

2023

## Juvenile Delinquency: The Effectiveness of the Juvenile Direct File Law

Kimberlee Nicole Taggart  
*Walden University*

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# Walden University

College of Psychology and Community Services

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Kimberlee Nicole Taggart

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Walden University  
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Abstract

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by

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MPhil, Walden University, 2020

MA, Saint Leo University, 2012

BS, Bethune Cookman University, 2008

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Law and Public Policy

Walden University

May 2023

## Abstract

The juvenile direct file law stands firm among Florida laws despite lacking research to show its effectiveness in the prevention of juvenile delinquency. In Florida, juvenile delinquency and the juvenile direct file law cause significant concern due to the uncertainty surrounding the law. The Florida juvenile justice system fosters a vital position in the lives of many children, young adults, and families. Florida's direct file law has a negative impact on the health, mental health, education, and brain development of juveniles and their ability to separate from a criminal lifestyle. Identifying the direct file law's effects on the future of youths can provide further insight on why the current approach does not successfully deter juvenile delinquency. The purpose of this qualitative phenomenological study was to explore the effectiveness of the law and to determine if the juvenile direct file law works to address juvenile delinquency. Labeling theory and psychodynamic theory served as the theoretical frameworks. In-depth semi structured interviews were conducted with eight participants who were professional personnel involved with juveniles who were direct filed and juveniles who remain in the juvenile system. Analysis of the collected data revealed that Florida's direct file law attributed to a decrease in abilities necessary for juveniles to become functioning members of society. The results of this study have potential implications for positive social change by informing practitioners and policy makers of the effects the direct file law has on juveniles' future to assist in rehabilitation methods to reduce recidivism rates.

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## Dedication

To my dad, Aaron Taggart Jr., thank you for teaching me to be the kind and caring person I am today. It is because of you I stand at this stage of my life, strong, bold, courageous, and full of purpose. Although you are not physically here with me, I know you are proudly looking down from Heaven. I have always wanted to make you proud Dad, and I believe in my heart I am doing just that. I love you so much and I thank you for being my guardian angel above.

To my mom, Pamela Taggart, thank you for all you have done and sacrificed to raise me as the strong and independent woman I am today. I know it was not easy and at times you felt like giving up. Thank you for not giving up and for staying the course in shaping me into the woman I am today. I love you dearly and I thank God for you often.

To my siblings, Ebony Taggart, Aaron Taggart, Brandon Taggart, Christopher Taggart, and Mia Taggart, thank you for all the encouragement, pep talks, sharing of life's lessons, and strength. To my nieces, Azariyah and Allison, and my nephew, Parker: I love each of you dearly and I want you to know... WE made it! All thanks and praise to my Lord, and my Savior, Jesus Christ- I owe my life. Without Him nothing is possible.

To my auntie Barbara and uncle Erwin, I love, and I appreciate you for everything you have done and will continue to do in my life. Thank you for all the love shown, advice given, helping hands, and teaching of life's lessons. I could not dream of a better auntie and uncle.

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## Chapter 1: Introduction to the Study

### **Introduction**

Juvenile delinquency is the habitual or continuous act of committing criminal offenses by a young individual in their adolescence, who is under the age of 18 (Ash, 2019). Juvenile delinquency is a serious problem that forces the justice system to make rulings on punishment and consequences (Espinoza et al., 2011). Due to the serious nature of crimes some juveniles commit, the Florida state justice system created policies and laws to deal with juvenile offenders such as the direct file law. The Florida direct file law and policies differ from laws created in the original juvenile justice system in late 1800 (Ash, 2019). In early 2000, Florida legislatures created and expanded the juvenile direct file law throughout the entire state as means to deal with serious juvenile crime (Walters, 2017). The Florida direct file law stipulates juveniles to be tried and prosecuted in the adult criminal justice system for specific violent crime offenses (Griffin et al., 2011). Due to the nature of violent offenses juveniles commit, the juvenile direct file law stands firm among Florida's commonly used policies and laws to deal with juvenile crime.

The historic impact of the juvenile direct file law has created questions and concerns within the justice system due to the lack of research exploring the effectiveness of the law (Miller & Applegate, 2015). No research has shown or tracked juveniles waived to the adult criminal justice system to determine if the direct file law is best practice (Griffin et al., 2011). This problem has negatively impacted the state of Florida's justice system, juveniles, and juveniles' families (Fagan, 2013). *Graham v. Florida* is an example of how the direct file law did not serve as best practice and the negative impact

it had on the juvenile. This case explores the life of Terrance Graham, a 16-year-old juvenile who was tried and convicted of armed home robbery as an adult. The major issue of the case was whether “imposing a life without parole sentence on a 16-year-old juvenile convicted of a non-homicidal offense” violated his Eighth Amendment right. The Supreme Court ruled that the ruling did violate Graham’s Eighth Amendment right. The Eighth Amendment’s Cruel and Unusual Punishment Clause does not permit a juvenile offender of the law to be sentenced to life in prison without parole for a nonhomicidal crime (*Graham v. Florida*, 2010).

The juvenile direct file law has shifted the juvenile justice system from its original method from 1900. One of the original purposes of the juvenile justice system was to rehabilitate youth and not focus on punishment alone. No research exists to show the effectiveness of the law on juveniles, victims, and the justice system (Butts, 2012). However, studies are available on the negative consequences of the juvenile direct file law and the differential effects it has on youthful offenders.

The effects the direct file law has on juveniles, juveniles’ families, and the justice system are massive. The dramatic shift in the juvenile direct file laws is based on the premise that some offenses warrant adult criminal prosecution because violent juvenile offenders are beyond rehabilitation (Miller & Applegate, 2015). The effects of the juvenile direct file law in the state of Florida have far-reaching effects into the lives of juveniles, families, and communities and in delinquency rates. Florida’s juveniles are suffering physically and emotionally daily in adult jails and prisons, and there is a lack of

research proving the direct file law affects juvenile offenders in a positive way (Blokland et al., 2015).

The juvenile justice court system was created for the purposes of serving and catering to the best interest of children. Children have different needs, physiological and psychological, than adults do. The current direct file law represents a departure from the original understanding of the juvenile justice court created in late 1800. Effects such as recidivism rates, physical and mental abuse of juveniles when incarcerated with adults, lack of safety for juveniles, lack of education opportunities, and juveniles' social needs are of concern when juveniles are transferred to the adult criminal justice system (Ash, 2019).

Miller and Applegate (2015) showed that the adult criminal court system is ill-prepared and not equipped to meet the needs of youthful offenders. This includes all stages of the justice process, beginning with the initial arrest through sentencing and imposed sanctions (Merlo & Benekos, 2016). In addition, juveniles may not be able to actively participate in and understand the court proceedings in the adult criminal justice system because adult court proceedings differ from juvenile court proceedings. Juveniles' brains are not yet fully developed, which plays a role in juveniles having different physiological and psychological needs than adults (Cohen & Casey, 2014).

### **Background of the Study**

Juvenile delinquency is the habitual act of committing a crime by a young person who is under a legal age to be prosecuted or held accountable as an adult offender (Miller & Applegate, 2015). Juvenile delinquency is a costly and serious concern for the Florida

justice system due to many factors. One factor is the rate at which juvenile crime takes place in certain areas in Florida. Juvenile crime affects all who are involved including the juvenile offender and the victim or the family member of the juvenile who committed the crime (Merlo & Benekos, 2016). To address the issue the Florida juvenile justice system faces with juveniles committing adult crimes, the direct file law and polices were created (Walters, 2017).

The Florida state legislature passed State Bill 1548 in 2000, which mandates the state attorney's office to direct file juveniles directly to the adult justice system for offenses that fall under Chapter 775.087, which are offenses punishable by life if committed by an adult (Walters, 2017). These offenses include attempted murder, murder, and armed robbery with a firearm. The juvenile direct file law was intended to address the issue of juvenile delinquency. Despite the creation of the law, serious juvenile crime still takes place throughout Florida (FindLaw, 2017). The state of Florida is leading the entire nation with direct filling and prosecuting juveniles as adults.

Compared to other states, Florida ranks as the worst for juveniles up against the law due to the justice system waiving so many juveniles to the adult court system for punishment (Merlo & Benekos, 2016). Waiving juveniles to the adult criminal justice system without studies to show the effective of the direct file law may be dangerous (Butts, 2012). This is an issue for all parties involved because there is no way of knowing whether the waiver helped or hurt the juvenile and the society. Factors bearing on the problem, such as recidivism rates and safety, social, educational, and physical needs of a



juvenile suggest that positive social change is needed in Florida regarding the juvenile direct file law to properly address juvenile delinquency (Miller & Applegate, 2015).

Juveniles have physiological, social, and emotional needs different from those of adults, and research is necessary to determine if the juvenile direct file law is appropriate or if juveniles should remain in the juvenile justice system for rehabilitation (Merlo & Benekos, 2016). A juvenile's needs differ from an adult's physically, socially, educationally, and psychologically; a juvenile's brain is not yet fully developed (Merlo & Benekos, 2016). The juvenile direct file law creates other issues within the justice system once the juvenile is waived. Issues include safety, traumatic experiences, lack of educational opportunities, lack of mental health resources, lack of necessary counseling, lack of rehabilitation, and lack of youthful offender prisons available in the state of Florida and the recidivism rates among waived youth (Listenbee, 2013).

When the first juvenile court came about in late 1800, the primary focus was the rehabilitation of youth. In addition, because of the recognition that youth were still developing, and their needs were not the same as adults, a justice system separate from adults was created (Griffin et al., 2011). Social reformers spoke out on the issue of juvenile delinquency and began to create special facilities and courts for troubled youth. The early juvenile court that evolved in Illinois made way for other juvenile courts (Blackstone, 2011). The purpose of the juvenile justice system is to serve the best interest of the juvenile while understanding that juveniles should not be treated as adults. Research shows juveniles need rehabilitation and not punishment alone because

rehabilitation is geared to reduce crime, foster the youth to becoming a model citizen in adulthood, and create a healthier juvenile (Cohen & Casey, 2014).

The Florida juvenile justice system fosters a vital position in the lives of many children, young adults, and their families. The role of the Florida juvenile justice system is unclear as it waives several juveniles to the adult court system for sentencing without actual studies showing whether this method is effective (Miller & Applegate, 2015). In 2015, the Florida juvenile justice system waived more than 3,500 children to adult court and tried them as adults to deal with the serious crimes juveniles commit in the state of Florida (Merlo & Benekos, 2016). Nonetheless, research is not available regarding whether the law is helping or hurting juveniles and the Florida justice system. Research is needed to determine the effectiveness of the waiver. Furthermore, due to the dramatic increase in recidivism among juveniles in Florida, the need to address this issue is apparent (Butts, 2012).

### **Problem Statement**

The enactment of the direct file law in the state of Florida has created a problem because of the unforeseen consequences for juveniles and society. In 2000, the Florida state legislature passed a state bill (SB-1548) that makes filing criminal charges of a juvenile in adult court mandatory for specific violent criminal offenses (Walters, 2017). For youthful offenders, ages 14 to 18, Florida legislation mandates a direct file for the crimes of murder, arson, felony sexual battery, manslaughter, aggravated kidnapping, aggravated assault with a deadly weapon, and armed robbery (Walters, 2017).

Currently, juveniles waived to adult court suffer emotionally, physically, and mentally (Miller & Applegate, 2015). Because a lack of knowledge exists on the effectiveness of the direct file law, Florida's significant use of the law is concerning (Butts, 2012). Waiving a juvenile to the adult court system is a severe measure because the juvenile is stripped of policies designed to protect, rehabilitate, and reform and find a measure of accountability for the criminal behavior (Merlo & Benekos, 2016). The mandated direct file law strays away from the complete services the juvenile justice system sought to bring about (Ash, 2019). There is a gap in knowledge of whether the juvenile direct file law is working to address juvenile recidivism, juvenile rehabilitation, and restorative justice.

### **Purpose of the Study**

The purpose of this study was to help determine if the direct file law in Florida is the proper course of action to address crime rates and delinquency among juveniles. The purpose of this study was to help determine if a policy/law change is needed to address the lack of evidence showing the direct file law works in deterring juveniles from committing serious crimes in Florida (Abudu et al., 2015). In this study, I sought to provide an understanding of the effectiveness of the juvenile direct file law for the state of Florida and whether the law effects the outcome of a safer society and the overall well-being and rehabilitation of juvenile offenders. Juveniles are the future and must be protected and nurtured to assist in positive change throughout society (Walters, 2017).

Turning around the lives of troubled youth is part of the Florida juvenile justice system's mission (Walters, 2017). Essentially, to turn around the lives of troubled youth,

rehabilitation efforts must be made to foster a change in the lives of juveniles within the justice system. I explored and researched the effect of juveniles being tried in the juvenile justice system that is designed and structured for them and juveniles being tried in the adult criminal justice system, which was not created for young people 18 years and younger. To collect data, I conducted Zoom interviews with juvenile justice professionals, including juvenile and adult probation officers, detention center staff, and public defenders.

### **Research Questions**

Research Question 1: How does the juvenile direct file law process impact the juvenile and society as a whole?

Research Question 2: What is the intended purpose of the direct file law?

Research Question 2A: Is the direct file law effective in meeting its intended purpose?

Research Question 2B: What are the benefits and consequences of using the direct file law for juvenile offenders?

Research Question 2C: What factors are desired for the best outcome for both the juvenile and society?

### **Theoretical Framework**

In this study I used labeling theory (LT) and psychodynamic theory (PT) as the theoretical framework. Howard Becker, a prominent labeling theorist, is responsible for the creation of LT through his book *Outsiders* in 1963 (Becker, 1967). This theory soared throughout 1960 and brought about policy changes in mental health and juvenile

diversion programs. Becker set out to develop a theory that life experiences affect the way individuals view themselves, which sometimes goes against what is socially or politically correct (Slobogin, 2013).

When individuals are labeled or categorized as *criminals*, they tend to develop self-identities as a criminal and act upon their identification (Cox et al., 2021). When housed with other individuals of the sort, these criminalized individuals are acting and reacting to their own self-fulfilling prophecy (Becker, 1967). According to LT, juveniles may identify themselves as serious criminals when they are direct filed and experience incarceration as an adult. Criminal behavior is also likely to increase after serving time with adult offenders (Miller & Applegate, 2015).

Sigmund Freud is credited as the founding father of PT between 1890 and 1930 (Crissmen, 2008). PT is explained as a psychology theory that views the mind's conscious and unconscious decisions as the drive or functioning of human behavior (Higdon, 2012). According to PT, past experiences have a direct impact on current behavior, and childhood experiences are critical in shaping adult personalities (Kaufmann, 2017). For example, a juvenile may have been abused or witnessed a parent or loved one being abused, which may cause them to lead a life of crime. Perhaps a juvenile saw their parents live a crime-filled life and want to follow in their parents' footsteps (Merlo & Benekos, 2016).

Influential psychologist Carl G. Jung helped build upon PT in early 1900 through his own research and theories of the unconscious forces affecting individual behavior, personalities, and psychology (Kaufmann, 2017). Jung's approach holds that unconscious

and conscious childhood experiences are the basis of adult personality and what happens in adulthood (Feld, 2009). Juveniles act upon what they see or have been exposed to directly, indirectly, consciously, or unconsciously. Juveniles should be tried as juveniles and not as adults because they are unable to think and respond as adults (Farrington, 2011).

These theories are appropriate for the study because rather than addressing how common social institutions and policies define and impact individuals, the theories are focused on how juveniles make sense of their world, what factors influence a juvenile to commit crime, and why research is necessary to address the effectiveness of the juvenile direct file law. Both frameworks provide details on juvenile crime, the main reasons why rehabilitating the whole juvenile is necessary, and why the juvenile justice system may be the best option for a young person. These theoretical frameworks are appropriate because they provide the foundation for changing public policy on the issue of the juvenile direct file law and juvenile delinquency.

### **Nature of the Study**

In this study, I employed a qualitative method approach to explore participants' perceptions on the direct file law and the effects the law has on juveniles' futures. The qualitative method is a better choice for this study than quantitative because qualitative research is focused on meaningful words rather than numbers alone (Liljedah et al., 2018). The qualitative method provides depth to a study rather than only breadth (Jamshed, 2014). The qualitative method helps researchers to explore and dig deep into the issues being studied to gather in-depth data on the topic (Creswell, 2016). The subject

of juvenile delinquency and the effectiveness of the direct file law is a topic that needs more in-depth studies to aid in creating positive social change. The qualitative method assists in informing new concepts, thinking, and theories while allowing a researcher to uncover participants' thoughts, feelings, and professional, unbiased knowledge on the subject (Jamshed, 2014).

In this study, data collection will involve interviews via Zoom or telephone focused on the effects of juveniles who are tried in the juvenile justice and adult criminal justice systems. The phenomenology research design is a qualitative design that assists a researcher in focusing on the commonalities of lived experiences within a specific group. The foundational mission of the approach is to thoroughly describe the nature of the phenomenon (Creswell, 2013). The phenomenological approach design was used to assist in answering the research questions in this study. This approach allowed for gathering data from juvenile probation officers, adult probation officers, public defenders, and juvenile detention center staff surrounding former or current juveniles in the family, school, community, detention, and jail settings who were and were not affected by the juvenile direct file law.

An interview is generally a qualitative research technique that consists of asking participants open-ended questions in a conversational form to evoke and collect fact finding about a subject or matter (Lim et al., 2017). One of the top qualitative research instruments used today is the interview method. Jamshed (2014) showed that interviews are a favorable and widely used method for collecting data in qualitative research. Interviews can be conducted in two ways, the collective format or via face-to-face

individually or within a group. Both ways should be conducted in a goal-oriented conversational stance to evoke the most knowledge from the participant (Liljedah et al., 2018). A researcher uses interviews when they want to obtain firsthand knowledge directly from participants who work hand in hand with the population being studied (Creswell, 2013). Interviewing allows a researcher to get in the mind of the participant to perceive their feelings and personal knowledge of the subject (Lim et al., 2017).

The phenomenological approach was employed to place attention on the data received from juvenile probation officers, adult probation officers, public defenders, and juvenile detention center staff focused on 21 juveniles ranging in age from 13–19. To collect, sort and organize data, NVivo software was used. NVivo assists researchers in the analysis of data collected from interviews. Asking participants through interview questions about the data of seven juveniles from crime-ridden communities in the state of Florida, seven juveniles from the suburbs of Florida, and seven juveniles who lived in middle-class communities will assist me in gathering unbiased and effective data from participants. This qualitative analysis should help pinpoint the groups of juveniles sentenced to the adult criminal court and groups of juveniles who remained in the juvenile system to show the effects the adult and juvenile systems has on juvenile delinquency rates.

### **Definitions**

*Adjudication:* In the state of Florida, the court finds a juvenile guilty of committing a delinquent act and formally convicts the juvenile. The criminal conviction is placed on the juvenile's criminal record (Merriam-Webster, 2021).



*Adjudication withheld:* In the state of Florida, the court finds that a juvenile committed a delinquent act but does not formally convict the juvenile to avoid a criminal conviction on the juvenile's record (Sartes et al., 2008).

*Adjudicatory hearing:* A hearing to determine and find a juvenile guilty of committing the crime beyond reasonable doubt in the state of Florida. The court determines if the facts support the crime or allegation (Stiller, 2020).

*Adult:* A mature or fully grown individual, normally 18 years old and above (Merriam-Webster, 2018).

*Aftercare:* A juvenile is placed in aftercare after they have been released from a juvenile commitment program. There are two types of aftercare in the state of Florida, post-commitment probation and conditional release. Both are state-operated programs that monitor the youth after they have been released from their residential commitment program (Florida Department of Juvenile Justice, 2012).

*Civil citation:* An alternative to arresting a juvenile in the state of Florida. A civil citation is normally used for misdemeanor offenses and allows a juvenile to remain at home during the court proceedings to deal with the offense (Wesley-Nelson, 2012).

*Cognitive behavioral therapy (CBT):* A redirection therapy measure that assists juveniles with mental health development. Components of CBT focus talk and play therapy. CBT allows juveniles to talk through their issues with a therapist who has a specialty in dealing with juveniles with anxiety, emotional disorders, depression, and behavioral issues (Morton et al., 2016).

*Commitment to the department:* A juvenile is found to be guilty of a criminal offense and is sentenced to a residential program. A youth is placed in a juvenile residential program to serve time for committing a delinquent act. The decision to commit a youth to the department is made by a judge and based in Florida Statute, Chapter 985.441 (Justice, 2012).

*Community assessment tool (CAT):* A tool that consists of many questions that the state of Florida uses to determine a juvenile's risk to reoffend the law, what services a juvenile need, and the juvenile's strengths mentally and physically (Greenwald, 2019).

*Conditional release:* The treatment, care, supervision and help a juvenile receives after being released from a department of juvenile justice residential facility. Conditional release is set up to provide aid to the juvenile to assist in preventing recidivism and promoting rehabilitation and assistance in the transition from juvenile to adulthood (Legislature, 2020).

*Delinquent youth:* A person who has violated the law before reaching 18 years of age. In the state of Florida, the juvenile court handles cases until a youth offender's 19th birthday or until the youth has fulfilled the court order or has been adjudicated (FindLaw, 2017).

*Direct file law:* A state of Florida law that occurs when state attorneys choose to deny a juvenile their Eighth Amendment protections and transfer the case from juvenile court to adult court to be punished as an adult (Florida Department of Juvenile Justice, 2012).

*Disposition hearing:* A hearing for the court to determine what sanctions, services, and conditions should be imposed on a juvenile for committing a criminal offense (Walters, 2017).

*Functional family therapy (FFT):* An intensive therapy that focuses on the dysfunctional family dynamics that lead to juvenile delinquency and higher recidivism rates. FFT is a family intervention program applied to a wide range of problems a juvenile may face in their family setting. FFT is an evidence-based service available for all youth and families in the state of Florida (Florida Department of Juvenile Justice, 2012).

*Juvenile:* A person under the fixed age by law, 18 years old in the State of Florida, at which time would be charged as an adult for a criminal act (Merriam-Webster, 2018).

*Juvenile delinquency:* The habitual or continuous act of committing a crime by a young person who is under a legal age to be able to criminally prosecute ordinarily (Miller & Applegate, 2015).

*Juvenile detention center:* A facility where youth and only youth are securely held pending court hearings to serve their time for committing a crime, for contempt of court, or while awaiting placement in a commitment program (Florida Department of Juvenile Justice, 2012).

*Juvenile residential program:* A facility where youth and only youth are sentenced by a judge to serve time for violation of the law. The goal and design of a Florida residential placement is to rehabilitate juvenile offenders of the law through

supervision, treatment, education, and counseling for an indeterminate period (Florida Department of Juvenile Justice, 2012).

*Multisystemic therapy (MST)*: A family and community-based therapy treatment that addresses the many factors that contribute to juvenile delinquent behaviors and antisocial behaviors (Florida Department of Juvenile Justice, 2012).

*Post-commitment probation (PCP)*: An aftercare probation placement for a youth who was released from a department of juvenile justice residential program and court ordered to aftercare services. PCP is a statutory probation status that allows the department to retain jurisdiction over a youth, usually to complete court-ordered sanctions such as restitution, court fees, counseling, and community service hours. PCP also allows the department the opportunity to monitor a juvenile's behavior before terminating supervision and freely releasing the juvenile back into the community (Justice, 2012).

*Recidivism rate*: The rate at which one tends to relapse into a former mode of criminal behavior (Walters, 2017).

*Redirections*: A program established by the department and state of Florida's legislature to use community-based interventions and alternatives to in-patient residential treatment programs. Currently there are three rehabilitative services categorized under the redirections umbrella: CBT, FFT, and MST (Justice, 2012).

*Rehabilitation*: To restore a juvenile by therapeutic means to an improved condition or physical function, mentally and physically (Merriam-Webster, 2018).

*Status offense:* An offense or rule breaking a youth may commit that is not illegal for an adult, such as truancy or not attending school, running away from home or group homes, underage drinking, smoking cigarettes, and not abiding by curfew (Justice, 2012).

*Taken into custody:* Juveniles are not arrested in the state of Florida; they are taken into custody by law enforcement officers. If a juvenile were an adult, the term *arrested* would apply (Wesley-Nelson, 2012).

### **Assumptions**

Access to information of a juvenile's record may be difficult to obtain due to juvenile privacy laws and the lack of time from probation officers and detention center staff. Obtaining data on juvenile recidivism from the Department of Juvenile Justice headquarters may be a lengthy process due to lack of time and shortage of staff. Finding juvenile probation officers, adult probation officers, public defenders, and detention center staff who want to participate in the study may be difficult due to their demanding workloads and lack of time. Willingness of juvenile probation officers, adult probation officers, public defenders, and detention center staff to participate may be difficult to obtain.

The juvenile probation officers, adult probation officers, public defenders, and detention center staff may not have the time to complete interviews due to their demanding caseloads and field work. The juvenile probation officers, adult probation officers, public defenders, and detention center staff may not have records of important information to convey to inform the study of the juvenile direct file law. Sorting through the data collected may take a while and I may need to collect more data to inform the

study. The data collected from juvenile justice professionals may not be trustworthy due to the officers own personal opinions, dislikes of the sentencing, or an officer's own bias. The participants may not fully trust me as the researcher and the study of the effectiveness of the direct file law due to their own morals, values, or personal beliefs. Also, because the participants were not personally be known by me, conducting the interview may have been difficult due to potential participant unwillingness to trust me or be candid about certain questions in the interview.

### **Scope and Delimitations**

The participants of the study included four juvenile probation officers, four adult probation officers, four detention center staff, and two public defenders from the Florida Department of Juvenile Justice. Data of 21 juveniles, ages 13–19, were collected in the state of Florida. The data of 10 juveniles who remained in the juvenile justice system were gathered. Data from 11 juveniles were gathered from juveniles who were waived to the criminal justice system and served time as an adult.

The descriptive phenomenology approach was employed to place attention on the data of 21 juveniles gathered by interviews. Participants will answer in-depth questions honestly and openly during the interviews. Participants did not provide demographic information of the juveniles, such as names, date of birth, social security numbers, and addresses or phone numbers. To protect juveniles' identities, no names were discussed, only the juveniles' charges, disposition hearing results to include the intake, disposition process, punishment, life after arrest and life after punishment.

### **Limitations**

Participants may not have knowledge of juveniles' home, school, community, detention, and jail settings. The results of the study are limited to the state of Florida. Other states that deal with juvenile waiver law is not within the scope of the study, which limits the study to juveniles in the state of Florida. The descriptive phenomenology approach employed to place attention on the data of 21 juveniles may not be useful in answering research questions while allowing for the gathering of data on juveniles in the family, school, community, detention, and jail settings.

### **Significance of Study**

The findings of this study may potentially contribute a great deal of knowledge surrounding the issues juveniles, families, and communities face when a juvenile is transferred to the adult criminal justice system. This study was conducted to broaden the understanding that research on the effectiveness of the juvenile direct file law is necessary to create and foster a lasting change in juvenile recidivism rates (Markowitz, 2014). This study contributes to knowledge of the issues behind why juveniles are committing serious crimes. The lack of research that shows whether the juvenile direct file law reduces juvenile delinquency is evident (Feld, 2018).

This study was conducted to fill an existing gap in the literature on the effectiveness of the juvenile direct file law. The effectiveness of the juvenile direct file law is an ongoing issue along with the bigger issue of juvenile delinquency. The juvenile direct file law in the state of Florida can affect the physiological, emotional, and social issues juveniles face when waived to adult court (Merlo & Benekos, 2016). Despite the

justice system waiving youth from their courts to be tried in criminal adult court, crime still occurs, and juvenile delinquency persists (Cohen & Casey, 2014). The juvenile direct file law may not be providing the needed rehabilitation and positive social change in helping juvenile offenders mature successfully to adulthood. Punishing juveniles as adults puts youth at a greater risk for safety concerns and mental and physical issues (Miller & Applegate, 2015).

Determining whether the juvenile direct file law is effective is necessary to gauge whether punishment as an adult helps or whether it exacerbates the issue of juvenile delinquency (Merlo & Benekos, 2016). Furthermore, in this study I delved into the needs that juveniles have that are different from adults to determine if the juvenile direct file law is appropriate or if juveniles should remain in the juvenile justice system for rehabilitation. The focus of the justice system's policies and laws must not focus on punishment alone but also on rehabilitation measures.

Rehabilitating juveniles from a troubled background and giving them a chance at a law-abiding lifestyle is part of creating and fostering better human conditions. The findings of this study will foster positive social change in the world and in the lives of troubled youth. Fostering real-world implications and actions in the juvenile direct file law is necessary to make a positive difference in juvenile recidivism rates and juvenile delinquency. Positive social change is improving human and social conditions that foster positive change (Stanfield, 2016). The youth of today are the future, and they must be nurtured and molded to be productive citizens and bring about positive social change (Listenbee, 2013).



## Summary

Juvenile delinquency is a serious issue in Florida. Signs of juvenile delinquency presented in early 1800, which prompted the creation of the juvenile court. The essential purpose of the juvenile court is to protect and rehabilitate juveniles to foster an upstanding citizen in their adulthood. The Florida juvenile justice system has waived more than 3,500 children to adult court and tried them as adults to deal with high crime rates in 2016 (Merlo & Benekos, 2016). Direct filing a juvenile has become recurrent in the criminal justice system to deal with violent juvenile offenders. Nonetheless, research is not available regarding whether the law is helping or hindering juveniles and the justice system.

Waiving a juvenile to the adult court system is substantial because the juvenile is stripped of the juvenile policies designed to protect, rehabilitate, and reform and find a measure of accountability for the criminal behavior. Juveniles have needs that are different from adults' needs, and research is necessary to determine if the juvenile direct file law is appropriate or if juveniles should remain in the juvenile justice system for rehabilitation (Merlo & Benekos, 2016). In this study, I sought seek to aid in the understanding of the need for research to determine if the juvenile direct file law works to address the gap in juvenile delinquency. In Chapter 2, I present a review of the literature.

## Chapter 2: Literature Review

### **Introduction**

At present, there is no research conducted to explore the effectiveness of the direct file law in the state of Florida. The direct file law holds much weight in the state of Florida, making research on the issue necessary (Walters, 2017). The issue of juvenile delinquency can be traced back to 1800 due to shifts in society (Merlo & Benekos, 2016). Juveniles are committing serious crimes, such as murder, arson, aggravated assault with a deadly weapon, burglary with assault, burglary of an occupied dwelling, and violent sexual offenses (Miller & Applegate, 2015). The state of Florida chooses to implement the direct file law for juveniles in these cases, but there is no research showing the effectiveness of the law. Punishing violent juvenile offenders as adults is one way the court system is handling their cases, but it is highly debated, and no research exists on the effectiveness of the direct file law (Blokland et al., 2015). The question remains of how to deal with juvenile offenders appropriately and the suitable punishments and rehabilitation measures that should follow.

A broader understanding of the need for research on the effectiveness of the juvenile direct file law will be detailed through this study (see Espinoza et al., 2011). The issues behind the lack of research that shows whether the juvenile direct file law reduces juvenile delinquency will be detailed throughout the study. Juvenile delinquency is a serious issue in Florida and forces the justice system to sometimes make unfavorable rulings on punishment and consequences (Walters, 2017). The existing gap in the literature on the effectiveness of the juvenile direct file law is vast (Abudu et al., 2015).

The effects of the direct file law have far-reaching effects into the lives of juveniles, their families, and the juvenile/criminal justice system (Justice, 2015). Following is a discussion of the scholarly articles on what juveniles, their families, and the court system face when juveniles are direct filed to the adult court system.

### **Literature Search Strategy**

The literature review consists of peer-reviewed sources, journal articles, reports, scholarly journals, books, and databases from the worldwide internet. The Walden University Library provided access to databases such as LexisNexis, FindLaw, Google Scholar, JSTOR, and ProQuest. Key words and phrases such as *juvenile*, *waiver law*, *direct file*, *juvenile crime*, and *delinquency* were used as the root of the search. Other search words such as *adult*, *sanctions*, *punishment*, *reduces*, and *tried* were used to narrow the search. From the articles found through these search strategies, a review of references for other authors was used to locate additional information and resources the general search did not access.

The Merriam-Webster Dictionary, Bethune Cookman University library, and the University of Florida library provided additional sources to locate journal articles not found online. There was no literature research found that directly spoke to the effectiveness of the juvenile direct file law. Therefore, the contents of this review are limited to the impact the juvenile direct file law has on juveniles, juveniles' physiological and psychological state, juveniles' family and community, the lack of rehabilitation for juveniles, and the recidivism rates among direct-filed and non-direct-filed juveniles.

## Theoretical Foundation

### Labeling Theory

The prominent labeling theorist, Howard Becker, is credited for LT (Becker, 1967). LT was created for researchers to increase their knowledge of how society uses labels to identify individuals. LT is rooted in phenomenology and is an approach to understand the relationship between individuals and society. Labels and labeling individuals have become a norm in society (Miller & Applegate, 2015). Life experiences affect the way individuals view themselves sometimes deviates from the actual truth (Myers, 2014). When individuals are labeled or categorized as *criminals*, they tend to develop self-identities as a criminal and act upon that identification (Becker, 1967).

Labeling is a major issue in the lives of juveniles because they are impressionable, and their brains are not yet fully developed (Merlo & Benekos, 2016). When juveniles are labeled as *troublemakers* or *juvenile delinquents*, they tend to act out as what they are called or portrayed to be. According to LT, juveniles may identify themselves as serious criminals when they are direct filed and experience incarceration as an adult. Their criminal behavior is also likely to increase after serving time with adult offenders (Miller & Applegate, 2015). Labeling objectives predicts that juvenile arrests will lead to more arrests when juveniles are labeled as criminals or troublemakers. Labels trigger the need for more deviant behavior to occur in juveniles because the juvenile becomes comfortable with the title given through labeling (Slobogin, 2013).

LT purports deviant behavior is not inherent in nature but focuses on tendencies of negatively classifying an individual in a certain negative notion (Chiricos et al., 2007).

Once juveniles are labeled and begin to identify as the label given, the transference of the labeling is proven to show up in the development of delinquent behavior (Ascani, 2012). A juvenile's development of criminal behavior shows that labeling affects a juvenile's individuality, community structure, and social norms (Chiricos et al., 2007). For example, juveniles who have been labeled as *juvenile delinquents* or *troublemakers* internalize the stigma and begin to identify as the self-filling prophecy, which increases their chances of reoffending the law (Markowitz, 2014).

After release from the detention center or jail, a juvenile may be labeled a criminal in their neighborhoods, communities, schools, or place of employment. Juveniles who face labeling have a hard time being released back into the community once incarcerated, especially after incarceration for long periods of time due to self-filling prophecies (Chiricos, et al., 2007). After incarceration, juveniles who attempt to be successful in a society where the criminal offender label is attached to their name may experience challenges. Often, juveniles are stigmatized with negative labeling, which often leads the juvenile to feel less than or a loss of civilization in their lives (Fagan, 2013).

Esbensen et al.'s (2016) contemporary research showed evidence of the serious impacts labeling juveniles has on their individuality, future, education, and employment opportunities. In their study, they concluded that labeled deviant juveniles who associate themselves with other deviant individuals withdraw themselves from normal society and tend to lead a life of further crime, offending at a higher rate (Esbensen et al., 2016). These juveniles tend to reoffend at a higher rate than juveniles who were not labeled

deviant. Due to juveniles' higher rates of reoffending the law, stigmatized juveniles will have increased frequent visits with the criminal justice system than other juveniles who were not labeled deviant (Ascani, 2012).

LT is one of the most important approaches to aid in understanding deviant or criminal behavior and how it affects a juvenile (Ascani, 2012). LT is appropriate for this study because the theory is focused on how juveniles make sense of their world, what factors influence a juvenile to commit crime, and why research is necessary to address the effectiveness of the juvenile direct file law (Chiricos et al., 2007).

LT's limitation begins with the assumption that all criminal and deviant behavior deems an individual a criminal (Cox et al., 2021). This theory can appear to be one-sided because it shows that labeling an individual increases criminal behavior. One must look at the entire picture before labeling a juvenile and deciding the juvenile's fate with the law. Being labeled because of past experiences, family issues, hardships, and lack of knowledge can lead a juvenile to live an early life of crime without knowledge or remorse (Kato, 2017). The strength of this theory comes from knowledge and research conducted to understand why individuals commit crime and how to deal with such behavior.

### **Psychodynamic Theory**

According to Freud's PT, past experiences have a direct impact on current behavior (Higdon, 2012). For example, a juvenile may have been physically or sexually abused or witnessed a parent or loved one being abused, which may cause them to lead a life of crime. PT suggests experiences that happen in an individual's life may cause them

to commit crime (Cox et al., 2021). When basic needs are not met, children often attempt to fill the needs on their own (Aratani, 2009). Children act out based on what they see or have been exposed to directly and indirectly.

The historical case of Curtis and Catherine Jones is an example of how past experiences can cause juveniles to commit violent crimes. In 1999, Curtis, age 12, and his sister, Catherine, age 13, plotted and carried out the murder of their father's girlfriend. The Jones siblings planned on killing their father and a male uncle as well, but they panicked after killing the girlfriend and hid in the woods, caught 1 day later. Curtis was the gunman, and Catherine admitted to wiping the fingerprints off the gun (Murphy, 2015). Their motive for planning to kill their father was due to abuse in their home by live-in family members, and nothing was being done to stop the abuse.

The Department of Children and Families found evidence of the abuse claims made by the Jones siblings on several occasions. The Jones siblings "were forced to face ongoing abuse and molestation with no hope for help from the people who were supposed to protect them" (Murphy, 2015). The Jones siblings both plead guilty to second-degree murder and were sentenced to 18 years in prison. The Jones siblings reportedly told a reporter in a 2009 interview that "being locked up in prison was better than the life they lived at their father's home because they felt safe from their male family member's abuse" (Murphy, 2015).

PT provides details on juvenile crime, the main reasons rehabilitating the whole juvenile is necessary and reasons the juvenile justice system may be the best option for a young person to be rehabilitated for adulthood (Espinoza et al., 2011). Juveniles should

be tried as juveniles and not as adults because they are unable to think and respond as adults (Myers, 2014). PT focuses on getting inside the head or brain of an individual to see what causes them to act the way they do. This theory suggests that an individual's actions and motives stem from past experiences not dealt with properly. PT shows the importance of revisiting childhood experiences because they shape the way a person reacts to present situations (Cox et al., 2021).

The Jones siblings' case is an example of why juveniles should be sentenced and dealt with in their own juvenile justice system. The young juveniles cried out for help on several occasions, the Department of Children and Families was also involved to no avail. These juveniles did not receive rehabilitation services through juvenile programs but were sentenced as adults for acting on past and present traumas they were left to face on their own. A juvenile's brain is not yet fully developed, and juveniles are not competent enough to stand trial in juvenile court or in the adult justice system (Griffin et al., 2011). Juvenile offenders are too young to understand the consequences of their actions because their brains are not yet developed. Juveniles are still playful in nature and rely on their parents to be their advocate and to provide for their physical and psychological needs (Cohen & Casey, 2014).

The PT theoretical framework was appropriate for this study because it provides the foundation for changing public policy on the issue of the juvenile direct file law and juvenile delinquency (Feld, 2009). Juvenile delinquency proves is an issue evident in the state of Florida by the high numbers of serious criminal offenses committed there by



juveniles (Abrams, 2013). The need to understand why juveniles commit crime is the root to the solution of the problem of juvenile delinquency.

### **Literature Review**

The dramatic shift in juvenile direct file laws is based on the premise that some offenses warrant adult criminal prosecution because violent juvenile offenders are beyond rehabilitation (Miller & Applegate, 2015). The juvenile direct file law in the state of Florida has far-reaching effects into the lives of juveniles, families, communities, and victims and delinquency rates. The justice system is allowing the waiver of juveniles to adult criminal justice court as a method of dealing with juvenile crime rates (FindLaw, 2017). Florida's juveniles are suffering physically and emotionally in adult jails and prisons, and there is a lack of research proving if the direct file law affects the juvenile in a positive or negative way (Blokland et al., 2015).

There is a gap in knowledge of whether the juvenile direct file law is working to address juvenile recidivism, juvenile rehabilitation, and restorative justice. In the following literature review, I provide insight into what parties' face when a juvenile is waived from the juvenile justice court, stripped of their juvenile rights, sentenced as an adult, and punished as an adult.

#### **Juvenile Justice Court System: Rehabilitation**

The juvenile justice court system was created for the purposes of serving and catering to the best interest of children (Florida Department of Juvenile Justice, 2012). It was understood that children have different needs, physiological and psychological than adults. The current direct file law represents a departure from the original understanding

that the juvenile justice court created in late 1800. *Graham v. Florida* is an example of how the direct file law did not serve as best practice and the negative impact it had on the juvenile. In the case, *Graham v. Florida*, Terrance J. Graham, a 16-year-old child was convicted of attempted armed robbery and armed burglary. Graham served 12 months and was released. A short time later, Graham found himself in trouble again with the law. This time, Graham was tried and convicted of armed home burglary and sentenced to life in prison without the chance of parole (*Graham v. Florida*, 2010).

Graham appealed the ruling arguing that the ruling violated his Eighth Amendment right against cruel and unusual punishment because he was a juvenile. The Florida district court held that Graham's sentence did not violate his Eight Amendment rights and was not cruel or unusual. Later, the Supreme Court held that the waiver and sentence to life in prison without parole on a juvenile offender violated Terrance J. Graham's Eighth Amendment rights (*Graham v. Florida*, 2010). The Florida Supreme Court held that the Eighth Amendment, cruel and unusual punishment Clause does not allow a juvenile offender of the law to be sentenced to life in prison without the chance of parole (*Graham v. Florida*, 2010).

Miller and Applegate (2015) showed that the adult criminal court system is ill-prepared and is just not equipped to meet the needs of youthful offenders of the law (Miller & Applegate, 2015). This includes all stages of the justice process, beginning with the initial arrest through sentencing and imposed sanctions (Merlo & Benekos, 2016). Issues arise, such as juveniles may not be able to actively participant in and understand the court proceedings in the adult criminal justice system because adult court

proceedings differ from juvenile court proceedings. The juvenile's lawyer may not be able to relate to the juvenile's rehabilitative and social needs due to them solely working with adult offenders of the law (Ash, 2019).

Understanding the long-term legal decision consequences for a juvenile may be difficult in the adult criminal justice system due to the lack of juvenile knowledge the adult judges and adult lawyers may have with juvenile proceedings (Ash, 2019). This is concerning due to the juvenile's mental capacity and the long-term effects of the court rulings. Juveniles' brains are not yet fully developed, which plays a role in juveniles having different physiological and psychological needs than adults (Cohen & Casey, 2014). Slobogin (2013) describes these needs as self-actualization, mental health, the development of social and emotional skills, life skills, belongingness and love need, safety needs and educational skills. These needs should be provided and taught in the juvenile's childhood years for a juvenile to have a proper chance at being a productive adult. When these needs are not provided to a juvenile, most often the juvenile turns to a life of crime and the recidivism rate increases as they increase in age (FindLaw, 2017).

The need to feel loved and accepted into the family, community and society is a big issue in the minds of all humans, especially in the mind of a juvenile (Merlo & Benekos, 2016). When a juvenile does not feel accepted or loved, they may turn to attention seeking motives which includes crime. The adolescent years are especially important in shaping and molding a child into a productive member of society. When this does not happen, a juvenile may look for validation in the media, social media, peers, and their communities. When the basic needs of a juvenile are not met, crime somehow comes

into play. Molding and rehabilitating juveniles in this stage is important because juveniles are unable to fully process the consequences of their actions at the time, they commit a crime (Butts, 2012). Thus, there is a need for a juvenile to remain in the comfort of juvenile sanctions in the juvenile justice system.

Juveniles suffer physiological and psychological when waived from their court system, the juvenile's safety may be jeopardized when in adult jails and prisons. According to Listenbee (2013), juveniles are subject to physical abuse in adult jails, and they most often do not receive the correct education to fit their needs. Juveniles are not completely protected from adult populations in jails and juveniles most likely will learn new methods of committing crimes if housed with adult offenders of the law (Lambie et al., 2013). The incarcerating of juveniles with adults does not meet the developmental, social, and criminogenic needs of the youth.

Transfer into an adult court proceeding can result in several negative consequences for the accused. Juvenile proceedings take place in a closed courtroom, while adult proceedings are typically public. A conviction record is generally sealed for juveniles, while adult records are frequently publicly accessible. Adult penalties tend to be much harsher than the penalties for the comparable juvenile offenses (Miller & Applegate, 2015). The juvenile courts tend to be focused on the rehabilitation of the accused, unlike adult courts which may be focused more on punishment. Sadly, juveniles who serve jail and prison time are much more likely to be assaulted than those serving in juvenile facilities (Aratani, 2009). The likelihood of those juveniles who are transferred increases for further incarceration into adulthood.

The appropriate rehabilitation of a child is not able to come forth when punishing children as adults. This type of incarceration is proven to result in negative mental health and behavioral consequences, also increasing juvenile recidivism rates (Miller & Applegate, 2015). This method shows that juveniles continue to commit crime in adulthood which is the opposite effect of the intended punishment. The movement of juveniles to their own courts took place to separate youth from adults and to focus on rehabilitation and not just punishment. Slobogin (2013) suggests, waiving a juvenile and stripping them of their juvenile sanctions is not the solution for fixing the issue, instead makes the issue more defective. Miller and Applegate (2015) suggest, a community system of care is needed to deal with juvenile offenders of the law.

The creation of juvenile courts, special facilities, and jails just for youth was deemed to fix the issue of juvenile delinquency (Scott et al., 2008). Juvenile justice systems were created to richly reinforce desirable behavior that was expected from youth. The system was created to clearly communicate what was expected of youth and minimized the ability for youth to participate in bad behaviors. Effective juvenile justice systems provide many outlets for youth to engage in positive activities and create helpful roles for youth to build skills and motivation (Farrington, 2011). However, research shows that one punishment does not fit all juvenile offenders. The importance of dealing with juvenile delinquency and creating programs that will properly end juvenile delinquency is great. This study must be pursued to correctly fix the issue of juvenile delinquency. Juvenile delinquency affects everyone around the world which is why the topic should be important to everyone (Merlo & Benekos, 2016).

### **Juvenile Waiver: Transfer to Adult Court**

Juvenile delinquency is the habitual or continuous act of committing criminal offenses by a young individual in their adolescence, who is under the age of 18 (Ash, 2019). Juvenile delinquency is also defined as the steady act of committing crimes by a young individual that is under the age to be able to criminally prosecute them, normally age 18 (Butts, 2012). Juvenile delinquent behaviors and youth crimes have been a serious and costly issue for many years for criminal justice administration (Aratani, 2009). Juvenile delinquency is an active issue that affects the victims, families, the offender and even communities. Juvenile delinquency seemingly affects everyone around the world in some form or another. The issue of juvenile crime and delinquency has been around for many years, even dating back to 1800 (Ascani, 2012).

In early 1800, is when traces of juvenile delinquency presented itself because America was becoming more urbanized (Abudu et al., 2015). During this stage, more children were left unsupervised due to parents working which caused an increase in the rate of crime among youth (Farrington, 2011). This created a major social problem because the courts confined and punished children with and as adults since no other options existed to punish children (Cornwell et al., 2007). It was not until around 1899 when the first juvenile court came about in the United States. At the turn of the 19th century, the treatment and punishment of juveniles began to shift in the United States (Feld, 2009). Social reformers spoke out on the issue of juvenile delinquency and began to create special facilities and courts for troubled youth. The early juvenile court that was

evolving in Chicago, Illinois would soon make way for other juvenile courts to exist (Blackstone, 2011).

The creation of juvenile courts, special facilities, and jails just for youth were created to fix the issue of juvenile delinquency (Ascani, 2012). Juvenile justice systems were created to richly reinforce desirable behavior that was expected from youth. The system was created to clearly communicate what was expected of youth and minimized the ability for youth to participate in bad behaviors (Blackstone, 2011). However, research shows that one punishment does not fit all juvenile offenders, given the current juvenile delinquency rates. It is evident, juvenile crime is a social issue of the past that has somehow been carried over into the present time (Ash, 2019).

The Florida criminal justice system has created what is believed to be the fix and deterrence of juvenile crime through the creation of the juvenile direct file law and waiver (Federle, 2016). The Florida direct file law is an enacted by statute provision, which grants permission for state attorneys to choose whether a juvenile case will remain in the juvenile justice system (The 2020 Florida Statutes, 2021). The direct file law gives the state attorneys sole discretion on whether to allow a juvenile's case to remain in the juvenile justice system or to waive a juvenile's case to the felony adult justice system division for disposition and to be criminally prosecuted as an adult. In the state of Florida, the direct file law is mandatory if the juvenile meets certain statutorily listed criteria crimes such as, homicide, armed burglary, armed robbery, attempted homicide, lewd and lascivious offense, and armed grand theft of a motor vehicle. The direct file law is at the discretion of the state attorney's judgment of public safety and the public

interest. In essence, if a state attorney believes that the public is in danger by a juvenile remaining in the juvenile justice system based upon the serious crime committed, the state attorney can legally impose the direct file law and transfer the juvenile's case(s) to the adult criminal justice system.

The decision of the Florida state attorney to direct file a juvenile cannot be appealed or reviewed by a judge. The juvenile's case will quickly be transferred to the adult criminal division within 21 days. The juvenile will then be transferred from the juvenile detention center to the adult jail where they will sit and await criminal case management on the waived charges. The juvenile will no longer be considered a juvenile and will now be classified as an adult. Once the juvenile is waived to the adult criminal court, the juvenile will always be considered an adult in the justice system.

The Florida state attorneys are solely responsible for making the decision to direct file a juvenile's case. Once the decision is made and the process takes place, there is nothing the juvenile, family, community, or judge can do to protest or overturn the decision. The direct file law is an unfortunate procedure which strips the juveniles of the protections they have as a juvenile and the decision to waiver or not should not be solely at the discretion of the state attorneys. This process of uninhibited prosecutorial power violates the protections that a juvenile receives in the juvenile justice system. Florida state attorneys hold a disproportionately large amount of power given that the decision to direct file or not, lies solely in the state attorney's hands. True justice is not being served when the decision is made to direct file a juvenile, even before the juvenile has had the opportunity to speak with their attorney or public defender, their parents, or the judge.



The direct file also takes place before the juvenile's attorney has had the opportunity for discovery, to present evidence to the judge and even before the juvenile can declare exculpatory evidence or to see a police report.

A judge in the adult criminal justice system can impose juvenile sanctions in cases of discretionary direct file, but the presumption remains that adult sanctions are appropriate because the juvenile was waived to the adult criminal justice system.

According to the 2020 Florida Statutes, the discretionary direct file law proves a little different than the mandatory direct file law. The difference of the two lies in the age of the juvenile and the alleged offense committed. For example, a juvenile who reached the age of 14 or 15 years old at the time they allegedly committed the offense, the state attorneys may legally submit direct file paperwork in the adult criminal justice division based upon the state attorney's judgment and discretion that the public interest requires that adult sanctions be considered or imposed in the case given the nature of the offense committed (The 2020 Florida Statutes, 2021).

Offenses that are categorized in the discretionary direct file law include attempted arson, sexual battery, unarmed robbery, kidnapping, aggravated stalking, home invasion robbery and grand theft of a motor vehicle (Walters, 2017). The bases for the discretionary direct file law are when the offense charged is for the commission of, attempt to commit, or conspiracy to commit (The 2020 Florida Statutes, 2021). However, the state attorney may not impose neither the mandatory nor discretionary direct file law on a juvenile if they are charged with a misdemeanor (Walters, 2017). The only instance where the direct file law can be imposed on a juvenile with misdemeanor offenses is

when the juvenile has had two or more prior adjudications or adjudication withheld for felony offenses or offenses that are classified under Florida state law as a felony if committed by an adult (Cohen & Casey, 2014).

Per Florida Statute 985.565, when a juvenile has been transferred to the adult criminal justice system to be formally prosecuted as an adult, the juvenile will be handled in every aspect as an adult after the waiver to adult court (The 2020 Florida Statutes, 2021). Furthermore, once a juvenile is waived to the adult criminal justice system, the law mandates that the juvenile is held for pre-trial and post-conviction in adult jails and adult detention facilities (Miller & Applegate, 2015). At this point, the rule “once an adult, always an adult” remains for the life of a juvenile. The juvenile is no longer able to receive the juvenile protections and sanctions that they once were afforded in the juvenile justice system (The 2020 Florida Statutes, 2021).

The decision to waive juveniles over to adult court and sanctions is not the fix to the problem (Fagan, 2013). Trying juveniles as adults only makes recidivism rates among youth worse in the State of Florida (FindLaw, 2017). Ash (2013) shows that trying juveniles as adults based on juvenile delinquency rates does not fix the issue yet makes it worse in some cases. The juveniles are stripped of the rehabilitative services they need as a juvenile and sentenced with and as adults (Miller & Applegate, 2015). This measure is shown through research to be strictly punitive alone and does nothing for the rehabilitative aspect in the impressionable juvenile’s life (Lambie et al., 2013)

Juvenile delinquency has been a serious and costly issue for many years in the State of Florida. The issue of juvenile delinquency places strains on communities,

families, justice systems and society (Ash, 2019). Recidivism rates and statistics show transferring juveniles to criminal adult sanctions is not the proper way to deter youth from a life of crime. The background of the issue of juvenile delinquency shows that a better measure must be taken to rehabilitate and cause juveniles to live crime free. Shedding light on the issue of juvenile delinquency, a look into why juveniles commit crime must be approached. Studies show that confining and punishing children with adults causes juvenile recidivism rates to increase instead of decrease which is the intent of punishing with adults (Cohen & Casey, 2014).

According to Freud's PT, past experiences have a direct impact on one's current behavior (Listenbee, 2013). A juvenile may have been abused or witnessed a parent or loved one being abused which may cause them to lead a life of crime. Maybe they have seen their parents live a criminal life and they want to follow in their parent's footsteps. PT suggests experiences that happen in an individual's life, may cause them to commit crime (Butts, 2012). Juveniles act upon and out what they see or have been exposed to directly and indirectly. Juveniles should be tried as juveniles and not as adults because they are unable to think and respond as adults.

Research shows poverty and numerous personal and social issues to be the cause of juvenile delinquency (Aratani, 2009). No individual was born committing crimes and things happen in individual's lives which cause them to commit crimes or do things they never thought they would or could do (Higdon, 2012). Juveniles that grow up in low- or no-income families, repeated exposure to violence, have parents that are incarcerated, drugs, an unstable family life, been sexually or physically abused, delinquent friends and

family and a lack of adult supervision are prey to juvenile delinquency (Myers, 2014). Foster children also commit crime at a high rate due to feeling abandoned. These juveniles usually transition from juvenile delinquency to adult crime (Blokland et al., 2015). Biological influences also play a role in why juveniles commit crime as children. Aratani (2009) believe that a biological cause is the base of criminals and why crime exists.

Psychological issues are at the center of juvenile delinquency among youth who have been subjected to abuse and neglect. Damaging and long-term effects of abuse is one of the reasons youths lead a life of crime. Youth are not able to reason or think as adults, for this reason they should be tried and punished in their own courts and sanctions (Cohen & Casey, 2014). Juveniles are left vulnerable to harsh punishments and sanctions when the juvenile court decides to waive their sanctions as youth to adult court. They may face serious issues at the hands of an adult who is expected to know right from wrong. All these issues and more should be taken into consideration before the decision is made to try juveniles as adults (Ash, 2019).

Bad behavior of children stems from another source according to research (Butts, 2012). Their behavior comes from the lack of love and support at home, lack of social skills to deal with certain issues that arise and the lack of knowledge to deal with peer pressure. Children are not like adults because they lack the emotional ties to society that can pull them away from committing serious crimes (Butts, 2012). Through research, cons, or the negatives of trying juveniles as adults in criminal courts is visible. Cons of trying juveniles as adults in criminal courts include juveniles may have to face prison

time with adult offenders. Another con is once a juvenile is direct filed to adult court, they will always be viewed and treated as an adult if they commit more crime, despite their juvenile age (Walters, 2017).

Young offenders are subjected to the life sentence as punishment for serious crimes committed. Judges in adult courts cannot provide a wide range of juvenile punishments or treatment options that are options in the juvenile court jurisdiction. There are many factors that can lead to juvenile delinquent behaviors and tendencies. The importance of implementing treatment and prevention programs is just as important as understanding the factors that can provoke juvenile delinquent behavior. Juvenile delinquency and its surrounding issues are an area of concern which is verified by data that cannot be ignored (Miller & Applegate, 2015).

### **Direct File Law: Deterrence to Juvenile Delinquency**

Florida's direct file law shift from trying children in the juvenile justice system to waiving children to the adult criminal justice system assumed that a more punitive measure and adult sanctions would act as a deterrent to juvenile crime (Ash, 2019). The seriousness of the crime, a juvenile's criminal record or a Judge's finding of a factual bases of a statutorily mandated law allows the juvenile to be waived and tried as an adult (Kupchik, 2006). Florida law makers believed trying juveniles as adults would lessen the amount of juvenile crime that takes place in the State of Florida and deter juvenile crime. Research shows that the opposite effect is happening in the State of Florida (Listwan et al., 2013). A group, Human Rights Watch conducted studies in the year of 2000 and

found that the transfer law did not lower the juvenile crime rates in the State of Florida, instead increased rates by 13% (Morales, 2013).

Scholars overwhelmingly agree that the current transfer laws have harsh and negative consequences on the juvenile and family (Morales, 2013). Youth in the adult system are convicted and incarcerated at higher rates compared to other juveniles who remained in the juvenile justice system. Waived youth also tend to receive harsher sentences than juveniles who remained in the juvenile justice system under juvenile sanctions (Griffin et al., 2011). Waived children are subjected to having no access to resources vital to their development, a proper education and are at an unacceptably high risk for assault and abuse (Abudu et al., 2015).

Prisoning children as adults does not meet their developmental, physical, social, and criminogenic needs (Clarke-Stewart et al., 2009). The appropriate rehabilitation of troubled children is not visible when direct filing children in the criminal justice system (Florida Department of Juvenile Justice, 2012). This type of incarceration is proven to result in negative mental health and behavioral consequences, also increasing juvenile recidivism rates (Feld, 2009). This method shows that juveniles continue to commit crime in adulthood which is the opposite effect of the intended punishment (Griffin et al., 2011). The movement of juveniles to their own courts took place to separate youth from adults and to focus on rehabilitation and not just punishment.

The State of Florida's policy which allows State attorneys and State prosecutors to direct file juveniles in the adult criminal justice system fails to effectively rehabilitate the whole juvenile (Morales, 2013). Research shows, waiving a child and stripping them

of their juvenile sanctions is not the solution to the issue of juvenile delinquency, instead makes the issue more defective (Blokland et al., 2015). This measure focuses on the punishment or punitive aspect alone and not the bigger picture which is why the juvenile is committing crime in the first place (Abudu et al., 2015). The sole focus on Punishment alone and not rehabilitation is what has landed the Juvenile Justice and Criminal Justice Systems at this terrible crossroads (Morales, 2013).

### **Negative Consequences for Direct Filed Juveniles**

Florida is a state that has sent more than 12,000 juveniles to the adult court in the past 5 years. This total is the highest among other states and 98 percent of the juvenile cases waived, were sent without a hearing in front of a judge and no judge involvement in the decision at all (Abudu et al., 2015). According to Hilary Hodgdon (2008), many issues take place when Florida State Attorneys decide to transfer a juvenile to adult court to face adult sanctions. The decision to transfer a juvenile's case to the adult criminal justice system suggest that the juvenile is already a hardened criminal before they reach adulthood and they are unable to be rehabilitated (Miller & Applegate, 2015).

Richard Redding shows through research that incarceration with adult offenders has the opposite effect on juveniles that the justice system hoped for (Redding, 2010). Advocates against the law have warned for many years now that the direct file law preserves juvenile crime instead of combating the issue (Abudu et al., 2015). The direct file law interferes with the juvenile's education because the juvenile is unable to obtain the same education they would receive if they attended a public school (Merlo & Benekos, 2016). The direct file process exposes the juvenile to negative adult offenders,

and it negatively impacts the psychological development of a juvenile. The effects of adult sanctions juveniles face are harsh and often too much for a child to bear according to Slobogin (2013). This hinders the social development and support from peers, family, and friends (Crissmen, 2008). When children are separated from children their own age, they fall prey to victimization, they lack basic social skills and lack social reform and norms (Redding, 2010).

An example of a child falling prey to victimization in the adult system's care is juvenile Bobby Nestor's story. Bobby Nestor was a 16-year-old boy who was arrested and jailed at the detention center because his mother found a marijuana blunt in his jacket pocket. After Bobby's mother received advice from the local chief of police, Bobby was detained. While incarcerated, Bobby ran away with an older juvenile, was labeled as a serious delinquent youth, and was sent to the adult prison to be taught a lesson and given a salutary scare (Brown, 1995). Due to the harsh treatment, sexual pressures and being raped by older inmates, Bobby was found hanged in his cell. It is presumed Bobby committed suicide because he was victimized by older inmates after being forced into the adult prison system never intended for Bobby for a non-heinous crime (Brown, 1995).

Miguel Marino, a once 16-year-old boy who lives in Pasco County Florida is also a victim of the adult court system. Miguel, a juvenile who had never been arrested before was arrested in 2009 on a vandalism charge. The 4 days Miguel spend in the Pasco County adult jail, he describes as "he will never be the same again" (Abudu et al., 2015). Miguel reports he was threatened bodily harm and sexual assault by other older inmates if he did not complete a list of humiliating chores the inmates created for him. Ultimately,



Miguel was forced to complete the list of tasks but was still beaten while completing. Miguel endured the abuse for 3 days before being put in solitary confinement for his protection (Abudu et al., 2015).

Miguel suffered an emotional breakdown before he was moved from the general population. Miguel is still suffering the effects of and paying for his childhood mistake. Miguel was physically and emotionally broken due to the treatment he received while in custody at the Pasco County adult jail to say the least (Abudu et al., 2015). Miguel could not get back into regular school because he was not able to focus, he was angry often, he could not sleep at night and Miguel is now back in trouble with the law (Abudu et al., 2015). Miguel's story is an example of what juvenile's face when sentenced to adult sanctions.

Transferred juveniles are more likely than non-transferred juveniles to reoffend and to endure victimization (Chiricos et al., 2007). Some juveniles report their victimization while others suffer in silence. Researchers Cornwell and Payne show in their literature "Reconsidering peer influences on delinquency: Do less proximate contacts matter?" that recidivism rates and suicide rates are higher among transferred youth compared to youth that remain in the juvenile court system (Cornwell et al., 2007). For this reason, the adult criminal justice system was not intended for youthful offenders of the law. Instead, the juvenile justice system was created to combat juvenile crime, rehabilitate the juvenile as a whole and protect the community's public safety (Miller & Applegate, 2015).

Due to lack of research which shows the effectiveness of the direct file, it is apparent the law is driven by fear and not fact (Ash, 2019). The Florida direct file law has given the State Attorneys and State prosecutors the power to determine the juvenile's fate by allowing them the power to direct file a juvenile without being heard by a judge first. The negative consequences of the direct file law may affect juveniles for life in many ways. Ways such as not being able to vote, not being able to attend college, not being able to receive financial aid or grants, not being able to obtain a decent job and not being able to secure a decent place to live (Espinoza et al., 2011). These factors are bearing on the issue of the direct file law and the juveniles the law affects. Children are not yet adults therefore should not be subjected to adult principles and punishments (Ascani, 2012).

### **Effectively Combating Juvenile Crime**

Problems in the laws/polices and the way laws/polices are implemented within the justice system have become apparent (Morales, 2013). The justice system struggles to address the significant social and society changes taking place in the nation, especially in the State of Florida (Amedie, 2015). The justice system's role is unclear as it allows the State Attorneys and State Prosecutors to waive a significant number of juveniles to the adult court system for sentencing (Feld, 2009). Change must come forth in a way that will benefit the children, families, victims, and communities who stand before the juvenile justice system looking for an rehabilitate outcome (Griffin et al., 2011).

The key to developing and creating an effective juvenile program and policy which addresses juvenile delinquency is to address and combat the entire family unit and

risk factors which is shown to contribute to juvenile delinquency. Looking at the entire family unit structure would provide deferential information into what aids a youth in committing criminal acts (Merlo & Benekos, 2016). Deterrence of future crime may not be served when a juvenile's case is direct filed, and the juvenile is placed in the adult court system (Abrams, 2013).

Studies show factors that influence the risk of juvenile delinquency are peer pressure, aggressiveness, aggravation, acting out in school, wanting to fit in in the community and family environments and a history of family violence or abuse (Clarke-Stewart et al., 2009). A host of other risk factors that bear on the issue of juvenile delinquency like the youth's behavior, the youth's family functioning, peer behaviors, school performance, and neighborhood environments are factors that contribute to juvenile delinquency (Slobogin, 2013). When a juvenile feel as though they are fitting into what they feel society accepts, the juvenile may most often do whatever it takes to uphold their image in the community (Abudu et al., 2015).

These risk factors affect and lead to juvenile delinquency because they shape the youth's personality and character. The lack of parental supervision, control, and support forces youth to look to the streets, community, social media, and gangs as a role model for what is right (Aratani, 2009). Due to negative images in the media and what the media shows to be right causes juvenile delinquency because the youth does not have the correct guidance needed. The youth have no choice but to mimic what they see which makes the youth think that they are doing the right thing and making the right choices (Farrington, 2011).

Ensuring that Florida's children are treated in a manner that considers their wrongdoing, their specific needs and the child's capacity to grow is necessary all while protecting the public safety in Florida (Walters, 2017). The importance of understanding what makes a youth commit crime is necessary to effectively combat the issue of juvenile delinquency. It is important to understand and consider action for juvenile delinquency to make a positive change in juvenile recidivism rates (Butts, 2012). Every individual throughout society is affected by juvenile crime in some way which is why creating effective programs and policies are needed to effectively address the issue of juvenile crime (Fagan, 2013).

### **Going Back to the Basics: Rehabilitation**

In *Kent v. United States*, 70 the United States Supreme Court established eight common factors judges should consider before transferring including: (a) the seriousness of the offense; (b) the offender's age; (c) the juvenile's previous record and court history; (d) whether the offense was against a person or property; (e) the defendant's mental and physical maturity; (f) whether the act was committed in an aggressive, violent, premeditated or willful manner; (g) prospects of adequate protection for the public and the likelihood of rehabilitation in the juvenile facilities; and (h) whether a gun or deadly weapon was used during the crime. Some states have special factors, including the victim's views or the likelihood the defendant will develop competency and life skills while confined in a juvenile institution that will allow them to become an automatic statutory exclusion statute (FindLaw, 2017).

Juvenile's needs are different from adults and research is necessary to determine if the juvenile direct file law is appropriate or if juveniles should remain in the juvenile justice system for rehabilitation (Miller & Applegate, 2015). A juvenile's needs differ from an adult physically, socially, educationally, and psychologically due to the juvenile's brain not yet being fully developed or that of an adult (Merlo & Benekos, 2016). With the lack of research on the effectiveness of the direct file law, the direct file law creates other issues within the justice system once the juvenile is waived. Issues such as fear for the juvenile's safety if housed in the adult population, traumatic experiences, juveniles lack of educational opportunities, the lack of mental health resources, the lack of necessary counseling, the lack of rehabilitation for the juvenile and the recidivism rates among waived youth (Listenbee, 2013).

Psychological issues are at the center of juvenile delinquency among youth who have been subjected to abuse and neglect (Feld, 2009). Damaging and long-term effects of abuse is one of the reasons youths lead a life of crime. Youth are not able to reason or think as adults, for this reason they should be tried and punished in their own courts and sanctions (Ash, 2019). Juveniles are left vulnerable to harsh punishments and sanctions when the juvenile court decides to waive their sanctions as youth to adult court. They may face serious issues at the hands of an adult who is expected to know right from wrong (Myers, 2014). All these issues and more should be taken into consideration before the decision is made to try juveniles as adults (Hodgdon, 2008).

The children of today are our future, because of this, a way to reduce recidivism rates must be created. Farmington (2011) shows punishing juveniles as an adult is not the

answer due to all the negatives that comes with the transfer. A reconstructed juvenile justice policy and action plan is necessary to raise awareness of juvenile crime throughout the State of Florida. Recidivism rates and statistics show transferring juveniles to criminal adult sanctions may not be the proper way to deter youth from a life of crime. Harsher punishments are not the cure to deter youth from a life of crime. Severe and cruel punishment will not end juvenile crimes or make recidivism rates lower, instead increase the offender's chances of re-offending (Slobogin, 2013). There is hope and it is not too late to fix the issue of juvenile delinquency. What is not known is the true effectiveness of the direct file law.

### **Effectiveness of the Florida Juvenile Direct File Law**

During early 2000, the Florida juvenile justice system shifted its focus and policies from strict punitive approaches and switched gears to focus on rehabilitation of the juvenile and to make the victim whole (Feld, 2018). The former juvenile justice system focused on harsher sentences to strictly punish the juvenile but make the victim whole. The former juvenile justice system streamlined its practices and punishments with the adult system to correct juvenile delinquency (Jannetta et al., 2017). This caused juvenile safeguards in the juvenile court to be at risk and made juveniles vulnerable to being tried as adults. This also created a disproportionate adverse effect on juveniles of the minority race. The Supreme Court acknowledged this in the court cases *Roper v. Simmons*, *Graham v. Florida* and *Miller v. Alabama* and called for change in the way the juvenile justice system operated (Clarke-Stewart et al., 2009).

The change that was meant to come forth because of the court cases was to focus on the rehabilitation of a juvenile and to restore the victim to whole (Walters, 2017). This was meant to change the system due to the system having disproportionate adverse effects on juveniles of the minority races and the effect the direct file law had on the psychological and social development of juveniles (Federle, 2016). However, the Supreme Court provided the states limited resources and guidance on the implementation of the newly changed juvenile justice system which was to include the rehabilitation portion since juveniles are not like adults in thinking and the way they function (Abrams, 2013). The state of Florida continues to rely on much of the old practices and policies to deal with juveniles that commit adult crimes (Feld, 2018).

The question remains, is the Florida juvenile direct file law effective in turning around the lives of troubled youth? The future and reduction of the Florida juvenile delinquency rate depends on the juvenile justice system law and policy and how it rehabilitates all parties involved in the system (Jannetta et al., 2017). The ability of a juvenile to have a promising and successful future can be damaged when a juvenile is direct filed to the adult system and incarcerated as an adult (Federle, 2016). Direct filing of a juvenile's case and sentencing the juvenile as an adult may negatively impact a juvenile and scar the juvenile for the remainder of life.

When a juvenile is incarcerated as an adult, lifetime opportunities such as a college education, career and stability may be cut off (Feld, 2018). This is unfortunate for the juvenile because the effects of the direct file may lead to later engagement in criminal behavior due to the juvenile being unable to obtain stable employment to provide for

themselves or families. When a juvenile is prosecuted criminally as an adult, it makes the juvenile prone to continue a life of delinquency, even into adulthood. Turning around the lives of troubled youth is part of the Florida juvenile justice system's mission (Walters, 2017). Essentially, to turn around the lives of troubled youth, rehabilitation efforts must be made to foster a change in the lives of juveniles within the justice system.

### **The Jamarion Lawhorn Story: "This Was the Love I Needed"**

Jamarion Lawhorn, a 12-year-old overwhelmingly troubled boy from Grand Rapids, Michigan walked into a neighborhood on August 4, 2014, armed with a knife in his jacket pocket that he would use to ultimately stab and fatally kill an innocent 9-year-old Connor Verkerke on the playground (Gemmell, 2019). Jamarion suffered a great deal of trauma and severe abuse in his life at the hands of his mother and stepfather. Reports show Lawhorn came from a "deplorable" home filled with drug paraphernalia throughout the home, no blankets and sheets on the beds and no working utilities (Massarella, 2017). Lawhorn's mother and stepfather admitted to beating Lawhorn with belts and electrical cords which left permanent markings and scars on his body (Massarella, 2017).

Jamarion was crying out for help, and he believed that if he killed someone, the police would respond to the scene, the police would in turn kill him and put him out of his misery of the horrible childhood he was facing and endured abuse. Reports shows, Lawhorn called law enforcement after he killed the 9-year-old to confess to the crime (Gemmell, 2019). Lawhorn told the 911 operator, "I just stabbed someone, I'm fed up with life and want to die. Come get me and lock me up for life. Take me to juvenile for life. Kill me" (Massarella, 2017).



Lawhorn became Grand Rapids, Kent County's youngest killer which left the justice system baffled as to what sentence Lawhorn shall receive for the heinous crime committed (Massarella, 2017). In September 2015, Lawhorn was convicted of first-degree murder by a jury for his confession of the crime. In November 2015, the Kent County judge issued a blended sentence, which stipulates Lawhorn be sentenced as a juvenile until he reaches age 21, then be sentenced as an adult (Gemmell, 2019).

Lawhorn's defense has argued to throw out the confession given by Lawhorn due to his age at the time of the confession and the parental abuse he suffered daily before he committed the crime (Massarella, 2017). Lawhorn was given a blended sentence and sent miles away from home to the Muskegon River Youth Home for juveniles where he remains until his 21st birthday (Massarella, 2017). Once Lawhorn turns 21 and if his case is not heard by the Supreme Court to overturn the conviction, Lawhorn will be retried as an adult for the crime he committed as a juvenile.

Since the murder, Lawhorn has been detained at the Muskegon River Youth Home where he is afforded the opportunity to receive juvenile rehabilitation resources (Agar, 2020). Lawhorn is receiving rehabilitate services, which includes counseling, educational services, social needs, and his physiological needs are being met (Gemmell, 2019). Research shows, when a juvenile's physiological needs are being met, recidivism rates decrease, and juveniles can lead a crime free life (Merlo & Benekos, 2016).

Lawhorn is currently in the 11th grade and is planning to attend college. It is uncertain at this time rather Lawhorn will be released to freedom on his 21st birthday or if he will be remanded and sentenced as an adult. Lawhorn reports to court for a status check often

and he continues to receive praise for doing extremely well (Gemmell, 2019). Judge Denenfeld of Kent County stated in 2020, “It kind of sounds like a broken record, but that’s a good broken record and what I mean by that is Jamarion continues to do extremely well” (Agar, 2020).

Lawhorn connects his positive change to the love he has received and continues to receive from his victim’s grandmother Ms. Nunemaker. Ms. Nunemaker quickly decided within herself to forgive Lawhorn for murdering her grandson and has supported Lawhorn since his first trial (Gemmell, 2019). The Judge granted Lawhorn permission to take excursions with Ms. Nunemaker. Ms. Nunemaker also visits Lawhorn regularly and has written a book about his case (Massarella, 2017). The 63-year-old turned her despair into a positive situation and decided to remarkably love on and care for Lawhorn and Lawhorn’s mother (Agar, 2020). Ms. Nunemaker stated, “We need more compassion in this world so that we can become all we are meant to be and really, who needs more hate?” (Agar, 2020). At last, Lawhorn is receiving the nurturing and love needed to be a productive citizen. Lawhorn stood before a court in 2020 and stated, “I feel like when I was growing up, this was the love I needed, this love I’m getting now,” Lawhorn’s words resounds loud, awakening the need for positive social change on the effectiveness of the direct file law. This is the way justice is meant to be served and this case proves that a juvenile should remain in the juvenile justice system and afford the sanctions and rehabilitative resources created for juveniles (Agar, 2020).

## Summary

The findings of this literature review indicate that justice is not served by forcing juveniles through a system never intended to process youth. Research shows, sentencing juveniles as juveniles appears to be best practice for all parties involved, including the victims of the juvenile's crime (Blokland et al., 2015). Research shows the negative effects incarcerating juveniles with adult offenders of the law has on the juvenile, even into adulthood. Factors being on the issue of juvenile crime is a finding within the literature review. The direct file law may not be accomplishing its intended purpose because crime rates among juveniles remain alarming (Walters, 2017).

The Florida direct file law has exacerbated the problems it sought to address in the past (Miller & Applegate, 2015). Turning around the lives of troubled youth is part of the Florida juvenile justice system's mission (Walters, 2017). Essentially, to turn around the lives of troubled youth, rehabilitation efforts must be made to foster a change in the lives of juveniles within the justice system. The lack of rehabilitation of the juvenile and focusing solely on punishment or punitive measures was never the focus of the juvenile justice system when created (Caputo et al., 2020). The literature proves children do not have the same mindset of an adult and they should not be punished as adults (Brown, 1995).

The next chapter will provide information on how this study will inform the gap in literature on the effectiveness of the direct file law. The gap will be addressed by providing research using interviewing and secondary data. This study will seek to provide an understanding of the effectiveness of the juvenile direct file law for the State of

Florida. Also, whether the law affects the outcome of a safer society, and the overall wellbeing and rehabilitation of juveniles will take place through several methods, such as peer reviewer, researcher reflexivity, in-depth descriptions of interview content and direct quotes to ensure credibility of research. Several methods will be utilized to check and ensure research validity and that the study remains credible. Conducting and presenting uncredible research does not provide an opportunity to aid in social change on the topic (Stiller, 2020). Researcher will employ several methods to significantly reduce credibility issues.

## Chapter 3: Research Method

### **Introduction**

A qualitative phenomenological approach was used to investigate in-depth the phenomenon of the effectiveness of the direct file law in the state of Florida. In the two previous chapters, I detailed the juvenile direct file law and the effect it has on juveniles, juveniles' families, and society. The question remains: Should juveniles who commit serious crimes be given a waiver and tried as adults in adult criminal courts? Questions of the effectiveness of the direct file law have generated considerable concern in the state of Florida (Applegate et, 2015). A qualitative study was conducted to provide answers to the following research questions:

RQ1: How does the juvenile direct file law process impact the juvenile and society as a whole?

RQ2: What is the intended purpose of the direct file law?

RQ2a: Is the direct file law effective in meeting its intended purpose?

RQ2b: What are the benefits and consequences of using the direct file law for juvenile offenders?

RQ2c: What factors are desired for the best outcome for both the juvenile and society?

To address this gap, I explored the factors that influence juvenile justice policy stemming from the direct file law. In this chapter, I outline the qualitative method used to assist in understanding the direct file law and juveniles' experiences within the law. I present the role of the researcher while conducting the interviews, the methodology of the study, how

trustworthiness and credibility for chosen research designs are demonstrated using similar research methods, how biases were addressed using bias reduction strategies, and how ethical dilemmas were accounted for to decrease ethical issues.

### **Research Design and Rationale**

The theoretical base for this study was LT and PT. These theories are appropriate because rather than addressing how common social institutions and policies define and impact individuals, the theories focus attention on how juveniles make sense of their world, what factors influence a juvenile to commit crime, and why trying juveniles as adults is not a solution to the issue of juvenile delinquency. Both frameworks provide details on the cause of juvenile crime, what triggers a juvenile to commit a criminal act, the main reasons rehabilitating the whole juvenile is necessary, and reasons for not trying a juvenile as an adult. These theoretical frameworks are appropriate because they provide the foundation for changing public policy on the issue of the juvenile waiver and juvenile delinquency.

The phenomenological design was used to assist in answering the research questions. The phenomenological design uses participants' perception from lived experiences as data. This qualitative analysis should help pinpoint the groups of juveniles who were sentenced to the adult criminal court and groups of juveniles who remained in the juvenile system to show the effect the adult and juvenile systems have on juvenile delinquency rates. An invitation describing the proposed study was posted in the Department of Juvenile Justice meeting room for potential volunteers, including juvenile

probation officers, adult probation officers, detention center staff, and public defenders.

This invitation is found in Appendix B.

### **Role of the Researcher**

Researchers are human tools for data collection in qualitative research.

Researchers must be aware of and identify assumptions, self-biases, expectations, and personal experiences that may affect their ability to collect and interpret the data collected (Creswell, 2016). Positionality from a researcher's perspective is important, and various aspects of a researcher's background can impact the data collection process and interpretation (Stanfield, 2016). Remaining neutral and unbiased when conducting interviews is a necessity to gain participant trust. A researcher's role in conducting a study is to observe while interviewing participants. A researcher assumes the role of an outsider working as an objective viewer. In this study, I asked open-ended interview questions to probe and understand the phenomena while listening to participants' views and perceptions.

I did not personally know the participants of the study but worked for the same agency as the participants. Because I work for the Department of Juvenile Justice, I selected participants located in a different office and circuit to avoid personal relationships and power over participants. This could have presented an ethical issue in the study if I was not careful and did not use reflexivity to decrease research biases and to ensure I did not personally know the participants (see Creswell, 2016).

Assumptions based on personal experience can influence the data collection method, analysis, and the conclusion (Creswell, 2016). It is important to identify

preconceived notions about the study and the outcomes. To avoid preconceived notions, clear and detailed data collection techniques are employed so that explanations of why and how conclusions are reached. Personal bias and beliefs were identified and enclosed in brackets during the research process to prevent the influencing of the data collected and conclusions (see Stanfield, 2016).

## **Methodology**

### **Participant Selection Logic**

The population examined were juveniles who were direct filed and juveniles who remained in the juvenile justice system. The sample contained two juvenile probation officers, two adult probation officers, two detention center staff, and two public defenders in the Florida Department of Juvenile Justice. All participants volunteered for the study. These eight participants allowed for data saturation. A core principle used in qualitative research is saturation (Hennink et al., 2019). The concept of saturation is important because it provides an indication of the data being validated and the quality of qualitative research (Guest et al., 2020). Eight participants were enough to inform the study without providing overwhelming amounts of participants and data (see Guest et al., 2020).

If saturation was reached before eight participants were interviewed, then fewer participants would be required for the study. If saturation was not reached within the eight participants, then additional participants would have been sought until saturation was reached (see Hennink et al., 2019). Saturation is commonly used in qualitative research to determine when the data are adequately enough to develop a valid, exhaustive, and robust understanding of the phenomenon (Kausar, 2020). The



justification of the selected sample size is that the selected size provided data adequacy to reach saturation. Unlike quantitative research studies that use statistical techniques to estimate sample size requirements, qualitative research sample size estimation is based on the number of participants needed to achieve saturation of concept (Lim et al., 2017).

Purposeful sampling and interviewing were implemented to gather data on juveniles ranging in age from 13–19 years. The data were gathered from Florida juvenile probation officers, adult probation officers, detention center staff, and public defenders. The primary source of data collection was through interviews conducted via Zoom due to COVID-19 pandemic restrictions. The use of data gathered from interviews on waived and not waived juveniles informed the study.

The potential participants were gathered from the Florida juvenile justice probation office using an invitation placed in the meeting room. This was the first phase of gathering and narrowing potential participants. Participants were then screened for their expertise in juveniles being waived and not waived to the adult system by using their credentials. Specific requirements asked of the participants were: Participants must have at least 3 years of experience working with juvenile delinquents and must have worked for the department within the past 3 years or must currently work for the Department of Juvenile Justice as a juvenile probation officer, adult probation officer, or work with transferred youth as a juvenile public defenders or juvenile and adult detention center staff.

Participants were recruited from the Florida juvenile justice center who have firsthand experience working with juveniles who were direct filed and juveniles who

remained in the juvenile justice system to collect data regarding whether the direct file law is effective practice. I communicated via email with potential participants to inform them of the study and ask if they would like to participate. Once participants were gathered and agreed to participate, the study began. The gathered participants surrounded former or current juveniles in the family, school, community, detention, and jail settings who were and were not affected by the juvenile direct file law. Purposeful sampling strategies involved carefully selecting participants from the department who were knowledgeable about the phenomenon of study (see Bengtsson et al., 2019).

To collect, sort, and organize data, I used NVivo software. NVivo was used to analyze the data by identifying themes and placing the information into categories to assist me. NVivo assisted me in the analysis of the data collected from the interviews. An important consideration when conducting qualitative research is the estimation of sample size. Qualitative research sample size estimation is based on the number of participants needed to achieve saturation of concept (Lim et al., 2017). Data regarding seven juveniles from crime-ridden communities in the state of Florida, seven juveniles from Florida suburbs, and seven juveniles who lived in middle-class communities was sought to gather unbiased and effective data. A sample size of eight to 14 often allows a researcher to reach saturation and gather enough data to conclude findings of the study (Creswell, 2016). As research continues, a researcher must determine if saturation has been met with the interviewing of the sample size or if more participants are necessary. At this point, an appropriate sample size will be determined because saturation should be met (Lim et al., 2017). I determined that saturation was met at eight participants.

Qualitative methodology was selected to study this topic. In this study, I sought to broaden the understanding of the need for research on the effectiveness of the juvenile direct file law. I also sought to reveal the issues behind the lack of research regarding whether the juvenile direct file law reduces juvenile delinquency. In this case, the data of 10 juveniles who served time in the juvenile justice system and 11 juveniles who were waived to the criminal justice system to serve their time was identified as the sample size. Time served was either current or occurred in the past 5 years. To inform this research, interviews were used to gather data from juvenile probation officers, adult probation officers, public defenders, and juvenile detention center staff. This qualitative analysis helped pinpoint the groups of juveniles who were sentenced to the adult criminal court and groups of juveniles who remained in the juvenile system to show the effect the adult and juvenile systems have on juvenile delinquency rates. Tailored interview questions are found in Appendix B.

### **Instrument**

An interview is generally a qualitative research technique that consists of asking participants open-ended questions in the conversational form to evoke and collect fact finding about a subject or matter (Lim et al., 2017). One of the top qualitative research instruments used today is the interview method. Jamshed (2014) shows that interviews are favorable and a widely used method in the qualitative research realm for collecting data. Interviews can be conducted in two ways, the collective format or via face to face individually or within a group. Both ways should be conducted in the goal oriented

conversational stance to evoke the most knowledge from the participant (Liljedah et al., 2018).

Interview instrument is utilized when the researcher wants to obtain firsthand knowledge directly from participants who work hand in hand with the population being studied (Creswell, 2013). Interviewing allows the researcher to get in the mind of the participant to perceive their feelings and personal knowledge of the subject (Lim et al., 2017). Most qualitative research interviews are either semi-structured, lightly structured, or in-depth in structure to reinforce the findings from participants. Interviews should be conducted with a sample population and the key characteristic should remain a conversational tone. Due to the interview process being conversational, Davidson and Halcomb suggests qualitative interviews should be recorded. The recording of the interview aided in the transcription of the data discussed. Davidson and Halcomb also suggests that the interview transcription should then be archived to reinforce the findings to bring about social change on the subject (Davidson et al., 2006).

The method of this research study is in-depth, semi-structured interviews via Zoom and telephone to collect data. Zoom and telephone was utilized instead of face-to-face interviews due to COVID-19 pandemic restrictions. The interviews were semi-structured with open-ended questions in the format of a conversation. This method is validated as being best practice to inform the study (Lim et al., 2017). Semi-structured interviewing is a method of conducting interviews face to face with the goal of collecting data from created questions (Creswell, 2016). This method allowed the participants to explore the issues they believe to be important to inform the study. The interviews were

recorded using audiotape recording to ensure all data is collected during the interview in an accurate and detailed method (Davidson et al., 2006).

The value of interviewing as a data collection tool is extremely helpful for obtaining the story of a participant's experiences (McNamara, 2006). The value of interviewing is it builds a holistic snapshot, analyses words, reports detailed views of interviewees and enables participants to speak in their own voice and express their own thoughts and personal knowledge on the study (Bengtsson et al., 2019). The interviewing data collection tool is the most common and has been used for years in qualitative research studies (Given & Saumure, 2008). Not one researcher is cited as being the first to use or create the interviewing tool. The interview method proved to be valid and reliable by the continuous use of the method by researchers throughout the world (Jamshed, 2014).

### **Recruitment Procedures**

Data were collected in Florida from the Florida Department of Juvenile Justice juvenile probation officers, adult probation officers, detention center staff and public defenders. The study was introduced to potential participants by the researcher who informed potential participants of the study topic and the interview data collection method via a flyer. Once the participants agreed to be a part of the study, data was collected at different times, within approximately 2 weeks apart. An initial interview was conducted via Zoom with each participant to investigate the phenomenon first. Approximately 2 weeks later, a second interview or a follow up interview was conducted to clarify and elaborate in detail the data from the first interview to ensure saturation was

met. All interviews were audiotaped and lasted no more than 30 minutes. After the interviews were concluded, they were transcribed for analyzing. Selecting participants for research is an essential part of conducting a qualitative study. This involves gathering information on the participants selected to understand the participant and phenomenon (Bengtsson et al., 2019).

Recruitment issues were grouped into two categories: (one) Assessing participants and (two) obtaining consent from participants. During the informed consent process, participants were informed of the risks and benefits of participating in the study. Time was allowed during the consent process for questions or concerns. Participants were informed that a follow-up interview was necessary to discuss and clear any discrepancies from the prior interview data. After the completion of the second interview, participants were informed that they are no longer needed as a participant for data but the information they provided will be used for ongoing data analysis and will be kept for 5 years.

### **Data Analysis Plan**

In-depth, semi structured interviews via Zoom was conducted to collect data. Zoom was utilized instead of face-to-face interviews due to COVID-19 pandemic restrictions. Interviews of participants were conducted as the primary source to collect data. Interviews of participants were used to gather information to inform the study. Case studies of juveniles who fit the focus group was also used to gain insight on the phenomenon. The interview questions were semi structured in the format of a conversation to gather as much data as possible. Semi structured interviewing is a method

of conducting interviews with the goal of collecting data from created questions (Creswell, 2016).

The study included interviewing, transcribing the data from the interview, coding the data into themes, and making conclusions based on theme categories. Research source triangulation was verified using evidence from the interview research source. Data analysis was conducted in four stages, bracketing, clustering, coding, and conceptual mapping. Bracketing is used to define units of meaning, a serious stage for expounding the data (Moser et al., 2018). Common patterns were extracted and isolated from the data using bracketing. Clustering was applied using underlying and identifying themes.

Coding was utilized by identifying events and themes that continues to repeat themselves. Coding assisted in reducing the amount of data to a manageable amount for the researcher. Researcher utilizes the qualitative method can engage the concept mapping approach to aid with the methodology issues that may arise (Givens, 2008). A concept map was created from the coded research to demonstrate the interconnections of findings and to frame the research.

NVivo was used to analyze the data by identifying themes and placing the information into categories to assist researcher. Selecting the data of seven juveniles from crime ridden communities in the State of Florida, data of seven juveniles from the suburbs of Florida and data of seven juveniles who live-in middle-class communities was chosen to gather unbiased data. The NVivo method helped to organize and code data for easy access by researcher. Required measures of protection to protect the population and the participants took place to validate the credibility of the study.

The following procedures served as a serial guide to recruit and inform participants, collect, and analyze data and validate findings. (One) The Florida Department of Juvenile Justice office will hang a flyer in the meeting room for juvenile probation officers, adult probation officers, public defenders, and detention center staff to provide information about the study. (Two) Email and hand deliver informative letter which details the nature of the study to Florida juvenile probation officers, adult probation officers, public defenders, and detention center staff requesting assistance in gathering data for the study. (Three) Scheduled the Zoom and telephone interviews with the participants at a time that worked for all parties involved. (Four) requested and scheduled a follow up Zoom or telephone interview with the participants to discuss any discrepancies that occurred in the first interview with data.

### **Issues of Trustworthiness**

#### **Credibility**

Credibility is defined as the extent to which a research study is appropriate and believable about the level of agreement between the researcher and participants (Korstjens et al., 2018). Credibility in research is often accredited to the framework introduced by theorist Egon Guba and Yvonna Lincoln (Korstjens et al., 2018). Several methods were utilized to check and ensure research validity and that the study remains credible. Conducting and presenting uncredible research does not provide an opportunity to aid in social change on the topic (Jamshed, 2014). For this reason, researcher will employ several methods to significantly reduce credibility issues.



Peer reviewer, researcher reflexivity, in-depth descriptions of interview content and direct quotes will be used to ensure credibility. A peer reviewer is a person that is familiar with the phenomenon and research paradigm of that of the researchers who will review and audit the data of the study (Jericho et al., 2017). The peer reviewer had enough expertise and knowledge on the topic to sufficiently review research. A peer reviewer will aid with maintaining the quality of the study, university standards, and the credibility of the study (Given & Saumure, 2008). The peer reviewer assisted researcher in maintaining credibility of study.

Researcher reflexivity is the process of the researcher examining oneself to ensure the research relationship remains unbiased and unethical in nature (Creswell, 2016). When a researcher is passionate about the study being conducted, it is easy for the credibility of the study to be loss due to the researcher adding personal opinions and biased data in the study. Utilizing researcher reflexivity, researcher will examine oneself often to exclude preconceived notions, assumptions, conceptual baggage, and personal opinions on the topic (McFarlane, 2010). This will be extremely important when conducting interviews with participants and coding the data for the study to remain credible. In qualitative research, researcher reflexivity is important to use because there are many ways a researcher can affect the credibility of the study by adding bias material (Berger, 2013). Researcher will utilize researcher reflexivity beginning with research gathering methods, collecting research, analyzing, and coding the research and while reporting research.

In-depth description of interview content is defined as credible proof that the researcher has taken the time to explain the study to the participant in detail (Creswell, 2016). In depth description assists in eliminating participants who are not a professional fit to participant in the research study (Bengtsson et al., 2019). Researcher explained to the participants in depth, the interview process, and the need to obtain firsthand knowledge directly from participants who work hand in hand with the population being studied (Creswell, 2013). Researcher explained to participants the importance of providing credible knowledge to inform the study. Direct quotes of the participants were checked for accuracy before being included in the study. Interviewing allowed the researcher to get in the mind of the participant to perceive their feelings and personal knowledge of the subject (Lim et al., 2017). Using in-depth description, the researcher will avoid criticality issues.

### **Transferability**

Transferability is defined as the degree in which the data can be transferred from one context to another (Given & Saumure, 2008). Transferability of the research will occur from noting the research situation, details, and methods. The importance for a researcher to provide detail in research method description, situation and setting is essential to ensure transferability and provide a credible study (Bloomberg & Volpe, 2008). The fieldwork researcher conducts, will be documented in detailed as this will allow the readers of the study to decide whether the research atmosphere is like other situations which they may be familiar and whether the findings can be applied to other settings. The sample participants selection was large enough and varied to allow for

transferring findings to other situations or generalizations. This section is described by the readers of the research. The reader notes details and compares the details to similar situations they are aware of. If the details are comparable, the research is deemed credible (Bloomberg & Volpe, 2008). Transferability and credibility in research increase when studies are not as specific and creates a unique setting (Creswell, 2016).

### **Dependability**

Dependability is the repeatability and consistency in research data that is reported in detail throughout the research process. Dependability affords reads the opportunity to understand how conclusions are reached (Creswell, 2016). Dependability ensures the findings of research are consistent and could be repeated if needed. Dependability is measured by the standard in which the research is conducted, gathered, analyzed, and presented (Given & Saumure, 2008). Interviewing took place at two different times, within approximately 2 weeks apart to ensure that there were not any weak points or issues in the first interview and recording of the interview. The researcher utilized dependability to ensure research is credible. This method assisted in understanding the methods and the effectiveness of the methods.

### **Triangulation**

Triangulation is defined as the use of multiple methods or data sources in qualitative research to develop a wide-ranging understanding of the phenomenon being studied to test the validity and credibly (Patton, 2006). Triangulation was used to strengthen the study with cross verifying information received from multiple sources. Research source triangulation was verified by using evidence from different research

sources such as interviews and available public data. This increased credibility of the study while providing meaningful, professional data to inform the study.

### **Confirmability**

Confirmability is defined as the process used to establish whether the researcher has been biased throughout the study (Bainster, 2015). It is assumed that qualitative research allows the research collected to bring a single perspective into the study. Confirmability inquires how research findings support the research collected (Creswell, 2016). Research findings are supported throughout the data collection process and did not allow assumption data in the study. Researcher preconceived notions and bias was identified and steps were taken for ensuring results that are based on participant professional experiences related to the phenomenon being investigated. Confirmability was established through precise demonstration on how the methodology was carried out throughout the study (Given & Saumure, 2008). Data outcomes were confirmed by peer reviewer.

### **Ethical Procedures**

To ensure the study remained ethical and in accordance with Walden University standards for research, several required protections for participants took place to ensure that ethical standards were confirmed. The research study, the consent forms and interview questions were submitted to my dissertation committee for approval. The study was then submitted to the university researcher reviewer (URR) who ensured ethical, integrity, research quality and university research standards were met. Agreements for gaining access to participants and consent forms were obtained and available for review.

Once researcher received approval for research from the IRB, research obtain signatures on consent forms and agreement.

Once the study received approval from the university researcher reviewer, the study was submitted to Walden University's Institutional Review Board (IRB) who ensured compliance with all guidelines for ethical research and provided approval to conduct research for my study. IRB number, 01-27-22-0348114 was assigned to the study to conclude that the study demonstrates compliance with Walden University and federal regulations and mandates of ethical procedures and standards. These steps were necessary to ensure that the study did not intentionally bring harm to the participants and to ensure that the study did not bridge room for unethical procedures.

Ethical considerations included anonymity, informed consent, confidentiality, researcher's potential impact on participants and conducting data of a vulnerable population. The principle of no harm to participants and potential harm were identified and considered before research took place. It was the role of the researcher to protect participants to ensure no harm is done (Lim at el., 2017). I employed several methods to protect confidential data gathered such as removing all personal identifiers from documents obtained, amend all demographics from documents and securely storing all data in a locked file cabinet at the researcher's home. Written consents will be obtained and locked securely in the file cabinet at the researcher's home. The researcher's role will also be defined and in depth described to all participants to uphold ethical considerations. I also avoided personal relationships with participants to avoid harm being done unintentionally.

### **Ethical Protection of Participants**

Required measures of protection to protect the population and the participants took place to validate the credibility of the study. The participants in this study were adult female and male volunteers who serve as juvenile probation officers, adult probation officers, public defenders, and detention center staff. The juvenile probation officers, adult probation officers, public defenders, and detention center staff were free to choose whether they wanted to participate or not in the study. There was no known harm of participating in this study. If a participant has trouble or harm directly associated with participating in the study, the Researcher will assist the participant in seeking local help. Researcher has created a partnership with a local trauma therapist and mental health counselor who will provide harmed participants with free trauma therapy and mental health counseling because of being unintentionally harmed by participating in the study. Measures was addressed in the study to understand the issues surrounding the direct file law and to help individuals understand the importance of the issue (Aratani, 2009).

All participants received a consent and confidentiality form for protection via email. An email confirmation was required and received from participants of the study to ensure that they understood that their participation is voluntary, and they were free to leave at any time for any reason. Participants of the study remained anonymous for confidential purposes. Participants will be assigned a code name for data collection and coding purposes. The researcher will obtain signed consent to access all participants, data, and files for the study prior to conducting the study. Files, audiotapes, and records will be stored securely in a locked file cabinet at the researcher's home. The researcher

and person validating results only will have access to the records. Identifying information will be removed from the records before data validating. Consent/statement of confidentiality form will be in Appendix D. This form will be kept for 5 years after the study is complete.

### **Summary**

This study took place in Florida, at the researcher's and participant's homes. The interview portion of the study took place via Zoom and telephone due to the COVID-19 pandemic restrictions. The population included participants at selected juvenile justice system establishments who have firsthand experience working with juveniles who were direct filed and juveniles who remained in the juvenile justice system to determine if the direct file law is effective practice. The study was introduced to potential participants via a flyer that was posted in the meeting room of the Probation office. The flyer provided clear details of the study and provided researcher's contact information for the potential participant to contact researcher. The interview phases of the study occurred via Zoom and telephone at the researcher's and participant's home.

The eligibility requirements for the selected participants included participants that had least 3 years of experience working with juvenile delinquents, works for the department of juvenile justice as a juvenile probation officer, adult probation officer or that works with transferred youth as a juvenile public defenders or juvenile and adult detention center staff. In-depth, semi structured interviews of participants were conducted as the primary source to collect data to inform research to gain insight on the phenomenon.

This chapter provided information on how this study was performed, how the questions for the interview was asked, how the participants was selected and how the data was analyzed and organized. Chapter 3 exhibit issues of trustworthiness and the ethical procedures that are necessary for conducting research to ensure no harm is done to the participants of the study. A detailed description of the research methods that were used is presented in Chapter 4. Further understanding of research and the methods/procedures used is outlined in Chapter 4. Readers will be able to identify how findings were concluded and how saturation was reached using NVivo software.



## Chapter 4: Results and Analysis

### **Introduction**

Disruption can occur in a juvenile's future after experiencing incarceration. The lack of rehabilitation of a juvenile and focusing solely on punishment or punitive measures was never the focus of the juvenile justice system when created (Caputo et al., 2020). The purpose of this research was to explore perceptions on the direct file law, determine if the direct file law in Florida is the proper course of action to address delinquency among juveniles, and determine the effects the law has on juveniles' futures. The qualitative research study was conducted using a phenomenological approach to assist in answering the research questions.

Data were obtained from juvenile probation officers, adult probation officers, detention center staff and public defenders using in-depth interviews. Information from interviews was transcribed/coded using NVivo software for analysis. Detailed information on participants' experiences with juveniles who were direct filed and juveniles who remained in the juvenile justice system was gathered to answer the following research questions:

RQ1: How does the juvenile direct file law process impact the juvenile and society as a whole?

RQ2: What is the intended purpose of the direct file law?

RQ2a: Is the direct file law effective in meeting its intended purpose?

RQ2b: What are the benefits and consequences of using the direct file law for juvenile offenders?

RQ2c: What factors are desired for the best outcome for both the juvenile and society?

Key data were gathered from participants regarding their perceptions on the effectiveness of the juvenile direct file law for the state of Florida, whether the law effects the outcome of a safer society, the overall well-being and rehabilitation of juvenile offenders. These results are presented in Chapter 4. All relevant interview data were transcribed and coded. Study replication is possible with a detailed description of the research setting. Discovery of themes occurs as growing patterns unfold throughout the data analyses. The data themes taken from NVivo coding are represented using bracketing. All biases that may have influenced the research process are acknowledged. Credibility of the research is demonstrated using the ethical guidelines that govern qualitative research proven in previous research studies. The results are conferred, and each research question is addressed while presenting data to support all findings. Chapter 4 concludes with a summary on the effects the direct file law has on juveniles' futures.

### **Setting**

Notification for approval to conduct research was received from the IRB (approval number 01-27-22-0348114). The study was approved by the committee chair, second committee member, and the URR. After receiving IRB approval, the Florida Department of Juvenile Justice probation office was contacted via telephone to arrange a date to hand deliver an informative letter detailing the nature of the study for participants. I met with the chief of the department and provided them the letter to distribute to potential participants. Permission was granted to conduct research and the recruitment of

participants for one-on-one interviews with professional personnel involved with juveniles who were direct filed and juveniles who remained in the juvenile justice system.

Participant selection occurred by participants self-disclosing that they met all participation criteria. Criteria required that participants have at least 3 years of experience working with juvenile delinquents, must have worked for the department within the past 2 years or must currently work for the department of juvenile justice as a juvenile probation officer, adult probation officer, or work with transferred youth as a juvenile public defender or juvenile detention center staff. Ethical considerations took place to include anonymity and confidentiality of all participants. All personal identifiers were removed, and fictitious names were selected to ensure confidentiality and personalization before all interviews began. The fictitious names were then coded by using participant numbers, labeling as F1 through F8, to ensure anonymity and confidentiality. The use of direct quotations was used through number coding the participants. Research shows the quality of a qualitative research is increased using direct quotations because they allow readers to visualize participants' words and language (Creswell, 2016).

The participants were professionals employed with the Florida Department of Juvenile Justice who had firsthand experience working with juveniles who were direct filed and juveniles who remained in the juvenile justice system. The goal of the study was to determine if the direct file law is effective practice.

### **Demographics**

Participants had knowledge of former and current juveniles in family, school, community, detention, and jail settings who were and were not affected by the juvenile

direct file law. The participants' demographics were not considered while the selection process took place due to phenomenological research not requiring demographics.

Participants included in the study had varying training and educational status, ranging from a high school diploma to a juris doctor degree. Different ethnic groups existed among chosen participants. The study included four Caucasian, three African American, and one Hispanic participants. Political affiliations and religious beliefs were not asked or disclosed because they were not relevant to the study. Table 1 shows participant codes, ethnicities, genders, job titles, and years of experience working with the juvenile justice system.

**Table 1**

*Participant's Demographics*

Code	Ethnicity	Gender	Title	Experience (years)
F1	Caucasian	Male	Senior juvenile probation officer	9
F2	African American	Female	Juvenile probation officer	18
F3	Caucasian	Female	Public defender	12
F4	African American	Male	Public defender	14
F5	Caucasian	Male	Adult detention officer	4
F6	Caucasian	Female	Juvenile detention officer	8
F7	African American	Female	Adult probation (juvenile caseload)	22
F8	Hispanic	Female	Adult probation officer (direct-file caseload)	12

## **Data Collection**

### **Sample Selection**

Participants were eight professionals employed with the Florida Department of Juvenile Justice who had firsthand experience working with juveniles who were direct filed and juveniles who remained in the juvenile justice system. All participants had been involved in the Florida Department of Juvenile Justice for at least 3 years. The process for obtaining participants involved asking the chief of the department to hang a flyer in the meeting room to solicit volunteers who met the criteria of the study. Employees were asked to contact me if they were interested in participating in the study. Twelve employees contacted me via email, of which eight participated in interviews. Two of the interested employees did not meet criteria, and two employees declined to participate in the interview after more details on the study were provided.

A total of eight participants were interviewed, and data from all eight participants were used in the study. The semi structured interviews lasted for 20 to 30 minutes and occurred in the format of a conversation recorded via a tape recorder. Interviews took place via the Zoom platform accessed through participants' homes. The Zoom link was provided to only the participant to maintain confidentiality and privacy. Only the researcher interviewing was present during all interviews. All interviews were conducted as planned. Secondary interviews were scheduled approximately 2 weeks after the first interview to be sure all data received were correct. All data collection methods described in Chapter 3 provided enough data to conduct the study on juveniles who were direct filed and juveniles who remained in the juvenile justice system.

### **Data Analysis**

All potential participants were informed of the study and were invited to willingly participate. The first stage was analyzing the responses of volunteers who contacted me and acknowledging that they currently work for the Department of Juvenile Justice as a juvenile probation officer or adult probation officer or who works with transferred youth as a juvenile public defender or juvenile detention center staff. Volunteers also acknowledged they had firsthand experience working with juveniles who were direct filed and juveniles who remained in the juvenile justice system. All participants had been involved in the Florida Department of Juvenile Justice for at least 3 years. Twelve potential participants contacted me, of which eight met criteria and participated in interviews. Criterion sampling was used because the study involved selecting volunteers that required some predetermined criteria. The study involved identifying volunteers who worked for the Florida Department of Juvenile Justice for at least 3 years and who had experience with direct filed juveniles and juveniles who remained in the juvenile system.

The second stage took place using conversational semi structured interviews conducted via Zoom to gather data. The interview transcripts were split into manageable sections and sorted using sequences, patterns, phrases, and words. The next stage of data analysis involved grouping similar categories together into broader themes. The interviews included guided interview question sets that were placed in categories (see Appendix B). All participants answered each interview question, and participants were provided an opportunity during the last question to share any additional information not

accounted for in the predetermined interview questions. The interviews ended once interview question saturation was achieved.

Data analysis occurred after the completion of interviews. The data analysis followed the qualitative research methodology, using Creswell and Creswell's (2017) phenomenological research method. Interview transcripts were reviewed for coding and persuasive statements/phrases on how participants experienced the phenomenon were identified. I used Microsoft Word in preparation to organize data. Common patterns were extracted and isolated from the data using bracketing. Clustering was also applied using underlying and identifying themes. Coding was completed using NVivo software after precise transcripts were generated to identify events and themes that continued to repeat in the interviews. A variation of codes emerged involving participants' perceptions on the effectiveness of the juvenile direct file law for the state of Florida and whether the law effects the outcome of a safer society and the overall well-being and rehabilitation of juvenile offenders.

I developed code lists that included the direct file law characteristics affecting juveniles' futures and the disruptions the law causes in juvenile recidivism rates, physical and mental health, safety, education, social needs, and successful reintegration into the community after incarceration as an adult. All direct quotations were highlighted in different colors and labeled with corresponding code words, and themes developed from the data after coding was completed. Essential thematic representation occurred from repeated codes found across interviews. Participants' direct quotes were extracted, forming themes that allowed their words to make a statement. The direct quotes during

the interview from participants' experiences on the subject are included in the results.

The purpose of providing study results is to provide readers a sense of having heard the words and understanding the participants' experiences (see Creswell, 2016).

Interpretations discovered during the completion of theme discovery were used to explain the noted effects and to provide answers to research problems. Member checking was also used when I asked participants to review their transcripts and allowed for additional editing and comments. Necessary revisions and edits were completed after the participants reviewed their interview transcripts. A second interview or a follow-up interview was conducted to clarify and elaborate in detail the data from the first interview to ensure saturation was met. Any discrepancies and unique finds were also reviewed and analyzed. No discrepancies were found during the first interview.

The recorded semi structured interviews took place via the Zoom platform at convenient times for participants. Interviews took place in the private homes of participants in closed rooms without any interference. This gave participants the opportunity to speak freely and privately without intimidation. The Zoom link for each interview was only provided to the participant to maintain confidentiality and privacy. Only the researcher interviewing was present during all interviews. All interviews were audiotaped for easy transcription during data analysis. The interviews were transcribed to discover themes and patterns after data were collected. I also took notes as a strategy to highlight important findings and themes beneficial for data understanding and interpreting.



After each interview was conducted, transcription was conducted. Two critical themes were noted: The participants recall what causes juveniles to engage in criminal behavior and the participants' perceptions of the factors of the direct file laws that prevent juveniles from being successful in their future after being tried and sentenced as an adult. The guided interview questions, found in Appendix B, focused interviews on investigating purposes, keeping interviews on topic. All free responses were encouraged in a natural conversational tone through the interview questions wording (Creswell, 2016). The dialogue during interviews included related questions that allowed the participants to freely exchange their ideals. Various themes emerged from the interviews.

Using bracketing, personal biases and preconceived notions about the research topic were set aside. The bracketing technique deferred judgment, allowing me to focus on analysis only (see Creswell & Creswell, 2017). Previous theories and research findings on the research topic were set aside until data analysis. Data analysis was applied by identifying all relevant data and setting aside, temporarily, the preconceived knowledge and ideas of the study constraints. This allowed unbiased conclusions to evolve through the ability to revisit the findings and themes of the interviews (see Bainster, 2015).

Coding procedures included labels for classifying and assigning meaning to all data. The NVivo coding software allowed guided pattern discovery of identified themes to assist researcher. The initial coding began with generating many codes used for identifying all related data. As the data segments were assigned, several repeating ideas began to appear which made thematic connections. Related codes stemmed from the

research questions data. Codes were, increased mental health and recidivism rates among juveniles, deterring juveniles from committing serious crimes in Florida and effectiveness of the juvenile direct file law for the State of Florida and whether the law effects the outcome of a safer society and the overall wellbeing and rehabilitation of juvenile offenders and effects such as the recidivism rates, the physical and mental abuse juveniles face when incarcerated with adults, the lack of safety juveniles may feel and face, the lack of education opportunities and juveniles social needs.

Using exact quotes pulled directly from interview transcripts, codes were identified. Code words was highlighted in different colors and labeled with an agreeing code word. By coding, this allowed for the reduction of information into categories that resulted from crucial themes which helped researcher answer all research questions. All the participants acknowledged they had experienced some level of a concern when juveniles are stripped of their juvenile protections and transferred to the adult criminal justice system. The suggested consequences of the juvenile direct file law and the differential effects it has on youthful offenders was exacerbated.

The explanation of consequences caused by the effect of the direct file law occurred in themes and patterns within the transcriptions and in the answers to research questions. The themes that appeared in interviews were compared to published secondary data. Researcher then discovered theoretical findings that were alike research circumstances and settings defined by the interviewees. The effects the direct file law has on a juvenile, the juvenile's family and the justice system are massive. Effects such as the recidivism rates, physical, mental, safety, education and social needs are of concern (Ash,

2019). One of the original purposes of the juvenile justice system was to rehabilitate the youth and not focus on punishment alone and this theme appeared through the interviews. The limited research that exists to show the effectiveness of the direct file law was also noted. Research is available on the negative consequences of the juvenile direct file law and participants reported on the effects. All participants reported on factors bearing on the direct file law, such as recidivism rates, safety, social, educational, mental, and physical needs, and the need for more rehabilitation programs instead of focusing solely on punishment.

The final data analysis did involve putting all bracketed patterns and themes into a conceptual map for visual connections in data. A concept map was created from the coded research to demonstrate the interconnections of findings and to frame the research. The participants continuously shared that the current direct file law represents a departure from the original juvenile court that was created to rehabilitate juveniles. Participants also conveyed that they have seen the negative experiences a juvenile face when they have been direct filed and sentenced as an adult. The incarcerating of juveniles with adults does not meet the developmental, social, and criminogenic needs of the youth, does nothing to improve recidivism rates and this was also conveyed during the interviews.

### **Evidence of Trustworthiness**

#### **Credibility**

The research study paradigm held an informative and constructivist position throughout. Data analysis was created through interpretive and contextual perspectives to provide study validity. Peer reviewer, researcher reflexivity, in-depth descriptions of

interview content, direct quotes and member-checking were used to ensure credibility. The interviewing continued until research question saturation was met. The fresh data was placed into meaningful categories and then examined during each data collection stage. The participation of the study was based on the participants willingness to engage to provide real life experiences and perceptions of the presented study. The desirable participant criteria were confirmed through self-disclosure after making the initial contact with researcher. The interviews were recorded, ensuring all the data could be accurately transcribed. Several methods were utilized to check and ensure research validity and that the study remained credible.

The interviews were scheduled at the convenience of the participants. Researcher explained to the participants in depth, the interview process, and the need to obtain firsthand knowledge directly from participants who works hand in hand with the population being studied. Researcher explained to participants the importance of providing credible knowledge to inform the study. Direct quotes of the participants were checked for accuracy before being included in the study. The interviews transcript analysis happened by using a coding system to identify common themes and patterns. The affects the direct file law has such as the recidivism rates, the physical and mental abuse juveniles face when incarcerated with adults, the lack of safety juveniles may face, the lack of education opportunities and juvenile's social needs when juveniles are transferred to the adult criminal justice system were brought to the forefront of the study through NVivo coding software which met reliability and validity ethics. From data analysis while referring to the research literature of contextual theories, conclusions were

drawn. Transferability and credibility in research increase when studies are not as specific and creates a unique setting (Creswell, 2016).

### **Transferability**

Strategies originally described in Chapter 3 were useful for increasing transferability during the data collection process. Interviews were conducted in a safe manner where participants felt comfortable sharing in depth, firsthand knowledge to the interview questions asked. Interviews were guided and redirect by the researcher to answer the specific questions asked but also allowed the participants to provide new information for discretion on relevant data. By allowing the interviews to reveal data as researcher sees necessary, transferability of the research occurred from noting the research situation, details, and methods. The reader notes details and compares the details to similar situations they are aware of. If the details are comparable, the research is deemed credible (Bloomberg & Volpe, 2008).

Transferability and credibility in research increase when studies are not as specific and creates a unique setting (Creswell, 2016). The fieldwork researcher conducted, was documented in detailed as this will allow the readers of the study to decide whether the research atmosphere is like other situations which they may be familiar and whether the findings can be applied to other settings. The interviews were semi-structured in the format of a conversation to gather as much data as possible. Participants of the study had varying demographics like gender, years of experience, ethnicity, and job title. Triangulation and member checking was also implemented to allow the research technique to apply to other settings.

**Dependability**

The findings in the study are repeatable and consistent with the raw data collected which establishes dependability. Dependability affords readers the opportunity to understand how conclusions are reached (Creswell, 2016). Dependability is measured by the standard in which the research is conducted, gathered, analyzed, and presented (Given & Saumure, 2008). Interviewing took place at two different times. The follow up interviews took place after 2 weeks of the first interview to ensure that there were not any weak points or issues in the first interview and recording of the interview. The data is theoretically justified by means of direct quotes during the interview from the research questions. The researcher utilized dependability to ensure the research is credible. Dependability was also established by having another researcher to conduct an external audit of the data collected.

**Confirmability**

Study confirmability was explained by presenting a suitable interpretation on how the findings were formed. Confirmability is defined as the process used to establish whether the researcher has been biased throughout the study (Bainster, 2015). The description of how themes and concepts were consequent from data is included, which allows for the readers to authorize conclusions. The data analysis was not limited to themes or issues that researcher thought was relevant but considered anticipated emergent themes. Different and undesirable data which did not fit the essential interpretation were not solely discharged but drawn upon to assist in establishing confirmability.

Results were grounded in the interviewee's responses to questions and explanations. An explanation on how quotes were chosen and labeled is provided. Research findings was supported throughout the data collection process and did not allow assumption data in the study. Researcher preconceived notions and bias were identified and steps were taken to ensure results were based on participant professional experiences related to the phenomenon investigated. Confirmability was established through detailed demonstration on how the method was carried out throughout the study (Given & Saumure, 2008).

### **Results**

The eight professionals selected to participate have been employed in the Florida Department of Juvenile Justice for at least 3 years. All participants were able to describe their experiences working with juveniles who were direct filed and juveniles who remained in the juvenile justice system. The participants had firsthand knowledge through their present and past experiences working with juveniles who were direct filed and juveniles who remained in the juvenile justice system. By conducting one-on-one interviews with the participants, this allowed the researcher to gain insight and knowledge into the experiences juvenile faced when transferred to the adult court and experiences remaining in the juvenile justice system.

Comprehensive themes were fashioned by extracted data utilizing the line-by-line coding method from the specific research question: How does the juvenile direct file law process impact the juvenile and society as a whole? While each participant had an exceptional story of how they interpreted the direct file process and its effects, most

participants described three core experiences during the interview which were categorized. Three main themes: Impact of direct file law and the transfer to adult justice system, role of the juvenile justice system, and juvenile delinquency rates. Presentations of the three themes are provided in the following subsections.

### **Theme 1: Impact of Direct File Law and Transfer to Adult Justice System**

Eight participants discussed the negative outcomes of the direct file law and transfer to adult sanctions for juveniles. Incarcerating juveniles with adults do not meet developmental, social, and criminogenic needs of the youth. F4 stated, “Florida’s direct file law has a negative impact on their health, mental health, education, brain development, and the ability to secede from a criminogenic lifestyle.” F2 agreed with F4 in stating, “juveniles in the adult system may be at risk for severe disruptions in their growth, learning, relationships, skills, mental health and personal development.” F8 stated, “with the lack in research, the juvenile direct file law creates other issues within the justice system once the juvenile is waived.” F5 agreed with F8 in stating, “I have seen issues arise when a juvenile is waived such as fear for the juvenile’s safety, being exposed to traumatic experiences, their lack of educational opportunities, lack of mental health resources, lack of rehabilitation for the juvenile and lack of necessary counseling.”

F7 reported, “in personal experience, some juveniles who were direct filed and sentenced to serve time in adults facilities returned to jail or prison within a few months of release.” Transferring a youth to adult court puts the youth at a greater risk to reoffend due to negative influences and skills a juvenile learns in the adult system. Juveniles suffer physiological and psychological when waived from their court system, the juvenile’s



safety may be jeopardized when in adult jails and prisons. According to Listenbee (2013), juveniles are subject to physical abuse in adult jails, and they most often do not receive the correct education to fit their needs. F7 and F8 agreed in stating, “juveniles are not completely protected from adult populations in jails and juveniles most likely will learn new methods of committing crimes if housed with adult offenders.” F2 stated, “incarcerating juveniles with adults does not meet the developmental, criminogenic needs or social needs of the youth.”

Notable in F5’s response was that stripping a child of the protections afforded to them in the juvenile justice system and transferring them to the adult justice system does not provide the necessary rehabilitation to assist the juvenile in their future and does not fix the issue of juvenile recidivism. F6 stated, “the problem with juveniles being waived and tried in the adult justice system are juveniles suffer physically and mentally and there are not rehabilitating methods put in place to address a juvenile’s needs.” The rehabilitating of a juvenile is needed for them to become productive in their adulthood. Recidivism rates among waived youth are higher than the rates of juveniles who remained in the juvenile justice system (Listenbee, 2013). The appropriate rehabilitation of a child is not able to come forth when punishing children as adults.

F7 stated, “incarcerating juveniles with adults is proven to result in negative mental health and behavioral consequences, also increasing juvenile recidivism rates as seen by the number of children we serve with mental health issues.” F3 agreed with F7 in that F3 stated, “I have stood before the judge representing many direct filed individuals with mental health issues that were not addressed when the juvenile was sentenced as an

adult. I have also seen the number of juveniles requiring intensive mental health therapy increase over the past few years after they have been direct filed and served time in adult facilities.” F4 also notes, “the direct file law does seem to work due to the number of juveniles that continue to commit crime in adulthood which is a conflicting consequence of the envisioned punishment.” F3 also noted, “waived juveniles identify themselves as serious criminals when they are direct filed and experience incarceration as an adult. Their criminal behavior also increases after serving time with mature offenders.”

F3 and F4 addressed the notable Supreme Court case *Graham vs. Florida* regarding the cruel and unusual punishment clause. In the case, *Graham v. Florida*, Terrance J. Graham, a 16-year-old child was convicted of attempted armed robbery and armed burglary. Graham served 12 months and was released. A short time later, Graham received new charges, was tried as an adult, convicted of armed home burglary, and sentenced to life in prison without the chance of parole (*Graham v. Florida*, 2010). Graham appealed the ruling arguing that the ruling violated his Eighth Amendment right against cruel and unusual punishment because he was a juvenile. The Florida district court held that Graham’s sentence did not violate his Eighth Amendment rights and was not cruel or unusual. The Supreme Court later held that the waiver and sentence to life in prison without parole violated Terrance Graham’s Eighth Amendment rights (*Graham v. Florida*, 2010). *Graham v. Florida* is an example of how the direct file law did not serve as best practice and the negative impact it had on the juvenile.

F3 stated, “I am seeing more juveniles being direct filed and sentenced to an extensive amount of time in prison without a chance of parole, which ruins the juvenile’s

future.” When a juvenile is incarcerated as an adult, lifetime opportunities such as a college education, career and stability may be cut off (Feld, 2018). F4 stated, “this is unfortunate for the juvenile because the effects of the direct file may lead to later engagement in criminal behavior due to the juvenile being unable to obtain stable employment to provide for themselves or families.” F1 stated, “the state of Florida state attorneys relies considerably on the old practices and policies to deal with juveniles that commit adult crimes.”

**Table 2**

*Impact of Direct File Law and Transfer to Adult Justice System*

Themes	Number of participants who responded
Theme 1: Impact of direct file law and transfer to adult justice system	8
Sub-Theme 2: Recidivism rates in Florida among direct file juveniles	8
Sub-Theme 3: Safety	8
Sub-Theme: 4 Positive outcomes of the direct file law	8
Sub-Theme 5: Negative outcomes of the direct file law	8

**Theme 2: Role of the Juvenile Justice System**

The role of the juvenile justice system in the State of Florida is to reduce juvenile delinquency by increasing public safety using effective intervention, prevention and treatment services that will shape and turn around the lives of trouble juveniles (Walters, 2017). The Florida juvenile justice system fosters a vital position in the lives of many

children, young adults, and their families. A separate juvenile justice system from the adult justice system was created in the United States to divert young children from harsh and destructive punishments of the adult criminal justice system (Miller & Applegate, 2015). The purpose of the separate justice systems was to rehabilitated juveniles due to their brains not being fully developed to the compacity of an adult's brain. A juvenile's needs differ from an adult physically, socially, educationally, and psychologically due to the juvenile's brain not yet being fully developed or that of an adult (Merlo & Benekos, 2016).

The movement of juveniles to their own courts took place to separate youth from adults and to focus on rehabilitation and not just punishment (Slobogin, 2013). Waiving a juvenile and stripping them of their juvenile sanctions is not the solution for fixing the issue, instead makes the issue more defective (Baglavoio, Epps, Sheer, & Swartz, 2013). F6 Stated, "the change that was meant to come forth in the separation of the court systems was to focus rehabilitating juveniles and restoring the victim in a whole state of mind." The separation of the systems was meant to change the disproportionate opposing effects on juveniles of the minority races and the effect the direct file law had on the psychological and social development of juveniles (Federle, 2016). The purpose of the juvenile justice system is to serve the best interest of the juvenile, restore the victim and community while understanding that juveniles should not be treated with and as adults.

The importance of the juvenile justice system's implementation of intervention, prevention and treatment programs is necessary to foster a juvenile's future success. F3 stated, "understanding reasons why juveniles commit crime is just as important as the

intervention, prevention and treatment programs that will assist in rehabilitating the juvenile.” F6 stated, “the justice system must now focus on creating law that will effectively deter juveniles from committing crime.” According to Saminsky (2010), the issues and trauma juveniles encounter must be dealt with to appropriately address juvenile delinquency (Saminsky, 2010).

**Table 3**

*Role of the Juvenile Justice System*

Themes	Number of participants who responded
Theme 1: Role of the juvenile justice system	8
Sub-Theme 2: Turning around the lives of troubled youth	8
Sub-Theme 3: Rehabilitation	8
Sub-Theme 4: Juveniles becoming productive citizens in adulthood	7

**Theme 3: Juvenile Delinquency Rates**

All eight participants discussed the negative impacts the direct file law has on juvenile delinquency rates in the State of Florida. The negative outcomes included an increase in gang involved crimes, community safety issues, a rise in gun related crimes, risky drug deals in neighborhoods, burglaries, vehicle thefts, gun thefts, heinous sexual crimes, and a rise in homicides. F8 reported, “these crimes are learned behaviors and are most often learned and talked about in adult jails.” F7 reported, “in personal experience, some juveniles who were direct filed and sentenced to serve time in adults facilities returned to jail or prison within a few months of release.” All participants except for F6

are crediting the continuing issue of juvenile delinquency in the State of Florida to the direct file law given their experience in the system. Florida's direct file law has a negative impact on their health, mental health, education, brain development, and the ability to secede from a criminogenic lifestyle.

F2 described the negative effects of juvenile delinquency as "an ongoing problem in the State of Florida." Juvenile delinquency and trying juveniles as adults are cause for grave concern due to the increase in serious crimes in certain cities in Florida. F7 reported, "despite the justice system waiving youth from the juvenile system to be tried in adult criminal court, crime still occurs, and juvenile delinquency still exists." Harsher punishments are not the cure to deter youth from a life of crime. Cruel punishment will not end juvenile crime or make recidivism rates lower, instead increase the offender's chances of re-offending (Slobogin, 2013). F6 noted, "the affects the direct file law has on the juvenile and their family is massive due to safety issues, mental health and social needs."

All eight participants specified, effective problem focused strategies should be put in place in Florida to reduce juvenile crime and should focus on addressing the risk factors which causes juvenile delinquency. No participants disagreed with this awareness. The leading risk factors participants mentioned as needing to be addressed are exposure to family and community violence, exposure to guns, poor parenting skills, low social economic status, trauma, poverty, lack of Maslow's hierarchy of needs and negative influences of social media.

Eight participants cited lack of Maslow's hierarchy of needs, negative influences of social media and poverty as the top risk factors in juvenile delinquency. F1 stated that "juvenile delinquency is negatively influenced the most by a juvenile's lack of Maslow's hierarchy of needs such as physiological needs, safety needs and love and belonging needs." F7 agreed with F1 in stating, "when Maslow's hierarchy of needs remain unmet, a juvenile will turn to a life of crime to provide for themselves and most often provide for their family." The lack of parental support and supervision is a gateway to children turning to the community, social media, and gangs to satisfy the stages in Maslow's hierarchy of needs. F4 stated, "Several juveniles reported turning to the community or getting involved in a gang because gang members promised to take care of their needs."

F6, reports, "the negative images displayed via social media is what juveniles are leaning on and what juveniles are portraying to be the right path to take in life. This is simply because they do not have a positive role model to steer them in the right direction. This causes juvenile delinquency due to juveniles gleaming on what that see and think it is the right." F2 contributes juvenile delinquency to the world becoming more advanced and juveniles lacking the resources to keep up with the image of their peers on social media." Suicides, the use of dangerous drugs, teenage pregnancies, smoking, and runaways is a common issue dealt with in juvenile justice systems around the world (Feld B. C., *The due process revolution of the juvenile offender*, 2009).

Many juveniles are living in poverty with no means or resources to provide for themselves or family. F6 reports, "many juveniles enter the system due to lack of resources to provide for their family. Young juveniles are being tasked with the

responsibility of taking care of their siblings and family due to parental absence.” These juveniles are forced to provide the basic needs such as food, clothing, and shelter for their family. This places a strain on the juvenile and untimely leads them to commit crime. This issue is important and must be addressed before juvenile delinquency rates will change for the better.” F8 stated, “juveniles today value money and material things and when they do not have a parent there to provide, the juvenile will turn to crime to make provision.”

**Table 4**

*Juvenile Delinquency Rates*

Themes	Number of participants who responded
Theme 1: Juvenile delinquency rates	8
Sub-Theme 2: Sentencing juveniles with and as adults	8
Sub-Theme 3: Juveniles learning adult behavior during incarceration	8
Sub-Theme 4: Rising crime rates	8

The future and reduction of the Florida juvenile delinquency rate depends on the juvenile justice system law and policy and how it rehabilitates all parties involved in the system. When a juvenile is prosecuted criminally as an adult, it makes the juvenile prone to continue a life of delinquency. Turning around the lives of troubled youth is part of the Florida juvenile justice system’s mission statement (Walters, 2017). Fundamentally, to turn around the lives of troubled youth, rehabilitation and restoration efforts must be made to adoptive change in the lives of juveniles within the justice system. The children



of today are our future, because of this, a way to reduce recidivism rates must be created. Juveniles do not act and handle their differences as they use to but now days they use guns, knives, and other weapons to make their point. These issues are some of the causes of why juveniles commit serious crimes and why juvenile delinquency remains an issue today.

### **Summary**

The specific research question used to guide the study was: How does the juvenile direct file law process impact the juvenile and society as a whole? The specific research questions assisted in guiding the study: Research Question 2: What is the intended purpose of the direct file law? Research Question 2A: Is the direct file law effective in meeting its intended purpose? Research Question 2B: What are the benefits and consequences of using the direct file law for juvenile offenders? and Research Question 2C: What factors are desired for the best outcome for both the juvenile and society?

Three main themes developed during the interviews and data analysis to address the questions. Theme 1: impact of the direct file law and transfer to adult justice system. Participants noted the effects the direct file law has on juveniles, their families, and the community. The effects are of concern due to the toll it takes on the juvenile, the victim, the justice system, and community. The state of Florida is leading the entire nation with direct filling and prosecuting juveniles as adults. Despite the creation and advanced use of the direct file law, juveniles continue to commit serious crimes at an alarming rate in the State of Florida. The direct file law has not fixed the issue of juvenile delinquency as it was meant to. Issues such as fear for the juvenile's safety, traumatic experiences,

juveniles lack of educational opportunities, the lack of mental health resources, the lack of necessary counseling, the lack of rehabilitation for the juvenile, the lack of youthful offender prisons available in the state of Florida and the recidivism rates among waived youth (Listenbee, 2013). Juveniles suffer physical and psychological when waived from their court system, the juvenile's safety may be jeopardized when in adult jails and prisons.

Direct filing a juvenile, essential to try them as an adult without studies to show the effectiveness of the direct file law may be dangerous (Butts, 2012). Participant F4 stated, "Sometimes serious and daily consequences take place when a juvenile is transferred to the adult justice system such as suicide." An example of a juvenile falling prey to victimization in the adult system's care is juvenile Bobby Nestor. Bobby Nestor was a 16-year-old male who was arrested and jailed at the detention center because his mother found a marijuana blunt in his jacket pocket. After Bobby's mother received advice from the local chief of police, Bobby was detained. While incarcerated, Bobby ran away with an older juvenile, was labeled as a serious delinquent youth, and was sent to the adult prison to be taught a lesson and given a salutary scare (Brown, 1995). Due to the harsh treatment, sexual pressures and being raped by older inmates, Bobby was found hanging in his cell. It is alleged Bobby committed suicide because he was victimized by older inmates after being forced into the adult prison system never intended for Bobby for a non-heinous crime (Brown, 1995).

The consequences of using the direct file law are major for all parties involved due to the fact there is no way of knowing whether the waiver helped the juvenile or

society. Rehabilitating juveniles from a troubled background and giving them a chance at a law-abiding lifestyle is part of creating and fostering better human conditions. Since juveniles are the future and should be steered correctly, understanding of the effectiveness of the juvenile direct file law for the State of Florida and whether the law affects the outcome of a safer society, and the overall wellbeing and rehabilitation of juvenile offenders is needed.

Theme 2: role of the juvenile justice system. The movement of juveniles to their own courts took place to separate youth from adults and to focus on rehabilitation and not just punishment (Slobogin, 2013). The role of the juvenile justice system in the State of Florida is to reduce juvenile delinquency by increasing public safety using effective intervention, prevention and treatment services that will shape and turn around the lives of trouble juveniles (Walters, 2017). Participant F4 stated, “the department of juvenile justice is in place to protect the juvenile, community and victim”. The role of the original juvenile justice system was to rehabilitating juveniles from a troubled upbringing to give them a chance at a law-abiding existence, creating and fostering better social conditions. Turning around the lives of troubled youth is part of the Florida juvenile justice system’s mission (Walters, 2017).

The first juvenile court came about in late 1800 and the primary focus was the rehabilitation of a youth. Due to the recognition that youth were still developing and that their needs were not the same as adults, a justice system separate from adults was created (Griffin et al., 2011). Essentially, to turn around the lives of troubled youth, rehabilitation efforts must be made to foster a change in the lives of juveniles within the justice system.

Social activists spoke out on the issue of juvenile delinquency and began to create special facilities and courts for troubled youth. The early juvenile court that progressed in Illinois made means for other juvenile courts to exist today (Blackstone, 2011). The purpose of the juvenile justice system is to serve the best interest of the juvenile, restore the victim and community while understanding that juveniles should not be treated with and as adults.

Theme 3: Juvenile delinquency rates. Transferring a youth to the adult justice system does not provide the necessary rehabilitation to assist the juvenile in their future. Participants noted, “recidivism rates and statistics show transferring juveniles to criminal adult sanctions may not be the proper way to deter youth from a life of crime.” Harsher punishments are not the cure to deter youth from a life of crime. Severe and cruel punishment will not end juvenile crimes or make recidivism rates lower, instead increase the offender’s chances of re-offending (Slobogin, 2013). Effects such as the recidivism rates, the physical and mental abuse, the lack of safety juveniles may feel and face, the lack of education opportunities and juvenile’s social needs are of concern when juveniles are transferred to the adult criminal justice system (Ash, 2019).

The juvenile direct file law was to serve as the fix for the issue of juvenile delinquency. Despite the creation of the law, serious juvenile crime still takes place throughout the State of Florida (FindLaw, 2017). Participants noted some risk factors needing to be addressed to fix the issue of delinquency are “exposure to family and community violence, exposure to guns, poor parenting skills, low social economic status, trauma, poverty, lack of Maslow’s hierarchy of needs and negative influences of social

media. Juveniles are forced to provide the basic needs such as food, clothing, and shelter for their family. This places a strain on the juvenile and untimely leads them to commit crime.” Juveniles in the State of Florida continue to commit serious crimes at a frightening rate although the direct file law is being utilized.

Participant F8, who oversees a direct file unit stated, “the direct file law is not curving crime rates and it appears delinquency is becoming more of an issue given the number of juveniles that are brought into the system daily.” Participant F3 stated, “the gun violence and crimes being committed with guns are rising and must be addressed wholeheartedly.” The Florida juvenile justice system fosters a vital position in the lives of many kids, young adults, their families, and communities. Fixing the issues, the direct file law causes is what is needed to fix the issue of juvenile delinquency and recidivism rates.

Chapter 5 contains discussion, conclusion, implications, and recommendations made based on findings from interviews and available data. Implications for positive social change include informing practitioners and policy makers of the importance of research on whether the juvenile direct file law works to reduce recidivism rates. Connections made within the study and research are detailed. Findings are exactly summarized, and key themes are extracted from the data. Final conclusions are complete and accessible through theme conclusions relative to current research and theoretical framework used to guide the study. Chapter 5 is a presentation of the conclusions from findings.

## Chapter 5: Discussion, Conclusions, and Recommendations

### **Introduction**

The purpose of this study was to determine if the direct file law in Florida is the proper course of action to address crime rates and delinquency among juveniles. The purpose of this study was also to determine if a policy/law change is needed to address the lack of evidence showing whether the direct file law works in deterring juveniles from committing serious crimes in Florida. Data were collected through interviews with eight participants who met criteria and volunteered to participate. Criterion sampling was used because the study involved selecting participants with predetermined criteria. The study involved identifying participants who worked for the Florida Department of Juvenile Justice for at least 3 years and had experience with direct filed juvenile offenders and juveniles who remained in the juvenile system.

The findings of the study may provide valuable information that can be used to address increased juvenile recidivism and delinquency rates. The descriptive phenomenology approach was employed to place attention on the data of juveniles waived to the adult justice system and data of the juveniles that remained in the juvenile justice system to answer the research questions. By conducting one-on-one interviews with participants, I was able to gain insight and knowledge into the experiences juveniles face when transferred to adult court and their experiences remaining in the juvenile justice system. This allowed for the gathering of data on juveniles in the family, school, community, detention, and jail settings to show the need to address the gap and assist in bringing about positive social change.

Data was obtained from juvenile probation officers, adult probation officers, detention center staff, and public defenders using in-depth interviews. The data were transcribed/coded using NVivo software for analysis. I present a study summary reviewing participant selection and data collection in Chapter 5. The descriptive phenomenology approach sought after and placed attention on the data of juveniles who were direct filed and juveniles who remained in the juvenile justice system. Findings of the study are summarized, and data interpretation related to the research questions are presented in Chapter 5. Social change implications and the recommendation for possible law change to create positive social change in juvenile delinquency is highlighted in Chapter 5 as well. This chapter concludes with a summary discussion of themes and findings in the study.

### **Interpretation of the Findings**

The specific research question that guided the study was:

RQ1: How does the juvenile direct file law process impact the juvenile and society as a whole?

This research question was expected to create strategies that can be used to reduce juvenile delinquency and recidivism rates and to understand why juveniles commit crime in Florida. Approximately 12,000 or more juveniles are tried as adults in the state of Florida each year due to the direct file law (Berger, 2013). Although the main goal of the first juvenile court created in late 1800 was to focus on the rehabilitation of a youth, rehabilitation of a juvenile does not appear to be the main goal of the justice system today. Social reformers spoke out on the issue of juvenile delinquency and began to

create special facilities and courts for troubled youth best to fit their needs and the needs of society and victims.

The early juvenile court that evolved in Illinois made way for other juvenile courts today (Blackstone, 2011). The purpose of the juvenile justice system is to serve the best interests of juveniles while understanding that juveniles should not be treated as adults. The following specific research questions assisted in guiding the study:

RQ2: What is the intended purpose of the direct file law?

RQ2a: Is the direct file law effective in meeting its intended purpose?

RQ2b: What are the benefits and consequences of using the direct file law for juvenile offenders?

RQ2c: What factors are desired for the best outcome for both the juvenile and society?

The descriptive phenomenology approach was used to place attention on the data of juveniles direct filed and juveniles who remained in the juvenile justice system. Eight professionals were selected to participate in the study who have been employed in the Florida Department of Juvenile Justice for at least 3 years. All participants were able to describe their experiences working with juveniles who were direct filed and juveniles who remained in the juvenile justice system. The participants had firsthand knowledge through their present and past experiences working with juveniles who were direct filed and juveniles who remained in the juvenile justice system. Focusing on the core of comparable experiences shared by a specific group allows for educational understanding (Sager, 2015).



Research objectives were to investigate the juvenile direct file law and factors that correlate with the increase in recidivism rates and delinquency despite the use of the law. Approximately 20 employees were informed of the study through flyer distribution. Fourteen participants contacted me, of which eight met criteria and participated in interviews. Eligibility criteria included having at least 3 years of experience working with juvenile delinquents; participants must have worked for the department within the past 3 years or must currently work for the department of juvenile justice as a juvenile probation officer, adult probation officer, or work with transferred youth as a juvenile public defender or juvenile and adult detention center staff. Employees who met participant criteria were asked to contact me via email. During guided one-on-one interviews with the participants, I was able to gain insight and knowledge into the experiences juvenile face when transferred to the adult court and their experiences remaining in the juvenile justice system.

Selecting participants for research is an essential part of conducting a qualitative study. This involves gathering information on the participants selected to understand the participants and phenomenon (Bengtsson et al., 2019). Participants were interviewed one-on-one using guided research questions that focused on the research problem. Participants were provided the chance to freely provide their knowledge and standpoint through the research question design. A transcript was made from the recordings of each interview conducted. All interviews lasted about 30 minutes and included member checking as participants reviewed the transcripts to ensure accuracy.

Secondary interviews were scheduled and conducted approximately 2 weeks after the first interviews to be sure all data received were correct and discussed and to clear any discrepancies from the prior interview data. All data collection methods described in Chapter 3 provided enough data to conduct the study on juveniles who were direct filed and juveniles who remained in the juvenile justice system. When data saturation occurred and member checking was complete, the transcripts were entered into NVivo coding software for analyzing. Themes that emerged were then categorized. Quotes from participants also revealed categorical wording that was coded and then bracketed for data analysis.

RQ1 inquired about experiences related to the direct file law and the impacts it has on juvenile recidivism rates. All participants reported having some knowledge of the direct file law, the purpose of the law and some experience with juveniles who were direct filed and juveniles who remained in the juvenile justice system. Repeatedly, participants shared challenges juveniles face after being direct filed and being detained in the adult criminal justice system, which is supported in research literature.

Florida's direct file law was created as means to punish juvenile offenders of the law who committed serious adult-like crimes. These crimes include attempted murder, murder, armed robbery with a firearm, and grand theft of a vehicle with a firearm. Due to the serious nature of crimes some juveniles commit, the Florida state justice system created policies and laws to deal with juvenile offenders, such as the direct file law. The Florida direct file law and policies differ from laws created in the original juvenile justice system in late 1800 (Ash, 2019). A juvenile's needs differ from those of an adult

physically, socially, educationally, and psychologically due to a juvenile's brain not yet being fully developed (Merlow & Benekos, 2016). The importance of the juvenile justice system's implementation of intervention, prevention, and treatment programs is necessary to foster a juvenile's future success. Understanding the direct file law and the mission it was created to accomplish is necessary to determine if the law is working to correct the issue.

Florida legislatures created and expanded the juvenile direct file law in early 2000, throughout the entire state as means to deal with serious juvenile crime (Walters, 2017). The Florida direct file law stipulates juveniles to be tried and prosecuted in the adult criminal justice system for specific violent crime offenses (Griffin et al., 2011). Due to the nature of the violent offense's juveniles commit, the juvenile direct file law stands firm amongst Florida's commonly used polices and laws to deal with juvenile crime. The theory that life experiences affect the way individuals view themselves sometimes deviates from the actual truth about an individual (Myers, 2014). When individuals are labeled or categorized as criminals, they tend to develop self-identities as a criminal and act upon their identification (Becker, 1967). Participants noted that the current direct file law represents a departure from the original understanding that the juvenile justice court created in late 1800. Transferring a youth to adult court puts the youth at a greater risk to reoffend due to negative influences and skills a juvenile learns in the adult system.

Research Question 2A: Is the direct file law effective in meeting its intended purpose? Research question 2A inquired about the effect the direct file law has on recidivism rates and if the law is effective in its purpose. All participants reported having

some knowledge of the direct file law and how it affects juveniles. Repeatedly, participants shared challenges the law creates for the juvenile, family, and community which is supported in research literature.

Researchers have studied the relationship between using the direct file law as punishment and recidivism rates. The purpose of the law is to deter crime committed by juveniles and reduce recidivism rates. All participants shared their experience with juveniles that were direct filed and sentenced as adults. The Florida juvenile justice system fosters a vital position in the lives of many children, young adults, and their families. Participants working directly in the detention center and jail noted, the harm and negative skills juveniles learn when incarcerated with and as an adult. Participants shared, “Florida’s direct file law has a negative impact on juveniles health, mental health, education, brain development, and the ability to secede from a criminogenic lifestyle.” F4 notes, “the direct file law does not seem to work due to the number of juveniles that continue to commit crime in adulthood which is a conflicting consequence of the envisioned punishment.” F3 noted, “waived juveniles identify themselves as serious criminals when they are direct filed and experience incarceration as an adult.”

Noted effects of the law are, the physical and mental abuse juveniles face when incarcerated with adults, the lack of safety juveniles may feel and face when transferred, missed educational opportunities, missed rehabilitative methods and recidivism rates. F7 stated, “incarcerating juveniles with adults is proven to result in negative mental health and behavioral consequences, also increasing juvenile recidivism rates as seen by the number of children we serve with mental health issues.” F3 agreed with F7 in that F3

stated, “I have stood before the judge representing many direct filed individuals with mental health issues that were not addressed when the juvenile was sentenced as an adult. I have also seen the number of juveniles requiring intensive mental health therapy increase over the past few years after they have been direct filed and served time in adult facilities.” This agrees with research which shows the lack of education opportunities and juveniles social needs are of concern when juveniles are transferred to the adult criminal justice system (Ash, 2019).

Participant F2 noted, “when juveniles are sentenced as adults, the adult justice system does not focus on education, social needs, nor Maslow’s hierarchy of needs.”

When basic needs are not met, such as basic needs, love and belonging, and protection from the dangers of the world, most often children attempt to fill these needs on their own (Aratani, 2009). PT suggests that an individual’s actions and motives steam from past experiences that were not dealt with properly. The historical case of Curtis and Catherine Jones is an example of how past experiences caused the juveniles to commit a violent crime. In 1999, Curtis age 12 and his sister Catherine, age 13 plotted and carried out the murder of their father’s girlfriend. The Jones siblings planned on killing their father and a male uncle as well, but they panicked after killing the girlfriend and hid in the woods, being caught 1 day later. Curtis was the gunman and Catherine admitted to wiping the fingerprints off the gun (Murphy, 2015). The motive for killing and planning to kill their father was due to being abused in their home by live-in family members and nothing being done to stop the abuse.

The Department of Children and Families found evidence of the abuse claims made by the Jones siblings on several occasions, but nothing was done to stop the abuse. The Jones siblings stated, “they were forced to face ongoing abuse and molestation with no hope for help from the people who were supposed to protect them” (Murphy, 2015). The Jones siblings’ case is an example of why juveniles should be sentenced and dealt with in their own juvenile justice system. The young juveniles cried out for help on several occasions, to no avail. The Department of children and families were also involved in the household. These juveniles did not receive rehabilitation services through the juvenile justice system but were sentenced as adults to substantial prison time for acting on past and present traumas they were left to face on their own. Participant F5 noted, “this case shows the importance of revisiting childhood experiences and protecting a juvenile from harm because the outcome of the situation could have been different.” This statement is supported in research, in that childhood experiences shape the way a person reacts to present situations (Caputo et al., 2022).

Juveniles who have been labeled as juvenile delinquents or troublemakers internalizes the stigma and begins to identify as the self-filling prophecy, which increases their chances of reoffending the law (Markowitz, 2014). After release from the detention center or jail, a juvenile may be labeled a criminal in their neighborhoods, communities, schools, or place of employment. Juveniles who face labeling have a hard time being released back into the community once incarcerated, especially after incarceration for long periods of time due to self-filling prophecies (Chiricos et al., 2007). Major challenges are present for juveniles who attempt to be successful after incarceration in a

society where the criminal offender label is attached to their name. Participant F2 noted, “labeling conditions affects the juvenile’s individuality, community structure and social norms.” Often, juveniles are stigmatized with negative labeling which often leads the juvenile to feel less than or loss of civilization in their lives (Fagan, 2013).

Six participants noted, “when juveniles are labeled delinquents and sentenced as adults, this further negatively impacts recidivism rates.” This is supported by researchers in that labeling is a major issue in the lives of juveniles because they are impressionable, and their brains are not yet fully developed (Merlo & Benekos, 2016). When juveniles are labeled as troublemakers or juvenile delinquents, they tend to act out what they are called or portrayed to be. According to LT, juveniles may identify themselves as serious criminals when they are direct filed and experience incarceration as an adult. Their criminal behavior is also likely to increase after serving time with adult offenders (Miller & Applegate, 2015). F7 reported, “in personal experience, some juveniles who were labeled, direct filed and sentenced to serve time in adults facilities returned to jail or prison within a few months of release.”

Labeling objectives predicts that labeling juveniles will lead to more arrests when juveniles are labeled as criminals or troublemakers. Labels trigger the need for more deviant behavior to occur in juveniles because the juvenile gets comfortable with the title given through labeling (Slobogin, 2013). Participant F6 noted, “In my experience with juveniles that were labeled delinquent, they committed serious crimes more often than juveniles that were not labeled.” Participant F8 noted, “the negative outcome of the law includes an increase in gang involved crimes, community safety issues, a rise in gun

related crimes, risky drug deals in neighborhoods, burglaries, vehicle thefts, gun thefts, heinous sexual crimes, and a rise in homicides in Florida.” F4 reported, “these crimes are learned behaviors and are most often learned and talked about in adult jails.” F3 noted, “instead of labeling a juvenile as delinquent, understanding reasons why juveniles commit crime is necessary and just as important as the intervention, prevention and treatment programs that will assist in rehabilitating the juvenile.”

LT was appropriate for this study because the theory focused attention on how juveniles make sense of their world, what factors influence a juvenile to commit crime and why research is necessary to address the effectiveness of the juvenile direct file law (Chiricos et al., 2007). One must look at the entire picture before labeling a juvenile and deciding the juvenile’s fate with the law. Being labeled because of past experiences, family issues, hardships and the lack of knowledge can lead a juvenile to live an early life of crime without knowledge or remorse for their actions (Kato, 2017). Participant F8 noted, “it is important not to label juveniles but to rehabilitate them and understand the circumstances surrounding the reasons why crime was committed.” Participant F1 noted, “labeling is negatively affecting the juveniles we serve because they are dangerously identifying as hard-core delinquents and are progressively committing more serious crimes daily.” The strength of this theory comes from the knowledge and research to understand why individuals commit crime and how to deal with such behavior.

Participants F3 and F4 noted, “Florida state attorneys make the decision on which juveniles will be direct filed due to crimes committed.” The state of Florida legislature passed State Bill 1548 in 2000, which mandates the State Attorney’s office to direct file



juveniles directly to the adult justice system for offenses that fall under Chapter 775.087 which are offenses punishable by life if committed as an adult (Walters, 2017). Juveniles require a system that is individualized for them due to lack of development as that of an adult. One participant noted, “Florida’s state attorneys hold too much power when it comes to deciding who will be direct filed and who will be allowed to remain in the juvenile justice system.” If recent history is suggestive of future results in direct filing of a juvenile, then more juveniles will be transferred to the adult justice system at a higher rate than any other state in the coming years (Huguelet, 2023). According to statistical data, Florida State attorneys transfer 98% of juveniles via the direct file law each year instead of using other mechanisms (Huguelet, 2023). The positive effectiveness and positive outcomes of the direct file law are limited in research. There is also an existing gap in the literature on the effectiveness of the juvenile direct file law which can be used to explain presented negative effects. Waiving juveniles to the adult criminal justice system without studies to show the effectiveness of the law may be dangerous (Butts, 2012). This is an issue for all parties involved because there is no evidence to prove that the waiver helped the juvenile and society. Research shows juveniles need rehabilitation and not punishment alone because rehabilitation is geared to reduce crime, foster the youth to becoming a model citizen in adulthood and to create a healthier juvenile (Cohen & Casey, 2014). Understanding the long-term legal decision consequences for a juvenile may be difficult in the adult criminal justice system due to the lack of juvenile knowledge the adult judges and adult lawyers may have with juvenile proceedings (Ash, 2019).

Participants noted, “some juveniles that were direct filed and sentenced as adults returned to the justice system with 1 year of release from jail or prison.”

Research Question 2B: What are the benefits and consequences of using the direct file law for juvenile offenders? This question uncovered specific experiences juveniles had concerning the benefits and consequences of the direct file law. The positive effectiveness and positive outcomes of the direct file law are limited in research. There is also an existing gap in the literature on the effectiveness of the juvenile direct file law which can be used to explain presented negative effects. All participants reported having some knowledge of the direct file law and how it affects juveniles. Repeatedly, participants shared the consequences of the law for the juvenile, family, and community which is supported in research literature. No participants were able to address the benefits of the direct file law.

Participant F2 described the negative effects of juvenile delinquency as “an ongoing problem in the State of Florida.” Participant F6 stated, “punishing juveniles with adults puts them at an advanced rate to be sexually assaulted, neglected, and abused in jails and prisons than juveniles who remained in the juvenile justice system.” Participant F2 stated, “juveniles who are direct filed suffer mentally, emotionally and physically more than juveniles who remained in the juvenile justice system.” F2 and F6 statements are supported in research. Juveniles who were sentenced in the adult justice system often suffer bodily and psychologically more than juveniles who remained in the juvenile justice system (Bonnie & Scott, 2013). Juveniles who were sentenced in the adult justice system were not provided the rehabilitative services available to youth who remained in

the juvenile system, and they failed to obtain a high school diploma or GED (Ross, 2017). Also, juveniles that are labeled as criminals tend to develop self-identities as a criminal and act upon their identification which affects crime rates in a negative way (Becker, 1967).

Due to social reformers recognition that youth were still developing and that their needs were not the same as adults, a justice system separate from adults was created. Juveniles have physiological, social, and emotional needs that are different from adults and research is necessary to determine if the juvenile direct file law is appropriate or if juveniles should remain in the juvenile justice system for the purposes of rehabilitation (Merlo & Benekos, 2016). A juvenile's needs differ from an adult bodily, socially, academically, and emotionally due to the juvenile's brain not yet being fully developed or that of an adult. With the lack of research, the juvenile direct file law creates other issues within the justice system once the juvenile is waived.

All eight participants noted, "issues such as fear for the juvenile's safety, traumatic experiences, juveniles lack of educational opportunities, the lack of mental health resources, and the lack of necessary counseling is of great concern." Also, the lack of rehabilitation for the juvenile, the lack of youthful offender prisons available in the state of Florida and the recidivism rates among waived youth are cited as issues. Psychological issues are also at the center of juvenile delinquency among youth who have been subjected to abuse and neglect (Feld, 2009). F7 reported, "damaging and long-term effects of abuse and neglect is one of the reasons juveniles lead a life of crime." Recidivism rates and statistics show transferring juveniles to criminal adult sanctions

may not be the proper way to deter youth from a life of crime. Harsher punishments are not the cure to deter youth from a life of crime. Severe and cruel punishment will not end juvenile crimes or make recidivism rates lower, instead increase the offender's chances of re-offending (Slobogin, 2013).

Research Question 2C: What factors are desired for the best outcome for both the juvenile and society? Desired factors for the juvenile and society are to reduce juvenile crime rates and delinquency, to reduce the number of juveniles being direct filed each year, to build stronger juveniles and communities through rehabilitation, to restore the victim to whole, and combat the issues juveniles face that leads them to commit crime. All eight participants specified, effective problem focused strategies should be put in place in Florida to reduce juvenile crime and should focus on addressing the risk factors which causes juvenile delinquency.

A factor bearing on the issue is the rate at which juvenile crime takes place in certain areas in the State of Florida. These wrongdoings include attempted murder, murder, and armed robbery with a firearm. Juvenile crime affects all who are involved, whether the juvenile, the victim or the family member of the juvenile who committed the crime (Merlo & Benekos, 2016). The juvenile direct file law was to serve as the fix for the issue of juvenile delinquency. To address the issue the Florida juvenile justice system faces with juveniles committing "adult" crimes, the direct file law and polices must be addressed and revised to reach the desired outcomes for all parties. Rehabilitating the juvenile and making the victims feel safe and whole should be main objectives in the justice system.

The juvenile direct file law was to serve as the fix for the issue of juvenile delinquency. Despite the creation of the law, serious juvenile crime still takes place throughout the State of Florida (FindLaw, 2017). The state of Florida is leading the entire nation with direct filing and prosecuting juveniles as adults. Waiving juveniles to the adult criminal justice system without studies to show the effectiveness of the direct file law may be dangerous (Butts, 2012). This is an issue for all parties involved because there is no way of knowing whether the waiver helped the juvenile and the society. Factors bearing on the problem, such as recidivism rates, safety, social, educational, and physical needs of a juvenile suggest that positive social change must come forth within the Florida justice system's law and policy on the juvenile direct file law to properly address juvenile delinquency (Miller & Applegate, 2015). Participant F7 noted, "juveniles committing crime will remain an issue until a proper course of action is sought. According to Freud's PT, past experiences have a direct impact on one's current behavior (Higdon, 2012). PT provides details on juvenile crime, the main reasons why rehabilitating the whole juvenile is necessary, and reasons why the juvenile justice system may be the best option for a young person to be rehabilitated for adulthood (Espinoza et al., 2011). A juvenile may have been physically or sexually abused or witnessed a parent or loved one being abused, which may cause them to lead a life of crime. PT suggests experiences that happen in an individual's life may cause them to commit crime (Cox et al., 2021). Juveniles act out and upon what they see or have been exposed to directly and indirectly. This theory suggests that an individual's actions and motives stem from past experiences that were

not dealt with properly. It shows the importance of revisiting childhood experiences because they shape the way a person reacts to present situations (Cox et al., 2021).

Rehabilitating juveniles from a troubled background and giving them a chance at a law-abiding lifestyle is part of creating and fostering better human conditions. In essence, this will foster positive social change in the world and in the lives of troubled youth. Participant F6 noted, “the need for positive social change in the lives of troubled youth is dire.” It must be understood, juveniles are not adults, and their brains are not yet fully developed as that of any adult which is why juveniles should remain in the juvenile court system. Juveniles are not competent enough to stand trial in the juvenile court, certainly not in the adult justice system (Griffin et al., 2011). They are too young to understand the consequences of their actions because their brains are not yet developed as adults. Juveniles are still playful in nature, and they rely on their parents to be their advocate and to provide the things they need physically and psychologically (Cohen & Casey, 2014).

Esbensen, Slocum and Wiley’s contemporary research shows evidence of the serious impacts labeling juveniles has on their individuality, future, education, and employment opportunities. Their study concludes, labeled deviant juveniles who associate themselves with other deviant individuals withdraw themselves from normal society and tend to lead a life of further crime, offending at a higher rate (Esbensen et al, 2016). Juveniles should be tried as juveniles and not as adults because they are unable to think and respond as adults (Myers, 2014). PT focuses on getting inside the head or brain of an individual to see what causes them to act the way they do. This theory suggests that

an individual's actions and motives steam from past experiences that were not dealt with properly. PT theoretical framework was appropriate for the study because it provides the foundation for changing public policy on the issue of the juvenile direct file law and juvenile delinquency (Feld, 2009).

Positive social change is improving human and social conditions which fosters positive change (Stanfield, 2016). Fostering real world implications and actions in the juvenile direct file law is necessary to make a positive difference in juvenile recidivism rates and juvenile delinquency. Major challenges are present for juveniles who attempt to be successful after incarceration in a society where the criminal offender label is attached to their name. PT of delinquency regard the deviant conduct of a juvenile because of unsettled instincts and drives within the human essence and when these are in conflict, delinquent or other deviant behavior may occur (Caputo & Tomai, 2020). The need to understand why juveniles commit crime is the root to the solution of the problem of juvenile delinquency. The effects of the juvenile direct file law in the State of Florida have far reaching effects into the lives of the juvenile, family, the community, the victim, and delinquency rates. The youth of today are the future, and they must be nurtured and molded correctly to be productive citizens and bring about positive social change (Listenbee, 2013).

### **Limitations of the Study**

Limitations of the study are weakness beyond the researcher's control. Participant's lived experiences in working in the juvenile justice system, prejudices related to juveniles and crime, and the participant's lack of complete knowledge of the

juvenile's background, home, school, community, detention, and jail setting may have interfered with study conclusion. Interviewing the participants using Zoom and telephone due to COVID-19 pandemic restrictions could have presented an issue with coding results due to issues occurring while using a digital platform and telephone. Using the digital platform and telephone may have limited the participants in providing an in-depth answer to the questions. All participants may not have been fluent and able to depict a detailed explanation of their views on lived experiences they had with the phenomenon. The participants may not fully trust the researcher and the study of the effectiveness of the direct file law due to their own morals, values, or personal beliefs.

The results of the study are limited to the State of Florida. Other states that deal with the juvenile waiver law is not within the scope of the study, which limits the scope of the study to the State of Florida juveniles. There is insufficient research to determine complete accuracy with using the selected research questions and population. During the interview, the participants were asked to describe impacts of the juvenile justice system and the direct file law, and they may have been biased and only provided negative impacts and ineffectiveness of the system. Some participants may have been dedicated to the juvenile justice system and only shared positive experiences. Participant's frustration with the direct file law and the lack of rehabilitation services available also may have interfered with study conclusion. The researcher determines the data meaning by identifying themes in phenomenological research which may cause potential bias concerns in the way the data is analyzed (Creswell, 2016).



### **Recommendations**

Based on results from this study and previous research, it is essential for future research to come forth to explore issues of juvenile delinquency and understand how juveniles make sense of their world. Future research should explore the leading risk factors a juvenile face and untimely leads them to commit crime. Further research should also investigate and address the negative outcome of the harsh punishment faced when sentenced as an adult and with adult offenders of the law. Consideration to a youth's community and home environment which influences them to crime should be made for future rehabilitation guidelines. Possible law changes to create positive social change in juvenile delinquency is needed. Risk factors needing to be addressed are exposure to family and community violence, exposure to guns, poor parenting skills, low social economic status, trauma, poverty, lack of Maslow's hierarchy of needs and negative influences of social media. Juveniles are forced to provide the basic needs such as food, clothing, and shelter for their family. This places a strain on the juvenile and untimely leads them to commit crime.

Findings from this study provides an understanding of the effectiveness of the juvenile direct file law for the State of Florida and whether the law affects the outcome of a safer society and the overall wellbeing and rehabilitation of juvenile offenders. Detaining youth as an adult and influencing them to adult offenders of the law does not rehabilitate the youth and does nothing for their treatment needs. When a juvenile is incarcerated as an adult, lifetime opportunities such as a college education, career and stability may be cut off (Feld, 2018). This is unfortunate for the juvenile because the

effects of the direct file may lead to later engagement in criminal behavior due to the juvenile being unable to obtain stable employment to provide for themselves or families.

Factors bearing on the problem, such as recidivism rates, safety, social, educational, and physical needs of a juvenile suggest that positive social change must come forth within the Florida justice system's law and policy on the juvenile direct file law to properly address juvenile delinquency (Miller & Applegate, 2015). Eight participants cited lack of Maslow's hierarchy of needs, negative influences of social media and poverty as the top risk factors in juvenile delinquency. The future and reduction of the Florida juvenile delinquency rate depends on the juvenile justice system law and policy and how it rehabilitates all parties involved in the system. The focus must be shifted away from punishment alone and incorporate rehabilitation again. The youth of today are the future. Essentially, to turn around the lives of troubled youth, rehabilitation efforts must be made to foster a change in the lives of juveniles within the justice system.

Rehabilitating juveniles from a troubled background and giving them a chance at a law-abiding lifestyle is part of creating and fostering better human conditions. In essence, this will foster positive social change in the world and in the lives of troubled youth. Fostering real world implications and actions in the juvenile direct file law is necessary to make a positive difference in juvenile recidivism rates and juvenile delinquency. Positive social change is improving human and social conditions which fosters positive change (Stanfield, 2016). The youth of today are the future, and they must be nurtured and molded correctly to be productive citizens and bring about positive social change (Listenbee, 2013).

## **Implications**

Research on the effectiveness and negative effects of the Florida's direct file law can no longer be avoided. This study produced evidence that may contribute to a positive social change in Florida's justice system and the direct file law. Affecting positive social change consists of being a part of the solution to a social problem that is found to be an issue by bringing awareness and understanding that calls forth change (Walden, 2015). Implications for positive social change include informing practitioners and policy makers of the importance of research on whether the juvenile direct file law works to reduce recidivism rates. The historic negative impact of the juvenile direct file law in the State of Florida has created an issue within the justice system due to the lack of research exploring the effectiveness of the law. Florida's direct file law has a negative impact on their health, mental health, education, brain development, and the ability to secede from a criminogenic lifestyle. The study highlighted issues in relation to the Florida direct file law and the disrupts it causes in juvenile's future success. Social change implications include awareness on how waiving a juvenile to adult court and sentencing them with adults causes greater harm than good.

The findings of this study have contribution to the literature. The effects the direct file law has on a juvenile, the juvenile's family and the justice system are massive, and it is imperative that positive social change is created within the justice system to turn around the lives of troubled youth. Positive social change may be promoted with contributing recent research to associated topics that will broaden the knowledge needed for reform. The reasons why juveniles commit crimes such as poverty, physical and

mental abuse, exposure to family and community violence, exposure to guns, poor parenting skills, low social economic status, trauma, lack of Maslow's hierarchy of needs and negative influences of social media needs further investigation for a change in policies that will promote rehabilitation, community and victim wholeness and void harsh punishments.

Juveniles are the future and must be protected and nurtured to assist in positive change throughout society. The effects of the juvenile direct file law in the State of Florida are felt in a negative way in the lives of the juvenile, family, the community, the victim, and delinquency rates. The juvenile justice court system was created for the purposes of serving and catering to the best interest of children (Florida Department of Juvenile Justice, 2012) "I feel like when I was growing up, this was the love I needed, this love I'm getting now," Lawhorn's words resounds loud, awakening the need for positive social change on the effectiveness of the direct file law. This is the way justice is meant to be served and this case proves that a juvenile should remain in the juvenile justice system and afforded the sanctions and rehabilitative resources created for juveniles (Agar, 2020). The current direct file law represents a departure from the original understanding that the juvenile justice court created in late 1800.

### **Conclusion**

The purpose of this study was to determine if the direct file law in Florida is the proper course of action to address crime rates and delinquency among juveniles. The purpose of this study was also to determine if a policy/law change is needed to address the lack of evidence that show the direct file law works in deterring juveniles from

committing serious crimes in Florida. This study provided detailed descriptions of the problems and the strategies that stakeholders in the juvenile justice system can use to reduce youth crime in Florida. Findings from the study demonstrated that some juveniles are committing serious, adultlike crimes due to having to provide the basic needs such as food, clothing, and shelter for their family. The leading risk factors participants mentioned as needing to be addressed to reduce juvenile delinquency are exposure to family and community violence, exposure to guns, poor parenting skills, low social economic status, trauma, poverty, lack of Maslow's hierarchy of needs and negative influences of social media.

The phenomenological approach was used to place attention on the phenomenon of a juvenile's future being disrupted after experiencing a direct file and serving time as an adult. These issues are important and must be addressed before juvenile delinquency rates will change for the better. The Florida direct file law lacks evidence of effectiveness at preventing recidivism among juveniles and this issue continues to plague court officials, the juvenile justice system, and victims of juvenile crime. Consideration to a youth's community and home environment which influences them to crime should be made for future rehabilitation guidelines.

Further research should investigate and address the negative outcome of the punitive punishment juveniles face when punished as an adult and with adult offenders of the law. Transferring a juvenile to the adult justice system strips them of the shields afforded to them as a juvenile and does not provide the essential rehabilitation to assist in their future. Future policy and law change is needed to address the delinquency and

recidivism rates among juvenile offenders of the law. The adolescence of today is the future, and they must be cultivated and shaped appropriately to be productive people in society. Essentially, to turn around the lives of troubled youth, rehabilitation efforts must be made to foster a change in the lives of juveniles within the justice system.

Rehabilitating juveniles from a troubled background and giving them a chance at a law-abiding lifestyle is part of creating and fostering better human conditions.

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## Appendix A: Invitation for Juvenile Probation/Justice Officers

**Research Participants Needed:****Juvenile and adult Probation officers, Juvenile Public Defenders and  
Detention Officers.**

Are you a current juvenile probation officer, adult probation officer, public defender or detention officer that has been in your career for at least three years? Are you interested in participating in a research study that is focused on examining if the direct file law in Florida is the proper course of action to address delinquency among juveniles? Your participation in this study is completely voluntary and you will remain confidential. The study will be conducted via two Zoom or telephone interviews and will last no more than 30 minutes per session. If you are interested in participating or would like more information on the study before you decide to participate, please contact Researcher.



## Appendix B: Interview Questions

### **Prescreening questions**

1. Are you currently a juvenile/adult probation, public defender, or detention center officer in the State of Florida?
2. Do you have at least three years of experience working with juvenile delinquents?

### **Interview questions**

1. Approximately how many juveniles have you supervised during your career as a juvenile or adult probation officer?
2. In your experience, what factors have you noticed that lead to juvenile recidivism after being released from a juvenile detention center, program or being terminated from probation?
3. In your experience, what is your knowledge of the direct file law and its intent to correct juvenile recidivism rates?
4. In your experience, do you believe the direct file law deters juveniles from committing serious crimes?
5. In your experience, what are some benefits and consequences of utilizing the direct file law?
6. In your experience with juveniles that reoffend, what are some reasons why the juvenile reoffends?
7. In your experience with juveniles that reoffend, what are some factors that could have prevented them from reoffending?
8. In your experience, do you believe juveniles who reoffend should be sentenced in juvenile courts as juveniles or sentenced as adults in adult courts? Why?
9. In your experience, what are some factors juvenile's face when they are transferred to the adult criminal justice system?
10. In your experience, what changes would you recommend to the Florida juvenile justice system?
11. Is there anything else you would like to add in reference to understanding why juveniles reoffend and the effectiveness of the direct file law in Florida.