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Targeting youth—Hit or miss? Juvenile certification in Clark County, Nevada examined

Brittnie Turquoise Watkins
University of Nevada, Las Vegas

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TARGETING YOUTH—HIT OR MISS? JUVENILE CERTIFICATION IN CLARK
COUNTY, NEVADA EXAMINED

by

Brittnie Turquoise Watkins

Bachelor of Arts
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A thesis submitted in partial
fulfillment of the requirements for the

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Brittanie T. Watkins

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[Redacted Signature]

Examination Committee Chair

[Redacted Signature]

Dean of the Graduate College

[Redacted Signature]

Examination Committee Member

[Redacted Signature]

Examination Committee Member

[Redacted Signature]

Graduate College Faculty Representative

ABSTRACT

Targeting Youth—Hit or Miss? Juvenile Certification in Clark County, Nevada Examined

by

Brittnie Turquoise Watkins

Dr. Alexis Kennedy, Examination Committee Chair
Assistant Professor of Criminal Justice
University of Nevada, Las Vegas

Juvenile certification is the method by which a juvenile may be removed from juvenile court jurisdiction and placed in the adult criminal court jurisdiction. In many cases, juvenile courts exercise judicial certifications, in which a judge determines if the case will be heard in juvenile or adult court. Many factors influence a judge's determination of certification outcomes. Legal factors include dangerousness, amenability, and maturity of the youth. Extra-legal factors include race and sex. Although judges are believed to be impartial, prior research has found that these bias factors may influence outcomes. This study assesses what factors are influential in one Clark County juvenile court judge's certification decisions. The study further evaluates whether the safety of the community is being served by certifying youth. In contrast to previous research, the current research finds that juveniles are being treated equivalently across race and sex predictors for certification decisions in Clark County, Nevada.

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CHAPTER 1

INTRODUCTION

The Juvenile Court was established in 1899 to assist wayward youth (Fagan & Zimring, 2000). The ideals that dominated public opinion at that time encouraged a court which would serve the best interest of the child (Center on Juvenile and Criminal Justice, 2008). The court, in many ways, has gone astray from that path. Juvenile certification, which allows a youth to be transferred from juvenile court to adult criminal court, is one example of the hardened attitude and harsher treatment of juveniles. Originally, certification was reserved for the most serious offender and very few youth were certified (CJCJ, 2008). In the 1960s, concern about the effectiveness of juvenile courts led to Supreme Court decisions that would formalize the juvenile court process, making it more comparable to the adult court system. As the juvenile crime wave of the late 20th century increased fear of juvenile crime, punishments and processes for juvenile offenders changed dramatically (Ferro, 2003). Sentencing powers were broadened and confidentiality laws that protected youth from stigma were altered. Certification was among the affected processes, as each state began to implement certification laws that represented their own interpretation of severity. The scope was widened to include more juveniles for potential certification. Perhaps as a result of the changing scope of certification, research has questioned whether or not the courts are still certifying with the same goals in mind or if there are other factors influencing certification decisions.

Purpose of the Study

The purpose of the current study is to examine juvenile certification in Clark County, Nevada. This type of research has never before been conducted in Clark County. The results will provide policy implications specific to this county. Geographic location, community culture, and population differences are characteristics that may result in dissimilar findings in comparison to other locations where juvenile certifications have been analyzed. Las Vegas is a unique community; therefore, there is reason to believe the results of this study will be distinctive.

Moreover, the current study aims to assess whether or not Clark County, Nevada is certifying the population of youth who have been identified as the target population in past research. The target population encompasses those youth who are thought to be the most mature, dangerous, and non-amenable (or resistant) to treatment (Feld, 1987; Houston & Barton, 2005; Lockwood, 1992). Although a combination of these three characteristics describes the ideal target population, it has been found that biases towards extra-legal factors often play a role in the decision making process of certifications. Two of those factors are race and sex. The current study will examine which factors—the legal or extra-legal—are having more of an influence on certification decisions in Clark County. Ideally, legal factors help to identify a particular population of delinquents who are deserving of transfer. This is one intention of certification.

Waiver is also intended to be tougher on juveniles. The adult system allows for a wider range of severity in sanctions (CJCJ, 2008; Dawson, 1992). Longer and more severe sanctions in the adult criminal court system serve the interest of public safety

(Besharov, 1974) through incapacitation. The current study will assess if certification is serving an intended purpose of protecting the community through more severe adult sentences.

Research Questions

In support of the purpose of the study, three particular research questions have been identified. The overarching question is “Are the intended goals of certification, which include certifying a target population, protecting the community, and deterring youth, being met in Clark County?” This question is broken down into the following more specific questions:

- Do the extralegal factors—race and sex—of the juvenile being considered for certification influence the outcome?
- Are the factors that the criminal justice system considers important in certification decisions — maturity, dangerousness, or amenability likelihood — reflected in the age, seriousness of the charges, and criminal histories of the youth who are certified?
- Are youth who are certified to adult court receiving longer, more severe sentences?

Significance of the Study

Legislative Implications

The answers to these questions have the potential to provide significant legislative implications. Should it be determined that race and/or sex are major factors in

certification decisions in Clark County, this study would support legislation to make certification a more uniform process. Specified guidelines for the discretionary certification process can assist in decreasing racial and sexual discrimination. If no significant discriminatory factors are found, then perhaps Clark County's discretionary certification process is one to be modeled after. Also, if certified youth are not reflecting the target population, goal consensus concerning who should be certified and formal factors to be considered during the certification process need to be established. Furthermore, if certifying youth is not serving an intended purpose of community safety, retaining serious offenders in the juvenile court system where treatment and rehabilitation are the primary goals, appears to be the more appropriate course of action. Results indicating that the certification process is not meeting intended goals would encourage a restructuring or dismantling of the process.

Juvenile vs. Adult Court

Detailed attention to relevant factors and non-discriminatory practices are vital in certification decisions. There are elemental differences governing the juvenile versus the adult criminal court system (Lockwood, 1992). Rehabilitation is a primary concern for the juvenile justice system (Joppich, 1984) while the adult justice system focuses on punishment. Children facing certification are facing more than a ruling; the negative consequences of placing a child in an adult world can be devastating. Although children face negative consequences from certification, some children also commit very heinous crimes. Public opinion, driven by fear of crime, promotes sentencing these children as adults, according to Fagan and Zimring (2000). There must be a balance between providing community safety and supporting the development of the future of the

community, as these delinquent children are future community members. It is also arguable that it is a moral duty to protect and nurture children. Judging too quickly or harshly without examining all of the applicable factors, is not in the best interest of the community or the children. Nor is it in anyone's best interest to judge according to extra-legal factors, such as race. Many juvenile courts struggle with this balancing act as public pressure to lock up kids weighs in. Clark County, Nevada has faced the same dilemma.

Why Clark County is Different

Culture. Clark County, Nevada is different than other counties where similar research has been conducted because the city of Las Vegas lies within the boundaries of Clark County. Las Vegas possesses a culture that is unique to its environment. It is portrayed in the popular media as the place to come to entertain your vices. The city slogan—*what happens here, stays here*—is a tribute to that. Gambling, sex services, drugs, and bars/clubs are some of the adult activities that are easy to access in the Las Vegas area. Youth may feel the urge to grow up more quickly in such an adult atmosphere.

Population

Although many of the attractions of Clark County require you to be 18 years of age to participate, there is also a large population of youth who are under 18 years of age. Persons under the age of 18 account for 18% of the population in the United States (The 2008 Statistical Abstract, 2008) but they account for 26% of Clark County's population (State and County Quick Facts, 2008). Considering the facts that 1) Clark County is a more adult-like atmosphere and 2) there are more adolescents concentrated here than nationally, the results of the current study may yield different results than observed in

research on juvenile certification in other geographic areas. Perhaps these two factors, when taken into account, will result in a high percentage of youth who are transferred to adult court in Clark County. Also, the concentration of African Americans is lower (10%) (State and County Quick Facts, 2008) in Clark County than the national percentage (13%) (The 2008 Statistical Abstract, 2008). This could lead to lower rates of certification among African American Youth in Clark County than seen in other research studies. The percentage of African American youth in Clark County (10.8%) is only slightly higher than the representation in the adult population (Clark County Nevada Juvenile Justice Services, 2007). The arrest rates of youth, however, suggest an over-representation of African American youth in Clark County at 26.7% of arrestees.

Definition of Terms

Names for Certification

Certification is the process of removing a youthful offender from the juvenile court jurisdiction and placing them into the adult criminal court jurisdiction. Certification is also referred to as waiver or transfer. These terms will be used interchangeably throughout this paper.

Before youth are certified, they are granted an initial certification hearing. If the case warrants, additional certification hearings are granted. After the hearings are complete, the judge makes a decision in regards to certification, which is also referred to as certification outcome.

Outcomes for Certification

There are three possibilities for certification outcomes. Certification may be granted, denied, or negotiated. If certification is granted, the juvenile is transferred to adult court. When certifications are denied, the juvenile remains in juvenile court. In a negotiation, a deal is arranged between the representative of the juvenile and the prosecutor. In this case, the juvenile remains under juvenile court jurisdiction as well.

Types of Certifications

There are three general ways in which youth can be waived—prosecutorial (direct file), judicial (discretionary), or presumptive (automatic) waiver (Houston & Barton, 2005). If a prosecutorial waiver is exercised, the prosecutor decides where to file the charges, in adult or criminal court. A judicial waiver allows a judge to decide which court is better suited to hear the case. The current study focuses on judicial waivers. According to mandatory waiver provisions and depending on the laws of the governing state, a youth may be excluded from having his/her case heard in juvenile court. A state may decide, for example, that any person who has committed the crime of first degree murder and is 16 years of age or older, must have their case heard in the adult criminal justice system. Laws relevant to Clark County are discussed in the next chapter.

Amenable

Researchers have used the term amenable to describe the ability of a juvenile to be rehabilitated (Feld, 1987). Youth who are identified as non-amenable will likely be resistant to treatment. Those who are amenable have the potential to be rehabilitated pending the right treatment. In theory, judges are more likely to keep the youth who is

amenable in the juvenile court, so that he/she may be properly treated and placed back into the community to flourish.

CHAPTER 2

REVIEW OF RELATED LITERATURE

Juvenile Court History

Before examining studies specific to the research questions of this study, a brief review of the juvenile court history will aid in understanding the reasons for posing these questions in the first place. Characterized by the Child Saving Movement, the juvenile court system was first established in 1899, in order to deliver treatment and services to youth who were declared to be delinquent (Fagan & Zimring, 2000). The aim was not necessarily to punish the youth, but to assist by providing treatment. The adult system was considered to be too formal and tough on crime for juvenile offenders. It would not be able to deliver the attention necessary for the rehabilitation of juveniles (Platt, 1977).

A juvenile court judge on the other hand, whose purpose would be to assist in their development, would decide what treatment would be best for the progression of the child. Because the judge in the juvenile court system acts more like a parent with the best interest of the child in mind, the *parens patriae* doctrine was adopted (Besharov, 1974). This type of philosophy allowed judges to “treat” youth for status offenses—offenses only against the law for a certain class of people. Status offenses include crimes such as truancy and smoking. Other incidents that indicate wayward behavior in youth are also treated by a judge. For example, if a child is disobedient to his/her parents or is associated with delinquent peers, they could face consequences from a judge in juvenile

court. This sort of attention to early signs of delinquency serves as a representation of the early ideals of the juvenile court system.

Since its first inception, the philosophical viewpoint of the juvenile justice system has changed dramatically. Due in part to public demands to crack down on juvenile offending after its sharp increase in the 80s, and legislative reaction to it, the juvenile justice system has become more formal and punitive in nature. There were a few vital legal decisions and legislative acts that helped bring about the transformation: *Kent v. United States*, *In re Gault*, *Breed v. Jones*, *Schall v. Martin*, *New Jersey v. T.L.O.*, *Stanford v. Kentucky* and *Wilkins v. Missouri*, Violent Crime Control and Law Enforcement Act, and state level laws (Ferro, 2003). *Kent v. United States* established the waiver process, which allows juveniles to be moved to adult court for the most serious offenses. It also guaranteed juveniles the right to a waiver hearing. *In re Gault* provided juveniles with many of the constitutional rights that had already been present in the adult system, such as the right to counsel. *Breed v. Jones* allowed juveniles to be tried in juvenile or adult court. *Schall v. Martin* established the legality of pre-trial detention and determined that it was not a violation of due process. In the cases of *Stanford v. Kentucky* and *Wilkins v. Missouri*, the Supreme Court decided that the Eighteenth amendment allowed for the sentencing of persons 16 years of age or above to death. In 2005, the age boundary was moved up to 18 with *Roper v. Simmons*. The Violent Crime Control and Law Enforcement Act allowed for harsher sentences and adult prosecution for certain types of offenses and certain types of offenders, ages 13 and older (Ferro, 2003). The majority of states have gone even further, developing even harsher penalties (Ferro, 2003).

National Trends and Juvenile Crime Statistics

Although the current research will specifically address certification decisions and meeting the goals therein, it is pertinent to discuss the broader topic of juvenile crime and court processes, as they are inevitably reflected in certification. Besides that, research has established that racial disparity is present throughout every stage of the juvenile justice system and tends to accumulate in the final stages, such as at certification (Olson, 2005). A look at the scale of the general problem will provide a context with which to apply the certification dilemma.

Juvenile crime reached new heights in the 80s and 90s. When accounting for juveniles and one of the most serious violent crimes—homicide—offending rates showed a spike. Homicide offending rates for teens, ages 14-17 years old, increased dramatically in the late 1980's, although rates for other age groups declined (with the exception of 18-24) (U.S. Department of Justice, 2007). Homicide offending rates for children under age 14 increased during this time period as well. Breaking down homicide offenses, persons under the age of 18 were responsible for 10.6% of drug related homicides and 28.9% of gang related homicides from 1976-2005.

Juveniles are typically introduced to the criminal justice system at arrest. From 1984 to 1994, there was an unparalleled increase in the arrest rates for juveniles (U.S. Department of Justice, 2006). A large part of the increase in arrest rates can be attributed to the “crack epidemic” and drug related arrests. From 1990 to 1997 the percentage of juveniles arrested for drug related charges increased 145% (Statistical Briefing Book, 2007). From 1997 to 2006, there was a downward trend, where overall arrest rates fell 24% and drug arrest rates fell 21% (Statistical Briefing Book, 2007). In 2006, juveniles

were arrested for 10% of murder and drug related charges and 25% of weapons related, robbery, motor vehicle theft, larceny-theft, and burglary charges. Robbery was the most common violent crime in which juveniles were arrested for.

Increases in juvenile arrests led to an increase in juveniles in court. Examining caseloads by offense in the period between 1985 and 1997, there was an increase across all categories of arrest (Statistical Briefing Book, 2008). Delinquency cases for person offenses doubled. There was only a slight increase in delinquency cases resulting from property offenses between 1985 and 1991. Between 1990 and 1999, case rates for drug offenses rose 169%, double the rates from previous years (National Criminal Justice Reference Service, 2003). The caseload was less in 2005 than it was in 1999 but in 2005, juvenile courts heard more than 1.7 million delinquency cases (Statistical Briefing Book, 2008).

The next step in the juvenile justice system is sanctioning. The most extensive punishment juveniles usually receive is probation. In 2005, 48% of sanctioned cases resulted in probation as the most restrictive disposition (Statistical Briefing Book, 2008). That percentage reflects a 29% increase from 1985. The number of adjudicated cases receiving probation sentences increased in all four offense categories—property, public order, person, and drugs—with drug offenses leading, from 1985 to 2002.

Other than probation, a commonly used form of sanctioning is residential placement. In 1995, there were 108,700 youth being held in residential placement facilities on a given day in the U.S. (Statistical Briefing Book, 1999). On a given day in 2006, there were approximately 93,000 youth in residential facilities, public and private (Statistical Briefing Book, 2008). This shows a 15% decline from 1995 to 2006.

From the previous examination of juvenile crime and sanctioning trends, the increase of juvenile crime and law enforcement reactions to it during the late 20th century is apparent. Criminal youth faced more arrests, more court appearances, and an increased likelihood of receiving probation. It is also apparent that after the crime wave ended, in many areas of juvenile justice, there was a decrease in criminality and responses to it. During the time that reflected a rise and fall in juvenile crime and punishment, discrimination against minority offenders rose and fell as well.

National Juvenile Crime Statistics by Race

African Americans, both juveniles and adults, make up 13% of the population in the United States (State and County Quick Facts, 2007). Between 1985 and 2002, arrest rates rose for all races but rates for Blacks remained well above rates for other groups (Juvenile Offenders and Victims, 2006). In 1980, the Black juvenile arrest rate was 7.4 times the White rate. By 2003, however, it had decreased to just 2.5 times the White rate. Presently, African American juveniles correspond to 26% of arrests (Center on Juvenile and Criminal Justice, 2008). As shown, disparities may vary over time but they also vary at differing stages of the criminal justice system.

Blacks were only 16% of the juvenile population in 2002, but they represented 29% of caseloads in juvenile court. Forty-four percent of youth who are detained are also African American. In fact, in 2001 the overall detention rate for Black youth was 225 (per 100,000), comparable to the rate of 52 (per 100,000) for White youth (Sickmund, Sladky, & Kang, 2008). Among committed youth, which includes youth in public as well as private residential placements, the rate for Blacks (per 100,000) was 634 while the rate

for Whites was 155 (per 100,000). As for youth who are transferred to adult criminal court, 46% are African American. Only 32% of those youth who receive probation are Black and 69% are White (Statistical Briefing Book, 2008). Finally, 58% of the youth who are admitted to prisons are African American (Center on Juvenile and Criminal Justice, 2008).

The previous examination of disparities at different stages of the criminal justice system is noteworthy. The increase in percentages from arrest to waiver and finally, at the imprisonment stage, shows an accumulation of disparity as juveniles are processed through the system (Pope & Feyerherm, 1995). This assertion will be revisited later.

National Waiver Statistics

Most relevant to the current study are the national statistics in the waiver stage. A Bureau of Justice Statistics study conducted in 40 large, urban counties, found that in 1998, approximately 7,100 juveniles were charged with felonies in adult criminal court (Criminal Case Processing Statistics, 2008). In those adult courts, 64% of juveniles were charged with a violent felony, compared with only 24% of adults. Of the 63% convicted of a felony in adult court, 43% received a prison sentence. The average prison sentence received was 90 months. In the 40 counties, Blacks represented 62% of the juvenile felony defendants, Whites represented 20%, and Hispanics represented 16%.

Ninety-four percent of State court prosecutors' offices nationwide, dealt with juvenile cases in 1994 (DeFrances & Strom, 1994). Approximately 66% transferred at least one case to adult court. Roughly 35% transferred at least one burglary, one robbery, and one murder case. From 1985 to the early 1990s, the percentage of delinquency cases

judicially waived remained somewhat stable at approximately 1.4% (DeFrances & Strom, 1994), but in 2000, only 0.5% of all petitioned cases were waived (Office of Juvenile Justice and Delinquency Prevention, 2008). With increasing numbers of arrests, caseloads, and transfer methods during the 80s and 90s, some explanation is necessary for the constant percentage of waived cases. Although more cases were certified, more cases were also being petitioned for delinquency and it is likely that judges continued certifying in proportion to the caseload during that period. In 1985, 7,200 cases were judicially certified to criminal court (DeFrances & Strom, 1994). The number of cases certified by 1994 reached 12,300. This is a substantial increase (71%), as reported by DeFrances and Strom. A less conservative report claims that the number of juvenile cases waived to adult court grew by 80% from 1985 to 1994 (Statistical Briefing Book, 2008). Property offenses were the most common offenses resulting in judicial waiver from 1985 to 1991 but since 1991, person offenses have been the most common offense to result in waiver (DeFrances & Strom, 1994; Snyder & Sickmund, 1999). This change in the type of offense likely to result in transfer may lead one to ask what factors are actually relevant in waiver decisions.

Factors in Waiver Decisions

The primary focus of the current study is the factors that determine waiver for youth. Age, race, and sex seem to have the most significant impacts (Snyder, Sickmund & Poe-Yamagata, 2000). The majority of transfer cases involve juveniles who are 16 or older. Furthermore, Blacks are transferred more often than Whites and males are transferred more often than females. Dangerousness and amenability to treatment are

also elements that come into play when determining if a juvenile will be dealt with in the juvenile justice system (Grisso, Tomkins & Casey, 1988). Other researchers also consider level of sophistication-maturity in addition to more factors (Salekin, Yff, Neumann, Leistico & Zalot, 2002). The factors that encourage waiver decisions are essential because ideally, the most relevant factors should hold the most weight. As argued by Salekin et al. (2002), it is sometimes difficult to identify the most relevant factors, but many researchers accept dangerousness, maturity, and amenability as three of the most relevant.

Results of Juvenile Certification Studies

Age, Race, Sex

Previous studies have indicated minority youth are more likely to be referred for certification and that they are more likely to be certified than their White equivalents (Schiraldi & Ziedenberg, 1999; Males & Macallair, 2000). Snyder and Sickmund (1999) found that over 50% of certified youth were African American, male, 17 years old, and were charged with a crime against a person. These same certified youth received sentences of 8 years on average for violent offenses. One national study conducted by Building Blocks for Youth broke the numbers down even further (Ziedenberg, 2001; Poe-Yamagata & Jones, 2000). In regard to drug cases, only 50% of White juvenile cases and 50% of cases involving other races were even formally processed. On the other hand, 75% of cases involving Black juvenile defendants were formally processed. In regard to drug cases where certification was requested, Black youth characterized 39% of cases. According to this national study, Black youth represented 63% of cases that were actually

waived. In comparison, White youth made up 59% of waiver referrals but only 35% of the cases actually waived. Furthermore, the study exposes the likelihood of Blacks being admitted to prison for drug offenses at three times the rate of Whites. Black juveniles were also committed to public facilities for first time drug offenses at 48 times the rate of Whites.

There have also been several studies focusing attention on smaller geographical areas, such as the state level. A study conducted in California in 1996 is evidence of racial bias in juvenile certification outcomes (Males & Macallair, 2000). The following is a break down of percentages according to race, of Los Angeles County residents between the ages of 10 and 17: 25% White, 51% Hispanic, 13% African American, and 11% Asian or other. The analysis of this study showed that African American, Asian, and Hispanic youth represented 95% of the youth who were found to be mature enough for adult criminal court. In this particular study, African American youth were 12 times more likely to be certified than Whites. Also, Hispanic Americans and Asian Americans (or others) were more likely to be certified than Whites—6 times more likely and 3 times more likely, respectively.

A Texas study advised that most juveniles certified were 16 or older (Arrigona, Hodgson, & Reed, 1999). The majority certified had committed the crime of murder, attempted murder, or robbery, in that order, from largest to smallest percentages. Of the youth who were transferred, 58% were sentenced to prison and 27% received probation sentences. In an examination of counties where African Americans made up 15.5% of the juvenile population, Hispanic Americans made up 40.5% of the juvenile population, and Anglos made up 44% of the juvenile population, certification judgments were

disproportionate. African Americans accumulated 31% of certifications; Hispanic Americans characterized 43%, and Anglos (although representative of the largest juvenile population according to racial makeup) received only 26% of decisions that resulted in transfer.

Upon consideration that African Americans and Hispanics were responsible for the majority of violent offenses and had also built up the majority of prior adjudication records, the argument for disparity in Texas loses some of its credibility (Arrigona, Hodgson, & Reed, 1999). Taking back the argument for disparity, the article reports that African Americans and Hispanic Americans were more likely to be certified even if they had similar prior adjudication backgrounds, were the same age, and had committed the same offense as White offenders.

Florida reports tend to tell the same story. The Florida Department of Justice discovered that Black youth were 2.2 times more likely than White youth to be certified to criminal court when they conducted their study throughout the state of Florida (Florida Department of Juvenile Justice, 1996).

South Carolina deals with the same disparity issues as other states, according to one study conducted from 1985-1994 (Snyder et al., 2000). A majority (95%) of waiver appeal cases involved males. A majority of cases involved Blacks (80%). A majority of waiver appeal cases also involved juveniles who were 16 years old or older. The percentages of waiver requests that were actually approved had the same characteristics.

Disparities in decisions to certify were also examined in Pennsylvania (Snyder et al., 2000). While Whites represented 38% of youth who were sent to adult court in 1986, Blacks represented 50%, and Hispanics 12%. Eight years later in 1994, although the

population of transferred juveniles had doubled, there was a 10% decline in the proportion of White youth who were certified. The exact percentages in 1994 were as follows: Whites comprised 28%, Blacks comprised 60%, and Hispanics comprised 10%.

A study performed in Utah produced findings that contradict those of the previously mentioned studies (Snyder et al., 2000). The cases examined in this sample were recommended for waiver by the prosecuting attorney. Not surprisingly, the study found that the majority of waived juveniles were male (96%) and age 17 or older (70%). What is different in this study is that the bulk of juveniles transferred were non-Hispanic Whites (57%). Nonetheless, the uniqueness of the finding in Utah can be explained by the small population of Blacks residing in Utah (U.S. Census Bureau, 2009). Blacks account for only 1.2% of Utah's population while Whites account for 93.2% of the population.

Target Population

As well as devoting attention to disparities in certification, the current study is also concerned with whether the courts are reaching intended goals of certification, one of which is transferring youth who meet the target population criteria. One report described the relevant factors associated with waiver (Nimick, Szymanski, & Snyder, 1986). Data were collected on 2,335 cases from 552 courts including Arizona, California, Hawaii, Iowa, Kansas, Mississippi, Pennsylvania, Tennessee, and Virginia. The data were gathered from court records and found that 2% of all petitioned cases involving delinquency were transferred to adult court. The majority of transferred cases in this study involved a property offense and only 33% involved more serious violent offenses. The likelihood of waiver did increase in relationship to offense seriousness.

Also, juvenile court history and age at the time of petition influenced the decision to waive in the multi-state study.

Support for individual juvenile court history as a predictor of decision-making outcome is found in a 1984 study by Joppich. It revealed that the court seems to be more concerned with the actor than the act.

Another study in Florida by Bishop, Frazier & Henretta (1989) surprisingly determined that the juveniles being waived had not committed the most violent offenses. If society views those youth who perpetrate violent felonies as those who are dangerous, only 29% who were transferred to adult court using the prosecutorial waiver method were considered dangerous. One might expect this percentage to be much larger. The study further explained that the youth who were transferred had not even proved that they were non-amenable. Only 35% of the youth examined in the study had ever received prior treatment at a residential facility. What is more concerning is that 23% of waiver cases entailed youth who were being seen for their first offense. If youth are waived on their first offense, it is difficult to know if they will be receptive to treatment under juvenile court jurisdiction because they have not received any. In this study and other literature examined thus far, waiver decisions have not reflected intended goals, but the goal of deterrence must still be examined.

Deterrence

“Perhaps one of the true measures of the effectiveness of a law is its success in deterring crime” (Olson, 2005, 16). One study examining deterrent effects established that automatic transfer laws do not deter juvenile crime in the short period, which is defined as up to 6 years after the laws were passed (Jensen & Metzger, 1994). The

authors measured juvenile crime before and after a law was implemented in Idaho that required offenders charged with murder, attempted murder, robbery, forcible rape, and aggravated assault between the ages of 14 and 18, to be automatically transferred to adult court. The rates in Idaho were compared with rates for the same offenses in Montana and Wyoming. The results showed that the offense rates actually increased in Idaho after the implementation of the law, while they decreased in the other two states. The differences were significant. In summary, deterrence is not working either.

Another study conducted in Florida examined recidivism rates among a sample of youth who were transferred as well as a comparison group of juveniles who remained in the juvenile justice system (Bishop, Frazier, Lanza-Kaduce, & Winner, 1996).

Recidivism was measured through re-offending. Juveniles who were certified were found to recidivate more often than juveniles who remained under juvenile court jurisdiction. The results of the study can be generalized to say that individual deterrence via certification is not working in Florida.

A study of 14 U.S. states also assessed deterrent effects of juvenile certification laws (Steiner & Wright, 2006). The study utilized monthly arrest rates on offenses from the Violent Crime Index in its examination. In comparing violent crime rates of persons under the age of 18 from the 5 years prior to a direct file law being implemented to the 5 years after the law was implemented, the study found no deterrent effects, except in one state—Michigan. Moreover, the study revealed that none of the states experienced lower arrest rates for homicide or manslaughter.

The American Bar Association (ABA) also reported higher recidivism rates among juveniles in the adult system in their evaluation of studies (Mathis, 2007). If high

recidivism rates reflect a lack of deterrence, a deterrent effect is not present among the studies examined by the ABA either. Beyond assessing the factors that influence waiver, the detrimental consequences of waiver, especially for youth who do not deserve to be waived, is what the current study is attempting to prevent through its dialogue.

Consequences

A juvenile who is waived to adult court, which results in a felony conviction, could lose the right to vote (Redding, 2003). They could also lose the right to join the military, if convicted of two or more felonies. Usually, after they are convicted in criminal court, they must remain under the criminal court's jurisdiction for all subsequent offenses. If the juvenile has been convicted of a sex related offense, they may have to register as a sex offender. That primary conviction is also likely to be held against them in determining outcomes for subsequent offenses. In addition, the "three strikes law" may also be applied in later offenses. After conviction, a juvenile could receive an adult sentence and then be placed in a facility that houses adult offenders. The young, less mature, and unequipped persons placed in adult prison settings face great risks (Ziedenberg, 2001).

In adult prisons, juveniles are more likely to be physically and sexually assaulted, psychologically harmed, and commit suicide (Mathis, 2007; Schiraldi & Ziedenberg, 1999). In one examination of the ordeal, carried out by Forst, Fagan, and Vivona in 1989, it was found that sexual assault is 5 times more likely to be perpetrated against youth in adult prisons in comparison with youth in juvenile institutions. In comparing juvenile to adult prisons, it was also found that the youth in adult prisons are 50% more

likely to be attacked by an assailant with a weapon. The youth in adult prisons are twice as likely to receive beatings from correctional officers as well. Still another disturbing finding was that youth in adult incarceration environments commit suicide at 7.7 times the rate at which youth commit suicide in juvenile facilities (Flaherty, 1980).

Counseling, education, and management services are usually not provided for youth in adult prisons either because most of the staff is not trained to deal with juveniles in those regards (Forst et. al, 1989).

The issues of youth in adult prisons were well relayed by Forst, Fagan & Vivona (1989):

Placing youth in adult facilities removes violent offenders from the community and eliminates immediate risk to public safety. However, it also places juveniles in facilities with specific and widely recognized shortcomings: high recidivism rates, high levels of violence, and isolation from the mediating influences of natural social networks and informal controls in the social context to which the youth will return (p. 3)

Previous literature reveals that certification has failed to meet its intended goals but has instead, met some unintended goals, such as the aforementioned disadvantage of youth in adult prisons, as well as racial disparity in decisions to certify. It is apparent that Black males who are 16 and older are transferred the most often. It is also apparent that the threat of adult court is not deterring youth and that the target youth are not necessarily being captured. Additionally, adolescents are facing severe consequences post-waiver, which should encourage policy makers to look closely at research exploring the unintended effects of waiver. The current study will aid in determining if there are unintended consequences in Clark County, Nevada, which policy holders should examine more closely.

Nevada Law

According to the Nevada Revised Statutes (NRS 62B.390), there are three ways in which a juvenile can be certified to adult court—discretionary waiver, presumptive, or direct file. A total of 125 youth were certified in Clark County in 2007 (Clark County, Nevada, 2007). The majority of cases (84) were certified by discretionary means, in which the District Attorney files a motion in the juvenile court for certification to adult court (§53:1). Certification outcome is decided by a juvenile court judge. A minor may be waived by means of discretionary certification if:

- 1) The crime the minor is accused of committing is a felony, and
- 2) The minor was older than 13 at the time the offense was accused of being committed.

These discretionary cases are the certification decisions that the current study is concerned with.

Presumptive waiver applies when a person under the age of 18 has committed an offense which the juvenile court does not have jurisdiction to hear. These offenses include: 1) Attempted murder and murder, as well as any offense that arose from the same incident; and 2) Subsequent offenses, if the minor was previously certified and convicted in adult court (§47: 3).

The final type of waiver is direct file. A direct file waiver, in which a prosecutor may file charges directly in the adult system, may occur when particular criterion have been met. A youth must be accused of having committed the following (§47: 3):

- 1) An attempted sexual assault or sexual assault which involved the threatened use or actual use of violence and any other acts that arose from the same set of circumstances, if:
 - a. At the time of the accused commission of the act, the juvenile was older than 15; and
 - b. The juvenile was previously adjudicated delinquent in the juvenile court for a felony act.
- 2) A crime that involved the threatened use or actual use of a firearm and any other offense connected to the same incident, if:
 - a. At the time of the accused commission of the act, the juvenile was older than 15; and
 - b. The juvenile was previously adjudicated delinquent in the juvenile court for a felony act.
- 3) A felony in which the victim suffered substantial bodily harm or death and any other offense connected to the same incident, if:
 - a. The offense occurred on school property when students or staff were present, at a school sponsored activity, or on a school bus while it was on official duty, and
 - b. It was the juvenile's intent to impose substantial bodily harm or a great risk of death by way of a weapon, device, or course of action.

Theoretical Framework

There is a theoretical framework that may inform prior research findings of disparity. Two theories in particular – Labeling Theory and Critical Race Theory – provide a background to understanding certification decisions.

Labeling Theory

Labeling theory holds three basic assumptions. They are: 1) behavior is only *defined* as delinquent and is not *actually* delinquent in and of itself; 2) society does not uniformly agree upon beliefs and values; and 3) multiple factors aid in deciding whether or not a society reacts to a particular action as deviant (Akers & Sellers, 2004).

It is referred to as Labeling Theory because the central focus is on “labels”, tags, or brands that a society applies to certain members (Akers & Sellers, 2004). The labeling of delinquent youth can be both an independent and a dependent variable. Labeling can be a dependent variable as it explains that first, certain people (the less powerful) are targeted and their behaviors are then defined or labeled as wrong. Labeling can also be considered an independent variable because it asserts that when children are labeled as delinquent, they internalize their labels, leading to additional delinquency. The important question for labeling theorists is “who applies the labels to whom and what determines when the deviant label will be assigned?” (Akers & Sellers, 2004, p.135).

It is the powerful individuals in a society who control labels, which are placed on less powerful minority groups in a society. The criminal justice system is run by powerful members of society. Laws are created against the least powerful members and when they violate them, they are more likely to be arrested and processed in the criminal justice system than if a more powerful individual violated the same law. Whether someone

faces consequences in the criminal justice system is dependent upon race, class, gender, and other social characteristics that assist in determining a person's status in society (Akers & Sellers, 2004).

Labeling Theory was derived from Symbolic Interactionism Theory of Sociology (Akers & Sellers, 2004). It states that a person's self-concept is based on their interactions with other members of society. Interactions through spoken language and gestures or body language, which are subjective, give meaning to the name "symbolic" (Mead, 1934). A major contributor to this theory was Charles Cooley who identified "the looking glass self" (1902). Cooley asserted that "our own self-concepts are reflections of others' conceptions of us" (Akers & Sellers, 2004, p.136).

Relayed by the way people are treated when they interact with others, one can discern how others perceive them (Akers & Sellers, 2004). People internalize the character description projected upon them and begin to act out in ways that are consistent with that description. The character description that is referred to is actually a "label" from society, which is the foundation for Labeling Theory. Through interaction with society, a person is labeled a "hooker," "thief," or "gang banger," these descriptions are internalized, which creates further deviant behavior.

One important proponent of Labeling Theory was Frank Tannebaum, who spoke about the dramatization of evil. He proclaimed that the system dramatizes minor offenses committed by youth, which creates a label that the person becomes and cannot escape from (Tannenbaum, 1938). Edwin Lemert (1967) differentiated between primary and secondary deviance. He described primary deviance as situational in nature and a type of deviance in which ones identity is not organized around. Secondary deviance, he

asserted, comes after someone is labeled. The person then organizes their identity around the label. Howard Becker was another important author of Labeling Theory. Becker helped to bring Labeling Theory to the forefront of criminological theories with his publication of *Outsiders* (Akers & Sellers, 2004). He explained that an outsider is someone who has accepted their deviant label. He said there is no need to study the deviant act itself because deviance is just a creation from social groups and is not related to the quality of the act. Furthermore, he explained that rules or laws are not the result of agreement, but are just the creation of “moral entrepreneurs” in society. He introduced what is known as a “master status” and made clear that everything else is filtered through that master status. Critical Race Theorists would argue that the master status that Becker refers to has to do with race.

Critical Race Theory

The basic assumption of Critical Race Theory (CRT) is that racism is ingrained in the American way of life (Brewer and Heitzeg, 2008). Therefore, racism is not the exception, but the rule. It maintains that the law and the legal system are currently organized in a way to enforce White supremacy and have been arranged in this way throughout history. As Bonilla-Silva wrote in 2001, “all domination is, in the last instance, maintained through social control strategies” (p. 103). In other words, White supremacists have used the law for the continued advancement of Whites and the continued oppression of Blacks and other minorities.

CRT further argues:

There has been a corresponding shift from de jure racism codified explicitly into the law and legal systems to a de facto racism where people of color, especially African Americans are subject to unequal protection of the laws, excessive surveillance, extreme segregation, and neo-slave labor

via incarceration, all in the name of crime control (Brewer and Heitzeg, 2008, p. 626).

For the most part, systematic racism (i.e. slavery or Jim Crow Laws) is not overtly visual today, but scholars who adhere to CRT believe it still exists in more covert forms. It is a mistake to believe that because undeniable racism is removed from the books, the societal impact is suddenly removed (Brewer and Heitzeg, 2008), they say. Some Critical Race Theorists believe that oppositionists to Affirmative Action fail to recognize the lasting impact of slavery and discrimination on Black communities.

Critical Race Theorists, who might be expected to praise Affirmative Action, also have their issues with it. They argue that the majority of benefits of Affirmative Action, as well as other civil rights legislation, have been received by Whites (Brewer and Heitzeg, 2008). One study found that the majority of hiring policies associated with affirmative action have been to the advantage of White women (Guy-Sheftall, 1993; Brewer and Heitzeg, 2008).

Critical Race Theorists believe that racism is embedded in the American way of life and many of them also believe that racism is here to stay, as Derrick Bell expressed in his work *Faces at the Bottom of the Well* (1992). Therefore, the focus of Critical Race Theorists and others alike, is to expose racism in its various forms and not necessarily to cease its existence. An important aspect of CRT is storytelling, as it aids in the mission to bring racism to light (Ladson-Billings, 1999).

One last important feature of CRT is its criticism of liberalism (Ladson-Billings, 1999). CRT asserts that “racism requires sweeping changes, but liberalism has no mechanism for such change” (Ladson-Billings, 1999, p.213). Liberal legal practice gains

rights for minorities through the presentation of legal precedence, which is an extremely slow process.

Alan Freeman and Derrick Bell were among the first Critical Race Theorists, presenting their work in the 1970s (Ladson-Billings, 1999). The slow development of racial reform was their primary interest. They grew weary of the minimal gains associated with marching, pro-testing, filing amicus briefs, and appealing to the morality of decent citizens. They were not alone, as many other legal scholars could relate.

CRT grew from Critical Legal Studies (CLS) the way Labeling Theory grew from Symbolic Interactionism Theory. Historically, legal academia only had doctrinal and policy analysis for their utilization (Gordon, 1990). CLS challenged this type of scholarship and promoted the type of law that would relate to individuals and groups in the framework of culture (Ladson-Billings, 1999). CLS examines legal doctrine in order to bring forth the existing inconsistencies and reveal the ways that “legal ideology has helped create, support, and legitimate America’s present class structure” (Crenshaw, 1988, p. 1350).

Labeling and Critical Race Theories Applied to the Current Study

Labeling Theory and CRT come together within the third assumption of Labeling Theory, which is that multiple factors aid in deciding whether or not a society reacts to a particular action as deviant. CRT says that the important factor is race and society is purposefully structured this way. One’s race is a significant independent variable in determining the outcome or punishment for their crime. If the offender is Black, they are more likely to be certified. Furthermore, because Black juveniles are more likely to

receive a label of “serious criminal” after being certified, they will be more likely to recidivate, as a result of identification with the label.

CHAPTER 3

METHODOLOGY

Collection of Data

This exploratory and descriptive study can be characterized as quasi-experimental because the juveniles of the sample were grouped by their characteristics. To answer the research questions posed, the current study analyzed secondary data retrieved from the court calendar of the Chief Juvenile Justice Judge in the Family Court of Clark County, Nevada. All 146 juvenile cases in Clark County that involved certification hearings in the year of 2007 were included in the study. The Chief Juvenile Justice Judge hears all discretionary certifications in Clark County from initial appearance to outcome. For juvenile cases in which certifications were granted, the cases were followed into the adult criminal court calendar to determine the results. No identifying information was made available in order to maintain the confidentiality of the juveniles. Individual cases were instead represented by case numbers. Data related to petitions, charges, sentencing, probation revocation, age, race, sex, zip code and certification outcome were gathered for analyses.

Conceptualization of Terms

For the purposes of this study, amenability is determined by number of prior charges and number of prior petitions. The more prior charges or petitions a youth has, the less

likely they are to be amenable. Dangerousness of the youth to the community was determined by the seriousness of criminal history. The most serious charge of each youth was rated according to the Depth of Delinquency Index. Higher ratings on the scale reflected more dangerousness. Maturity was determined by age. Older youth were assumed to be more mature.

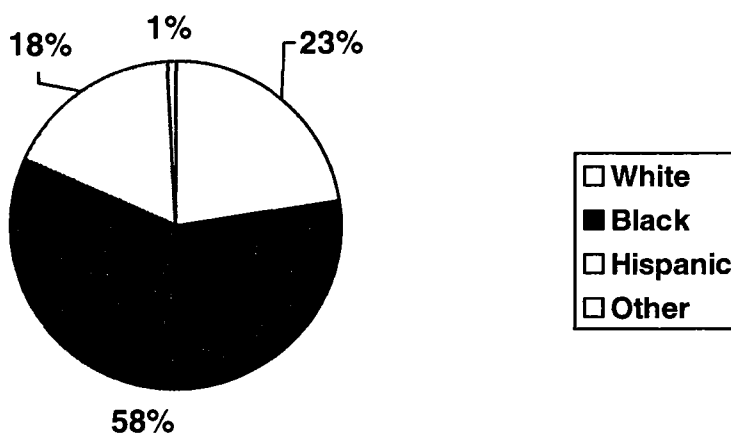
Sample

Race

The racial makeup of juveniles included in this study was divided into four categories—White, Black, Hispanic and other. If an individual was reported to be Hispanic as well as another race, they were only included in the Hispanic category for purposes of analyses. Black juveniles were over-represented in the sample, representing 58% of certification hearings. White juveniles represented 23% of the sample. Hispanic juveniles represented 18% of the sample. Juveniles who did not fall into these three categories only accounted for 1% of the sample. Figure 1 provides a breakdown of race from the sample, which does not correspond to the racial makeup of Clark County. The fact that 58% of the juveniles appearing in certification hearings were Black is a dramatic over-representation considering only 10.89% of the Clark County youth population is Black (Clark County Nevada Juvenile Justice Services, 2007). White youth represent 44.33% of the youth population in Clark County and Hispanics make up 36.89% of the youth population. The percentage of Blacks who had certification hearings is also much higher than rates of arrest for Black youth (26.7%) (Clark County

Nevada Juvenile Justice Services, 2007). White juveniles represent 30.97% of arrests and Hispanic juveniles represent 37.58% of arrests in Clark County.

Figure 1. Race of juveniles.



Sex

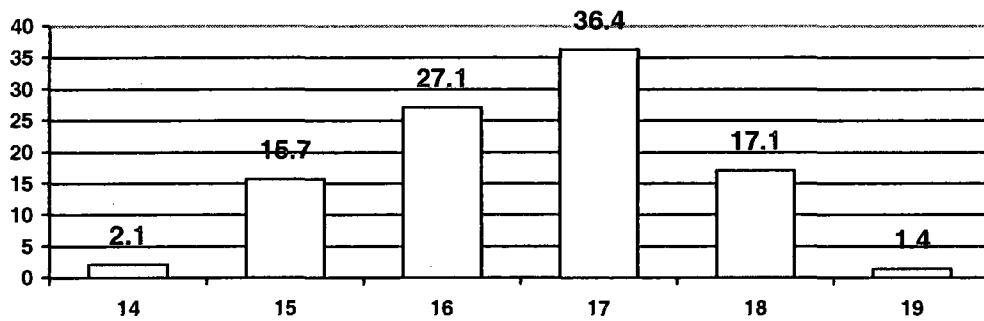
Sex was determined by the youth's biological sexual category—male or female and as reported by the Department of Juvenile Justice Services records. No transgender persons were reported in this sample. The gender of the juveniles of this sample was predominately male. Males made up 93.7% of the sample (133 males) while females were representative of only 6.3% of the sample (9 females). The gender was not reported for 4 of the juveniles.

Age

The age of the juveniles in the sample refers to the juvenile's age at the time the certification decision was made. The average age was 16.5. The mode age of the juveniles in the sample was 17 years old, representing over a third of the sample (36.4%).

Only 3 juveniles were age 14 (2.1% of the sample)—the youngest age in Nevada for which a juvenile can be considered for certification. Youth who were age 15 represented 15.7% of the sample. Youth who were 16 represented 27.1% of the sample. There were 24 juveniles (17.1%) who had reached the age of 18 at the time of their certification hearing and another 2 who were 19 (1.4%) at their hearing. No age was indicated for 6 of the juveniles.

Figure 2. Age of juveniles.



Criminal History

Criminal history was measured by three factors – number of prior charges, number of previous delinquency petitions, and the level of the most serious prior charge. The number of charges accumulated by the juveniles ranged from 1 to 61. The average number of charges was 16.46. The mode number of charges was 5 and the median number of charges was 13.

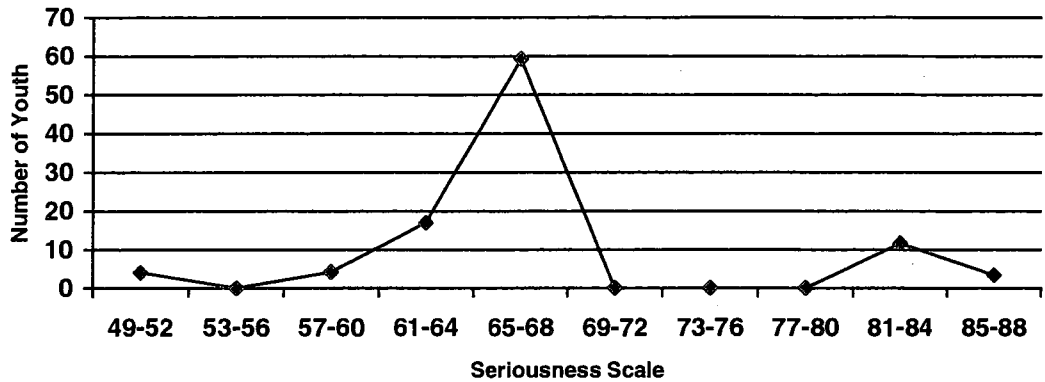
Previous delinquency petitions represented the number of times a youth had appeared before a judge and ranged from 0 to 21. The mean number of petitions was 3.92. The

most frequent response was zero previous petitions, but only represented 21.5% of the sample. Nearly 80% of the juveniles had been before a delinquency judge at least once prior to the current hearing. The median number of prior petitions was 2.

The most serious offense committed by juveniles was ranked as to seriousness using the Depth of Delinquency Index (DDI) by Deschner, Plain, Terhune, and Williamson (1981). This seriousness scale was developed through multiple studies codifying community evaluations of juvenile crime seriousness. This seriousness index was chosen specifically for its relationship to juvenile offenders, comprehensive nature, ease of utilization, and validity. It has been determined to be suitable for trial use and delinquency related research. In addition, the scale built upon the popular seriousness scale created by Sellin and Wolfgang (1964). The DDI scale ranges from 2 to 99. Lower numbers represent minor offenses such as status offenses whereas higher numbers represent more serious, violent crimes. See Appendix II for the complete Depth of Delinquency Index.

Descriptions of juvenile crimes were coded separately by two criminal justice graduate students to check for consistency in coding. There was high consensus in the ratings between the two raters coding ($\alpha = 0.93$). The seriousness of crimes are presented in figure 3.

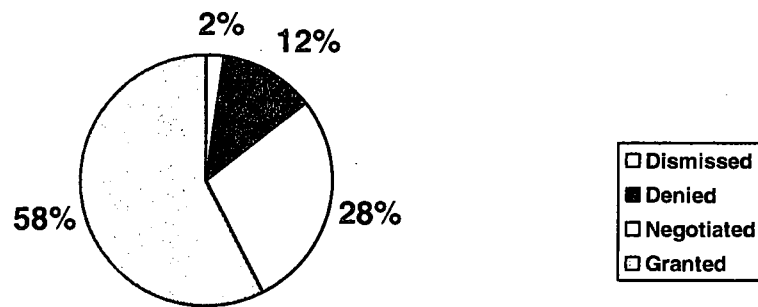
Figure 3. Crime seriousness.



Certification Outcomes

There were four potential outcomes for the discretionary certification hearings. Juveniles' cases could be granted certification to the adult system, negotiated to be kept in juvenile court, denied certification and kept in juvenile court or the case could be dismissed. The majority of the youth were certified to adult court (57.5%). Cases that were negotiated represented 28.1% of the sample. Denial decisions made up 12.3% of the sample. Dismissed cases only represented 2.1% of cases. See figure 4 for certifications outcomes.

Figure 4. Certification outcomes.

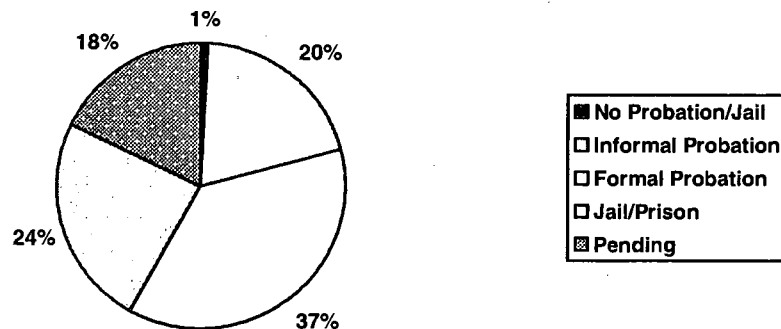


Sentences

Sentences were categorized in the following groups: no probation and no jail; informal orders; formal probation; and, jail/prison. Distinctions between jail and prison were not made. In consideration of the sample as a whole (certified and non-certified youth), only 1 juvenile did not receive probation nor a jail sentence. The most common sentencing disposition was formal probation (37%). Formal probation could be a disposition in either juvenile or adult trials. Formal probation in the juvenile system could also include a placement in a state facility as well as probation conditions. Juveniles receiving informal orders represented 19.9% of the sample. Formal probation versus informal orders is a Department of Juvenile Justice Services distinction with informal orders representing a variety of placements (e.g., mental health treatment programs) and conditions (e.g., staying out of trouble for a specified time). Informal orders generally do not have a specified length, with only one informal order having a time length attached. Informal orders could also include incarceration or placing a youth in a state facility (e.g., Caliente or Elko). Youth who received jail or prison time represented 24.7% of the sample. All of these youth had been certified to adult court.

Some of the sentencing results could not be categorized, as dispositions for those juveniles were still pending (17.8%). See figure 5 for the sentencing types.

Figure 5. Sentencing types.



Probation Sentences

Two types of probation sentences were given to juveniles – a specified sentence or an unspecified sentence. Just over a quarter of the sample received a specific probation sentence (26%). The specified length ranged from six months to five years. The most common probation sentence was five years. Nearly a third of the sample received an indefinite or unspecified probation sentence. The quarter of the sample who were incarcerated in jail or prison (24.7%) did not have a specified or unspecified probation sentence but for one certified youth who received 5 years of probation on top of a jail sentence. Another 17.8% of the sample had dispositions pending so the information was missing.

In the juvenile system, among the 57 youth receiving dispositions, 49.1% received formal probation orders with the other 50.1% receiving informal orders. In the adult system, among the 61 youth with reported dispositions, 42.6% of the youth received

probation as the most severe sentence. The other 57.4% were incarcerated in jail or prison.

Jail Sentences

Jail sentences were not established for non-certified youth. For certified youth who were given jail or prison sentences, the minimum length of time was 1 year and the maximum length of time was 30 years (as 1 youth received consecutive life sentences). The median length of minimum jail sentence was 24 months and the median length of maximum jail sentence was 72. The modal minimum jail sentence was 24 months and the modal maximum was 60 months.

Probation Revocation

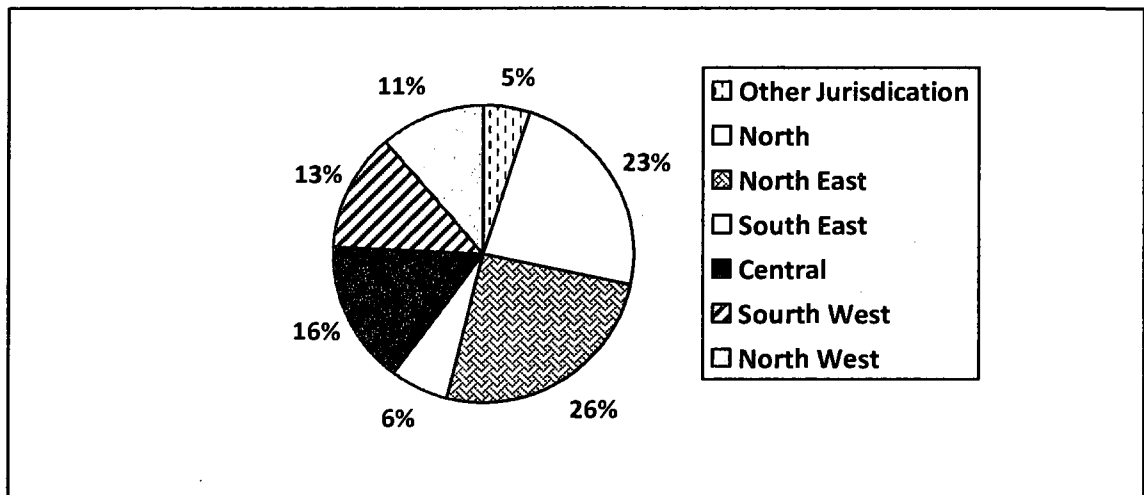
Information was tracked for 117 of the youth to check for revocation of probation. Over a third (32.5%) of this group was incarcerated and thus, had not had an opportunity to have their probation revoked. Only 12 of the youth (10.3%) had their probation revoked. Four of those youth were in the adult system and eight were in the juvenile system in the 8-12 months following the certification hearing. The number of revocations in the youth system may be under-reported as juvenile judges have more discretion on revoking probation upon reoffending. Therefore, this variable includes only those re-offenses that a judge perceived to be serious enough to warrant probation revocation.

Zip Codes

Zip codes indicating home addresses were tracked for 141 juveniles in the sample. The youth originated from all over the Clark County area and there was not a specific zip code where a substantial amount of the youth came from. The largest number of youth originating from one zip code was 11 (zip code 89030), which was only 7.8% of the

sample. The zip code was also recoded into subsections of Clark County—North, North East, South East, Central, South West, North West, and other jurisdictions. Among youth who a zip code was reported for, the largest group (25.5%) came from the North East. Figure 6 provides a break down of the areas of residence as determined by zip codes.

Figure 6. Areas of residence of juveniles.



CHAPTER 4

FINDINGS OF THE STUDY

Demographic Variables

The first analyses considered whether race, sex, and age were related to certification decisions. One-way ANOVAs were conducted to determine if any of these three factors were significantly related with certification decisions. A correlation matrix is presented in table 1 below showing the lack of significant patterns appearing between these variables. None of these factors were significantly correlated with certification outcomes. To further illustrate this, certification decisions are presented by racial group in figure 7. It appears that certification decisions are being made similarly across ethnic groups.

Table 1

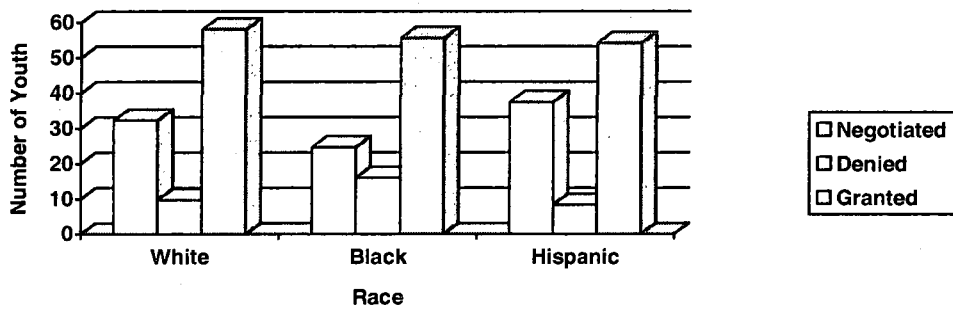
Correlations with Demographics

	Certification	Race	Sex	Age
Certification	1	.000	-.100	-.016
Sig. (2-tailed)		.991	.235	.849
Race		1	-.122	.044
Sig. (2-tailed)			.162	.614
Sex			1	.029
Sig. (2-tailed)				.737
Age				1

* Correlation is significant at the 0.05 level (2-tailed).

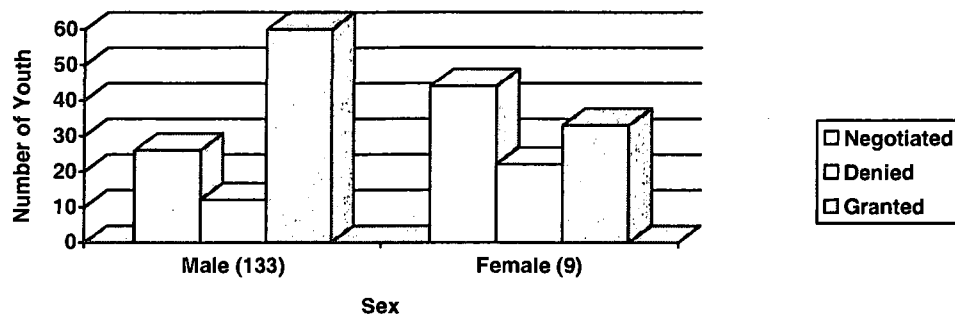
** Correlation is significant at the 0.01 level (2-tailed).

Figure 7. Certification decisions by race.



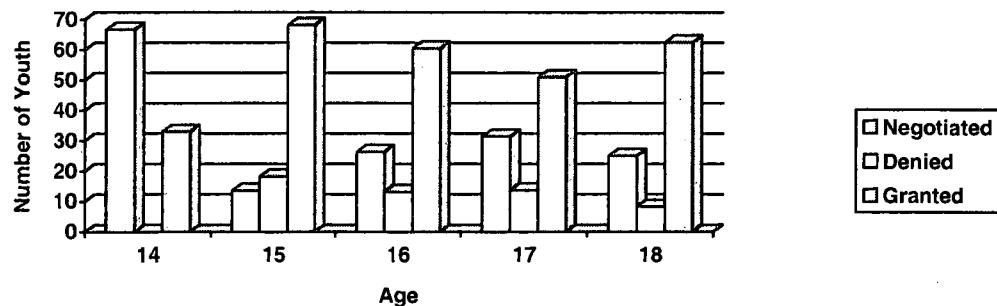
Sex was also not significantly related to certification decisions. The pattern of decisions for males and females are presented in figure 8.

Figure 8. Certification decisions by sex.



Age was not significantly related to certification outcomes contrary to the expectation that older youth would be certified at a higher rate. Age is usually considered in transfer assessments because younger juvenile defendants are likely to be less mature. It was expected that older youth would be certified at a higher rate, reflecting recognition of greater maturity. That assumption was not supported by this sample. In fact, 15 year olds were certified at the highest level. Rates of certification by age are presented in figure 9.

Figure 9. Certification decisions by age.



Non-Demographic Variables

Criminal History

The number of prior charges was the only one of the three indicators of criminal history, which appeared to be related to certification decisions. The significant relationships between the criminal history factors—number of prior charges, number of previous delinquency petitions, and the level of the most serious prior charge—are presented in table 2.

It was expected that the seriousness of criminal history as evidenced by the severity of the most serious charge would be related to certification decisions. This factor was not a predictor. It is important to note that 76% of the youth fell within the narrow range of 61-68 on the DDI severity scale. This range represents serious offenses like grand larceny, robbery, and possession of weapons. Many of the most serious offenses are waived automatically or through direct file in Nevada, which may have restricted the range for this variable. There was a negative relationship between severity of charge and prior petitions which may reflect that some of the chronic offenders are repeating less serious crimes.

Frequency of appearance in the juvenile delinquency system did not increase the chances that a youth would be certified. The number of petitions was significantly correlated with the number of prior charges.

The number of prior charges did correlate significantly with certification decisions. It appears that the most chronic offenders are more likely to be certified. This finding reflects that chronic offenders, those less likely to be amenable to change, will be moved up into the adult system.

Table 2

Significance of Criminal History Factors

	Certification	Prior charges	Previous petitions	Most serious charge
Certification	1	.193*	.077	.069
Sig. (2-tailed)		.020	.362	.408
Prior charges		1	.548**	-.019
Sig. (2-tailed)			.001	.823
Petitions			1	-.295**
Sig. (2-tailed)				.001
Most serious				1

* Correlation is significant at the 0.05 level (2-tailed).

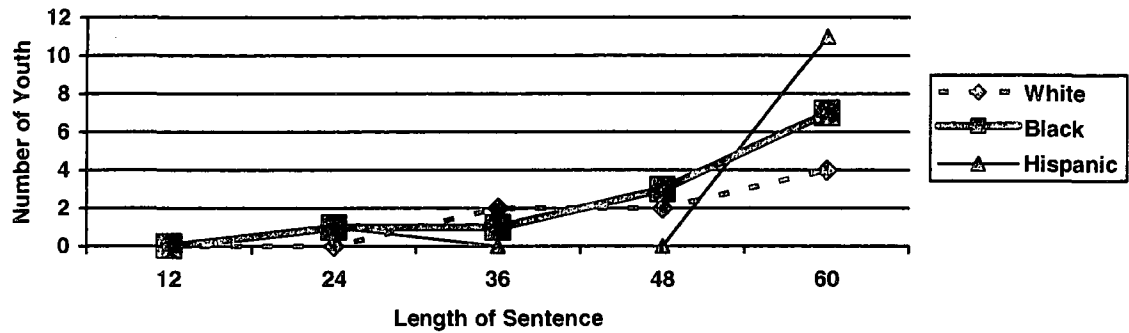
** Correlation is significant at the 0.01 level (2-tailed).

Probation

The results of probation sentence lengths were difficult to compare between youth who remained in juvenile court and those who were transferred to adult court. Juvenile court probation sentences were often unspecified, as judges have more discretion to utilize informal probation as a sanction, such as placement in treatment centers. The judge may stipulate informal probationary sanctions and then reassess the juvenile at a later date. The informal nature of adjudication in the juvenile court is in contrast to sentencing in the adult court, where probation sentences are usually specified in length.

Probation sentence lengths were compared between races in the adult system. Race was not significantly correlated with length of probation ($r = -.040$, $p = .762$), although most Hispanic youth received 60 month probation sentences—the longest probation sentence for any youth. Figure 10 is a representation of probation length comparisons between races.

Figure 10. Probation sentences by race.



Probation Revocation

Probation revocation was another variable that was difficult to analyze due to the small number of overall revocations (12). Many of the juveniles in the adult system were still incarcerated. If they had probation sentences attached to their jail sentence, there was no time to reoffend. The informal nature of the juvenile system hinders this analysis as well. Although a juvenile may be guilty of violating their probation, it is within the judge's discretion to simply warn the juvenile and not revoke probation. Therefore, actual probation violations may not have been captured in the probation revocation variable. Suggestions for future research will be included in the discussion.

Overall, 7 Black youth and 5 White youth had their probation revoked. Among certified youth, 2 Black youth and 2 White youth had their probation revoked. Probation was revoked more often among Black youth who were not certified (5) than White youth who were not certified (3).

For the aforementioned reasons, comparing revocations between non-certified and certified youth to determine deterrence was difficult as well. There were, however, 4 certified youth whose probation was revoked and 8 non-certified youth.

Incarceration

There were 61 juveniles certified in the sample. Table 3 presents the correlations for decisions to incarcerate these youth with race, age, and the number of prior charges.

None of these variables were significantly correlated.

Table 3

Significance of Factors on Incarceration vs. Probation in Adult Dispositions (N=61)

	Incarcerated	Race	Age	Prior Charges
Incarcerate	1	.014	-.069	-.017
Sig. (2-tailed)		.915	.601	.896
Race		1	-.107	-.059
Sig. (2-tailed)			.423	.657
Age			1	.183
Sig. (2-tailed)				.166
Prior Charges				1

* Correlation is significant at the 0.05 level (2-tailed).

** Correlation is significant at the 0.01 level (2-tailed).

Conjunctive Analysis of Case Configurations

To further understand the profiles of the juveniles being certified¹, the data was analyzed using conjunctive analyses. “Conjunctive analysis and other multivariate comparative methods have been increasingly used to explore the prevalence of distinct

¹ Multivariate analyses were originally conducted but were not significant other than for the main effect of prior charges on certification.

profiles of crime situations and the relative importance of particular factors within them” (Miethe & Sousa, 2009, p. 9). Conjunctive analysis is derived from the method of qualitative comparative analysis (QCA), which is utilized when categorical data is available. (Miethe, Hart, & Regoezci, 2008).

Within the current study, the combined impact of race, age, number of charges and whether the crime was a robbery on the likelihood of certification and incarceration is examined. These factors—legal and extralegal—are the factors which have been identified in prior research to effect certification. There are a total of 16 possible combinations of factors for each table. The data matrices, which represent the combined impact of these factors on certification and jail, can be found in tables 4-7.

Table 4 presents the likelihood of certification according to the described factors. High, medium, and low risk levels are determined by a 10% differential of the average rate of certifications (57.5%). Those cases that fall within 10% of 57.5% are considered medium risk. Cases exceeding the 57.5% risk level are considered high risk and those that fall below the risk level by more than 10% are considered low risk. For example, in configuration 3, the risk level is 79%. This risk level exceeds 57.5% by more than 10 percentage points and juveniles with this pattern of characteristics are at a higher than average risk of being certified.

Case profiles number 1 and number 2 showed the highest risk of certification, as all cases involving these combinations of factors were certified. Configuration number 1 included juveniles who were Black, under 15, had a high number of charges, and did not commit robberies. There were only 2 cases involving this combination of variables. Configuration number 2 included juveniles who were not Black, 15 or younger, had a

high number of charges, and had not committed a robbery. In configuration number 16, there were 4 juveniles who were not Black, not over 15, did not have a high number of charges, and did not commit a robbery. These individuals were least likely to be certified.

Table 4 also illustrates that the likelihood of certification varies greatly across case factors as evidenced by the range differences of profile number 16 (where there is a 25% chance for certification) and profile number 1 (where there is 100% likelihood for certification). The impact of the majority of case factors is highly contextual, but one factor—high number of charges—is fairly stable across contexts. This determination is found when looking at high numbers of charges and risk level for certification. A high number of prior charges when considered with other variables almost always results in a higher than average risk of being certified. As demonstrated in the correlations presented in table 2, a high number of charges is significantly related to being transferred to adult court.

Table 4

Case Configurations Among Youth Ranked by Their Relative Risks of Certification

Config #	Black	Over 15	Hi charges	Robbery	N_Cases	Certified	Risk Level
1	Yes	No	Yes	No	2	1.00	High
2	No	No	Yes	No	1	1.00	High
3	No	Yes	Yes	Yes	14	.79	High
4	Yes	No	Yes	Yes	7	.71	High
5	No	No	Yes	Yes	3	.67	High
6	No	Yes	Yes	No	15	.67	High
7	Yes	Yes	Yes	Yes	17	.59	Medium
8	Yes	Yes	No	No	12	.58	Medium
9	Yes	No	No	No	7	.57	Medium
10	No	Yes	No	Yes	15	.53	Medium
11	No	No	No	Yes	4	.50	Medium
12	Yes	Yes	Yes	No	10	.50	Medium
13	Yes	Yes	No	Yes	23	.48	Medium
14	No	Yes	No	No	9	.44	Low
15	Yes	No	No	Yes	3	.33	Low
16	No	No	No	No	4	.25	Low

Table 5 presents the data matrix for the impact of select factors on certification decisions as well. However, in table 5, the variables are paired by variable likeness across case profiles, so that each pair of variables shares the same profile, except for one variable. In this instance, that variable is race. If race has a strong main effect on certification decisions, Blacks should exhibit a much greater imprisonment risk than their configuration pair, which is identical in characteristics, except race. Pairs are successively numbered so that 1 and 2 are a pair, 3 and 4 are a pair, and so on.

Racial differences appear to be context specific. For cases involving juveniles 15 and younger, who had a high number of charges, and did not commit a robbery, Blacks and Whites were equally likely to be certified (100%). In a comparison of configurations 3 and 4, which includes juveniles who were 15 and younger with a high number of charges and who had committed a robbery, Blacks were only slightly more likely (71%) to be certified than Whites (67%). In examining profiles 5 and 6—youth over 15 with a high number of charges and had committed a robbery—White youth are even more likely to be certified (79%) than Black youth (59%). It also appears that Black youth usually have a medium risk level of certification, without considering other contextual factors. The risk level of White youth tends to depend more on contextual factors, as there is greater variability in risk (some high, some low) for them.

Table 5

Structure of Conjunctive Matrix for Main-Effects and Interaction-Effects of Race on Certification Decisions

Config #	Black	Over 15	Hi	Robbery	N_Cases	Certified	Risk
			charges				Level
1	Yes	No	Yes	No	2	1.00	High
2	No	No	Yes	No	1	1.00	High
3	Yes	No	Yes	Yes	7	.71	High
4	No	No	Yes	Yes	3	.67	High
5	Yes	Yes	Yes	Yes	17	.59	Medium
6	No	Yes	Yes	Yes	14	.79	High
7	Yes	Yes	Yes	No	10	.50	Medium
8	No	Yes	Yes	No	15	.67	High
9	Yes	Yes	No	No	12	.58	Medium
10	No	Yes	No	No	9	.44	Low
11	Yes	No	No	No	7	.57	Medium
12	No	No	No	No	4	.25	Low
13	Yes		No	Yes	3	.33	Low
14	No	No	No	Yes	4	.50	Medium
15	Yes	Yes	No	Yes	23	.48	Medium
16	No	Yes	No	Yes	15	.53	Medium

Table 6 presents the configuration matrix for the specified factors and their impact on likelihood of being incarcerated in the adult system. The average risk for incarceration was 57.4%. The youth with the highest level of risk for incarceration were White but varied in other contextual factors. Youth with the lowest level of risk were most commonly Black, 15 or younger, did not have a high number of charges and did not commit a robbery. The impact of these factors on incarceration risk seems to be highly contextual with no main effect.

Table 6

Characteristics of Juveniles Certified to Adult Court Incarceration Decisions

Config #	Black	Over 15	Hi charges	Robbery	N_Cases	Jail Time	Risk Level
1	No	No	Yes	Yes	2	1.00	High
2	No	No	No	Yes	2	1.00	High
3	No	Yes	No	No	4	1.00	High
4	Yes	Yes	No	Yes	6	.83	High
5	Yes	Yes	Yes	Yes	7	.71	High
6	Yes	No	Yes	Yes	3	.67	Medium
7	Yes	Yes	No	No	6	.67	Medium
8	No	Yes	Yes	Yes	8	.50	Medium
9	No	Yes	No	Yes	5	.40	Low
10	No	Yes	Yes	No	4	.25	Low
11	Yes	Yes	Yes	No	4	.25	Low
12	Yes	No	No	Yes	1	.00	Low
13	No	No	Yes	No	1	.00	Low
14	No	No	No	No	1	.00	Low
15	Yes	No	No	No	3	.00	Low
16	Yes	No	Yes	No	0		

Table 7 arranges the specified variables in pairs. They are matched on each variable with the exception of race. It allows for an examination of racial differences in incarceration. Once again, race does not have a strong main-effect. Blacks and Whites who are 15 and younger, who have a high number of charges, and who did not commit robberies, both have a low risk of incarceration (25%). The largest racial differences are apparent among juveniles who are 15 and under, who do not have a high number of charges, and who committed a robbery. Blacks are low risk (0%) and Whites are high risk (100%) but there is only 1 Black youth and 2 White youth who represent those profiles.

Table 7

*Structure of Conjunctive Matrix for Main-Effects and Interaction-Effects of Race on
Incarceration Decisions*

Config #	Black	Over 15	Hi	Robbery	N_Cases	Jail	Risk
			charges			Time	Level
1	Yes	No	Yes	Yes	3	.67	Medium
2	No	No	Yes	Yes	2	1.00	High
3	Yes	No	No	Yes	1	.00	Low
4	No	No	No	Yes	2	1.00	High
5	Yes	Yes	No	No	6	.67	Medium
6	No	Yes	No	No	4	1.00	High
7	Yes	Yes	No	Yes	6	.83	High
8	No	Yes	No	Yes	5	.40	Low
9	Yes	Yes	Yes	Yes	7	.71	High
10	No	Yes	Yes	Yes	8	.50	Medium
11	Yes	Yes	Yes	No	4	.25	Low
12	No	Yes	Yes	No	4	.25	Low
13	Yes	No	No	No	3	.00	Low
14	No	No	No	No	1	.00	Low
15	Yes	No	Yes	No	0		
16	No	No	Yes	No	1	.00	Low

CHAPTER 5

DISCUSSION AND CONCLUSIONS

In contrast to reports in the literature review, this study revealed that race, sex, and maturity as determined by age, had little influence on certification outcomes in Clark County, Nevada. In contrast with one study and in concurrence to another, crime seriousness did not have an effect on certification decisions. Also in agreement, the current study found a significant relationship between criminal history and transfer decisions.

Extralegal Factors in Certification Decisions

Race

The Chief Juvenile Justice Judge in Clark County appears to be racially unbiased. Certification decisions, as determined by the current study, are handed down equivalently across racial divides. While this is an important finding, it is important to recognize that the majority of juveniles who faced certification hearings were Black (58%). There is only a 10.89% Black juvenile population in Clark County (Clark County Nevada Juvenile Justice Services, 2007). These facts suggest that there may be racial discrimination at earlier stages in the criminal justice system, such as at arrest. The percent of juveniles who were arrested in Clark County is 26% (Clark County Nevada Juvenile Justice Services, 2007). From arrest to certification, there is a 32% increase in the concentration

of Black youth. This statistic supports the proclamation that there is an accumulation of disparity in the final stages of the justice system (Olson, 2005; Zatz, 1987). While discrimination by race is not apparent in the courtroom, perhaps discrimination is occurring in the police department, the District Attorney's office, or even in the Public Defender's office. Further research could examine this possibility more closely.

Sex

The judge is also not discriminating according to sex. Males and females appeared to be treated equivalently in certification decisions although the number of females in this sample was small (9). A small sample of females in juvenile certification studies is normal, as males tend to commit the majority of crime. In examining a larger sample of females who receive certification hearings, biasness may be revealed. Judges may be more reluctant to punish females harshly for serious crimes.

Legal Factors in Certification Decisions

Criminal History

The influence of criminal history—determined by prior charges, prior petitions, and prior seriousness of offenses—showed mixed findings. The lack of a significant correlation between seriousness of offenses and certification shows that there are not particular offenses that guarantee certification. For example, although robberies were frequent, they did not have a main effect on being certified. According to the Depth of Delinquency Index, robbery is a crime that the community perceives to be relatively serious (besides the crime that falls under presumptive waiver, i.e. murder). If seriousness of offense reveals dangerousness to the community and community safety is

a primary goal of certification, robberies should have a main effect on certification to reflect a low tolerance for dangerous crimes such as this one. Community safety is further discussed below.

The number of prior charges was influential in certification outcomes, while prior petitions and seriousness of charges were not. This finding likely indicates that the court is more concerned with the offender, rather than the offense itself. A long record of criminal history in the juvenile court system reveals that particular youth are resistant to change. It is likely the judge believed that options for particular youth (those ultimately certified) in the juvenile court system had been exhausted and they were reasoned to be non-amenable. Originally, rehabilitation was the primary focus of the juvenile justice system. That original focus seems to be kept in mind during certification hearings for juveniles in Clark County, as the amenability factor assesses whether youth are likely to be rehabilitated in the juvenile justice system and was found to be correlated with certification outcome.

Amenability, as represented by prior charges and petitions, was the most influential factor among legal and extralegal factors. The number of prior charges was found to be significantly correlated with certification decisions, while the number of prior petitions was not. Consideration of the larger range for prior charges may help shed light on this paradox. A larger range allows for more variability when assessing significance of correlations. There is a larger range for prior charges than for prior petitions because a juvenile may be charged with several crimes and only be petitioned to appear in front of a judge for those charges on one occasion. The number of charges a juvenile has incurred

is always equal to or more than the number of petitions because he/she must be charged with having committed 1 or more crimes to be petitioned.

Maturity

Although psychologists are often introduced into the waiver decision process to determine maturity of youth, maturity was conceptualized in this study to mean age, as court records do not provide psychological assessments. As Whiteman and Kosier reported (1964), the capacity to make mature judgments increases with age. Certification should be more likely for older and more mature defendants, as exhibited in previous studies.

However, in the current study, this was not the case. Maturity, determined by age, did not predict outcome. This result is unique because prior research has found a significant positive correlation between age and certification outcome. Other factors seem to have been more relevant to the judge when assessing juveniles for certification.

Community Safety

Community safety is a leading rationale for making use of certification, but it may be too hastily taken up as an accomplishment. Community safety was not overwhelmingly achieved through certification. When only examining certified youth, 57% received jail sentences, but 43% received probation sentences. The certification process is supposed to allow for more severity in sentencing, thus, a larger majority of certified youth should have received jail sentences to protect community safety. Instead, many youth were allowed back in the streets, with no treatment, and perhaps to reoffend. What is more, the most common jail sentence length for certified youth was 2 years. Considering all of the

possibilities for sentencing that are available to youth who are waived to the adult system, 2 years does not seem to be a particularly severe sentence. With these facts in mind, youth might not be particularly deterred by the threat of certification either. Knowing that they have a good chance of receiving probation or if sentenced to jail, they will likely receive a 2 year sentence, the threat is not clearly apparent for deterrence purposes.

Also, in the multi-state study discussed in the literature review, 2% of all petitioned delinquency cases were certified to adult court (Nimick et al., 1986). Other sources reported that 1.4% of cases were certified (DeFrances & Strom, 1994). In the current study, only .94% of all petitioned delinquency cases (n=8,937) were certified to adult court. It was believed that with the adult-like environment of Clark County and the larger concentration of juveniles, more juveniles might be certified. Instead, the percentage of certifications in Clark County is less than reported in other studies. It is possible that the judge is certifying less youth in comparison to other courts. Although these actions on the judge's behalf may reflect a willingness to rehabilitate in the juvenile justice system, it may not be best for community safety.

On the other hand, sentences for youth who were certified were not able to be adequately compared to juveniles who remained under juvenile court jurisdiction and were placed in residential facilities. It is possible that community safety is better served when youth are certified and incapacitated versus the informal treatment and probationary dispositions imposed in juvenile court.

Theory Application

Labeling Theory and Critical Race Theory are relevant to this study in regards to understanding the overrepresentation of Blacks in the juvenile justice system. The difference between the Black juvenile population in Clark County and the Black juveniles represented in the sample suggests that Black youth may be targeted in the way the two theories propose. Although Critical Race Theory may help to explain why many Blacks are brought into the criminal justice system, it may be less important in understanding the outcomes in the certification stage. Discrimination was not apparent in the analyses of certification outcomes.

Labeling Theory suggests that once pulled into the criminal justice system, youth will internalize this negative label, which will be reflected in their behavior. Although White youth can be labeled, Labeling Theory suggests that it is less likely in comparison to minority youth. The current study attempted to demonstrate the effect of Labeling Theory on Black youth by an examination of probation revocation rates among youth who received certification hearings. Due to a lack of probation revocations (12), it was difficult to apply Labeling Theory in this way. Black youth were represented in 7 of the probation revocation cases. White youth represented 5 cases. Although this is a small difference, a larger sample size may have revealed greater differences.

Labeling Theory applies if juveniles internalize the label of “serious criminal” as a result of the certification process, inconsiderate of actual certification decisions. It would follow that because more Blacks received certification hearings (58%), more Blacks were labeled and then re-offended as a result (7) in comparison to White youth (5).

Labeled youth may be more likely to repeat lower level offenses, as the negative relationship between seriousness of offense and criminal history indicates. Youth who had a high number of prior charges committed less severe offenses. Although contact with the criminal justice system may have caused labeled youth to re-offend, it may also have kept them from committing more serious offenses. Contact with the juvenile justice system before their criminal career had an opportunity to escalate in seriousness, could have served as a *boundary checkpoint* for adolescents who were testing limits. However, those youth who did not encounter the reality check that the criminal justice system delivers while they were still committing minor offenses, may have escalate their criminal behavior without consequence. They then encountered the criminal justice system when they had committed more serious offenses that were less likely to go unnoticed.

Although these findings may support Labeling and Critical Race Theories, this research was not designed to test these theories. Further research could test them more deliberately.

Limitations

This research is limited by the relatively small sample size. For example, with only 9 girls appearing for certification hearings, it was difficult to get a comprehensive picture of the effects of sex. There were also only three 14 year olds and two 19 year olds in the sample. Previous research found a correlation between maturity and certification. It is possible that the lack of correlation between age (maturity) and certification found in the current study is a result of the small sample size.

This study is also limited by its short follow-up period for re-offending. More juveniles, both those who remained in juvenile court as well as those who were certified to adult court, are likely to have had their probation revoked across a longer follow-up period.

This study was not able to make conclusions about deterrence or Critical Race and Labeling Theories. A lack of probation revocations hinders a comparison of reoffending rates between certified and non-certified youth to assess deterrence. In order to test for Critical Race and Labeling Theories, more specific details of socio-economic factors and an examination of the prior stages in the criminal justice system are needed.

Recommendations for Future Research

Future research should assess probation violations at least five years following certification decisions, as five years is a common probation sentence length. This time frame will allow for more time to re-offend as well as allowing for a better assessment of individual deterrence. Reading court reports regarding probation violations instead of using probation revocation as a variable will allow for a better determination of whether probation was actually violated in the juvenile system and the judge simply gave a warning or if the youth was determined not to have violated their probation at all.

In an effort to evaluate probation sentence lengths more aptly, future research should consider following cases for even longer—from certification to close. Since probation sentence length is not always provided in the juvenile court at adjudication, it can be recorded when the judge terminates probation.

Future research should also consider using a sample of cases involving certification hearings from a year prior to 2007 that involved a larger sample of juveniles. A larger overall sample may increase the number of cases within variables, such as sex, where there was a very small population of females (9).

Conclusions

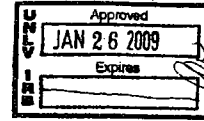
The measures for deciding certification decisions should be reassessed. In the current study, only one of the factors for assessment seem to have been considered and reflected in the target youth—the amenability factor. Although certified youth demonstrated they are less likely to be amenable due to their extensive criminal histories, they were not necessarily the most mature and dangerous offenders. The amenability factor may be the most important factor, since it was the primary concern of the juvenile court at its inception, it has been significant in past research, and it was significant in the current research. Amenability is consistently a factor, but are their other legal factors more relevant in determining certification outcome besides maturity and dangerousness? Goal consensus should be achieved regarding the ideal profile of youth who should be targeted for certification. Other goals of certification need to be re-evaluated as well. The goal of community safety does not appear to have been wholly achieved through certification in Clark County. Although having a certification hearing may have encouraged juveniles to commit less serious offenses, many certified youth were released into the community on probation. Deterrent effects were not conclusive.

An overall conclusion that may be drawn is that Clark County is not meeting the intended goals of certification. This shortcoming is often reflected in research conducted

in other jurisdictions. However, other studies have also reported unintended consequences of sexual and racial disparity. Clark County has been able to avoid this morally and legally undesirable outcome. Arguably, avoiding unintended consequences is more important than reaching intended goals.

APPENDIX I

IRB APPROVAL



**Social/Behavioral IRB – Exempt Review
Approved as Exempt**

DATE: January 30, 2009
TO: Dr. Margaret Alexis Kennedy, Criminal Justice
FROM: Office for the Protection of Research Subjects
RE: Notification of IRB Action by Dr. Paul Jones, Co-Chair *PJ*
Protocol Title: **Juvenile Certification in Clark County, Nevada**
OPRS# 0812-2975

This memorandum is notification that the project referenced above has been reviewed by the UNLV Social/Behavioral Institutional Review Board (IRB) as indicated in Federal regulatory statutes 45CFR46.

The protocol has been reviewed and deemed exempt from IRB review. It is not in need of further review or approval by the IRB.

Any changes to the exempt protocol may cause this project to require a different level of IRB review. Should any changes need to be made, please submit a **Modification Form**.

If you have questions or require any assistance, please contact the Office for the Protection of Research Subjects at OPRSHumanSubjects@unlv.edu or call 895-2794.

APPENDIX II

DEPTH OF DELINQUENCY INDEX

Depth of Delinquency Index

Standard Score	Offense Description
2	Trespasses by walking across a vacant lot
3	Accidentally destroys a neighbor's property valued at \$4
12	Disrupts a class at school
13	Runs away from home
14	Loiters on school property
14	Sneaks into a movie without paying
16	Gambles money on a dice game
22	Is truant from school
24	Steals merchandise worth \$2.95
25	Is found to be in possession of liquor
25	Fails to identify him/herself to a police officer
26	Attacks another youth without inflicting injury
27	Causes a disturbance in public
29	Has no driver's license and drives a parent's car across town without permission
29	Is impossible to control, according to parental complaints
30	Is caught smoking marijuana
31	Is intoxicated in public
31	Throws rocks through windows
32	Changes price tags in a store to save \$10
32	Buys \$100 worth of goods using parent's credit cards without permission
32	Harasses someone with repeated phone calls
33	Steals merchandise worth \$20
33	Is found to be in the United States illegally
34	Runs away from a placement to which he/she was committed
34	Hinders police who are attempting to arrest a fiend
35	Is caught sniffing glue or paint
37	Spray paints some words on a monument in a city park
37	Is caught in possession of 5 ounces of marijuana
38	Destroys public property valued between \$5 and \$50
39	Runs from police to avoid arrest
41	Falsely reports a fire
42	Breaks into a Coke machine and steal \$25 worth of coins
43	Carries a switchblade knife
47	Trespasses in a neighbor's house while they are away
48	Forges a parent's signature on a check for \$60
48	Is caught driving while intoxicated
48	Is found to be in possession of a parent's prescription bottle of amphetamines
48	Steals mail from the boxes of other residents in his/her apartments
48	Tortures and injures a neighbor's cat

49 Has violate the rules of his/her probation
51 Drives his/her car home from a repair shop without settling a \$300
repair bill
51 Sells marijuana
51 Beats up and injures another youth
53 Telephones a bomb threat to a local school
3 Escapes from the police after being arrested
53 Steals merchandise values at \$100
56 Accidentally kills a playmate during dangerous play with a gun
57 Has an auto accident and drives away without stopping
57 Engages in prostitution
58 Breaks into a building, stealing a typewriter worth \$250
59 Robs a store and injures the clerk, who goes to the hospital, is
treated and released
59 Breaks out store windows for over \$500 damage
60 Is found to be in possession of cocaine
60 Attempts to commit suicide
61 Steals a car
63 Exposes his genitals to a small girl
64 Causes another child to be seriously injured
64 Is found to be carrying a stolen gun
67 Robs a person of more than \$500
70 Is caught injecting heroin
71 Is caught selling narcotics
77 Fatally injures another person during a gang fight
79 Sets fire to a neighbor's house
82 Kidnaps another child
88 Forces a child into an act of sex
96 Rapes a younger child
99 Kills someone as a result of an argument

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VITA

Graduate College
University of Nevada, Las Vegas

Brittnie Watkins

Home Address:

2141 Chertsey Drive
Unit D
Las Vegas, NV 89108

Degrees:

Bachelor of Arts, Criminal Justice, Psychology 2006
Michigan State University

Special Honors and Awards:

High Honor Graduate

Thesis Title: Targeting Youth—Hit or Miss? Juvenile Certification in Clark County,
Nevada Examined

Thesis Examination Committee:

Chairperson, Dr. M. Alexis Kennedy, Ph.D.
Committee Member, Dr. Tamara Madensen, Ph.D.
Committee Member, Dr. Randall Shelden, Ph.D.
Graduate Faculty Representative, Dr. Barbara Brents, Ph.D.