186.98***	95.51***
R ² _L	0.13	0.22	0.15	0.19	0.20	.25	.27

a. For waiver ineligible youths, N = 530; for waiver eligible youths, N = 906. Standard errors are in parentheses. Data come from a large, urban county in Texas, 1996-97. Coding for the dispositional outcomes is described below. (The waiver option is listed in parentheses to indicate that it is a possible outcome only for the waiver eligible youths.)

- DISMIS 1 = dismissed
 0 = probation/placement, indeterminate or determinate sentence (or waiver)
- PROB 1 = dismissed, probation/placement
 0 = indeterminate or determinate sentence (or waiver)
- IS 1 = dismissed, probation/placement, indeterminate sentence
 0 = determinate sentence (or waiver)
- DS 1 = dismissed, probation/placement, indeterminate or determinate sentence
 0 = waiver

For several models, too few “0” outcomes -- i.e., higher order disposition(s) -- included females or case adjustments; in these models, “gender” and “case adjustment” were omitted.

† p < .10 * p < .05 ** p < .01 *** p < .001