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Incarcerated adults sentenced in adult criminal court while juveniles: Knowledge, understanding, and perceptions of their sentences

Karen Miner-Romanoff
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COLLEGE OF SOCIAL AND BEHAVIORAL SCIENCES

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2010

Abstract

Incarcerated Adults Sentenced in Adult Criminal Court While Juveniles: Knowledge,
Understanding, and Perceptions of Their Sentences

by

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MA, Ohio State University, 1999
JD, University of Toledo College of Law, 1988
BS, Arizona State University, 1985

Dissertation Submitted in Partial Fulfillment
of the Requirements for the Degree of
Doctor of Philosophy
Public Policy

Walden University
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Abstract

An estimated 200,000 juveniles are tried as adults yearly and receive punitive sentences intended to deter juvenile crime and increase public safety. Few qualitative studies on juveniles sentenced as adults and contradictory results indicate a need for further research. This study used a qualitative, phenomenological interpretive design, with the conceptual frameworks of general and specific deterrence and rational choice theories. In-depth interviews took place with 12 incarcerated adults serving sentences (24-540 months) for juvenile crimes. The research questions explored their knowledge of transfer laws and adult sentencing and perceptions of deterrence from future criminal activity. Coding of transcripts and audio files was distilled into meaning units following the hermeneutical tradition, and triangulation was used to identify overarching themes and patterns. Findings revealed that no participants understood application of transfer to adult court to them, and 10 (83%) revealed ignorance of juvenile transfer laws. Thus, they did not weigh costs or benefits prior to offending (general deterrence) or exercise rational decision making; however, 11 (92%) would have reconsidered offending if they were aware of adult sentences. Half admitted the impacts of incarceration would not deter them from future offending (no specific deterrence), and half believed negative factors would prevent recidivism. Study results can prompt further research in juvenile offenders' knowledge and decisions regarding adult sentencing. Implications for social change include dissemination of findings to deter adolescents from criminal behavior. Findings may also aid policymakers' reevaluation and revision of sentencing policies for juvenile offenders to help prevent juvenile crime and recidivism and increase public safety.

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Dedication

To my father, who thought I could climb rainbows if I tried.

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Chapter 1: Introduction to the Study

Background

Children who committed crimes were treated as adults in United States courts of justice until the early 20th century, when enlightened minds forced an important change (Platt, 1977). At that time, community leaders arrived at the conclusion that children should be treated differently from adults (Platt, 1977). The consensus developed that children should be rehabilitated rather than punished, educated rather than held for sentencing, and treated as emotionally needy rather than as criminally minded (Platt, 1977; Rosenheim, Zimring, Tanenhaus, & Dohrn, 2002).

The first juvenile courts were informal gatherings of adults in power in which youths had few legal rights, because they were perceived as not being punished so much as treated therapeutically. Juvenile crime began to rise in the 1960s and continued until 1997, with juvenile court delinquency caseloads increasing from 400,000 in 1960 to over 1,800,000 in 1997 (Stahl et al., 2007). According to Snyder and Sickmund (1999), the arrest rates for violent juvenile crime rose 58% between 1980 and 1994, and juvenile homicide rates doubled between 1987 and 1993.

As the crime rates of juveniles increased and consequently the public's confidence in the juvenile court wavered, most policy makers turned to the juvenile laws as a means of responding to the public demand for more punitive measures (Snyder & Sickmund, 2006). Between 1992 and 1999, 49 states changed their juvenile laws by expanding the types of crimes that provided for juvenile offenders' trials and sentences in adult criminal courts (Sickmund, 2003). Many states lowered the minimum age at which juveniles could

be transferred, and some states eliminated any minimum age. Other states increased the offenses that mandated transfer to the adult court, limited judicial discretion, and expanded the number of offenses statutorily excluded from the juvenile courts (Redding, 2008). Thirteen states limited their juvenile court jurisdiction to those under 15 or 16 years of age (Snyder & Sickmund, 2006). As Redding (2003) pointed out, such laws were developed to increase public safety and deter would-be juvenile offenders.

Today, the laws regarding juvenile offenses remain punitive. According to the most recent data available (Allard & Young, 2002; Lanza-Kaduce, Frazier, Lane, & Bishop, 2002; Mole & White, 2005), an estimated 200,000 juveniles are tried as adults yearly, most for nonviolent crimes (Sickmund, Snyder, & Poe-Yagamata, 1997). Most of these juveniles are statutorily excluded from juvenile court jurisdiction by offense or age and are defined as adults under state law (Snyder & Sickmund, 2006). These statutory changes, as Feld (2004) noted, indicate that less emphasis is now placed on juveniles' individual circumstances and treatment and more emphasis on punishment and retribution.

The number of waived youth, those assigned to adult court, decreased after peaking in 1994 at 13,000 cases, primarily due to a 20% decrease in juvenile crime between 1998 and 2007 (Redding, 2006; United States Department of Justice, 2007). According to the most recent data available, approximately 6,900 juveniles were waived to the adult criminal court in 2005 (Sickmund, Sladky, & Kang, 2008). However, some of the decline of almost 50% (Mole & White, 2005) can be attributed to the changes in waiver laws that removed a large number of juveniles from the juvenile court and placed

them directly in the adult criminal court. These changes bypassed the waiver process (Adams & Addie, 2009). In addition, many cases of juveniles who commit crimes remain undetected as juveniles because they are legally tried as adults in many states (Austin, Johnson, & Gregoriou, 2000). However, the number of youths housed in adult correctional facilities has increased 208% since 1990 (Hartney, 2006), and 107,000 youth are incarcerated daily (Austin et al., 2000).

The annual cost to the nation of juveniles' legal processing is over \$106 billion (Bauer & Owens, 2004). Moreover, one of every 32 U.S. adults is presently incarcerated or under community supervision (United States Department of Justice, 2008). Additionally, prison populations increased 309% between 1980 and 2000 (United States Department of Justice, 2006). As pointed out by Fagan, Kupchik, and Liberman (2007) and Feld (2004), these changes are indicative of a nationwide shift in corrections philosophy that focuses on increasing the length and certainty of punitive sanctions and incarceration

In Ohio, the research site, the 2007 prison population was approximately 50,000 inmates, a population beyond the maximum capacity of the present institutions. The annual state cost was approximately \$847 million. Drug offenses comprised the largest percentage of offenders, and youths 15 to 17 years old accounted for 143 inmates (Ohio Department of Rehabilitation and Corrections, 2007). The Ohio Department of Rehabilitation and Corrections predicted that by 2016 the system will have 20,000 additional inmates, for a total of 70,000, far over capacity (Diroll, 2007). No specific predictions were made for juvenile inmates.

Like many states, Ohio has relied on increasingly punitive measures for juvenile offenders (National Center of Juvenile Justice, 2007). Similar to many other states, Ohio has a “once an adult, always an adult” statute, which permanently places the youth in adult court jurisdiction, regardless of age, if the child has been transferred in the past (Sickmund, 2003, p. 7). However, although the statutes in which juveniles are tried as adults are meant to deter the juveniles from further and more serious crimes, Snyder and Sickmund (2006) pointed out that the recidivism rates for juveniles tried as adults are alarming when compared to similarly situated juveniles who are adjudicated in the juvenile court.

Several studies have found that youth tried in adult court reoffend more often and with more serious offenses than their counterparts maintained in the juvenile courts (Fagan et al., 2007; Lanza-Kaduce et al., 2002). Redding (2008) reported that juveniles with the highest recidivism rates were those who were tried and sentenced in adult criminal court, with the exception of drug offenses. Other criminal justice scholars have contended that juvenile transfer to adult court actually encourages recidivism (Pagnanelli, 2007). These findings suggest that the juvenile transfer laws and increased emphasis on punishment have little deterrent effect on juvenile crimes.

Some criminal justice scholars have argued that the rehabilitative philosophy has failed because juveniles did not have to fear incarceration if they committed crimes. Because no threat of incarceration was present, juveniles were not deterred from offending (Miller-Johnson & Rosch, 2007; Steiner & Wright, 2006). Today, as scholars have noted (Mincey, Maldonado, Lacey, & Thompson, 2008; Nagin, Piquero, Scott, &

Steinberg, 2006), the issue of how to perceive, categorize, and treat juvenile offenders remains one of the most controversial and complex national concerns. Most studies of this population seek to determine whether juvenile transfer provisions lead to greater public safety through general and specific deterrence and longer periods of incarceration. Although most studies are quantitative (Fagan et al., 2007; Lanza-Kaduce et al., 2002; Steiner, Hemmens, & Bell, 2006; Steiner & Wright, 2006), a small number have utilized qualitative methods to better understand the subjective understanding, motivations, intentions, and perception of youth tried as adults (Askar & Kenny, 2008; Peterson-Badali, Ruck, & Koegl, 2001; Redding, 2008). These studies are reviewed and discussed in greater detail in chapter 2.

Statement of the Problem

The studies that have been conducted on the deterrence effect of juveniles tried as adults are contradictory. For example, Steiner et al. (2006) used arrests data to examine 22 states that added statutory exclusion laws removing certain youth from juvenile court jurisdiction and placed them in adult criminal court. The authors found that violent juvenile arrest rates declined in only two states, and only one showed an abrupt and permanent change. Fagan et al. (2007) compared similarly situated youths assigned to the juvenile or adult courts in contiguous states. The authors determined that youth charged and punished as adults were more likely to be arrested for serious crimes more quickly and more often than their counterparts who remained in the juvenile courts. Such studies, as well as those by Ashkar and Kenny (2008) and Redding and Fuller (2004), indicate

higher recidivism and an absence of deterrence, suggesting that public safety may be reduced and deterrence is illusory.

Phenomenological studies have found that the target population of juveniles rarely even knew they could be tried as adults, but if they had known, they might not have committed the offense (Redding, 2005). Wright, Caspi, Moffit, and Paternoster (2004) concluded that youth who had low self-control and high self-perceived criminality were most likely to view criminal behavior as costly and be most deterred by increased sanction. With semistructured interviews, Ashkar and Kenny (2008) found that the offenders were ready to desist from crime based on several negative conditions of incarceration, suggesting the possibility of specific deterrence.

Thus, because of the contradictory findings of previous studies, the erratic but consistently high rate of juvenile crimes and juvenile offenders tried as adults, and the few qualitative studies on this population, greater insight and understanding are necessary for application to more effective legislation. Carefully designed studies are needed that examine the sanction component of deterrence (Wright et al., 2004) and its relationship to offending for juveniles tried as adults. Very few studies have explored the offenders' knowledge and perceptions once the juveniles have reached the age of majority and are still incarcerated. As Peterson-Badali et al. (2001) explained, there is "a paucity of research reporting on juvenile offenders' perceptions about dispositions" (p. 594). Mears (2007) suggested that such studies are necessary for development of more rational and evidence-based crime policies, given the vast amount of resources expended in the United States on such policies. Thus, a study on juvenile offenders' perceptions is necessary for

a fuller understanding of the impact of the effects of sentencing juveniles as adults, focusing on exploration of the offenders' knowledge and views of sanctions.

Purpose of the Study

The purpose of this study was to explore and describe adult offenders' knowledge and perceptions of punishment for sanctions they were subjected to as juveniles. General deterrence policies cannot be implemented successfully without knowledge of the costs of offending in terms of possible sanctions. The current national trend to sentence large numbers of juveniles as adults (Sickmund et al., 1997; Sickmund et al., 2008) is largely based on the assumption that more punitive sentences will lead to a greater general deterrent effect (Redding, 2008). As Redding (2008) noted, it is crucial to examine the offenders' subjective knowledge and perceptions of their adult sentences, imposed while they were juveniles, regarding potential sanctions.

This study focused on presently incarcerated adults who are serving adult sentences imposed when they were juveniles for crimes they committed as juveniles. The study sought their knowledge and subjective experiences related to the severity of their punishment. Key to this investigation was the insight provided on the participants' decision-making processes as juveniles and their knowledge regarding laws that either allow or mandate prosecution and sentencing in the adult criminal court (Ashkar & Kenny, 2002; Peterson-Badali et al., 2001; Redding, 2008). Equally important was exploration of how that knowledge was obtained, used, and integrated into participants' decisions to commit or desist from criminal acts.

In this study, in-depth interviews in the phenomenological tradition were employed to better understand the basis of participants' behaviors and decisions that led to juvenile offending. In particular, the study sought to illuminate the participants' comprehensions, knowledge, and perceptions regarding possible transfer to adult court. A gap in the literature exists in this area. The study sought to bridge this gap by examining the knowledge, perceptions, experiences, interpretations, and reflections of participants regarding sanction risks and awareness associated with being waived or transferred to the adult criminal court as juvenile offenders.

Insights provided by this study are crucial in terms of the development and implementation of criminal justice policy and the continued use of deterrence as a means of crime control and justifications for increasingly severe juvenile sanctions. Further, as a result of study findings, community and penal institution education could be implemented to increase sanction knowledge of both juveniles and adults toward helping juveniles desist from criminal activity.

Conceptual Framework: Deterrence Theory

The conceptual framework of this study comprises deterrence theory, both general and specific, as applied to the decision to commit criminal activity. Within this theory is a subtheory, rational choice theory. As explained by successive scholars (Beccaria, 1764/1963; Roshier, 1989; Wilson, 1983), rational choice theory is necessarily integrated into deterrence theory as part of the decision-making process.

Deterrence theory as a crime control method is based on the concept that the threat of harsher sanctions deters or dissuades the commission of crimes (Matthews &

Agnew, 2008). Based on a rational choice model of decision making, whereby an individual weighs the risks and rewards to determine whether or not to commit a crime (Peterson-Badali et al., 2001), the emphasis of deterrence theory is on freedom, critical analysis, and choice (Roshier, 1989). Research suggests, however, that young people may not engage in such a lucid and coherent cost/benefit analysis (Peterson-Badali et al., 2001; Pagnanelli, 2007). According to Roshier (1989), application of cost/benefit analysis may instead be unique to each person's situational contingencies and propensities and may not have a viable impact on the decisions of would-be offenders.

The basic tenants of classical criminology and deterrence theory were formulated over 3 centuries ago by Beccaria (1764/1963), who suggested that punishment should only be as severe as necessary to deter potential criminals and maintain public safety. Beccaria saw that society could be prone to sanction of painful measures to offenders as a means of self-satisfaction. His theory of rational choice or deterrence has been influential in the U.S. criminal justice system since 1764, albeit variably and with modification. National policy continues to rely heavily on deterrence theory and the U.S. government continues to spend vast resources on punishing wrongdoers. Thus, as scholars have pointed out (Beccaria, 1764/1963; Webster, Doob, & Zimring, 2006; Wright et al., 2004), the need exists to determine whether the threat of increased punishment does indeed deter criminal behavior.

Beccaria (1764/1963) explained the three requirements necessary for punishment to be effective as a deterrent and crime control strategy: proportional severity, certainty, and promptness or celerity. The proportional severity requirement means that the

punishment is commensurate with the amount of harm caused by the crime, with greater harm resulting in harsher punishment, and lesser harm in less punishment. Proportionality is important so that a person will not choose a greater crime over a lesser because the punishment is the same. The certainty requirement means the extent to which the offender believes he or she will be caught and punished. The promptness or celerity requirement indicates the speed with which the punishment follows the crime (Beccaria, 1764/1963). This study focused only on the proportional aspect of deterrence theory rather than on the certainty and celerity aspects.

Both Beccaria (1764/1963) and Bentham (1823/1967) developed the early utilitarian or classical theory of crime. This theory, related to deterrence, held that human beings act from free will based on rational choice. As Bentham (1823/1967) pointed out, rational choice is based on the individual's ability to weigh costs and benefits related to the commission of the crime.

Beccaria's (1764/1963) theory has been updated and expanded by many criminologists. For example, Roshier (1989) acknowledged differences in individuals and circumstances but believed that the offender's perceived incentives and disincentives were most important. Roshier (1989) pointed out that differences in human needs can impact rational choice, a cornerstone presumption of deterrence theory, by contributing to rewards or disincentives of criminal choices. Satisfying variable human needs, such as affection, status, or affirmation of beliefs, may lead to crime or conformity, depending upon individual circumstances. Thus, Roshier maintained, deterrence is based on a free will model of decision making. However, deterrence does not exclude consideration of

circumstances that influence rational choice decision making in a certain direction, making crime more or less attractive.

Wilson (1983), another contributor to deterrence theory, upheld deterrence as an effective tool of crime control. Wilson agreed with the postclassical theory regarding the personal nature of free and rational choice and its subjective application. Wilson argued, however, that all subjective states of affairs that affect crime control must be considered, including sanctions and other costs to each individual offender. He urged development of crime policy not exclusively based on sanctions as a deterrent but also on incentives based on a rational choice model of criminal behavior.

As an aggregate of such modifications of Beccaria's (1764/1963) original deterrence theory, modern deterrence theory as a crime control method embodies the principle that criminal behavior is based on free will (Von Hirsch, Bottoms, Burney, & Wikstrom, 1999). The theory posits that criminals only enter into a criminal lifestyle after carefully weighing all of the potential costs and benefits, including personal needs, values, and situational circumstances based on available information (Siegel, Welsh, & Senna, 2004). Criminal sanctions, therefore, as Wilson (1983) noted, are based on adjusting the cost and benefit ratio that rational and potential offenders carry out with the hopes of altering their behaviors to maximize the probabilities of desisting

General Deterrence

General deterrence as a crime control theory asserts that people will offend or desist based on the costs and benefits of doing so (Peterson-Badali et al., 2001).

Deterrence theory holds that the greater the costs of committing a crime, the less an

individual is likely to commit the crime (Wilson, 1983). For purposes of this study, general deterrence referred to the extent to which juveniles are dissuaded from committing a crime after weighing the costs and benefits of committing the crime because of the possibility that they could be tried and sentence as an adult (Redding, 2008). Thus, the assumption was made that the more punitive the possible sentence, the more likely juveniles will be deterred from offending.

Policy makers often seek to alter sanctions or disincentives to crime to maximize law-abiding behavior and minimize criminal behavior. As Bailey (as cited in Redding & Fuller, 2004) observed,

A fundamental premise of deterrence theory is that to be effective in preventing crime the threat and application of the law must be made known to the public. . . . [T]he publicity surrounding punishment serves important educational, moralizing, normative validation, and coercive functions. (p. 36)

General deterrence is often one of the primary reasons cited for “three-strikes” legislation, whereby an offender who commits two felonies is imprisoned for life upon committing a third (Kovandzic, Sloan, & Vieraitis, 2004, p. 207). The rationale is based on the concept that when potential offenders are faced with extremely severe and inflexible punishment, the potential offenders may simply conclude that the risks outweigh any possible benefits (Ramirez & Crano, 2003). According to this theory, crime is prevented before it has occurred because of the potential offenders’ fear and perceived risks.

General deterrence is also often cited as a rationale for juvenile transfer laws, in which juveniles are transferred to trial and sentencing in adult courts. According to Steiner and Wright (2006), the assumption is made that juveniles will be deterred from committing a serious crime because they perceive the increased sentence they could receive in a criminal court. Steiner and Wright further pointed out that studies to determine if the juvenile transfer laws achieve a general deterrent effect generally measure juvenile crime rates before and after transfer laws become effective, as determined by arrest rates.

As Peterson-Badali et al. (2001) noted, for a general deterrence function to be effective, policy makers must assume a rational choice model of criminogenic behavior, whereby youth will weigh the likely short- and long-term risks and benefits of committing a crime as part of a decision-making process to determine whether to commit the crime. Further, the model also assumes that youths' perceptions and understandings of such punishment must be thorough enough and abhorrent enough to them to deter them from committing the crime. This reflective cost-benefit analysis depends upon the youths' subjective interpretations and understandings. Thus, because youths are "consumers of these dispositions" (Peterson-Badali et al., p. 594), it is important to examine the youths' perceptions directly.

Specific Deterrence

Closely related to general deterrence, specific deterrence holds that punishment of offenders should discourage them from offending again (Pogarsky & Piquero, 2003). This aspect of deterrence theory, according to the theory of rational choice, is based on

the offenders' negative experiences related to punishment and recall of similar punishment as a risk. Thus, as Pogarsky and Piquiero noted, when other correlates are controlled for, such as criminal history and educational level, offenders who have already been punished should be less likely to reoffend.

Researchers who have studied recidivism of juveniles waived to adult court have, by implication, been studying the specific deterrent effect of these laws (Fagan et al., 2007; Kovandzic et al., 2004; Ramirez & Crano, 2003). The exact amount of prior punishment necessary for specific deterrence to be effective is a crucial question. The amount can vary depending upon offenders' personal characteristics and even lead to a possible "positive punishment effect," in which incarceration is correlated with higher rates of recidivism (Wood, 2007, p. 8). Negative conditions of incarceration, including exposure of offenders to a culture of antagonism and substance abuse, may also contribute to the offenders' intent to desist or reoffend (Ashkar & Kenny, 2008). In specific deterrence, according to Pogarsky and Piquiero (2003), "The abstract threat of the law has come to life, and the offender visualizes the consequences more clearly than he did before" (p. 97). Thus, the overall experience of prior punishment, theoretically, increases the fear of future punishment that is the basis for specific deterrence.

Nature of the Study

This study employed interpretive, phenomenological research methods in a qualitative research design (Lopez & Willis, 2004). In-depth interviews were conducted to encourage participants' complex and profound responses to understand their knowledge, perceptions, and understanding as they looked back on their juvenile criminal

behavior and trial and sentencing as adults. Subjective meanings and personal accounts allow for exploration and “rich” description of participants’ perceived experiences (Groenewald, 2004, pp. 2-3). Such information and insights cannot be obtained through quantitative methods.

Phenomenological research represents a return to traditional philosophy as a search for understanding, in contrast to the search for cause and effect that is part of the scientific method (Creswell, 2007; Trochim & Donnelly, 2007). Through the phenomenological aspect of qualitative research, an individual's experiences and reality are revealed in relation to specific research questions (Creswell, 2007). In the study, individuals’ consciousness is the means for understanding the experiences and process of deterrence for youth waived to adult court (Groenewald, 2004). Instead of the research being limited to the determination of effects, this method, according to Taylor (2007), encourages participants to explain the process that led to the effects and interactions of perceived contributing variables

The interpretive traditions of phenomenological research lead the researcher beyond description to interpretation. In this tradition, the researcher asks: “[H]ow does the lifeworld inhabited by any particular individual in this group of participants contribute to the commonalities in and differences between their subjective experiences” (p. 729). As Lopez and Willis (2004) noted, interpretation takes place through contextual narratives and interviews.

In interpretive phenomenology, critical hermeneutics is a specialized orientation or perspective that encourages researchers to put aside, or “bracket,” their judgments and

paradigms to become more receptive to participants' meanings (Lopez & Willis, 2004).

With regard to the study, one aspect of criminal hermeneutics is especially applicable: the suggestion that the definitions and viewpoints of an elite or privileged class often dominate a researcher's interpretations (Lopez & Willis, 2004). The critical interpretive researcher seeks to expand such limited views and become open to the experiences and norms of the less privileged class.

This specialized philosophy is particularly important to the study of crime and offenders. In this regard, as Lopez and Willis (2004) noted, "Because socially accepted worldviews reflect the values of privileged individuals within any given social context, the lived experiences and personal voices of persons who are not members of privileged groups are often discounted" (p. 730). The specialized philosophy thus encourages the researcher to put aside conventional judgments and stereotypes that may limit or decrease the scope of inquiry and distort the analysis instead of accurately reflecting participants' experiences and meanings (Creswell, 2007).

Accordingly, this study incorporated in-depth interviews of 12 participants who were purposefully selected (Maxwell, 2004) from volunteers incarcerated at four adult facilities in Ohio. As juveniles, these participants were waived to adult criminal court, but at the time of the interviews participants had reached the age of majority. Reasons for the choice of adults as participants are discussed in chapter 3. Participants were of various ages and had differing offense records to ensure that data from participants with a variety of experiences would be collected. The data were transcribed and analyzed by the researcher immediately after each interview for identification of thematic patterns and

triangulation with official records. Further explanations of research design, methods of data collection, and data analysis procedures are described in chapter 3.

Research Questions

The major or grand tour question (Creswell, 2007) that informed this study was the following: What are the reflections and conclusions of incarcerated adults as they recall their decisions to commit offenses as juveniles and the knowledge and thoughts that did or did not deter them?

Both deterrence and rational choice theories (Beccaria, 1794/1963; Quinney, 1974; Roshier, 1989; Wilson, 1983) and current studies (Ashkar & Kenny, 2008; Redding & Fuller, 2004) were used to formulate this question as well as the following research questions. For each research question, several subsidiary questions were developed for the interview protocol (see Appendix A), which are further described in chapter 3.

Understanding of Sentencing Possibilities

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

Sources of Sentences and Sanctions

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

Influence of Sources

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

Use of Knowledge About Sentences

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

Possible Future Crime

10. How could your current sentence affect your possible future decision to reoffend or not commit a crime?
11. What might stop you from committing crime in the future?
12. Are there any other comments you would like to add?

Definition of Terms

Bindover: This is one of several terms that refer to laws that allow judges to transfer juveniles who would normally be classified as juveniles to the adult criminal

court. This transfer takes place either because of the seriousness of the crime, the juvenile's previous offense record, or other statutorily defined circumstances (Rosch, 2007).

Criminal court: Criminal court refers to the adult court system of justice. This court is in contrast to the separate juvenile justice system defined below (Steiner et al., 2006).

Direct file provisions: This is a type of transfer provision that allows prosecutors the unreviewable discretion to charge certain juveniles in either juvenile or adult criminal court (Sickmund, 2003; Steiner & Wright, 2006). Approximately 15 states in the United States have this type of discretionary provision (Rosch, 2007).

Diversion: This term is used to designate alternatives to secure confinement (e.g., prison) and formal sanctions, such as probation or "boot camp." Boot camps are usually reserved for nonviolent offenders and utilize strict military discipline to "shock" the juveniles and specifically deter them from reoffending (Lundman, 2001, p. 238). Diversion also includes mental health and substance abuse treatment, community service, family counseling, youth courts, and other community-oriented and rehabilitative programs. These programs are intended to help the youthful offenders avoid the negative and stigmatizing aspects of formal adjudication and prison, which result in a permanent juvenile record (Hamilton, Sullivan, Veysey, & Grillo, 2007).

General deterrence: General deterrence refers to the theory that the severity of a criminal sentence is perceived as a risk in the decision to commit a crime. If the risks outweigh the benefits of the criminal behavior and the sentence is perceived as aversive

enough, the likelihood of criminal offending will be decreased (Peterson-Badali et al., 2001). Deterrence theory also incorporates the offender's perceptions regarding certainty and swiftness (celerity) of punishment or the probability of detection and subsequent punishment. In this study, the focus was on general deterrence, the perceived risk of severity of punishment for criminal behavior. See also *specific deterrence* below.

Incapacitation effect: This term refers to criminal sentences that mandate long periods of incarceration for "high-rate recidivists," with the anticipated social effect of reducing the crime rate (Kovandzic et al., 2004, p. 8). "Incapacitation" indicates removal of offenders from society, in which they are separated from the general population and become incapacitated from repeating criminal behavior.

Incarceration: This term describes the confinement of criminal offenders to custodial and secure quarters, most often within a prison or other locked facility (Peterson-Badali et al., 2001).

Juvenile: Each state determines the jurisdictional boundaries for its juvenile court in dealing with youthful offenders. Once offenders have exceeded a certain age, generally from 16 to 19 (most often 19), they are subject to the exclusive and permanent jurisdiction of the adult criminal court (Fagan et al., 2007; Mocan & Rees, 2005). In Ohio, the site of this study, pursuant to Ohio Revised Code, Section 2152.02, the maximum age for juvenile court jurisdiction is 17 (Ohio Revised Code, 2002). This is the definition that was taken into account in this study.

Juvenile court: The juvenile court was developed as a separate and informal system that emphasizes therapy and rehabilitation of youthful offenders instead of punishment, as applied to offenders deemed adults. The juvenile judge is mandated to act in the "best interest of the child," because individual focus is placed on each youthful offender (Steiner et al., 2006, p. 34). The court's actions are intended to minimize stigma, and records are kept confidential. Confinement is utilized as a means to reform. Although the juvenile justice system has undergone vast changes in legal procedure, sentencing, foci, and purposes over the last 50 years, such actions maintain many rehabilitative ideals (Steiner et al., 2006).

Juvenile justice system: This term refers to the justice system that has been exclusively developed and implemented for youthful offenders who are generally between the ages of 12 and 19. The system encompasses the enforcement, procedural, adjudicatory, and correctional components that have been developed to manage youth who are charged with criminal offenses as well as the care for abused and neglected children or those in need of supervision (Tanenhaus, 2004). The juvenile justice system also has jurisdiction over youthful offenders who commit status offenses or offenses that would not otherwise be illegal except for the youth's age (Stahl et al., 2007).

Legislative or statutory exclusion: This term refers to the process of removing juveniles who have committed particular crimes from the juvenile court's jurisdiction. These crimes include serious felonies, such as murder, rape, aggravated robbery, and kidnapping. The result is that juveniles are charged, sentenced, tried, and punished as adults (Ghatt & Turner, 2008).

Natural experiment: This is an experiment or study conducted in a naturally occurring social setting (Babbie, 2007). Natural settings include social, political, and legislative events that can serve as the basis for comparisons for pre- and postintervention measurements. For example, Kovandzic et al. (2004) measured crime rates before and after California implemented its three-strikes legislation to determine if the law led to a general deterrent effect. Steiner and Wright (2006) measured the general deterrent impacts of juvenile direct file laws pre- and postintervention.

“Once an adult, always an adult”: This is a legislative mandate adopted by 34 states, including Ohio (Rosch, 2007, p. 18). The mandate permanently defines youths as adults for purposes of the criminal justice system once they have been transferred or waived into the adult court (National Center of Juvenile Justice, 2007).

Positive punishment effect: Contrary to deterrence theory, in which punishment is assumed to decrease criminal behavior, this concept posits that offenders have greater likelihood of reoffending once they have experienced criminal sanction, most often incarceration. This concept is also known as the "resetting" (Pogarsky & Piquero, 2003, p. 95) or "emboldening" (Wood, 2007, p. 9) effect.

Rational choice: For study purposes, this term refers to the theory of rational choice in decisions and commission of crimes. The theory is based on a free will concept developed by the classical school of criminology. Beccaria (1764/1963) and Bentham (1823/1967) argued that people will weigh all of the benefits and risks or consequences of their behavior and choose the actions that maximize their pleasure and minimize their pain. These views are largely responsible for the present sentencing system that relates

the severity of punishment to the seriousness of the offense. The system is based on the assumption that a rational person will be deterred from committing an act that can lead to great pain in the form of punishment, and that this pain outweighs any pleasure gained from commission of the crime (Matthews & Agnew, 2008; Quinney, 1974).

Recidivism: This is the degree to which a past criminal offender reoffends after arrest and adjudication. The offender generally commits the same or similar crimes (Abrams, 2006).

Sanction: For study purposes, sanction refers to the range of sentencing options at both the juvenile and adult court levels that serve as penalties for violating criminal laws. The term is often used synonymously with “punishment” (Pogarsky & Piquero, 2003, p. 96; Redding, 2008).

Specific deterrence: This term refers to an individual offender's experience and perception of past punishment as highly negative once the offender has realized the threat of the law and experienced it firsthand. The theoretically negative experience should lead the offender to weigh future offending risks more carefully and thus be less likely to recidivate, based on past punishment (Pogarsky & Piquero, 2003). See also *general deterrence* above.

“Three-strikes” laws: In response to the public perception of “ineffective crime policy,” the majority of states in the United States passed “three-strikes” legislation (Kovandzie et al., 2004, p. 207). This legislation mandated enhanced sentences and up to life imprisonment for offenders with two prior felony convictions (Kovandzie et al., 2004).

Transfer: This term, often used interchangeably with *waiver* (see below), refers to a legal mechanism, in addition to legislative exclusion, by which juveniles can be tried and sentenced as adults. Transfer laws legislatively define categories of juveniles based on their age, offense history, and current offense to determine whether they will be tried and sentenced in adult criminal courts. In some states and categories, final decisions are left to juvenile court judges, and in other states and categories, decisions are mandatory based on type of offense and offense history (King, 2006). The transfer of juvenile offenders to adult court is a means employed in every state as a crime control and safety measure toward the provision of both specific and general deterrence (Miller-Johnson & Rosch, 2007; Redding, 2008).

Waiver: This term refers to several different processes for removing youths from juvenile court jurisdiction and placing them within the jurisdiction of the adult criminal court. One type of waiver grants the juvenile court judge the discretion, usually based on the youth's amenability to treatment and reform, to either maintain juvenile court jurisdiction or waive the youth to adult court if the youth's offenses meet certain criteria. These criteria are based on the seriousness of the offense and the offender's history. A second type of waiver provision is mandatory if certain and more serious offenses are charged, exclusive of the youth's ability or willingness to be rehabilitated. In this case, the youth is automatically waived to the adult court (Ghatt & Turner, 2008).

Assumptions and Limitations

Assumptions

Six assumptions were made for this study. First, it was assumed that all participants were juveniles at the time they committed their crimes. Second, as juveniles, they were transferred or waived to adult criminal court jurisdiction for trial and sentencing pursuant either to juvenile judicial discretionary processes or mandatory transfer provisions. This waiver took place because of the types of crimes they committed, their juvenile delinquency records, or both.

Third, it was assumed that participants are currently serving adult sentences for their juvenile crimes in secure, adult correctional facilities. Fourth, it was assumed that participants are currently serving the sentences they received upon being waived as juveniles to the adult criminal court. They have been continuously incarcerated in relation to their sentences as juveniles.

Fifth, it was assumed that participants have acknowledged their offenses. This assumption was necessary for the type of qualitative methods to be employed in this study and the significance of participants' responses relative to deterrence theories and their exercise of rational choice. If participants did not acknowledge the crimes for which they were transferred, they would be less likely to discuss and reflect on whether their knowledge of sanctions deterred them or could have deterred them from committing past offenses. They would also be less likely to reflect on whether knowledge of sanctions would deter them in the future. In addition, without acknowledgement, they would not

have been able to share their understanding of how sanctions would be applied to them in their specific circumstances and how they came to this understanding.

Finally, it was assumed that a qualitative research design was the most effective way to elicit participants' perceptions, knowledge, and understanding of the risks of criminal behavior and their decisions as juveniles to commit crimes. Although quantitative methods may yield aggregate responses to these issues, the phenomenological qualitative approach should prompt participants' substantive and more profound responses to yield in-depth understanding of their choices (Maxwell, 2004).

Limitations

Seven limitations were acknowledged for this study. First, the study was conducted inside secure correctional institutions with criminal offenders. A logical assumption might have been made that, because of the nature of the participants, these individuals would not report their responses truthfully. However, every effort was made to induce truthful and meaningful responses that were reliable and valid. These efforts were made through the researcher's implementation of carefully developed and implemented interview techniques and validation procedures, such as repetitive questioning. Moreover, the researcher has found through previous interviewing experiences with similar populations that most incarcerated offenders are eager and willing to discuss their experiences. They have few opportunities to interact with others who listen objectively and with whom they can reflect and expound upon their subjective experiences.

Second, this study was limited by the small sample size. However, a small number of participants is customary and acceptable for a qualitative study employing in-depth interview methods, which generate vast amounts of data (Creswell, 2007; Guest, Bunce, & Johnson, 2006). The minimum of 12 participants interviewed has been shown effective in generating sufficient in-depth data for "saturation" (Guest et al., p. 59). With this number, as Guest et al. noted, data analysis reveals that the themes emerging begin to repeat themselves, and thus additional interviews would add little further insight.

Third, findings from this qualitative study were not quantifiable but reflected participants' individual recollections, experiences, and judgments (Creswell, 2007). Thus, results may not be widely generalizable to all adult male prison populations. In addition, only one qualitative study examined the extent to which a group of juvenile offenders reported that they knew they could be waived (Redding, 2008), and another explored whether juveniles thought they would receive a "serious" sentence (Peterson-Badali et al., 2001, p. 597). Other studies addressing the issue of general deterrence were quantitative and did not use interviews. As noted earlier, this is the first qualitative study to utilize in-depth interpretive interview techniques to elucidate the effects of adult sentencing on juveniles in relation to knowledge and impact of potential sanctions affecting the juveniles' decision-making capabilities.

Fourth, only the above aspect of participants' experiences was studied. Other issues, such as the influence of sociodemographic factors or ongoing prison experiences, were not emphasized, although they may have arisen during the interviews. Such issues are considered for future research.

Fifth, this study was limited by the age and possible recall abilities of participants at the time of the study. To have attempted to recruit juvenile offenders would require parental consent, which the researcher explored. Among other ethical and logistic considerations, location of parents in many cases would be problematic, and consent would be almost impossible to obtain. With regard to recall abilities, participants had reached the legal age of adulthood, and therefore the interviews did not directly coincide with their former experiences as juvenile offenders. Participants' reflections may have been less complete, honest, or accurate than otherwise as a result of memory lapse.

Sixth, participants may have responded in a manner that they believed preserved a favorable image or was "socially desirable" (Trochim & Donnelly, 2007, p. 123). This type of response may have taken place especially because the researcher is a woman. Gender differences between participant and interviewer can impact the interview relationship in several ways, including dismissive, sexist attitudes by male participants if the interviewer is female (Seidman, 2006). Several interviewing techniques were used to minimize such possible biases and are discussed in chapter 3.

Seventh, the researcher's bias as an attorney with courtroom experience may have affected the interactions with participants and interview responses. Researcher bias may also have affected interpretation of data (Miller & Glassner, 2004; Seidman, 2006). The researcher's role and biases are discussed further in chapter 3, as well as procedures used to decrease them.

Scope and Delimitations

The scope of this qualitative phenomenological study encompassed a group of 12 incarcerated adults in four prison facilities in a Midwestern state, Ohio. At the time of the study, they were serving sentences for crimes committed as juveniles. After committing crimes as juveniles, participants were sentenced as adults, and were presently serving their sentences. At the time of their arrest they were juveniles, and because of their offense type and juvenile offending histories, they were transferred to the adult criminal courts for trial and sentencing.

The study was delimited to an exploration of participants' knowledge, understanding, perceptions, and reflections on their juvenile criminal behavior and attendant issues. These issues included the sanction risks involved, their sentencing as adults, and their decisions to commit or not commit crimes. The study was further delimited to a purposeful sample and included participants with a variety of offense types and ages to provide greater insight and increase external validity.

Data were collected by means of individual semistructured in-depth interviews with the researcher. Demographic characteristics were collected from prison records. Interview data were analyzed with the constant comparative method for qualitative research to discover emerging patterns and themes (Moustakas, 1990). To increase credibility and confirmability of the data, triangulation was employed with official records (Miles & Huberman, 1994).

Significance of the Study

Policy makers continue to rely on deterrence theory as a primary basis for sentencing programs, including those for juveniles. Although many quantitative studies have been conducted on this subject (Miles & Huberman, 1994; Ramirez & Crano, 2003; Steiner & Wright, 2006; Webster et al., 2006), qualitative studies regarding offenders' subjective decision-making experiences are scarce. Bushway and McDowell (2006) aptly noted, "The measurement of potential crime-prevention benefits of incarceration is one of the more elusive but important questions in criminology and public policy" (p. 461). More scarce is research related to the experiences of juveniles waived to the adult criminal justice system.

The few studies that have addressed this issue have found alarming results regarding higher recidivism and an absence of deterrence. These results suggest that, contrary to expectations, treating juveniles as adults leads to reduction of public safety and ineffective results of deterrence (Ashkar & Kenny, 2008; Redding & Fuller, 2004). As all states have continued to increase significantly their sentences for juvenile offenders and the means by which they are tried and sentenced in adult courts, both quantitative and qualitative studies must be conducted to ascertain the viability and deterrent effect of such policies. Results should be disseminated in relation to the effects and purposes of this punishment, and public policy can then be based on evidence-based findings. Given the massive impact of crime on society, as Mears (2007) suggested, responsible and rigorous crime-related research should become a necessity and vital component of the shaping of public policy regarding criminals.

Further, because the public perceives that crime is a primary problem in the United States, lawmakers are obliged to legislate solutions. Often these solutions take the form of increased sentences, as illustrated by unprecedented growth in the prison populations (Mears, 2007). However, policy leaders should direct pertinent questions to criminologists and researchers as grounding for policies. In turn, researchers should offer functional insight to policy makers. Without such rational and research-driven bases upon which to base criminal justice policies, many aspects of effectiveness will be adversely affected, including cost efficiency, necessity, relevance, and effectiveness of sentencing laws. Moreover, as Mears (2007) noted, evidence should include the results of less costly nonexperimental designs that elucidate understanding of the criminal processes and reasons for desistance or continuation.

National social and criminal justice policies must be constantly evaluated as they evolve through theory development based on effective and efficient social science research. However, erroneous public perceptions and assumptions are frequently the basis for policy instead of verifiable research (Redding, 2006). The majority of crime-related research is still quantitative (Taylor, 2007). Much of the research that addresses one of the nation's central crime policies, deterrence, is carried out with hypothetical samples of high school and college students who are presented with fictitious scenarios that neither replicate authentic settings nor authentic circumstances (Osgood & Anderson, 2004; Thornberry, Huizenga, & Loeber, 2004). In studies in which authentic samples are used, the researchers fail to account for numerous intervening variables that may render their findings limited in scope and usefulness (Mears, 2007; Miller, 2008). These limitations,

according to Sayer (1992), are inherent in the social sciences if quantitative data and experimental design are the exclusive methods of inquiry.

In contrast, this study sought to effect social change positively by addressing issues that can only be illuminated through qualitative inquiry with offenders themselves rather than with hypothetical scenarios (Piquero & Blumstein, 2007). This study addressed directly one of the most costly and widespread crime policies, juvenile waiver, in an effort to better understand its impacts and implementation with regard to offenders and ultimately society. The findings should contribute to better alignment of policies and policy intentions with the reality of social circumstances. In addition, findings should contribute to the development and implementation of policies to further social change in terms of fairer treatment for offenders, more effective deterrence of juveniles from committing crimes, and greater protection for the public at large.

With specific regard to the research site, this study may have specific benefits. As the director of the Ohio Sentencing Commission stated to the researcher,

Your approach is refreshing. Gathering qualitative data about future choices from offenders who actually were bound over to adult courts should help us better understand whether the waiver process deters crime. . . . We are anxious to learn from your study and to consider your findings as we contemplate changes in Ohio's juvenile sentencing statutes. (D. Diroll, personal communication, November 25, 2008)

Thus, this study should fill a gap in the literature and type of studies conducted on criminal justice policy, specifically with regard to the treatment of juvenile offenders.

Findings should contribute to social change regarding reexamination of national policies and juvenile sentencing, as well as those specifically applicable to the research site.

Summary

Early juvenile courts were based on a rehabilitative model of treatment and education (Platt, 1977). In the last several decades, as juvenile crime has escalated, public faith in rehabilitation has waned and punitive sentencing structures have been implemented throughout the nation (Sickmund, 2003). In Ohio, as in other states, juvenile transfer laws have become more comprehensive as a means to control crime based in part on the deterrence model (Synder & Sickmund, 2006). Nevertheless, despite anticipated palliative effects, Fagan et al. (2007) and Lanza-Kaduce et al. (2002) pointed out that research illustrates alarmingly high recidivism rates for youthful offenders

Current research has found contradictory results regarding the general deterrent effect of juvenile waiver (Askar & Kenny, 2008; Steiner et al., 2006). Moreover, the few phenomenological studies have revealed that juveniles rarely recognized that they could be tried as adults, an essential component of the deterrence model of crime control (Redding, 2005). Juvenile crime continues to rise in Ohio (Ohio Department of Rehabilitation and Corrections, 2007) and the nation (Brewster, 2007) and punitive sentencing policies continue to dominate based on deterrence and rational choice models of control and safety. Thus, as Wright et al. (2004) observed, greater insight and understanding are necessary for application to more effective legislation.

Because deterrence and rational choice theories continue to serve as a cornerstone of U.S. crime policy, including juvenile waiver (Steiner & Wright, 2006), these theories

served as a frame of reference for this study. Among the three components necessary for general deterrence theory to be effective is certainty (Beccaria, 1764/1963). Within certainty is offenders' knowledge of a particular punishment that should discourage them from offending (Pogarsky & Piquero, 2003). Yet, few studies have focused on this component (Redding, 2008), and the two that did found that the majority of the juveniles were not aware that they could be tried and sentenced as adults (Redding & Fuller, 2004). However, these studies did not utilize in-depth interviews that can reveal the complexity of offenders' responses that aid in understanding of their knowledge and perceptions of their juvenile criminal behavior and trial and sentencing as adults. Moreover, Peterson-Badali et al. (2001) noted that qualitative studies regarding offenders' subjective decision-making experiences are scarce, as is research regarding juvenile offenders who are bound over to adult court.

For this study, it was assumed that the participants, who were offenders currently incarcerated in adult penal institutions in Ohio, were juveniles at the time they committed their crimes, were bound over to adult criminal jurisdiction for trial and sentencing, and currently admit their guilt. Limitations include the incarcerated setting and participants' potential truth-telling veracity. Small sample size, acceptable for this type of study (Creswell, 2007; Guest et al., 2006), may limit generalizability of the findings, and the time between participants' offenses and the study interviews may have hampered responses. Finally, as Miller and Glassner (2004) and Seidman (2006) recognized with regard to professional roles, the researcher's bias as an attorney and professor of juvenile delinquency may have impacted interactions and data interpretation.

This study is highly significant as policy makers continue to rely upon deterrence as a basis for sentencing schematics (Ramirez & Crano, 2003; Steiner & Wright, 2006; Webster et al., 2006). National social and criminal justice policies must be constantly evaluated as they evolve through theory development based on effective and efficient social science research (Redding, 2006). This study sought to effect positive social change by addressing issues that can only be illuminated through qualitative inquiry with offenders rather than through hypothetical situations (Piquero & Blumstein, 2007). Thus, this study should fill a gap in the literature and contribute to the bases for improved criminal justice policy regarding juvenile offenders bound over to adult court.

In chapter 2, literature relevant to this study is reviewed in terms of general and specific deterrence. Special attention is given to deterrent studies involving youth, with inclusion of adult studies for comparisons and contrasts. Nevertheless, the focus remains upon juveniles bound over as adults and the impacts of crime and recidivism. The literature review also includes critical analysis of studies of crime utilizing successful phenomenological methods as benchmarks for this study. In chapter 3, the study methodology is described, including justification of the design, description of the setting and population, and outline of data collection and analysis, as well as explanation of validity and reliability procedures.

In chapter 4, the study findings are reported, including the data generation and data gathering processes, coding procedures, profiles of participants, responses to the research questions, and identification of themes, with appropriate verbatim quotations from participants. In chapter 5, the study findings are interpreted by research question,

findings are compared with previous literature, and implications for social change are discussed. In addition, recommendations for action and future research offered, as well as the researcher's reflections.

Chapter 2: Review of the Literature

Introduction

This study explored and described adult criminal offenders' knowledge and perceptions of punishment for sanctions they were subjected to as juveniles. As grounding and background, this literature review presents a critical analysis and synthesis of both seminal and recent works relating to general and specific deterrence and their general effectiveness as crime control policies. As penal trends continue to sustain large numbers of juveniles waived to adult court, the cost continues to grow, including an increase in marginalized cultures, decreased social spending in distressed areas, and greater crime and disorganization (Listwan, Johnson, Cullen, & Latessa, 2008). Because the current national trend to sentence juveniles as adults is largely based on the assumption that more punitive sentences will lead to a greater general deterrent effect, as Redding (2008) pointed out, it is important to examine the offenders' subjective knowledge and perceptions regarding their potential sentencing options.

Knowledge of the possible sanctions is an essential deterrence component, and studies that concentrate on knowledge and understanding of sanctions will be specifically explored for strengths and weaknesses with identification of gaps in the research regarding this essential component of deterrence and rational choice models. Direct understanding of juveniles' offending choices is necessary to development of successful criminogenic policies. Thus, although quantitative findings are important to the aggregate understanding of juvenile deterrence, phenomenological research findings on correctional policies regarding deterrence and juvenile waiver may be equally or more important for

understanding of the issues involved. Such studies, as Creswell (2007) noted, provide the specified and particularized knowledge that is more useful in placing the proposed study in context.

For this study, many databases and key words were utilized to locate the most relevant and timely works. Databases were utilized of specific criminology and public policy search engines as well as broader social science and government bases. These databases included Academic Search Premier, ProQuest Central, National Criminal Justice Reference Service, Office of Juvenile Justice and Delinquency Prevention database, Political Science database, Criminal Justice Periodicals, and SocIndex. Subject-based key words included *deterrence, general deterrence, specific deterrence, juvenile offenders, waiver, transfer and adult criminal court, rational choice, phenomenological research, crime, positive punishment, incarceration, incapacitation, and recidivism.*

This chapter is organized on the elements and impacts of general and specific deterrence and knowledge of sanctions. The focus is the relationship to policy goals for juvenile transfers to adult court. The order of topics is as follows: (a) the relationship of this study to previous research, (b) theories of deterrence and rational choice, (c) general and specific deterrence, (d) review of conceptual framework and methods, especially qualitative research in crime and juvenile delinquency, and (e) summary.

Organization of this chapter may have been less complex, but perhaps more obvious, by the overall topic of sentencing trend, with separate analyses of adult and juvenile policies. However, that approach would decrease the effectiveness of the literature review. If deterrence theory is valid and effective, meaningful outcome

relationships should be significant, despite the means of infliction of punishment. Further, subtleties regarding juveniles' cerebral functions and how they may differ from adults' were addressed. Although the body of research on this subject is vast, certain concepts informed this study. Pagnanelli (2007) noted that juvenile cognition must be studied within its own field and then synthesized with deterrence research.

Relationship of Study to Previous Research

This review focuses on the extant studies that provide background and orientation to the proposed study, as well as theoretical and methodological issues. In many cases, reconciliation of the findings required extensive analysis of the different research methods, designs, and subjects to determine to what extent these research features were responsible for the different outcomes rather than the deterrence variables. Although research to date has led to better understanding of general and specific deterrent effects of severe sanctions, much more research needs to be conducted regarding the precise reasons that sanction policies result in deterrence or why they do not (Mears, 2007). In-depth insights into these issues are only possible through phenomenological research.

This study sought to determine the perceptions, understanding, and knowledge of adult offenders regarding sanction severity when they were juvenile offenders. In addition, the study explored the role that such knowledge or lack of knowledge played in offending decisions for offenders as juveniles transferred to adult court. Previous research defines and illuminates the theoretical and conceptual frameworks and perceptions that were explored.

Background

From 1992 through 1999, 49 states changed their juvenile sentencing policies with the intent of increasing the numbers of juvenile offenders tried and sentenced in adult criminal court (Sickmund, 2003). These changes produced the conditions by which researchers could study aggregate crime rates in states where the laws were changed and compare the crime rates to those of states that did not change their transfer laws (Kovandzic et al., 2004; Sickmund, 2003). Moreover, “three-strikes” laws (Zimring, Hawkins, & Kamin, 2001, p. ix) and other severe penal policies propelled prison populations into the public eye. As Zimring et al. (2001) observed, these laws added to the national focus on incarceration as a means of increasing public safety and decreasing crime in lieu of rehabilitation and treatment-oriented sentences, even for juveniles.

As a result, incarceration has increased, with significant overcrowding of facilities (Johnson, 2009a). California's three-strikes legislation, one of the most widely used three-strikes policies in the nation, has resulted in a federal lawsuit and a finding of constitutional violations based on California's massive overcrowded conditions (Jones, 2009). In Ohio, the site of the current study, the director of the Department of Rehabilitation and Corrections urged Ohio lawmakers to change the sentencing policies and limit the use of prison time, because Ohio faces serious overcrowding and budget issues. Its prison population is currently at 135% capacity of the inmates the prisons were designed to hold (Johnson, 2009a).

Deterrence remains a "primary and essential postulate of almost all criminal justice systems" (Webster et al., 2006, p. 418). However, even as methodology advances,

social scientists are challenged to arrive at findings that will illuminate the extent to which these severe sanctions actually lead to behavior changes of offenders toward desisting to commit crimes based on perceived risks. Although quantitative data can provide increasingly sophisticated analyses based on outcomes, only through qualitative methods can offenders' unique and complex perceptions and knowledge that lead to offending or desisting be discovered. According to Seidman (2006), more effective crime-detering policies may then be developed.

Types of Studies

The majority of research studies to date have investigated general and specific deterrent impacts of severe sanctions, such as three-strikes and juvenile waiver (Lanza-Kaduce et al., 2002; Ramirez & Crano, 2008; Webster et al., 2006). Most studies utilized quantitative data designs based on reported crime data and court records. Only a few studies examined the deterrent impacts of incarceration alternatives, such as diversion (Hamilton et al., 2007). A smaller number of studies utilized qualitative designs to determine subjective perceptions of offenders regarding offending choices (Ashkar & Kenny, 2008). Only one exploratory study, conducted by Redding and Fuller (2004) and reviewed below, addressed the primary research question of the proposed study regarding whether offending juveniles even possessed the knowledge of severe sanctions related to juvenile transfer laws. However, in contrast to the current study's adult participants, Redding and Fuller (2004) used juveniles and found no deterrent effects. Thus, the findings, the paucity of research regarding the issue, and the lack of qualitative studies justify the need for the current study.

Quantitative studies are more sophisticated in design today than in former years and include more accurate data. However, the study limitations for crime control are often based on inherent weaknesses in social science research and limited data sets or sample biases. As Sayer (1992), a leading social science authority, noted, social science methodology cannot perfectly control for every variable that may impact decisions. The best response, therefore, is to better understand "what it is about the structures which might produce the effects at issue" (p. 95). Such studies provide much of the theoretical and conceptual foundations for the current work, yet very few studies have utilized qualitative designs. As further impetus for this study, researchers conducting quantitative studies, such as Wright et al. (2004), advocate continued and more expansive research.

Previous Findings on Deterrence

Most of the research to date has failed to find that increased sentencing produces a deterrent effect (Lanza-Kaduce et al., 2002; Steiner et al., 2006; Worrall, 2004). These studies have found that deterrence is not correlated with lower crime rates when internal and external variables are controlled for. Conversely, studies have found that punishment that is too harsh, not harsh enough, or accompanied by certain personal attitudes or characteristics can have a counterdeterrence effect and actually increase reoffending (Lanza-Kaduce et al., 2002; Pogarsky & Piquero, 2003; Wright et al., 2004). Thus, public safety is decreased in direct opposition to policy goals (Bushway & McDowall, 2006; Ghatt & Turner, 2008; Kovandzic et al., 2004; Lanza-Kanduce et al.; Raphael, 2006; Webster et al., 2006). Moreover, as in Ohio (Johnson, 2009b), according to Mears (2007), prisons remain overcrowded as corrections policies promote increased incarceration.

In one of the few studies to interview juveniles regarding why or why not severe sanctions did not deter them, Redding and Fuller (2004) studied 37 juveniles from Georgia charged with murder or armed robbery and tried and sentenced as adults. Redding and Fuller sought to understand the juveniles' knowledge and perceptions regarding the possibilities of being tried as adults. Alarming, the majority said that they did not know or did not believe that the transfer law would ever apply to them. This study is the only one of its kind to explore qualitatively understanding of juveniles' knowledge regarding sanctions and the effect of knowledge on general deterrence.

Another study with incarcerated juveniles was conducted by Ashkar and Kenny (2008) to understand their perceptions and meanings of future offending. Although this study is important to an overall understanding of high juvenile recidivism rates and illustrates the utility and importance of qualitative methods, it did not address issues related to original offending. The study did not apply to juveniles housed in adult facilities and failed to address the juveniles' knowledge and perceptions of possible sanctions. No other qualitative studies have been conducted with a population of offenders tried as adults after committing crimes as juveniles.

Theories: Deterrence and Rational Choice

Imprisonment is generally based on two principles: retribution and deterrence (Kateb, 2007). Theoretically, criminal sanctions will have a deterrent effect if offenders believe they will get caught or there is a significant likelihood they will receive a severe enough sentence. Offenders then consider those risks before they offend (Von Hirsch et al., 1999). Although a complex and often illusory relationship exists between

incarceration and deterrence, research on the relationship between these factors continues to be driven by goals and strategies of policy leaders (Mears, 2007; Zimring et al., 2001). Scholars have continued to monitor the policies and evaluate them to better understand the complex nature and effectiveness of deterrence (Redding, 2006; Webster et al., 2006). As noted earlier, much of the punitive policies, including juvenile transfer to adult court, are based upon the assumption that the more punitive the sanction, the more likely it is to deter criminal choices. Deterrence studies, as Redding (2008) observed, continue to test this ambiguous, questionable, and dynamic relationship.

General deterrence as a criminogenic theory and crime control model continues to provide the impetus for sentencing policies nationwide (Feld, 2004). Knowledge about crime suggests the ways in which it can be controlled (Cohen, 1955). Thus, general deterrence theory is also based on causes and correlations of crime. Only recently rational choice and deterrence have been studied as interconnected theoretical perspectives that cannot be individually examined (Pratt, 2008). Nevertheless, it has long been implied that both rational choice and deterrence incorporate mandatory components of the other (Peterson-Badali et al., 2001). For example, Wilson (1983) noted that both rational choice and deterrence theories assume that potential offenders weigh the costs of possible punishment prior to offending.

Moreover, classical perspectives in criminology emphasize freedom of choice and rational decision making as the basis for deterrence theory (Roshier, 1989). Beccaria (1794/1963), one of the earliest and most influential contributors to deterrence theory, spoke of the rewards of conventional choices of deterrence, such as education and liberty,

in addition to the risks of punishment and sanctions. Beccaria, however, failed to include individual propensities, which are important to rational choice models. Many criminologists (e.g., Roshier, 1989; Wilson, 1983; Wright et al., 2004), have admitted that a multitude of variables impact choice.

Roshier (1989) updated the concept of general deterrence to include variations in individual control and perceptions of incentives and disincentives, as well as "purposes, intentions and meanings attached to the situations" (p. 72). Although Roshier (1989) emphasized the importance of individual understanding and perceptions, Wilson (1983) argued that the objective states of affairs that affect crime rates, such as costs, should be taken into account. Wilson, whose views departed from classical perspectives, further argued for the continued inclusion of deterrence strategies as a policy tool. Wilson recognized the profound difficulties of altering human nature and vast social institutions. Instead, he suggested the greater feasibility of altering the rewards and benefits of crime and conventionality.

Following from Wilson's (1983) insights, the severity of the sentence is often increased as a means of decreasing crime; severity is one of the most straightforward and swiftest components of deterrence that policy makers can address. However, research has also begun to address the extent to which juveniles' decision-making capacities may be less developed than adults', thus rendering the juveniles less adept at rational choice thinking. In rational choice, the risks and rewards of offending are weighed, with recognition that increased sentences carry greater risks (Peterson-Badali et al., 2001).

Deterrence and rational choice, then, are closely linked, and this study focused on deterrence.

General and Specific Deterrence

General deterrence refers to the theory that the severity of a criminal sentence is perceived as a risk in an individual's decision to commit a crime (Peterson-Badali et al., 2001). Specific deterrence refers to an individual offender's experience and perception of past punishment as highly negative once the offender has realized the threat of the law and experienced it firsthand (Pogarsky & Piquero, 2003). Snyder and Sickmund (2006) observed that many of the questions posed by researchers to address whether deterrence is an effective crime control strategy are similar in focus regarding the impacts of recent sentencing trends.

When deterrence is investigated, studies are usually framed to explore either juvenile or adult deterrence impacts and general or specific deterrence (Miller-Johnson & Rosch, 2007). When aggregate crime data are used, the challenges become greater because studies attempt to measure the "counterfactual" aspect, or what would have happened without social policy intervention (Raphael, 2006, p. 472). As crime rates decreased through the 1990s, many policy leaders lauded the success of punitive measures to deter crime (Snyder & Sickmund, 2006). However, most general deterrence studies have shown that these more punitive sanctions had no or little correlation to a decrease in crime. The majority of the studies focused on general or specific deterrent effects. To examine specific deterrence, most studies employed either microdata that matched offenders who received more punitive sentences (the independent variables), or

offenders who received less punitive sentences to determine recidivism rates (Kovandzic et al., 2004; Ramirez & Crano, 2003; Webster et al., 2006). Studies that examined general deterrent effects often relied on official crime data and either compared pre- and postintervention rates (Ramirez & Crano, 2003; Webster et al., 2006) or treatment and control jurisdictions. These variables were studied, in accordance with suggestions by Kovandzic et al. (2004), to determine the impacts of the new sentencing policies on aggregate crime rates with lower aggregate crime rates.

Few exceptions to these methodological designs have taken the form of hypothetical surveys (Piquero, Gomez-Smith, & Langton, 2004). For example, researchers seeking to better understand juveniles' decisions to commit crimes and deterrence used participants who did not actually experience the phenomenon but responded to hypothetical situations and scenarios (Osgood & Anderson, 2004; Thornberry, Lizotte, Krohn, Farnworth, & Jang, 1994). Qualitative ethnographic and phenomenological studies that sought further understanding of offending decisions regarding both general and specific deterrence, such as those by Abrams (2006) and Byrne and Trew (2005), yielded similar conclusions.

General Deterrence

Studies on both general deterrence and specific deterrence have focused on particular relevant and timely issues, namely the three-strikes and juvenile transfer laws. California's three-strikes law that mandates life imprisonment upon the commission of a third felony is one of the most high-profile, punitive, and widely applied three-strikes laws in the country (Kovandzic et al., 2004). California thus became the locality for a

variety of deterrence research studies (Kovandzic et al). Several studies (Kovandzic et al.; Steiner et al., 2006; Webster et al., 2006) measured pre- and postintervention crime rates to determine the law's general deterrence effects. However, hypotheses were not posited but instead focus was centered on the inconclusiveness and weaknesses of prior research. In other studies, when hypotheses were used, the results indicated only that no long-term and permanent general deterrent effect was proven (Ramirez & Crano, 2003; Steiner & Wright, 2006). Although a lack of specific hypotheses may impact construct validity (Trochim & Donnelly, 2007), in these cases possible researcher bias was generally reduced. Theory refinement was promoted by such scholars as Brunelle, Brochu, and Cousineau (2000), Pogarsky and Piquero (2003), and Steiner and Wright (2006), as the researchers used inductive reasoning to synthesize the findings with deterrence theory.

Three-strikes laws. Two seminal deterrence studies that did use hypotheses utilized longitudinal time series designs to determine whether California's three-strikes law resulted in a general deterrent or incapacitation effect. Both Ramirez and Crano (2003) and Kovandzic et al. (2004) built on prior studies and utilized rigorous and varied statistical models that sought to distinguish between gradual and abrupt statistical changes that could be the results of deterrence or incapacitation, respectively. In addition, both studies acknowledged the specific challenges of testing the success of social policy interventions.

Ramirez and Crano (2003) studied violent, drug-related, and minor crimes based on uniform crime statistics and arrest data for the first 5 years after California implemented its three-strikes legislation. The purpose of this retrospective study was to

determine both general deterrence and incarceration effects. The researchers included a unique and useful explanation of specific crimes and synthesized those crimes with the elements of deterrence theory. A distinction was made between violent crimes that reflected passion and irrational and impulsive behavior and instrumental or property crimes that often result after premeditation. The research hypothesis predicted that, after controlling for the extraneous factors such as economic conditions, demographics, and police policies, Autoregressive Integrated Moving Average (ARIMA) modeling techniques were used to investigate whether a deterrent effect would be found for instrumental crimes but not for more impulsive violent crimes.

Ramirez and Crano (2003) also hypothesized that deterrence would result in an immediate and sustained reduction, and incarceration effects would result in a gradual and delayed reduction as new offenders were incarcerated. It was conceded, however, that determining the precise temporal impacts for social policy interventions could be difficult. Incarceration impacts, according to Redding (2008), refer to the effect of incarcerating chronic offenders, and deterrent impacts, according to Worrall (2004), refer to the relationship between the offender's decision-making process and the severity of punishment.

Ramirez and Crano's (2003) ARIMA and regression analyses revealed no general deterrent or incapacitation effects. Rather, the analyses indicated that a factor other than the three-strikes law was responsible for the decrease in California crime rates. It was speculated that the reason minor crimes, used as a control variable, decreased with the targeted crimes was because offenders could not distinguish between three-strikes

offenses and those that were not targeted by the law. As a result, Ramirez and Crano (2003) concluded that the three-strikes law did result in incapacitation and general deterrence for all serious crimes except drug-related offenses. Regarding incapacitation effects, however, DiIulio (1995, as cited in Ramirez & Crano, 2003) noted, "It must take a Ph.D. in criminology to doubt that incarcerating the criminal may result in lower crime rates" (p. 111). Moreover, in contrast to the earlier explanation that indicated that deterrence based on abrupt statistical decreases, Ramirez and Crano reasoned that the delayed and long-term decrease in crime could have been a result of deterrence because offenders may have learned about the laws slowly by word of mouth from those prosecuted in a prolonged process. Thus, it was concluded, in spite of the study's empirical results, that three-strikes laws resulted in general deterrence and incapacitation effects.

The other important three-strikes study, by Kovandzic et al. (2004), had strengths based on its large sample and several carefully constructed controls. The sample included every city and state throughout the nation that had implemented a three-strikes initiative over a 20-year period (188 cities, 22 states). Official statistics of these cities were tested and compared with designated cities that had not passed a three-strikes measure. The researchers controlled for a wide variation of possible spurious factors, such as race, age, incarceration rate, criminal gun ownership, and economic deprivation. In addition, deeply embedded social norms were controlled for, such as gang violence and percentages of female-headed households. Further, year dummies were included to control for national events that could impact crime rates, such as new crime reduction programs, the federal

version of a three-strikes law, and a ban on juvenile gun possession. The hypothesis tested was that the three-strikes law reduced crime through incapacitation of more offenders. The results showed no measurable deterrent or incarceration effects in the 22 states that had passed three-strikes legislation.

These studies indicated inconsistent findings. Ramirez and Crano (2003) concluded that there were no measurable deterrent and incarceration effects in all offenses except those that were related to drugs. Kovandzic et al. (2004) found no measurable deterrent or incarceration effects in states with three-strikes laws. However, Ramirez and Crano (2003) limited their time series to 5 years, and the temporal design of Kovandzic et al. (2004) included 20 years of data points. Moreover, Ramirez and Crano (2003) studied only California data and only tested for abrupt or gradual changes between pre- and postintervention data. In contrast, Kovandzic et al. (2004) included careful and critical analysis, theoretical inclusion, advanced research designs, and broad social and cultural perspectives.

The use of controls also varied between the two studies. Ramirez and Crano (2003) controlled for the most common threats but admitted they failed to control for other extraneous variables, such as percentages of African American and Hispanic populations, female-headed households, individuals living below the poverty line, and individuals incarcerated. All of these variables are significant correlates of criminal offending (Kovandzic et al., 2004). Rather, Ramirez and Crano (2003) postulated the simplicity of determining deterrence impacts, assuming that if the policy were effective it should lead to measurable changes in the outcomes. Thus, Ramirez and Crano stated that

the "fundamental logic" of their design was uncomplicated (p. 114). However, the threats to internal validity remained.

Their research was further weakened because they did not control for California's possible regression to the mean. California has a higher crime rate than the national average (Webster et al., 2006). Violent crime per 100,000 for the nation in 2001 was 504.4 and the California rate was 617.0 (United States Department of Justice, 2001). In contrast, the 188 cities studied by Kovandzic et al. (2004) were matched on a variety of control variables. Ramirez and Crano's (2003) study also incorporated city and year dummies to control for state, local, and national events that could intervene and impact crime rates.

Ramirez and Crano's (2003) research was not as complex or carefully designed as that of Kovandzic et al. (2004). The Ramirez and Crano (2003) study, however, was one of the few to recognize the limitations of inclusion of only one crime index; the researchers included a second crime index of arrest rates from the California Department of Justice. Nonetheless, arrest rates do not overcome the bias of official reports. Consistently the authors explained that arrest rates may have reflected a number of extraneous variables beyond crime, such as the number of police and their arrest capabilities. As such, Ramirez and Crano's (2003) data sets may not have been any more reliable than those of Kovandzic et al. (2004), because official statistics, which are often the exclusive data set included in general deterrent studies, are based solely on arrest data or reported crimes (United States Department of Justice, 2007).

Although with contradictory findings, neither Ramirez and Crano (2003) nor Kovandzic et al. (2004) reported findings that supported the costs of three-strikes legislation, despite an overall decrease in crime. Neither study could statistically correlate the decrease in crime with implementation of the new laws. Ramirez and Crano (2003) explained that there was no evidence to indicate that California's three-strikes policy led to any preventative effect or decreases beyond those based on the temporal trend at the time of their study. The findings of both studies lead to the conclusion that future research should build upon the careful controls, such as those included in the Kovandzic et al. (2004) study and combine these with the more inclusive data recommended by Ramirez and Crano (2003).

Consistent with Ramirez and Crano (2003) and Kovandzic et al. (2004), Worrall (2004) also found no deterrent effects for California's three-strikes law. Worrall conducted regression analysis with 7 years of postintervention county-level crime data with the purpose of improving on past techniques and controlling for the differences in prosecutorial discretion effecting whether or not offenders should be charged with eligible crimes included in the law. County levels were used because most enforcement takes place at this level, and thus controls for trends level must be included. Accordingly, Worrall (2004) included controls for the variance in prosecution and county-level trends.

The results of Worrell's (2004) study indicated no deterrent effects of California's three-strikes legislation. Worrall warned that because most laws result in more prosecutions and imprisonments, researchers should use caution in correlating

crime rate decreases with deterrent effects. This warning highlighted the importance of the distinction between deterrence and incarceration.

Building on prior research in three-strikes legislation, to better measure the effects of social interventions, Webster et al. (2006) examined the deterrent impact of California's three-strikes legislation. The researchers utilized monthly crime reports from 1977 to 1989 from California's nine largest cities to verify or negate the results of Kessler and Levitt (1999), who had suggested a deterrent effect. Webster et al. (2006) reevaluated and retested Kessler and Levitt's data utilizing new quantitative measures, additional data, and inferential statistical models.

In contrast to Kessler and Levitt's (1999) prior research, which had incorporated only odd-numbered years, Webster et al. (2006) incorporated even-numbered years. Webster et al. also included controls to limit the impacts of state and nationwide trends as well as history threats. For example, because California's crime rates were higher than the national average, the authors argued that utilizing United States rates as a control group could produce skewed results. Once the potential regression effect was subtracted, a relative increase in crime was found.

However, similar to Worrall (2004) and Kovandzic et al. (2004), Webster et al. (2006) failed to find a general deterrent effect of the three-strikes law. Like Worrall (2004), Webster et al. (2006) concluded that the crime drop to which previous authors referred (Kessler & Levitt, 1999; Ramirez & Crano, 2003) had begun before the implementation of California's three-strikes legislation. Moreover, contrary to previous findings, the decrease did not intensify after the law's passage. Webster et al. (2006)

questioned the earlier controls that rendered eligible and ineligible offenses similar and concluded that offenses such as murder and burglary have preexisting differences that render them dissimilar. Thus, efforts are weakened to control for trends within the state.

The research of Webster et al. (2006) is important to this study for several reasons, especially for its findings regarding general deterrence theory and the impacts on punitive sentencing trends, including juvenile waiver, the subject of this study. The authors also pointed out the importance of knowledge for the deterrent and rational choice models of crime upon which these punitive sentences are based. Webster et al. also referred to the considerable publicity that surrounded California's three-strikes law and its implementation. Because of such publicity and intensity of enforcement, the authors concluded that it would be reasonable to assume that many potential criminals would have been aware of the new sentencing policies. Even with such implications, however, research has continued to focus on quantitative studies rather than qualitative research that could provide insight into the importance of offenders' specified sanction knowledge and how offenders utilize such knowledge in their offending decisions.

Another study that tested the deterrent impacts of California's three-strikes policy was conducted by Raphael (2006), who studied prior research to determine if correlations were on the effects of the stricter sentencing policies were still present when comparison groups were included. Raphael (2006) explained the necessity for more sophisticated and complex statistical models that included comparison groups with the same underlying crime fundamentals at baseline and nonparametric matching with nearest jurisdiction. These jurisdictions often share comparable preintervention demographics and present

opportunities for apt comparisons. Similar to the methods of Kovandzic et al. (2004), Raphael (2006) included prepolicy data points and longitudinal data to illustrate the spurious relationships between California's three-strikes and lower crime rates, previously cited as significant (Kessler & Levitt, 1999).

Similar to several deterrence studies, Wright et al. (2004) noted that both policy makers and the general public commonly accept the strict "punishment-as-deterrence" crime doctrine (p. 180). Analyzing longitudinal data from the Dunedin Multidisciplinary Health and Development Study with 1,002 participants, Wright et al. (2004) conducted correlational analysis of criminal propensities at three different stages in life: childhood, adolescence, and early adulthood. However, this study was based on data collected in New Zealand, and the findings of the sample may not generalize to the United States. Although the researchers claimed that the populations were similar, they provided no support for their claim.

Nevertheless, Wright et al. (2004) overcame the limitations of hypothetical surveys used in other deterrence studies, such as those by Mocan and Rees (2005) and Piquero et al. (2004). Instead, Wright et al. (2004) used several different visual scales and subscales over 23 years with multiple measurements, including the Rutter Behavioral Scales, Diagnostic Statistical Manual of Mental Disorders III, Diagnostic Interview Schedule for Children, Peterson-Quay Behavioral Checklist, and Multidimensional Personality Questionnaire.

On the other hand, Wright et al. (2004) sought to measure deterrence by limited means that may not have fulfilled their study purpose because the measurements chosen

did not capture the impact of perceived criminal sanctions. Thus, relying on informal sanctions to represent costs or risks of sanctions, the study did not document serious offending scenarios or duplicate the deterrent effects of punitive and serious sanctions that this study seeks to understand. The conclusions of Wright et al. (2004), therefore, are questionable: individuals with low criminal propensity are already in general sufficiently deterred from crime, and individuals with high self-perceived criminal propensity are best deterred by strict sanctions.

In spite of the weaknesses of the Wright et al. (2004) study, the authors made an important contribution to deterrence research by urging future consideration of all social processes and their disparate impact on individuals with characteristics that may increase their propensity for crime. To that extent, Wright et al. (2004) urged criminologists and leaders to consider personal variances that may impact the effectiveness of crime control strategies. In support of this position, the authors discussed the relevant massive costs associated with punitive sentencing models that have dominated the nation's "get-tough-on-crime" trends (p. 181). Wright et al. (2004) further suggested that these costs and the persistent reliance on supposed positive deterrence effects mandate continued rigorous and varied research.

The final article on the general deterrence effect of California's three-strikes policy is not an independent study but an essay pointing out the progress and inadequacies of research to date. Bushway and McDowall (2006) critically reviewed studies conducted to test the deterrent effects of California's three-strikes legislation. The authors acknowledged the limitations of statistical models and called for continued

research. They noted the lack of support for a general deterrence effect based on the increased sanctions but also recognized that statistical models and time-series analysis can never prove a definitive causal relationship. As Bushway and McDowall (2006) pointed out, a single study cannot prove that the threat of more prison time decreases crime and causes a deterrent effect. Advocating more research, Bushway and McDowall suggested multiple data sets and varied research designs, with collaboration among scholars. The authors pointed out that if studies result in replicable and consistent answers, only then can findings be cited with confidence and generalizations made cautiously. Bushway and McDowall's (2006) critical essay is important to this study in providing a rationale advocating future research utilizing varied methods so that a better understanding may be reached of policy interventions and their deterrent or nondeterrent effects.

Juvenile transfer laws. The general deterrence effect of juvenile transfer laws has rarely been examined. Most of the research addresses the specific deterrent effect of adult sentencing for juveniles. Several exceptions exist, however. Two of the studies were conducted by Steiner et al. (2006) and Steiner and Wright (2006). Steiner et al. directly scrutinized the general deterrent effects of state direct file waiver, although Steiner and Wright did not specify a specific method of transfer.

Steiner et al. (2006) conducted quantitative empirical research analyzing juvenile transfer laws over a 27-year period in 22 states that had either enacted new transfer laws or substantially changed their laws. Control states that resembled the treatment group were included, based on demographic, economic, and crime statistics. The authors sought

to determine whether statistically significant relationships could be found between general deterrence and legislative transfer. Steiner et al. (2006) utilized a quasi-experimental multiple interrupted time-series design based on each state's monthly juvenile homicide arrest rates and aggregate monthly violent crime rates. The authors hypothesized that an abrupt and permanent impact would be found on the crime rates. Data points covered 5 years before to the laws' enactments and 5 years after implementation.

Like Ramirez and Crano (2003), Steiner et al. (2006) attempted to address the difficulty of determining the precise intervention model because new laws can have a delayed effect and potential offenders may not immediately be aware of the changes. A large sample that included 120 observations over a 10- to 15-year period limited the trends and seasonality. The control states were matched on several variables, such as unemployment, juvenile violent crime arrest rates, and juvenile population. These matched samples were also used to overcome sampling limitations, specifically the impossibility of random sampling.

The findings of Steiner et al. (2006) were consistent with previous adult deterrence findings (Kovandzic et al., 2004; Webster et al., 2006; Worrall, 2004). Eighteen states were unaffected by the changes in the laws, and three others showed only temporary changes. Only one state, Maine, had an abrupt and permanent change in the juvenile violent crime arrest rates, suggesting a general deterrent effect, with no corresponding change in the control state. Steiner et al. (2006) thus concluded that stricter

laws that mandate juvenile transfer to the adult courts, with much longer sentences, did not generally deter youth from committing offenses.

Although Steiner et al. (2006) thoroughly developed and implemented their empirical study, they did not include discussion regarding the relationship of their study to deterrence theory as a sentencing policy, as did Kovandzic et al. (2004). Thus, the findings of Steiner et al. (2006) are not easily transferable to the legislative setting and applicability of the findings to social change rather than simply an academic dialogue. As Mears (2007) argued, the relationship between social science researchers and public policy should be one of interdependence that encourages the inclusion of research as a matter of course in public policy development and implementation. Moreover, Steiner et al. (2006) did not address the limitations of their exclusive reliance on arrest data to represent crime rates overall.

The second quantitative study specifically investigating juvenile deterrence examined the relative effects of state direct file waiver laws on juvenile violent crime rates (Steiner & Wright, 2006). The study's large sample included monthly juvenile arrest rates from 14 states for 5 years before to the law's effective date and 5 years afterwards. This design helped limit the possibility of instrument bias based on police or prosecutors' behavior that could have been altered after the new law. Steiner and Wright's findings were consistent with those of Steiner et al. (2006), confirming little to no significant relationship between the laws' passages and a decrease in crime. Although no states revealed an aggregate deterrent effect, one state, Michigan, demonstrated a significant decrease in violent crime with no corresponding drop in its control state. These results

challenged conclusions claiming an empirical or causal relationship between more punitive laws and decreased crime.

However, the Steiner and Wright (2006) study had several weaknesses in design. First, like numerous other studies (e.g., Kovandzic et al., 2004; Ramirez & Crano, 2003; Steiner et al., 2006), Steiner and Wright (2006) did not address the exclusive use of arrest data to represent crime rates. Second, the study was limited to direct-file laws that gave prosecutors the discretion to decide where juveniles would be tried. Other types of waiver statutes may also have a discretionary component, as Feld (2004) and Sontheimer (2009) pointed out, to the extent that prosecutors often make the charging decision that determines whether a juvenile is waived to adult court or retained in the juvenile system.

Third, Steiner and Wright (2006) also discussed juveniles' limited cerebral development, their general inability to weigh costs and benefits. This inability inhibits adolescents from making rational offending choices. This is the type of cognitive choice that is necessary for deterrence to be effective.

Adolescent cerebral development. Recent advances in magnetic resonance imaging, in which scans have been taken of children and adolescents, have shown that the brain does not develop fully until the early 20s. The last area to develop fully is the prefrontal cortex, which is responsible for exercise of cognitive abilities, prioritization of thoughts, anticipation of consequences, and control of impulses (Lenroot & Giedd, 2006; Mole & White, 2005). Thus, because juveniles are not fully able to comprehend the implications of offending choices, this fact may have weakened the results of the Steiner and Wright (2006) study.

With regard to juveniles' cerebral development, and consistent with Steiner and Wright (2006), Pagnanelli (2007) argued that the recent information regarding juveniles' incomplete cerebral development that could lead to limited decision making capacities, transfer to adult court should be prohibited or used very sparingly. Pagnanelli (2007) discussed three studies in which higher rates of recidivism were found for juveniles who were transferred to the adult court, and Pagnanelli hypothesized that the higher rates of reoffending may have been the result of incomplete cerebral development in transferred youths. In addition, drawing on two qualitative studies, Pagnanelli concluded that transferred youths' anger and humiliation as well as their opportunities to learn criminal behaviors may also lead to higher recidivism rates.

In light of such limitations and research that fails to illustrate a relationship between transfer and deterrence, Pagnanelli (2007) called for legislative reviews and revisions of transfer laws. In support, Pagnanelli cited the 2005 Supreme Court ruling in *Roper v. Simmons*, in which the court found the death penalty unconstitutional as applied to juveniles based on diminished culpability because of their social, physiological, and psychological underdevelopment. The *Roper* case, Pagnanelli argued, established a "bright-line rule" that prohibits the application of the most punitive punishments for juveniles and their culpability (p. 175). Thus, because Pagnanelli noted that juveniles are "immature and underdeveloped" (p. 187), he further argued that severe punishments that are often rendered in adult courts are inappropriate for youth.

Although Pagnanelli (2007) failed to provide proof of juveniles' limited abilities for rational choice because of underdeveloped cerebral development beyond the Supreme

Court's decision, he noted the ineffectiveness of strict juvenile sanctions regarding general or specific deterrence. His examination is important to this study for its contribution regarding diminished juvenile capacities. This is so especially because this study investigated adults who were juvenile offenders and who may be able to reflect more maturely on their decisions.

Contributing a unique and valuable perspective on general deterrence and juvenile crime, Mocan and Rees (2005) conducted a descriptive and correlational quantitative study to investigate costs and benefits of crime and their impacts on juvenile offending. The study purpose was to determine if juveniles respond to economic incentives and sanctions consistent with the deterrence and rational choice models of crime prevention. Costs that a potential offender might consider as a deterrent were defined as components of punishment as was the likelihood of arrest. Economic incentives were considered a benefit of crime or a reward, and legitimate employment opportunities were considered a disincentive to criminal offending.

Mocan and Rees (2005) examined self-report data from 15,000 juveniles who participated in the National Longitudinal Study of Adolescent Health, Wave 1, and hypothesized that juveniles would make their offending decisions after considering both the costs and benefits associated with the crime. The study also sought to determine if a relationship existed between police budgets and arrest rates and juvenile offending, with the hypothesis of empirically valid relationships between juvenile crime, sanctions, and economic incentives. If this hypothesis were supported, it would mean that criminal justice policy can have an impact.

Mocan and Rees (2005) found that drug dealing and assault rates decreased as violent crime arrest rates increased suggesting a deterrent effect. Moreover, the authors found that a lack of employment opportunities increased the likelihood of selling drugs and robbery. Thus, in support of their hypotheses, Mocan and Rees concluded that an empirical relationship existed between some types of juvenile crime, the probability of arrests, and economic incentive.

Mocan and Rees's (2005) study had both unique strengths and weaknesses. Regarding strengths, the large nationwide sample of 15,000 juveniles increased reliability of results. Microlevel data allowed control of a vast number of personal and family characteristics, such as gender, age, parental education, and race. Further, the use of self-report studies may have increased the validity of the results because they were used in conjunction with other crime data, such as Uniform Crime Reports. Unlike similar studies, the authors also included drug and property offenses as well as violent crime.

Another strength of Mocan and Rees's (2005) study in terms of juveniles and deterrence was the inclusion of specific offenses. The complex relationships between deterrence measures and demographic characteristics, such as gender, family, and neighborhood, were also measured. Other specific elements were also taken into account, such as county arrest rates, population density, unemployment rates, and per capita police spending. Mocan and Rees's conclusions, therefore, that juveniles may respond to incentives or sanctions, can be utilized to understand the impacts of polices in light of large societal, individual and demographic differences. Although other studies recognized those same differences (Kovandzic et al., 2004; Steiner et al., 2006), Mocan and Rees

supported their findings with conclusive statements indicating that deterrence may be strongly related to social circumstances.

Regarding weaknesses of the Mocan and Rees (2005) study, although the sample size was large, most of the data were based on self-report surveys administered to a national sample of high school students (locations not specified because of confidentiality). The researchers did not discuss the internal validity of the surveys or describe how they were administered. Possible administration bias may have thus contaminated the results. Moreover, a national sample of high school students may not include one of the highest offending populations: dropouts (Siegel et al., 2004). Thus, although this study contributes to understanding of a general sample of juveniles, the generalizability to high offending juveniles is questionable.

The studies reviewed represent the strongest examples of advanced quantitative research by social scientists to test the effectiveness of general deterrence strategies based on punitive sentencing policies (Webster et al., 2006). Although the studies all built upon prior research and used sophisticated methods that controlled for intervening social and personal variables, they were nevertheless limited to addressing outcomes based on numerical data. No findings were reported of the humans who were the focus of the studies. Thus, quantitative designs, numerical conclusions, and reporting of significant relationships cannot explain the full impact of deterrence on juveniles (Taylor, 2007). Despite the limitations discussed, the majority of these quantitative studies illustrate the failure of general deterrence-based punitive policies. In light of these findings, the absence of qualitative studies, and the vast costs to society of deterrence policies (Mears,

2007), additional research is necessary that seeks to further understand and evaluate these punitive trends for their effectiveness (Redding, 2008). These factors were major motivations for this qualitative study.

Specific Deterrence

Specific deterrence and its effectiveness regarding severe sanctions reflect the same lack of empirical connection to its policy goals as general deterrence. Similarly, quantitative design limitations illustrate the necessity of qualitative research for more accurate and balanced conclusions. Specific deterrence refers to the impacts that sanctions have on the individuals who experience the punishment. As Lanza-Kaduce et al. (2002) noted, recidivism or reoffending rates are therefore measured that reflect the extent to which past offenders recommit after infliction of punishment

Studies to determine specific deterrent effects of stricter juvenile sanctions are often conducted with natural experiments, similar to general deterrent studies. Accordingly, Fagan et al. (2007), like Ramirez and Crano (2003) and Kovandzic et al. (2004), conducted a natural experiment with pre- and postintervention data to determine the specific deterrent impacts of new laws that increased the number and type of juvenile offenses mandating transfer to adult criminal court. The researchers used data from both New York and New Jersey criminal justice agencies as well as data manually collected from individual case files. Specifically, Fagan et al. (2007) studied the relationship between sentence length and recidivism, controlling for a variety of offender characteristics such as ethnicity, age, gender, and prior arrests, as well as offense

characteristics, such as offense charge and sanction. In total, over 2,400 individual cases were analyzed over a 7-year period.

Noting the importance of research to inform future legislative agendas, Fagan et al. (2007) sought to understand if policy makers' goals were met in decreasing crime and increasing public safety based on the new laws. Fagan et al. (2007) conducted tests with two different yet demographically similar jurisdictions, similar to the use of matching techniques recommended by Raphael (2006) to increase validity. One of the jurisdictions, New York, had implemented laws that significantly increased the number of juveniles bound over to adult court. The neighboring jurisdiction, New Jersey, passed a much less punitive juvenile waiver law that bound over far fewer juveniles. Fagan et al. (2007) controlled for the length of sentences, which is important for determination whether increased sanctions lead to specific deterrence. By studying the outcomes in New York and New Jersey before and after instituting new juvenile criminal sentencing structures, Fagan et al. hypothesized that they could draw valid inferences that controlled for many historical threats.

Fagan et al. (2007) utilized longitudinal, multivariate analysis to match juveniles on a variety of personal characteristics, such as age, gender, and ethnicity, as well as offense histories, such as number of prior arrests, age at first arrest, and most serious offense charged. Fagan et al. found no deterrent effect for youths subject to and sentenced in the adult court for property or violent offenses. Findings indicated that youths subject to adult court jurisdiction were more likely to be rearrested, leading to a counterdeterrent effect. The higher recidivism rates were even greater for youth indicted for first offenses with no

prior delinquency record. Moreover, the crimes for which the juveniles were charged that led to a counterdeterrent effect were the same crimes pointed out by statewide supporters or advocates of the law as those most likely to decrease crime based on the new, more punitive sentences (Fagan et al., 2007). This finding was similar to that noted by Redding (2005) for juvenile deterrence.

In another quantitative study of specific deterrent effect on juveniles, Piquero et al. (2004) hypothesized that juveniles with low self-control experienced to perceived anger regarding unfair sanctions, which in turn can influence the specific deterrent effects associated with sanctions. The researchers emphasized the heterogeneity of the juvenile population and recognized that previous research had not studied individual characteristics as applied to specific deterrence studies.

A total of 211 undergraduate college students at a 4-year university enrolled in criminology and sociology courses at three large public universities took self-administered surveys about hypothetical scenarios that addressed unfair or arbitrarily enforced sanctions. The Piquero et al. (2004) study sought to determine whether unfair sanction perceptions can result in anger for youths with low self-control which may, in turn, impact offending decisions. The independent variable, low self-control, was measured by a 24-item self-control scale (Grasmick, Tille, Bursik, & Arneklev, 1993). Piquero et al. (2004) hypothesized that youths with lower self-control would define sanctions as unfair; those who defined sanctions as unfair would exhibit greater degrees of anger. Those with greater self-control would be less likely to regard sanctions as unfair

and accordingly exhibit lower anger levels. The dependent variable, self-perceived sanction fairness, was measured by a self-report survey designed by the researchers.

With regard to the study hypothesis, Piquero et al. (2004) found that subjects with low self-control more often perceived sanctions as unfair, which would lead to minimized deterrent effects. Sanctions viewed as unjust or unfair can have a counterdeterrent effect by engendering a "defiant pride" (p. 705). This pride, in turn, would lead offenders to disregard their punishments, impel them to reoffend, and thus increase the possibility of recidivism. These findings are similar to those of Fagan et al. (2007). Youth who perceived their sentences as unfair were more likely to reoffend to the extent that first-time juveniles believed their punishment was too harsh. The results of Piquero et al. (2004) also indicate the extent to which offenders may view the world through different lenses. Such different perceptions have been overlooked, as Piquero et al. pointed out, and they recommended use of their research in both criminological theory development and legal policies.

However, the study of Piquero et al. (2004) had several flaws that render it less applicable to broader fields than the authors indicated. Self-reports have inherent bias, especially of social desirability (Holtgraves, 2004). Although Piquero et al. (2004) used extensive pretesting to minimize instrument bias and increase construct validity, the sample may have biased the results. The sample was composed of college students from a large 4-year university, which is dissimilar to the offending population, of whom 40% do not receive a high school diploma and were younger in age (Mocan & Rees, 2005). Accordingly, the results of Piquero et al. (2004) may not be generalizable to juvenile

offenders. Validity may have also been weakened and predictive value limited by the single geographic location.

Nonetheless, the findings of Piquero et al. (2004) are important for the study of deterrence and its relationship to individual characteristics, because deterrence is not wholly explainable or valuable because gains exactly balance losses. Studies such as these and others that rely upon limited samples and techniques should be understood as contributive in nature, not conclusive. As more comprehensive methods of studying juvenile deterrence are developed, including qualitative studies such as the present research, which employed both deductive and inductive analyses, findings should become applicable more precisely to the offending juvenile population.

In another large quantitative study on specific deterrence, Lanza-Kaduce et al. (2002) examined different outcomes for transferred youth versus those retained in the juvenile court based on official records. These records allowed the researchers to match offenders on both demographic and offending data, such as age, gender, race, drug use, and gang involvement, as well as primary offense and offending history for the 475 matched pairs, 950 cases. Building upon a prior Florida study (Bishop, Frazier, Lanza-Kaduce, & White, 1998), Lanza-Kaduce et al. (2002) noted Florida's ideal characteristics for this type of study because of the high crime rate, large number of juvenile transfers, and long history of bindovers.

Similar to Fagan et al. (2007), Lanza-Kaduce et al. (2002) analyzed descriptive statistics to compare felony-level offenders transferred to criminal court with offenders maintained in juvenile court. The results indicated that transferred youth were

significantly more likely to recidivate after the age of 18. Further, these youth reoffended with more serious crimes than their counterparts who were retained by juvenile courts. Lanza-Kaduce et al. (2002), consistent with similar studies (e.g., Steiner & Wright, 2006), found that the waiver of juveniles to adult criminal court may not impact the precise youth who are targeted in any effective manner.

As with other studies, weaknesses existed in the Lanza-Kaduce et al. (2002) study. Although the researchers controlled for more variables than their prior study (Bishop et al., 1998), Lanza-Kaduce et al. (2002) failed to control for additional preexisting variables, such as socioeconomic class, education, and family structure, all of which could impact judicial discretion to either maintain juvenile jurisdiction or transfer. Moreover, similar to many deterrence studies (Kovandzic et al., 2004; Steiner & Wright, 2006), Lanza-Kaduce et al. (2002) relied exclusively on arrest data to measure recidivism. This reliance could impact validity, as Mears (2007) pointed out, because arrest rates reflect a variety of police and offender characteristics as well as police department practices.

However, Lanza-Kaduce et al. (2002) were among the few researchers to go beyond quantitative analysis. They included a qualitative and exploratory component through interviews with corrections officers and youth. The corrections officers reported that the juvenile offenders had multiple problems and issues beyond those of adult inmates. These included greater personal needs, anger management issues, and life skills and self-control deficits, as well as the inability to perceive future implications for behaviors and choices. Findings for the youths, not surprisingly, revealed that youth

transferred to adult court described more negative incarceration experiences than those sentenced to youth facilities. With relevance to the current study, Lanza-Kaduce et al. (2002) called for more qualitative research that focuses on gathering data on offending youths' personal experiences to gain better insight into the influence of deterrence on juveniles and build valid hypotheses that can be tested with quantitative methods.

Under the auspices of the U.S. Office of Juvenile Justice and Delinquency Prevention, Thornberry et al., (2004) conducted the most comprehensive of three quantitative longitudinal studies on the causes and correlates of juvenile crime. Descriptive and inferential statistics were based on a sample of 4,000 high-risk juveniles in three different cities, Denver, Rochester, and Pittsburgh. The subjects were followed for 17 years, and Thornberry et al. (2004) collected descriptive data on the causes and correlates of juvenile crime, with particular focus on childhood aggression, developmental pathways, and problem behaviors. These behaviors included drug use, mental health issues, and school failure.

This study had methodological weaknesses that may have limited reliability of the results. For example, Thornberry et al. (2004) did not include ARIMA modeling techniques that control for many of the spurious variables found in social science research. Nor did they use dummy cities to control for changes between demographic regions. However, strengths included the inclusion of self-report studies and personal interviews that did not suffer from the same weakness of sampling bias as those that are exclusively based on official statistics, as are generally provided by police departments alone (Mears, 2007). Although in the Thornberry et al. study, high-risk youth were

overrepresented, the researchers' use of statistical weighting allowed the results to be generalized to the larger urban population.

Most relevant to this study, Thornberry et al. (2004) focused on the most effective means of reducing juvenile delinquency. The researchers examined several different crime control and prevention methods, such as treatment programs, generalized social services, and juvenile justice interventions. These methods were studied to determine which may have the greatest impact on subsequent offending rates or which may have specific deterrence effects.

Among the most important findings was that arrest had little impact on reoffending and may even result in a counterdeterrent impact. In this regard, the authors explained that safety and retribution may justify the need for sanctions but that understanding the overall impacts of crime policies is crucial to enactment of policies. Thornberry et al. (2004) also found that several treatment programs within the juvenile justice system, such as intervention programs for aggressive children, were positively related to crime reduction and specific deterrence. This finding has important implications for sentencing and sanctions of offending youth with regard to effective crime reducing policies.

Two other studies, those by Hamilton et al. (2007) and Bazemore, Stinchcomb, and Leip (2004), did not test the specific deterrent effects of juvenile waiver laws but rather the specific deterrence impacts of diverting youth from the justice system and the impact of a police-led truancy program as an alternative to formal sentencing. Juvenile correctional trends have placed great emphasis on stricter punishment and longer

sentences, in part based on a deterrence model of crime control (Redding, 2006).

However, diversion has also received much attention as a better means of controlling and decreasing youth crime and status offenses.

Hamilton et al. (2007) scrutinized the specific deterrent impact of 11 New York State diversion programs that were developed in conjunction with the Mental Health/Juvenile Justice Diversion Project. While these diversion programs had a great deal of variation, they all sought to remove the juveniles from the formal court processing in order to decrease reoffending. Noting the increasing popularity of diversion and its cost effectiveness, the authors searched for patterns between and within the different diversion programs to determine the most successful programmatic variables.

Although all of the youth in the sample of 4,400 had been formally arrested, they were diverted in the early stages of the juvenile justice process. All had histories of either mental health or substance abuse concerns but varied considerably regarding other personal characteristics. Hamilton et al. (2007) employed hierarchical linear modeling to evaluate the effectiveness of diversion programs. The influences of programmatic factors were examined, such as the speed of treatments and the size of counselors' case loads on recidivism and out-of-community placements. Hamilton et al. found that services provided during residential programs were more likely to lead to specific deterrence than those provided offsite, although aftercare programs were not considered.

Despite the large sample, Hamilton et al. (2007) recognized the study weaknesses because of poor data collection at the programmatic level and limited validity as the result of a weakly controlled design. The authors called for further evaluations of

program effectiveness with experimental or quasi-experimental designs that could provide more valid identification of successful programmatic variables. Hamilton et al. (2007) also noted that the positive effects of programs that provide alternatives to youth incarceration could have a strong impact on future policy development by successful diversion of more juvenile offenders from formal adjudication assigning them to such programs.

The second study on specific deterrence was conducted by Bazemore et al. (2004), although in an area tangential to the present inquiry. In a quantitative study that employed bivariate and multivariate analysis, the authors examined a truancy intervention program with 550 male youths, of whom 350 had been formally processed for truancy and held in custody and 200 youth who had been stopped, warned, and immediately released without formal processing. Similar to other juvenile justice programs, this program had the goal of stopping or discouraging crime-prone youth from repeating their offenses or escalating to serious crimes. The study purpose was to ascertain what aspect of the intervention, if any, was most effective in decreasing status offenses that could lead to youthful crime. To that end, for the youths processed for truancy, the study replicated the formal processing of the juvenile justice system combined with the uncomfortable effects on the youth of spending the day at the processing facility. For the youths who had been warned and immediately released, replicated conditions represented limited exposure to the formal juvenile justice systemic processes.

Dependent variables measured the impact of the intervention on school attendance and subsequent offending. The independent variable was whether the youth had been stopped during school hours and processed for truancy or simply stopped, warned, and released. Although the intervention objectives included a decrease of both truancy and daytime youth crime, the study revealed that neither truancy nor daytime crime was significantly correlated with participation in the intervention program. Only a short-term specific deterrence effect was found for truancy. In a long-term effect, the program reflected a decrease in school attendance.

This result suggests that such interventions, designed to stem truancy, instead had a counterdeterrent effect. Some offenders may have a "defiance reaction" that may have increased reoffending (Sherman, 1993, as cited in Bazemore et al., 2004, p. 11). Finally, significant to the current study, Bazemore et al. acknowledged that without the students' own perceptions, deterrence hypotheses remain incomplete.

In a distinctive specific deterrence study, Weisburd, Einat, and Kowalski (2008) examined the deterrent effects of a pilot project for adult low-risk probationers who were in arrears on paying their court-ordered fines. In a unique quantitative experiment with a manipulation design, the probationers were placed in randomized experimental and control groups of 198 and 69, respectively. The study purpose was to determine if immediate threat of incarceration would lead to a deterrent effect. Experimental group members were threatened with imprisonment if they did not pay their fines, and control group members received no threats.

Weisburd et al. (2008) found that the increased threats and appearances before the judge were correlated with experimental group members' increased payments. The authors cautioned, however, that the low-level offenders who comprised the study sample often possess different demographic and offending characteristics than more serious offenders. Moreover, Weisburd et al. (2008) noted that such programs are expensive to enforce and may lead to incarceration of low-level misdemeanants of the type often on probation. Nevertheless, this approach, based on the "miracle of the cells" (the threat of imprisonment producing offenders' restorative actions, p. 31), raised an important future policy issue. This issue was whether the threat of incarceration provides worthwhile and significant deterrent effects for probationers who fail to meet court-ordered financial obligations.

These quantitative deterrence studies reflect the current societal shift to harsher punishment for both juveniles and adults (Askhar & Kenny, 2008; Mears, 2007; Peterson-Badali et al., 2001). Punishments continue to be economically costly, with annual cost at roughly \$160 billion a year (Bauer & Owens, 2004, as cited in Mears, 2007). Culturally as well, punishments are costly, because currently one fifth of all juvenile offenders are transferred to adult courts. Younger juveniles are transferred more often, as are a disproportionately large number of African Americans (Lanza-Kanduce et al., 2002; Stahl et al., 2007). Transferred youth are also more likely than their adult counterparts to attempt suicide and become the victims of physical and sexual assault (Redding, 2008). Further, Redding (2003) observed that youths have reported becoming

increasingly violent, a trait that is “permanently disfiguring” (p. 145), to fit into the adult institutional criminal environment.

Although the studies reviewed used advanced methodological techniques and careful implementation, they did not provide conclusive results, given the complex variables involved. Nevertheless, the majority found that most deterrence-based crime control policies do not meet the objectives of reduced juvenile crime. To the contrary, paradoxically some studies showed that deterrence measures produced a counterdeterrent effect for the precise crimes targeted for reduction through deterrence (Bazemore et al., 2004; Bushway & McDowall, 2006; Steiner & Wright, 2006; Thornberry et al., 2004). Perhaps, as Pogarsky (2008) suggested, deterrence is effective only “in certain times and circumstances” (p. 5) and only for certain offenses and certain offenders.

However, despite the identified weaknesses, as Mocan and Rees (2005) noted, "it may be time for policy makers to question their current response to violent juvenile crime. It may be time to reconsider legislative waiver" (p. 50). The present study was undertaken to provide further evidence for reconsideration of the predominant legislative responses based upon increased punishment as a deterrent strategy that have been shown to be less than wholly effective.

Few quantitative studies on specific deterrence included a qualitative component (Lanza-Kaduce et al., 2002). As noted earlier, qualitative research can help researchers understand the processes involved in offending and offenders' subjective choices and experiences. Phenomenological research is particularly appropriate for discovery of relationships and participants' paradigm shifts. This type of research also generally

“produce[s] authentic accounts of social worlds” (Miller & Glassner, 2004, p. 138) and therefore can also interest stakeholders because of the rich personal accounts of participants.

Thus, this study contributes much needed qualitative data and fills a void in the literature through a focus on the subjective processes of juveniles bound over as adults. A greater void exists in research on the knowledge of offenders in considering likely punishment before deciding to commit or desist (Peterson-Badali et al., 2001; Redding, 2008; Von Hirsch et al., 1999). This study helps fill this void through qualitative methods exploring the extent of juveniles' knowledge of punishment, origin of that knowledge, and inclusion of the knowledge in their decision-making processes regarding the efficacy of their punitive sanctions.

Qualitative Research in Crime and Juvenile Deterrence

Qualitative research methods are unique in their subjective accounts and rich detail provided both the researcher and policy maker (Pogrebin, 2004). These methods are particularly suited to provide meaningful information beyond aggregate crime data and the outcomes of crime control policies to determine how and why individual offenders make their offending choices (Burck, 2005). In documenting the personal accounts of criminals, Pogrebin (2004) argued that offenders' explanations must be included before the "situational dynamics" of offending can be fully understood (p. 2). Moreover, Creswell (2007) pointed out that this type of inquiry takes into account the complex and multivariate nature of society.

Although quantitative measures continue to be preferred and account for the majority of crime-related research (Miller, 2008; Sherman & Strang, 2004; Taylor, 2007), qualitative studies have increased as researchers have recognized the need to blend intangible concepts and statistical models with resulting complementary data in studying the real world of offenders and crime (Pogrebin, 2004). Particularly useful to deterrence studies is interpretive phenomenology; it seeks to understand how and when individuals experience alterations or changes of paradigms based on incorporation of information and experiences into their conscious or unconscious decision making. Interpretive phenomenology seeks to understand the “fluid and dynamic process of decision-making and change” (Conroy, 2003, p. 31). In turn, because deterrence is based on the concept of punishment as a triggering mechanism for change or crime desistance, Redding and Fuller (2004) recommended this design as significantly useful to the understanding of the effectiveness of severe punishment.

The Importance of Qualitative Research in the Study of Crime

Although qualitative studies were traditionally utilized to study crime from approximately 1920 to 1940, the qualitative approach fell out of favor in last several decades (Miller, 2008; Taylor, 2007). However, over a decade ago, Von Hirsch et al. (1999) urged the use of qualitative studies to examine offending processes. Von Hirsch et al. argued that studies of deterrence and its relation to sentence severity must be more than statistical and outcome-based and pointed out the very limited qualitative research that had been conducted to that time on the subjective nature of deterrence and decision making.

With relevance to the present study, Von Hirsch et al. (1999) called for studies of subjective deterrence, or the need to study the offenders' "perceived" risks of punishment (p. 21). As the rationale for such study, Von Hirsch et al. maintained that society must understand how those perceived risks impacted the offenders' behavioral choices. As argued throughout this study, these perceptions can only be understood and confirmed by study of the individual participant's attitudes and experiences.

Von Hirsch et al. (1999) explained that two crucial issues need exploration, and to date both have been largely ignored. The first issue was the following: To what extent are potential offenders aware of the severity of punishment? This question cannot be posed to individuals who have not actually contemplated or committed crimes, as is often the case with deterrence research (Piquero et al., 2004). Rather, as Von Hirsch et al. (1999) noted, the answers must be sought from those who are at risk of offending or who have offended. The second crucial issue was the following: To what extent are participants' subjective perceptions of possible sanctions likely to affect their behavioral outcomes? To address this issue, the current study solicited offenders' own accounts about sanctions that revealed their perceptions regarding juvenile transfer and the threat of punishment.

Also important to the present study is Taylor's (2007) inaugural volume of qualitative studies in crime and justice. This new series indicated a renewed interest in qualitative studies in crime. Although Taylor's volume deals with how drug dealers settle disputes, the volume is germane to the application of qualitative research to the current study. The foreword by Sullivan (2007) justified the need for research that focuses on the offenders' accounts and perspectives. In a brief history of crime studies, Sullivan pointed

out the dominance of quantitative studies, even though, as early as 1937, a longstanding tradition existed of use of offenders' accounts to further understanding of crime.

Sullivan (2007) noted that qualitative studies have gained new prominence and also observed that they have inappropriately remained underutilized for studies of crime and justice. Thus, this volume sought to assemble and disseminate studies that have used qualitative methods, specifically offender accounts, to inform and understand theories of crime and offender decision making. Both Sullivan (2007) and Taylor (2007) gave special emphasis to the factors that are important to offenders about risk/benefit relationships embedded in deterrence and rational choice theories of crime and crime control.

Also relevant is Taylor's (2007) explanation regarding the inadequacies of surveys to provide the complex and personal data needed for an adequate understanding of offenders and their choices for use in policy evaluations and prevention efforts. Data that are not in-depth become "opaque," failing to include the step-by-step accounts, relationships, contexts, feelings, and motives of offenders (p. 24). Hence, Taylor further validated the need for in-depth interviews.

Nonetheless, like many criminologists, Taylor (2007) failed to identify the interviewing techniques used and perspectives regarding philosophical approaches. Thus, clarity was lacking regarding the researcher's specific role, goals, or techniques as a frame of reference for greater understanding of the data. Taylor's (2007) omissions seemed to bear out the arguments of Von Hirsch et al. (1999) and Lopez and Willis (2004) for better training for qualitative researchers who understand the complexities and

challenges of qualitative research and meet those challenges through well-developed designs. On the other hand, as recommended by Maxwell (2004) and Creswell (2007), Taylor (2007) did provide particularized and transparent data analysis methods,

Similar to Sullivan (2007) and Taylor (2007), Miller (2008) discussed the importance of returning to qualitative research in criminology to understand the vast amount of variation in and importance of context and situational aspects of offending. Miller (2008) argued for the inclusion of more qualitative studies to further the understanding of crime and offenders and declared that distinctions are important between qualitative and quantitative findings. Only qualitative studies, Miller maintained, carried out within carefully framed designs and analytical vigor will further research goals and societal understanding and inquiry.

Further, Miller (2008) explicated the damaging effects of judging qualitative studies by the same standards as quantitative studies. He pointed out that researchers and policy makers must appreciate the unique goals and methodological designs of qualitative studies as distinct yet complementary to those of quantitative studies. Consequently, sampling, for example, is generally purposeful in qualitative studies and not random, as in quantitative studies.

However, like many qualitative criminologists, Miller (2008) failed to specify different methods of qualitative studies and their corresponding philosophies. Nevertheless, he suggested several areas that would benefit greatly from qualitative research, such as situational studies of crime and the social processes that shape offenders' decisions as well as pathways to offending and desistance. Miller's assertions

regarding the necessity of rigorous, strategic, and carefully designed and executed qualitative analysis informed the methodological design of the current study, as did his reasoning regarding clear delineation of the methodological philosophies that inform and guide the researcher's roles and techniques. With regard to this study design, other points made by Miller (2008) on the viability of qualitative studies are discussed in chapter 3.

In another effort to further the value of qualitative studies in crime, Pogrebin (2004) edited a collection of qualitative studies involving different crime typologies. All the studies included the offenders' personal accounts, explanations, and meanings associated with the criminal activities and lifestyles generated through interviews. Pogrebin collected the studies to provide a better understanding of offenders' own descriptions of their motivations and operations, referring to these methods as "naturalistic" (p. 2). However, interview techniques that seek to collect offender accounts can also be defined as phenomenological because they draw out rich details regarding the phenomenon under study. Thus, the accounts are not simply narratives or case studies; rather, they elucidate the "essence" of the criminal's experiences. Several studies reproduced in Pogrebin's (2004) book (e.g., Waldorf & Murphy, 1995, as cited in Pogrebin; Sommers, Baskin, & Fagan, 1994, as cited in Pogrebin) analyzed the data for significant meanings comparable to phenomenological studies.

In Pogrebin's (2004) volume, however, the majority of the studies failed to describe the design specificity of researchers' roles, viewpoints, or techniques in any consistent manner. Most studies did not include transparent validation or reliability methods. Instead, the authors restated certain narratives in an effort to organize important

findings but did not account for any type of bracketing (Creswell, 2007), coding (Miles & Huberman, 1994), thematic patterns (Seidman, 2006), or other complex yet crucial qualitative analytical features recommended by qualitative experts such as Conroy (2003) and Maxwell (2004). As Silverman (2004) pointed out, the centrality of the relationship between such careful design elements and rigorous qualitative research cannot be understated. Although the studies in Pogrebin (2004) illustrated the necessity of interview methods to gain insight into offenders' understandings, meanings, and criminal decision-making processes, most of the studies failed to provide examples of well-conducted, authentic, and reliable qualitative studies.

In an important study that utilized in-depth interviews for a better understanding of criminal decisions and offenders, Miller and Glassner (2004) rejected the traditionally accepted dichotomy between quantitative and qualitative approaches and argued for the permanent inclusion of nonpositivistic approaches. This method takes into account the goals and limitations of both approaches, although it does not accept the common assumption that they are mutually exclusive. Miller and Glassner (2004) recognized that qualitative approaches can fill many gaps and contribute to understanding the social world while fostering social change. The authors argued that "dominant discourses are totalizing only for those who view them as such" (p. 126). Instead, Miller and Glassner (2004) endorsed the interactionist tradition of interviewing. This tradition has qualities similar to interpretive phenomenology, as Conroy (2003) and Groenewald (2004) noted, also emphasizing intersubjectivity between researcher and participant as a means to gain

knowledge of the phenomenon that is meaningful beyond the immediate interview context.

In studying female gang rituals, Miller and Glassner (2004) provided clear and specific philosophical frames of reference necessary for a well-designed qualitative study (Creswell, 2007). They clearly explained their perspectives and research roles and discussed the interview techniques used that increased the depth and authenticity of participants' responses. The researchers also pointed out how they concurrently drew on their expertise and avoided researcher bias. Moreover, Miller and Glassner (2004) considered the critical approach to interviewing, accepting participants' responses as relevant and realistic despite inconsistencies with cultural norms or stereotypes. As one young interviewee explained,

Some people stereotype, they just . . . stereotype gang members to be hardcore and always be shootin' at somebody . . . I know a few gang-bangers who go to school, get straight A's. . . I don't think that's right to stereotype people. (p. 133)

This study provides recent scholarly and significant qualitative research in crime that contributes to the understanding of the phenomenon of gangs and can serve as a model for rigorous and excellent qualitative research and interviewing techniques. The present study incorporated many of Miller and Glassner's (2004) methods.

Interpretive Phenomenology

The uses of interpretive phenomenology in this study are described in greater detail in chapter 3. In this section, this method is discussed from the perspective of its use as a primary form of data collection. Conroy (2003) addressed the general principles of

interpretive phenomenology, regarding it as a means of searching for shared meanings and discovering new connotations. Conroy advocated the use of interpretive phenomenology through meticulously designed, implemented, and analyzed interviews. Similar to Lopez and Willis (2004) and Groenewald (2004), Conroy (2003) illustrated the components of interpretive or hermeneutical phenomenology as superior to those of descriptive or transcendental phenomenology, urging researchers to search for shared interpretation in nonlinear pathways. Like Miller and Glassner (2004), Conroy (2003) suggested that researchers explicitly acknowledge their own biases and participants' interpretations as primary. Interpretation then includes drawing out the hidden elements of participants' responses but maintains sensitivity to the researcher's own impressions and explanations.

During the interview, spiraling techniques, as Conroy (2003) explained, allow the interviewer to build upon both the researchers' and participants' understandings in an open-loop manner throughout the interview, with one building upon the other as the dialogue continually progresses. This technique does not mean that the interviewer and interviewee become "we," as defined by Seidman (2006, p. 96). Seidman warned researchers to maintain a somewhat detached sense of an "I-Thou" (Buber, as cited in Seidman, p. 95) relationship while also establishing the type of intersubjectivity Conroy (2003) called for.

Maintaining this subjectivity does not negate researchers' practice of bracketing, or *epoché*, in which researchers attempt to recognize and put aside prejudgments and establish an open attitude (Creswell, 2007). Concurrent interpretation allows mutual

exploration that utilizes researchers' prior expertise and experiences as they search for meanings within the interviewees' responses (Groenewald, 2004). Conroy (2003) explicitly called for researchers' simultaneous openness to participants' interpretations as primary while concurrently utilizing their prior experience and expertise as guides to relevant questions and analysis. By emphasizing participants' values and norms as valid, the researcher avoids biasing the research with mainstream cultural norms that the researcher may bring to the research. In crime research, for example, a commonly held cultural norm may be that gang members do not do well in school (Miller & Glassner, 2004). Such a stereotype may affect researchers' interpretations of individual inmates' insights and experiences.

In addition, "bracketing," researchers' acknowledgment of their thoughts and impressions with regard to participants' data, is an integral aspect of Husserlian philosophy, in which all experiences share one universal commonality or one overarching "correct interpretation" (Lopez & Willis, 2004, p. 728). Nevertheless, Conroy (2003) pointed out that bracketing need not be employed to the exclusion of researchers' expertise. Rather, bracketed material can illuminate interpretation, although emphasis should be placed on participants' lived experiences.

In a less detailed, but informative work on phenomenological research design, Groenewald (2004), like Conroy (2003) and Miller (2008), urged authors to choose their methods carefully, render those methods and techniques transparent to the reader, and substantiate their use. Groenewald (2004) explained that phenomenology should be utilized when the research calls for "the internal experience of being conscious of

something" (p. 4) or the actual lived experiences of those involved with the issue investigated. This statement would seem to affirm the appropriateness of the present study. Similar to Conroy (2003), Groenewald (2004) asserted that researchers can never fully detach themselves from their research. Instead of pretending to do so, they should acknowledge their experiences and use them in the service of the fullest interpretation while maintaining openness to new ideas and constructions.

Groenewald (2004) took an intermediate approach to bracketing, in which he acknowledged prior expertise and background and simultaneously limited preconceptions so as to maintain a flowing dialogue with participants and remain open to new ideas. Groenewald (2004) further reminded researchers that the phenomenon must always drive the particular method and not the other way around. Based on Groenewald's observation, for the present study, the interpretive phenomenological method appeared the most appropriate choice to achieve the goal of the research: incarcerated individuals' knowledge, understanding, sources, and meanings of punishment with regard to their experiences of juvenile waiver.

Similar to both Conroy (2003) and Groenewald (2004), Lopez and Willis (2004), whose work is described more fully in chapter 3, discussed the distinctions between descriptive and interpretive phenomenology within the field of nursing. However, the principles apply to any qualitative inquiry, including the current study. Lopez and Willis (2004) agreed with Groenewald (2004) regarding the intermediary position of bracketing and argued that the researcher's knowledge provides a vital compass to and through the research. The researcher's expertise also informs other significant elements of the

research design, such as sampling and research questions. With regard to the present study, for example, without the researcher's experience and knowledge, the gaps in issues and prior research could not be identified and the most pertinent interview questions could not be created.

Moreover, like Conroy (2003), Lopez and Willis (2004) emphasized the interpretation of meanings within social contexts, because the interpretive approach includes the impacts and importance of cultural, social, and political environments and includes as well critical hermeneutics as a specialized approach to interpretive phenomenology. With regard to marginalized populations, critical hermeneutics recognizes that societal definitions and norms are generated by privileged classes and thus marginalized populations rarely are heard. Interpretations, therefore, rarely incorporate the actual definitions or experiences of the underprivileged. In critical hermeneutics, the researcher must become aware of these perspectives and interpret participants' responses through their lenses for accurate reporting and interpretation (Lopez & Willis, 2004). For the present study, this approach was particularly important because of the marginalized position of delinquent and criminal populations who constituted the participants.

These studies support the need for criminological qualitative research and underscore the timeliness of the present research. Although many of these studies failed to provide specifics of design and methodology that allow readers to fully understand the research findings, the studies reviewed corroborate the importance of firsthand accounts

through in-depth interviews. Further, the studies provided models and rationales for the specific designs and methods of the current study.

Phenomenological Studies in Juvenile Offending

A number of phenomenological studies have made important contributions specifically to issues involving juvenile offending. Ashkar and Kenny (2008) studied the deterrent effects of youth incarceration at a maximum security detention facility with 16 boys 16 to 19 years of age. The authors pointed out that to analyze offending trajectories only would fail to provide reasons why incarceration and reoffending are correlated for young offenders. Instead, Ashkar and Kenny (2008) conducted a qualitative study, with a series of semistructured interview questions to ascertain contributing elements that may have impacted the youths' decision to either recommit, recidivate, or desist. Desisting would suggest a deterrent effect of their incarceration. The interviewers encouraged detailed responses with "neutral probes" to collect more expansive responses (Ashkar & Kenny, 2008, p. 588). Data analysis included thematic patterns organized into hierarchical structures based on coded analysis of the interview texts. In addition, data analysis was confirmed by a consulting analyst to promote accuracy of interpretation.

The study sample size, 16, was acceptably small for phenomenological research that often generates large volumes of data and provides a purposeful sample of participants who can provide authentic accounts of the phenomenon of inquiry (Creswell, 2007). Similar to most phenomenological studies on juvenile offending (Abrams, 2006; Lanza-Kaduce et al., 2002; Redding, 2008), Ashkar and Kenny (2008) relied upon past research, especially correlational studies, of young offenders. The effects of

incarceration, and reoffending and provided an example of the interdependent relationship between qualitative and quantitative research.

Ashkar and Kenny (2008) found that for the offenders readiness for change to conventional, socially acceptable lifestyles was based on their aversions to elements of the incarceration culture, such as victimization and bullying. Additional themes revealed a lack of rehabilitative programs and promotion of antisocial behaviors that lead to recidivism. However, the phenomenological methods employed by Ashkar and Kenny (2008) went beyond identifying variables that correlated with specific deterrence. The research was not limited to the determination of effects but the interview methods encouraged the offenders to explain the processes that led to deterrence effects and their perceptions of the interactions of contributing variables (Taylor, 2007). Thus, the participants' responses revealed reasons why specific deterrence may not be actualized in spite of offenders' strong motivations to desist when they leave a prison institution facility.

Further, Ashkar and Kenny (2008) identified several factors that offenders recognized as limiting their intention to remain free of crime. These factors included little to no rehabilitative programming that provides life skills and the consistent and overwhelming antisocial prison environment characterized by antagonism, substance abuse, and coercive behaviors. Thus, although offenders claimed they were ready to lead conventional lives, they admitted they felt little prepared to do so, although they did not seem concerned about resuming criminal lifestyles. These responses indicated the important insights of this study into offenders' behavior and thought processes that could

inform policy makers regarding necessary modifications of prison structures and implementation of programs to promote specific deterrence goals.

Informed phenomenological methods to study juveniles and specific deterrence were also used by Mincey et al. (2008) in a qualitative study to examine the impacts of prison residential treatment programs and their relationship to reoffending. The authors' purpose was to "identify the 'essence' of the deep philosophical issues pertaining to the lived experiences of successful graduates of juvenile treatment programs and to attempt to understand why juveniles succeed or fail as they engage in treatments" (p. 11). Mincey et al. (2008) examined the causes of juvenile delinquency and recidivism and the impacts of family, community, and residential treatment programs on offending patterns. Nine young adults were interviewed about their experiences in various juvenile residential treatment programs.

In the Mincey et al. (2008) study, positive and negative aspects of the juvenile treatment programs were revealed through thematic coding. Positive aspects included educational and counseling programs. Negative aspects included aversive and unsupportive staff as well as the difficulties of returning to communities whose main characteristics were economic deprivation, drug trafficking, and violence.

Although Mincey et al. (2008) took measures to increase credibility and confirmability through triangulation and data crosschecks, they failed to identify their specific philosophical perspective and phenomenological techniques. Whereas Ashkar and Kenny (2008) articulated their descriptive technique, like many phenomenological researchers Mincey et al. (2008) did not provide explanations of the particular method

used. Such an explanation, as Creswell (2007), noted, would have increased the analytical value of their findings.

Nevertheless, the findings of Mincey et al. (2008) underscored the importance of supportive relationships to crime desistance and holistic systems of treatment. These findings are especially important. Not only do they illustrate which programs are related to which offending outcomes, as do other studies (Bazemore et al., 2004; Hamilton et al., 2007). In addition, the findings of Mincey et al. (2008) help explain why a particular program might or might not have been effective. Such findings not only improve the programs studied but can also lead to further research, exploration, and theory development in the characteristics of effective programs as well as improved program design. The Mincey et al. (2008) study findings provide an overlapping and interrelated example of the integration of research methods and practical implementation for societal improvement (Mears, 2007; Taylor, 2005). The present study is intended to yield similar findings that should contribute to both research and practical application.

Another phenomenological study of 18 juvenile males was conducted by Feinstein, Baartmann, Buboltz, Sonnechsen, and Solomon (2008) to discover how several resiliency factors impacted the adolescents' offending choices. The researchers conducted 45-minute interviews with each participant, based on 10 interview questions. Data analysis methods included a collaborative approach to identify significant quotations, which were then grouped into themes.

Following from data analysis, Feinstein et al. (2008) concluded that the social processes in which the youths engaged, such as rehabilitation, treatment, and educational

programming, could build and cultivate resiliency. Feinstein et al. (2008) further identified specific strengths and weaknesses of each variable that the youths reported built resiliency within the institution, such as adult support and career planning. As Feinstein et al. observed, if treatment residential program administrators increased the strengths of these programs, higher specific deterrence could result on the release of offending juveniles.

Although the inferential and explicatory analysis and findings of Feinstein et al. (2008) suggested an interpretive approach, like Mincey et al. (2008), Feinstein et al. failed to specify their frames of references or qualitative philosophies. These are vital to clearly delineated and impartially implemented phenomenological studies (Creswell, 2007). Moreover, the roles of the interviewers, with regard to bracketing, rapport, equality, and reciprocity (Seidman, 2006), were never identified and explained, which weakened the findings of Feinstein et al. (2008). Nonetheless, these findings can aid in the improvement of programs, counseling of offending youth, and refinement of policies, as is anticipated for the present study

In another study, which combined ethnographic and phenomenological methods, Abrams (2006) proposed that listening to juveniles talk about their subjective experiences could inform policy makers and criminologists regarding whether treatment can prevent recidivism. Abrams (2006) combined a preliminary ethnographic study with in-depth interviews with 19 youths to reveal participants' paradigm shifts, attitudes, and self-concepts about the programmatic elements that may affect offenders' criminal motivations. This study design was informed by both criminogenic theory and

ethnographic and phenomenological philosophies. Abrams repeated the interviews four times over a 6-month period with the same participants and then compared the transcripts for each participant. Data analysis included field notes and interview coding that were examined and compared for inductive theory development

Abrams (2006) found that most of the youth were not deterred by secure confinement, especially those who adapted to incarceration or had previously experienced disorganized lives. Similar to Ashkar and Kenny's (2008) findings, Abrams (2006) additionally found a discrepancy between the offenders' intentions while institutionalized and their abilities to desist once they were released. Abrams noted that several offenders indicated the desire to remain free of crime but had no plans for employment, housing or future plans. This finding suggests the need for better developed and implemented programmatic elements, to help offenders "disentangle" themselves from their high-risk lifestyles (p. 73) through implementation of strategies and skills to prevent reoffending,

Brunelle et al. (2000) studied drug-crime trajectories of juvenile delinquents with 38 youths (22 males, 16 females). The study used Goldstein's (1985) tripartite drug-crime model, which comprises three possible drug-crime nexuses. These are the psychopharmacological, economic compulsive, and systemic. In the Brunelle et al. (2000) study, these elements illuminated autobiographical accounts and participants' perspectives regarding the relationships between their drug use and criminal offending.

Brunelle et al. (2000) also employed several different interview techniques. Listening for the offenders' "subjective logic," they extracted meaningful and deep

reflections (p. 836). The researchers also incorporated Conroy's (2003) spiraling interview techniques to extract unconscious meanings from participants within narrative accounts. The interviews began with open-ended biographic questions, and the interviewers interjected comments only to ask for clarification, encourage precision or expansion, or decrease misunderstandings. In addition, Brunelle et al. (2000) practiced "relaunching" that allows the interviewer to ask for elaboration only to the extent necessary to pursue subjects to attain "phenomenological insight" (p. 840). The offenders were thus able to refocus their answers in response to the interviewer's prompts. These prompts were based on careful attention to interviewees' responses to provide encouraging words that would probe specific themes and concepts consistent with the research goals.

Findings for this study indicated that for this sample of teenage offenders drug use is related to some violent behaviors but that the decision to participate in aggressive acts is made before the drug consumption. Drug consumption is, moreover, often used to decrease inhibitions and increase courage. The study also revealed the "economic drug-crime relation" (Brunelle et al., 2000, p. 848). This connection is not always based on the youth's desire to purchase drugs; some youth claimed that they bought drugs to hide their illicit economic gains from parents. It should be noted that although the Brunelle et al. (2000) study was guided by Goldstein's (1985) theoretical model, this model did not limit the investigative approach. Instead, Brunelle et al. (2000) investigated shared meaning and sequential consequences as they used certain components of the theoretical model and also proposed additional relationships between drug use and crime. For example, the

authors discovered a nexus between drug use and pleasure as well as drug use as a means of self-medication that youths used to block out their negative feelings of shame related to their delinquent behaviors.

With regard to the single weakness of the Brunelle et al. (2000) study, the researchers identified their phenomenological perspective in which the participants' subjective meanings were "dominant." (p. 839). Yet, they failed to explain the specific philosophy that incorporated or bracketed the influence of researchers' own experiences and expertise, as suggested by Conroy (2003). Nevertheless, although the research questions and purpose of Brunelle et al. (2000) were different from those of the present study, their research is valuable in its advanced and carefully developed phenomenological design.

The only study to date that addressed the specific issues of the present research did so with an exploratory study that more broadly addressed general and specific deterrence for youth transferred to the adult courts. Redding (2005) explained that potential offenders must possess knowledge about the law. They must also believe that the law will be personally applied in terms of deterrence.

Redding (2005) used a mixed-method study with a purposeful sample of 37 offenders from Atlanta, Georgia, who had been transferred to the adult court and were either serving their adult sentence or in jail awaiting sentencing. Redding (2005) collected authentic accounts to determine whether the youths possessed the basic understanding needed for deterrence to be applicable. Using semistructured and structured questions regarding youths' knowledge and perceptions of the transfer law and

its fairness, Redding (2005) quantified his findings. He also expanded upon insightful narratives that revealed the offenders' general ignorance regarding the transfer law itself, its application, and its purposes. The majority of the participants suggested that announcements on radio and television as well as explanations from police and judges would have been helpful. Thus, Redding (2005) found that a large percentage of the youths, 69.7%, did not even understand that they could be sentenced as adults. Importantly, Redding also found that a higher percentage, 74.5%, reported that they believed that knowledge of such severe adult sanctions may have deterred them from committing their crimes.

In a later work, Redding (2008) called for future research that addressed three crucial questions: (a) Are juveniles aware of transfer laws? (b) Do they believe the laws will be enforced against them? (c) Does this awareness and belief deter criminal behavior? Redding's (2005) study and its findings, as well as his later questions, motivated the present researcher to design a study addressing similar issues. The present study addressed all three of Redding's (2008) vital questions.

Two other mixed-method studies on juvenile offenders integrated quantitative and qualitative methods, reflecting Sherman and Strang's (2004) call for methodological collaboration. Peterson-Badali et al. (2001) studied Canadian youths' dispositions, perceptions, and experiences related to deterrence. Peterson-Badali et al. (2001) included a rational choice model of offending as a theoretical basis for the study and noted that deterrence must include a rational decision-making process, in which the severity of the punishment is a component of the decision to offend.

Peterson-Badali et al. (2001) interviewed 53 male offenders to determine the demographic and offending characteristics that predicted offenders' views about the deterrent value of incarceration. To justify the qualitative component, the researchers explained that, in spite of research that illustrates flaws in deterrence theory, Canada continues to rely on increasingly harsher punishments as a crime control method. The researchers combined qualitative interviews with logistic regression analysis resulting from quantification of interview responses.

The findings illuminated reasons that deterrence may not work. In describing offenders' events, perceptions, and reflections that lead to their crimes, Peterson-Badali et al. (2001) documented the complex nature of offending that can only be understood through qualitative approaches. For example, one participant explained that he might desist based on sentence severity. When the interviewer sought further clarification regarding the participant's precise mental processes, the participant revealed other relevant personal variables. The youth explained that personal changes brought about by self-reflection and programmatic opportunities, such as anger management and counseling, were more important than sentence severity for specific deterrence. Given such intertwining factors, and as shown by the study findings, a larger purpose of this investigation was to provide empirical evidence to policy makers as to the reasons deterrence does not seem to work.

In another mixed-method study, Corrado, Cohen, Glackman, and Odgers (2003) conducted interviews with a large sample of 400 participants from Vancouver, British Columbia. The study included both criminal and noncriminal behaviors and attitudes,

such as motivations for deterrence, procedural rights, family, mental illness, and social bonding. The sample was purposeful, consistent with phenomenological design, but the interviews comprised close-ended questions, as in typical quantitative surveys, and permitted no clarifications or elucidations by participants. The researchers then numerically coded and analyzed the interviews with quantitative methods only.

Corrado et al. (2003) found that for their sample sentence conditions may be more important in prompting deterrence than sentence lengths, as suggested by prior studies (Abrams, 2006; Ashkar & Kenny, 2008; Feinstein et al., 2008). The study was limited in generalizability, however, by the purposeful sample from a single geographic location. This type of study has also been criticized as ineffective because the qualitative data are quantified to create statistical results, with no corresponding or balancing qualitative analysis (Miller, 2008). Nevertheless, the results of Corrado et al. (2003) support prior findings on the importance of understanding subjective meanings and ideas related to offending decisions and conditions of incarceration related to deterrence (Abrams, 2006; Ashkar & Kenny, 2008; Brunelle et al., 2000; Redding, 2008). Corrado et al. (2003) also suggested further research to verify their findings, and this suggestion was another impetus for the present study.

Summary

Despite research to the contrary, national policies continue to implement deterrence-based crime control models (Mears, 2007). The majority of studies have found little or no general deterrence effect from punitive sentencing (Kovandzic et al., 2004; Lanza-Kaduce et al., 2002; Steiner et al., 2006; Worrall, 2004). Yet prisons remain

overcrowded as corrections policies promote increased incarceration (Johnson, 2009a, 2009b; Jones, 2009, Zimring et al., 2001). Studies on specific deterrence (e.g., Fagan et al., 2007; Lanza-Kaduce et al., 2002; Piquero et al., 2004), have found similarly that harsh sentences actually increase the chances that the offender will recommit

Results of research have also been contradictory. Studies that did not find a counterdeterrence effect found no specific deterrence effect based on longer sentences (Piquero et al., 2004). However, such studies, often carried out with the most rigorous quantitative designs (Webster et al., 2006), can provide only cumulative inferences based on statistical models (Knoke, Bohrnstedt, & Mee, 2002). Though useful and essential to effective policy, such quantitative studies are limited. As Sayer (1992) pointed out, social scientists face unique challenges in their attempts to isolate and understand social structures, and the best means of doing so is through qualitative studies. Burck (2005) argued that, in contrast to the objectives of quantitative research, those of qualitative research seek to discover process rather than outcome. Moreover, according to Mears (2007), the research results of social scientists and criminologists should offer insight to policy makers toward cost efficiency, necessity, relevance, and effectiveness of policies.

Accordingly, in this chapter phenomenological studies in crime were reviewed for their contributions to the deterrence debate. Inclusion of phenomenological designs in criminologic research is a major means by which researchers can discover and understand the experiences and decisions of youth bound over to adult courts for sentencing (Ashkar & Kenny, 2008; Redding, 2008). The phenomenological studies included in this review made vital contributions to penal policy, although the studies had methodological

limitations (Abrams, 2006; Ashkar & Kenny; Feinstein et al., 2008; Mincey et al., 2008; Peterson-Badali et al., 2001). Additional phenomenological studies emphasizing interpretive phenomenology (Conroy, 2003; Lopez & Willis, 2004; Redding, 2005) can make more profound contributions to the social sciences while "reducing human misery" (Sherman & Strang, 2005, p. 205) as well as increase the policy influence of researchers.

The majority of the studies reviewed provided meaningful responses about why participants made their offending choices and their processes of decision making. However, only one study located after rigorous searches, that of Redding and Fuller (2004), explored the precise issue of the present study, an understanding of the subjective experiences of incarcerated individuals who experienced juvenile transfer to adult courts. Although Redding and Fuller's (2004) results may be expected in light of adolescents' underdeveloped cerebral abilities, the results were nevertheless disturbing: the juvenile participants did not know, or did not believe, that transfer and hence more severe punishment would apply to their situations.

Thus, a gap exists in the research on juvenile offenders. The present study was informed by the many deterrence studies in crime that have confirmed its doubtful efficacy (Fagan et al., 2007; Mocan & Rees, 2005; Worrall, 2004). These studies highlight the need for further and alternative inquiries that illuminate why deterrence-based crime control models are not effective.

It seems evident that only through additional qualitative research, such as the present study, can criminal choices be fully understood. In chapter 3, the specific methods for this study are described, including the research questions, setting,

population, and procedures for data collection and analysis. This research should contribute to positive social change by providing insights into means by which criminal propensities and activities can be decreased and improved implementation can take place through national and state policies to deter youth from criminal activities.

Chapter 3: Research Methods

Introduction

This qualitative, phenomenological study explored incarcerated offenders' knowledge and perceptions of sentencing options at the time of their trials for crimes committed as juveniles. The study was undertaken because of the increasing national rate of juveniles committing crimes and tried as adults, the few previous studies in this area, and especially the lack of qualitative studies with this population (Corrado et al., 2003; Redding, 2008; Wright et al., 2004). As the literature review illustrates, the results of previous studies are contradictory (Burck, 2005) and a need exists for qualitative designs regarding deterrence and juvenile waiver to adult court. Subjective experiences as described in phenomenological traditions are essential for further understanding of deterrence and rational choice models of crime control. Redding and Fuller (2004) noted the necessity of phenomenological research specifically with regard to juvenile offending choices that bear upon the severity of sanctions and the requisite knowledge and perceptions of such sanctions.

Research objectives and inquiries provide the basis upon which a study is designed and the methods and analysis chosen (Creswell, 2007). Thus, this study is informed by what is already known about the phenomena under study, as suggested by Maxwell (2004), as well as the necessity for evidence-based and rational public policies (Mears, 2007). As social science increasingly acknowledges the validity and utilizes the contributions of qualitative methods, researchers have an obligation to rigorously and carefully design phenomenological studies that are based on recent literature and theories

and include careful philosophical explanations, validity and reliability mechanisms, and careful and systemic analytical procedures (Miller, 2008; Miller & Glassner, 2004). Accordingly, the design elements and method of this study have been selected after extensive research (e.g., Creswell, 2007; Groenewald, 2004; Lopez & Willis, 2004; Maxwell, 2004; Seidman, 2006) and careful analysis of alternative methods and with scholarly support for the general research purposes, interview protocol, and methods

In this chapter, the use of a qualitative, phenomenological design is justified based on the research purpose and questions, prior theory, and the literature review. The setting, population, and protection of human subjects are described. Finally, the data collection methods, analytical methods, and validity, reliability, and authentication procedures are explained and discussed.

Design of the Study

This study used qualitative design to fulfill the purpose of the research. Qualitative methods are nonnumerical, using participants' subjective verbal expressions (Creswell, 2007), in contrast to quantitative methods, which are based on variables measured by numbers (Trochim & Donnelly, 2007). Qualitative methods utilize few participants and data collection by means of one-to-one interactions through probing questions, resulting in deep and meaningfully complex accounts of those who have experienced particular phenomena (Seidman, 2006). As Burck (2005) pointed out, quantitative methods often include random samples of large populations, data collection by means of short-answer, close-ended surveys, and application of mathematical

formulas to reach generalizable results that can be replicated with multiple outcome measures and controls.

One method is not superior to the other, nor are they mutually exclusive (Miller & Glassner, 2004). Instead, they may be complementary, depending upon the subject of inquiry (Taylor, 2007) and "inextricably intertwined" (Miles & Huberman, 1994, p. 40). Both methods can also be evidence-based, as Trochim and Donnelly (2007) pointed out, to the extent that the results obtained can lead to implementation of programs, procedures, and policy formulations that are based on carefully and ethically conducted research.

Justification of Qualitative Method

According to Burck (2005), quantitative research may be contrasted with qualitative research in terms of outcome versus process. Quantitative research seeks to verify, test, and generalize; qualitative research seeks to discover, explore, understand, and generalize to theory. Creswell (2007) emphasized the multivariate nature of qualitative findings, illuminating the personal and complex nature of phenomena in society. With qualitative methods, individual consciousness provides the vehicle for understanding of a research issue (Groenewald, 2004). Use of the individual does not mean that random and anecdotal stories and narratives should be taken as valid research material. Rather, responsible qualitative methods should produce findings that reveal individuals' experiences and genuine thoughts and reflections (Creswell, 2007). Thus, with regard to the current research, when qualitative findings are used for policy formation, the reflections and decision-making processes of juvenile offenders will more

likely be understood and taken into account in evidence-based policy rather than reliance on rigid theories and positions.

Creswell (2007) thus suggested that a need for specified and particularized knowledge is another strong basis for qualitative choices. Such knowledge cannot be gathered with quantitative designs that fail to record the essence and complexity of phenomena from those who have personally experienced them. As Peterson-Badali et al., (2001) argued, no quantified offender variables will explain how a juvenile processes and perceives sanction. Nor will offender variables reveal how sanction knowledge is obtained or what it means to the offender; juveniles' understandings are subjective in a complex and variable manner that calls for in-depth explorations of their perceptions. Similarly, Taylor (2007) observed that surveys cannot provide the complex and personal data that are needed to understand complex phenomena recounted by participants in terms of motivation, step-by-step accounts, and contexts of decision making.

Several rationales for determining whether qualitative methods may be best suited to a given research inquiry were recommended by Creswell (2007). For example, qualitative research empowers individual voices in a complex and iterative manner. With qualitative methods, the researcher can better understand the context in which participants experienced the problem or issue. Moreover, qualitative methods can follow up quantitative research to better explain correlations, associations, and relationships and to further theory development and refinement.

The present research fits the criteria for Creswell's (2007) rationales for a qualitative study because it seeks to understand and discover subjective interpretations,

knowledge, and meanings of incarcerated adults as juveniles in adult courts, a population that has had little public voice. In addition, this study sought to place the participants' knowledge and subjective meanings in the larger context of the effectiveness of deterrence and rational choice models of crime control and decision making (Redding, 2005). Further, the study enabled this marginalized population to describe their perceptions in relation to the research questions.

Qualitative Research and Positive Social Change

Because a long-term goal of this study is positive social change in policy development and implementation, a qualitative design is additionally justified. Mears (2007) argued that social science research must include rich and personal accounts that are informed, systemic, and fluid to draw in stakeholders. If researchers are open to multiple research methods and accept collaboration, the general community will be more likely to accept scientific findings and engage in meaningful policy dialogue as issues are reframed and clarified (Silverman, 2004). Hence, as Trochim and Donnelly (2007) noted, it is often the in-depth and well-researched account that compels decision makers to question and change policy for the better rather than the impersonal statistics of quantitative studies.

Sherman and Strang (2004) maintained that purely numerical data are not always taken seriously or understood by the intended audiences. Pogrebin (2004) argued that especially in the study of the effectiveness of punishment and prevention effects, qualitative data methods should be utilized. When quantitative data are combined with

human stories about the numerical outcomes, the conclusions can become much more relevant and meaningful for the intended stakeholders.

Shared or common experiences lead to development or modification of policies (Creswell, 2007). The current study of juveniles incarcerated as adults had a major overriding purpose for positive social change: a focus on crime control policies that seek to deter juveniles from committing crimes with severe sanctions based on rational choice decision making. Hence, the qualitative approach was particularly appropriate for this study.

Moreover, with regard to previous studies, as discussed in the literature review, a recent appeal has been made for interview-based research that specifically explores subjective offender accounts and perceived meanings by criminology experts, such as Mears (2007), Miller (2008), Miller and Glassner (2004), and Pogrebin (2004). Specific to the research questions for this study, Von Hirsch et al. (1999) called for the use of phenomenological traditions to explore the extent and meaning of sanction knowledge as it relates to deterrence. Redding (2008) also recommended such a study to be conducted with youth bound over to adult court. Further, the researcher obtained support and acknowledgment of need for the current study from a variety of policy makers, leaders in corrections, and prominent academicians specializing in juvenile justice (D. Diroll, Executive Director, Ohio Sentencing Commission, personal communication, November 25, 2008, see Appendix B; L. Norton, Director of Research for the Ohio Department of Rehabilitation and Corrections, personal communication, March 2, 2009, see Appendix C; C. R. Huff, Dean of School of Social Ecology, Professor of Sociology and

Criminology, University of California, Irvine, personal communication, October 9, 2008, see Appendix D; Edward Latessa, Professor and Director of College of Education, Criminal Justice, and Human Services, University of Cincinnati, personal communication, December 18, 2009, see Appendix E; D. Diroll, Executive Director, Ohio Sentencing Commission, personal communication, December 29, 2009, see Appendix F).

Justification of Phenomenological Study Design

Although many qualitative research methods provide rich and detailed personal accounts of particular problems and societal issues, phenomenological studies are particularly appropriate for addressing particularized knowledge and participants' detailed subjective experiences. Careful consideration, however, was given to several other methods, especially grounded theory and ethnography. Grounded theory is intended to develop or discover a theory with an inductive approach to field studies (Trochim & Donnelly, 2007). Many grounded studies begin with a conceptual framework that is tested and refined in “a zigzag approach back and forth from the field,” with a focus on crosscultural theories in parenting and socialization (Miles & Huberman, 1994, p. 8). Although this method can include interviews, Creswell (2007) noted that they are usually conducted and analyzed in a manner that gives rise to a series of propositions or hypotheses in an undertheorized area.

The literature review revealed that a vast amount of research already exists regarding developed theories in deterrence and rational choice (Beccaria, 1794/1963; Von Hirsch et al., 1999; Wilson, 1983). The study purpose was not theory development

in an area that is void or lacking in hypothesis development. Thus, a phenomenological design was well suited to exploration of the phenomena of this study based on well-established theories.

Neither would ethnographic methods meet the goals of the present study. Defined as a "description and interpretation of a cultural or social group or system," this method is well suited to intense and long-term observations of a research site that often culminate in a rich analysis of a culture's behaviors and interactions (Creswell, 2007, p. 68). Although an ethnographic study can enlighten and inform (Silverman, 2004), this mode was not appropriate for current study purposes. Because the participants were incarcerated, extended field observation was not feasible or advisable.

Other forms of qualitative analysis, such as case studies and narratives, did not provide the means necessary to meet the specified objectives and aims of this research. This study called for "the internal experience of being conscious of something" (Groenewald, 2004, p. 4). Only through a phenomenological design that focuses on the "lived experience" (Creswell, 2007, p. 59) and shared meanings about a given phenomenon could the study purposes be met.

Phenomenology studies individuals through numerous interview processes and techniques. Interview data provide the basis for collective thematic analysis that searches for shared meanings from the individuals who experienced the phenomenon studied (Miller & Glassner, 2004). In-depth and semistructured interviews encourage participants to reflect on the meanings of their experiences in ways that move beyond their initial responses to consideration of intricate relationships of factors and contexts related to their

present situation (Seidman, 2006). Moustakas (1994) described the primary purpose of phenomenological research. It is

to determine what an experience means for the persons who have had the experience and are able to provide a comprehensive description of it. From the individual descriptions, general or universal meanings are derived, in other words the essences of structures of the experience. (p. 13)

Moreover, phenomenological research is often grounded in recognized theories that can guide the interview questions and orient the research design (Lopez & Willis, 2004), as was the case in the present study. In addition, the phenomenological tradition has been recommended by prominent criminologists to provide the means to encourage offenders to explain the process that led to their offending (Taylor, 2007). The personal and subjective accounts of participants during one-to-one interviews were assessed as the means to best realize the present research goals. Findings should elucidate the complexities of decision making and behavioral choices that cannot be accomplished by other methods.

Justification of Interpretive Rather Than Descriptive Phenomenology

As overall research goals should drive the research methods, these same goals should drive the particularized tradition or paradigm best suited to the research questions within the broader method (Groenewald, 2004). Two distinct yet related approaches to phenomenology are the descriptive and interpretive modes. Both are based on in-depth interviews about participants' knowledge and subjective experiences on the topic of study. However, Creswell (2007) noted that the modes differ considerably in their frames

of references regarding how the interview questions are developed, how the interview is conducted, the role of the researcher, and the analytical paradigms that follow.

Descriptive phenomenology. Descriptive phenomenology, sometimes referred to as Husserlian, is based upon the researcher's ability to achieve "transcendental subjectivity" (Lopez & Willis, 2004, p. 727). This mode encourages the researcher to continually neutralize personal knowledge, preconceptions, and biases so that they do not impact the participants' responses or analysis of the data. Knowledge of prior theory and even literature reviews may be discouraged so that the researcher is less likely to form preconceived impressions regarding the object of study.

The essence of the research and the participants' narratives are considered separate from their contexts. In Husserlian philosophy, accordingly, all experiences share one universal commonality or one "correct interpretation" (Lopez & Willis, 2004, p. 728). Further, descriptive phenomenology focuses on the participants' accounts of "what actually happened in terms of observable . . . behavior or events" (Maxwell, 2004, p. 59). As a result, the analysis of the individual becomes a search for a universal meaning.

Interpretive phenomenology. In contrast, the interpretive tradition of phenomenology emphasizes different paradigms that embrace researchers' prior knowledge and expertise. Interpretive phenomenology focuses on the meanings of behavior or events "for the people involved: their thoughts, feelings, and intentions" (Maxwell, 2004, pp. 59-60). According to Lopez and Willis (2004), this tradition simultaneously provides methods and techniques that limit researcher bias.

Thus, interpretive or hermeneutical, Heideggerian phenomenology uses interview techniques that provide deep and profound responses based on the objects of study within the participants' contexts (Maxwell, 2004). Prior theory is not eschewed as limiting by the researcher but rather is thoughtfully utilized in a cyclical approach, with theory informing research questions and findings informing theory development. Literature reviews, likewise, are used to focus the study where most needed and useful and to make design decisions regarding sampling, validity, authenticity, analysis, and usefulness of findings (Lopez & Willis, 2004). Maxwell cautioned that theory should not stagnate and dominate phenomenological designs but instead continually test them as researchers search out a variety of ways to analyze and interpret the data gathered.

Maxwell's (2004) balanced approach was the one reflected in the design of the present study. Although developed theory informed and focused this research, existing theory did not limit new ideas and clusters of meanings that were discovered during data analysis. In addition, researchers' expertise is cautiously utilized with interpretive phenomenology. Although the participants' meanings are most relevant and sought after, Maxwell (2004) noted that researchers' experiences, training, and expertise can encourage and enhance expression of those meanings

Researcher bias in interpretive phenomenology. Researcher bias may be minimized in interpretive phenomenology as researchers take a precaution recommended by Trochim and Donnelly (2007) Construct validity, or the accuracy of preoperational inferences, can be validated by concept mapping that reflects accurate associations between theoretical constructs and research measures. At the same time, researcher bias

can be minimized, as suggested by Brunelle et al. (2000). In their study of drug-consuming juvenile delinquents, these researchers focused on extracting the participants' "subjective logic" in a manner that was both informed and deeply reflective (p. 836). By allowing for the free flow of participants' revelations and insights through open-ended questions combined with "relaunchings" (p. 840), the researchers affirmed the participants' ideas and revelations instead of searching for affirmation of their own ideas and meanings.

Finally, as Lincoln and Guba (1985) argued, instead of researchers attempting to ignore their own influence or render them unrealistically autonomous, researchers should identify and "bracket" them (make special note of their existence) to prohibit inclusion upon the participants' responses and meanings. Researchers can then perceive themselves as instruments of research. The researcher then becomes a "marvelously smart, adaptable, flexible instrument who can respond to situations with skill, tact, and understanding" (p. 107). Groenewald (2004) acknowledged that researchers can never fully detach themselves from their research and, instead of pretending to do so, should recognize their experiences while maintaining openness to new ideas and constructions.

Thus, interpretive phenomenology presupposes that the researcher's expert knowledge is invaluable in guiding interview questions, probing for participants' deeper meanings, and rendering the inquiry more meaningful (Lopez & Willis, 2004). In terms of the present study, the researcher's expert knowledge and experience in criminal justice, juvenile sanctions, and juvenile law and public policy have guided the study

development to date and have continued to do so throughout implementation and analysis.

Scholarly support of interpretive phenomenology. Three seminal scholarly articles on interpretive phenomenology were particularly important for justification of the present study methodology and techniques. Conroy (2003) analyzed interpretive phenomenology as a primary form of data collection and discussed meticulously designed, implemented, and analyzed interviews. First, researchers recognize their own experiences and perceptions as valuable points of references that are not to be overcome but acknowledged as original interpretations and meanings are disclosed by participants. As researchers honor and “make explicit” participants’ values and ideas (p. 13), new interpretations emerge based on those expressed by the participants.

Second, Conroy (2003) suggested that interviewers maintain consciousness of what has been said as well as what is being said. To this end, researchers can utilize reflective comments to highlight consistencies and inconsistencies and encourage participants’ deeper reflection and elaboration. Movement between the participants’ past and present is important, indicating possible paradigm shifts and highlighting thematic patterns and fluctuations. Further, utilizing visual, verbal, and nonverbal active listening skills can help researchers identify and work within participants’ moods as trust is developed. Finally, repeated listening and readings of the transcripts for thematic analysis both within and between participants as well as member checks are important in rendering participants’ authentic and valid accounts.

Conroy (2003) maintained that the components of interpretive or hermeneutical phenomenology are superior to those of descriptive or transcendental phenomenology. With interpretive phenomenology researchers recognize the "non-static" nature of interpretations and definitions in a manner that encourages "reinterpretation" based upon reciprocal interactions with others (p. 3). Consequently, rather than searching for "numerical universality," Conroy urged researchers to search for shared interpretation in a nonlinear pathway (p. 5). As Miller and Glassner (2004) also recommended, Conroy advocated that researchers explicitly acknowledge their own "foregrounding" (aggregate of biases), while at the same time limiting its interjection into participants' interpretations as primary to the process (p. 11). Interpretation, accordingly, becomes implicit in researchers' efforts to maintain an open attitude and "unpack" impressions (p. 13) and simultaneously draw out participants' responses.

In a less detailed, but informative work on phenomenological research design, Groenewald (2004) urged authors to choose their methods carefully, render those methods and techniques transparent to the reader, and substantiate their use. Groenewald observed that phenomenology should be utilized, as noted above, when the research calls for "the internal experience of being conscious of something" (p. 4) or the actual lived experiences of those involved with the issue under study. Like Conroy (2003), Groenewald (2004) also recognized that researchers can never become fully objective and, rather than taking a falsely objective stance, should make use of their experiences and remain open to new ideas and interpretations.

Groenewald (2004) advocated as well an intermediate approach to bracketing, in which the researcher welcomes prior expertise and background and limits preconceptions so as to maintain an open dialogue as an interpreter of new ideas. Groenewald (2004) further reminded researchers that the phenomenon must drive the chosen method rather than the reverse. Groenewald's caution was kept in mind during the present research, and his explication of interpretive phenomenological methods confirmed its choice for this study exploring incarcerated adults' regarding their knowledge, understanding, sources, and meanings of punishment regarding their juvenile waivers.

Similar to Conroy (2003) and Groenewald (2004), Lopez and Willis (2004) discussed the distinctions between descriptive and interpretive phenomenology but within the field of nursing. Their contributions are important, however, in the explanations of interpretive phenomenology and its essential components. Further, their inclusion of critical hermeneutics was valuable as an additional point of view particularly relevant to the present study.

Lopez and Willis (2004) agreed with Groenewald (2004) regarding the intermediary position of bracketing, in which researchers accept their own experiences as relevant to the phenomena studied but hold personal definitions and biases in check so as to fully accept participants' experiences and meanings. Lopez and Willis pointed out that the researcher's knowledge and expertise inform the sampling design and research questions as well as providing a crucial guide to and through the research. In the present study, without the present researcher's experience and knowledge, the population, research questions, and gaps in understanding and prior research could not be identified.

Lopez and Willis (2004) also clarified interpretive phenomenology as a focus on participants' lived experiences that are drawn out, clarified, and mutually interpreted by researcher and participant. Participants' verbalized experiences move beyond their consciousness. A well-trained researcher, therefore, must be able to practice "concurrent interpretation" (p. 729) that emphasizes meanings within social contexts, just as an interpretive approach takes into account the impacts and importance of cultural, social, and political environments.

Especially important for marginalized populations, such as the incarcerated individuals for this study, critical hermeneutics as recognized by Lopez and Willis (2004) acknowledges that societal definitions and norms are generated by privileged classes. Marginalized individuals rarely have their voices heard and are disinclined to speak out. With these dynamics and the view of critical hermeneutics as a specialized approach to interpretive phenomenology, Lopez and Willis (2004) observed that the researcher must be prepared to interpret participants' responses through their marginalized lenses to probe beneath surface meanings to participants' deeper feelings and meanings.

The critical approach of interpretive phenomenology is also described by Creswell (2007) as one that helps empower marginalized humans beyond cultural and societal limitations placed upon them because of race or class. For example, Miller and Glassner (2004) used the critical hermeneutic approach in interviews with young, female gang members about their roles, activities, and meanings related to gang membership. The researchers accepted participants' responses as relevant and realistic, whatever their inconsistency with cultural norms and definitions or the researchers' personal views.

Thus, the critical hermeneutic aspect of interpretive phenomenology is particularly applicable to the present study participants because of the marginalized position of the delinquent and criminal populations. As Von Hirsch et al.(1999) explained with particular reference to deterrence and sentence severity, “What counts is not so much the ordinary person's perceptions of how certain or how severe punishments are, as the perceptions of potential offenders—of those more likely to consider committing the criminal offense" (p. 21). This view is especially pertinent when common or shared experiences are important to the development of public policies (Creswell, 2007), as with the present study.

Research Questions

With the immediate and long-term research goals in mind, and in accordance with the phenomenological mode of qualitative research, the following research questions were formulated. The major or grand tour question (Creswell, 2007) that informed this study was the following: What are the reflections and conclusions of incarcerated adults as they recall their decisions to commit offenses as juveniles and the knowledge and thoughts that did or did not deter them?

As noted in chapter 1, both deterrence and rational choice theories (Beccaria, 1794/1963; Quinney, 1974; Roshier, 1989; Wilson, 1983), as well as current studies (Ashkar & Kenny, 2008; Redding & Fuller, 2004) were used in formulating this question and the following research questions and subquestions. Additional follow-up questions were asked during the interview process, as suggested in the application of interpretive methods (Conroy, 2003) and noted in Appendix A. These questions facilitated

meaningful responses, aided in authenticity, pursued promising leads, and returned to earlier points that may have "require[d] further development" (Lincoln & Guba, 1985, p. 271), The following questions, based on Seidman's (2006) recommendations, were open-ended to elicit meaningful responses and focused to maintain participants' attention on the primary issues of the study.

Understanding of Sentencing Possibilities

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

Sources of Sentences and Sanctions

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

Influence of Sources

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

Use of Knowledge About Sentences

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

Possible Future Crime

10. How could your current sentence affect your possible future decision to reoffend or not commit a crime?
11. What might stop you from committing crime in the future?
12. Are there any other comments you would like to add?

Context of the Study

The context of this study was a multiple one in view of the cultural, social, and political ramifications of rising crime rates in the United States and consistently high rates of juvenile crime (Snyder & Sickmund, 2006; Stahl et al., 2007). Moreover, studies have highlighted the dubious effectiveness on deterrence of juveniles tried and sentenced as adults (Fagan et al., 2007; Lanza-Kaduce et al., 2002). Listwan et al. (2008) recognized that as penal trends continue to sustain large number of juveniles waived to adult court, the cost remains great, including increasing marginalized cultures, increasing crime, and decreased spending to remedy other social problems.

In terms of the research context of this study, as noted above, few studies have employed qualitative methods with this population (Ashkar & Kenny, 2008; Steiner et al., 2006; Steiner & Wright, 2006). Phenomenological studies in the interpretive tradition can provide "interactional" (Miller & Glassner, 2004, p. 135) contexts within which social realities are stressed through participants' responses and deeper and more profound meanings are shared. To address the study purposes, the participants for this study necessarily had to be incarcerated individuals. Thus, the study context included participants who were adults currently incarcerated in Ohio prisons. As defined by and pursuant to Ohio Revised Code (2002), the participants had experienced juvenile waiver to adult court for a classified crime or collection of crimes,

Gaining Access to the Research Setting

The researcher has long been interested in juvenile sentencing and deterrence and has worked in various capacities with officials in the Ohio Department of Rehabilitation and Corrections (DRC). Approval for the study was granted by the Walden Institutional Review Board (IRB), and support was given by the Ohio Sentencing Commission (see Appendix B). Approval for data collection was also given from the DRC Director of Research (see Appendix C) and the Ohio Department of Rehabilitation and Corrections through its IRB (see Appendix G).

Of the 12 prisons in Ohio, four were chosen by the researcher based upon maximum variation for both geographic location throughout the state and size of facilities. Written approval for data collection was given by the managing officers at each facility. However, for reasons of confidentiality, these documents cannot be added to this

study as appendices. From these facilities, the Ohio DRC Social Science Research Specialist identified the inmates at the four facilities currently serving institutional sentences who were bound over as juveniles (S. Vandine, Ohio Department of Rehabilitation and Corrections, personal communication, May 11, 2009). Potential participants were given a letter of introduction to the study (see Appendix H). If they indicated willingness to participate, a meeting with the researcher was scheduled to review the informed consent (see Appendix I) to determine if the inmate would volunteer for the study. Purposeful sampling for maximum sentence and age variation was employed at each facility if more than the selected number volunteered.

If, after reading the letter and informed consent, the inmates indicated they would like to become participants, interviews were scheduled based on the facilities' schedules. In accordance with the recommendations to protect participants (National Institute of Health, 2006), an Ohio DRC employee was recruited to act as a witness to the informed consent process. In each institution prior to the first interview, the witness was required to read the witness training memorandum (see Appendix J). After the participant signed the informed consent and initialed all paragraphs, the witness signed the informed consent on the appropriate line (see Appendix I) and withdrew from the interview room.

Upon recruitment of all participants, the assistants to the wardens at each institution arranged for private meeting rooms to be available within each institution for the interviews. This environment may have had unusual challenges, such as limited access to participants and limited security provisions. However, the drawbacks were not

insurmountable, especially because the researcher has had prior experience interviewing prisoners within penal institutions in Ohio for prior research purposes.

Each interview was scheduled to last approximately 2 to 3 hours, although the interviews were shorter because of inapplicability of some questions, as described in chapter 4. The interviews were conducted by the researcher with only the researcher and participant present. Because of the nature of the population and to ensure the researcher's safety, a safety button was within reach to alert nearby corrections officials if help were needed. Officials were also stationed nearby in the administrative area in which the interviews took place.

Establishing Researcher-Participant Rapport

For successful qualitative interviewing, gaining access to the research participants means more than physical access. In addition to ethical considerations and assurances of privacy, placing participants at ease and building trust before and during an interview are crucial to developing meaningful dialogue (Miller & Glassner, 2004). Skilled interviewers are careful to maintain an open and nonjudgmental manner throughout the interview. Good listening skills that prevail for the majority of the interview are also important (Conroy, 2003; Miller & Glassner, 2004).

To place participants at ease and build trust, the researcher briefly explained the study and her background in criminal justice. She indicated her background in a manner intended not to intimidate participants and transmitted her genuine and long-term interest in the subject (see the Researcher's Role section) and in learning about participants' thoughts and experiences. Especially because this population is marginalized, with little

opportunity for their views and perceptions to be heard, she emphasized this aspect and encouraged participants to communicate fully.

Moreover, to minimize social distances, the researcher encouraged participants to recognize themselves as experts on the topic of inquiry and pointed out that they can provide insight and understanding unlike any other individuals, including those typically in higher positions in the generally accepted social and education hierarchy (Seidman, 2006). More specifically, the researcher informed participants of the importance of their ideas and meanings. She emphasized her interest in juvenile waiver especially and that in the interview they would have the opportunity to explain how they experienced juvenile waiver.

With establishment of a trusting relationship, participants were more likely to "talk-back" (Blumer, 1969, as cited in Miller & Glassner, 2004, p. 134). Talking back refers to a participant's abilities to correct misnomers or point out irrelevant topics introduced by the researcher. Such contributions were welcomed because they indicated a sense of equality and trust that provided the greatest opportunities for participants' full disclosures and meaningful dialogue.

Population and Sample

Population

The population for this study comprised 12 adult inmates currently incarcerated in four of the 12 prisons in Ohio. These institutions were located in northern, central, and southern Ohio. The study prisons were chosen for maximum geographic, size, and security variations.

The total population of inmates of these prisons was 8,784. The number of inmates in each prison varied from approximately 1,500 to 2,500, and institutions for both male and female inmates were included. The security rating for inmates at these institutions also varied on five levels from minimum security rating (1) to highest security rating (5). One of the institutions housed approximately 90% of its inmates at level 4, two included approximately 90% at level 3, and the other institution had approximately 40% at level 1, 32% at level 2, and 27% at level 3. African American inmates outnumbered Caucasian inmates at all but one institution (Ohio Department of Rehabilitation and Corrections, 2009).

The total number of inmates who met the study criteria, listed below, was 239. As juvenile offenders, these inmates were tried and sentenced as adults and are currently serving sentences. At the time of their juvenile offenses, pursuant to Ohio Revised Code (2002), they were transferred to adult criminal jurisdiction based on a qualifying offense, such as murder, rape, or aggravated robbery.

Current juvenile offenders were considered as participants. However, the Walden University IRB requires written parental approval for juvenile participants. Because of the demographic characteristics of this population, in which parents are not living, cannot be located, or refuse to sign forms (Christopher, 2004; Maxfield & Babbie, 2008), parental consent is most often unattainable. Thus, adults who as juvenile offenders were tried as adults were selected as participants.

Sample

Based on recommendations of the director of the DRC for appropriate volunteers, inmates at all four prisons were notified of the study. Purposeful sampling was used, as is appropriate for phenomenological studies and recommended by numerous scholars (Maxwell, 2004; Miller, 2008; Seidman, 2006). Creswell (2007) defined purposeful sampling as that method in which participants are chosen because they can "purposefully inform the study" (p. 125). Maxwell referred to this approach as "criteria-based selection," in which participants are chosen who can provide information that cannot be obtained as well from other sampling procedures (p. 88). Seidman (2006) pointed out that purposeful sampling "uniquely informs the inquiry" (p. 55). Purposeful sampling from four penal institutions assured a range of participants' ages, offense records, experiences, and commission of both violent and nonviolent crimes.

For an optimal number of participants in this type of qualitative research, generalization is not the goal, but rather enough in-depth data for meaningful and insightful understanding of shared meanings, as identified by Conroy (2003) and Miles and Huberman (1994). Creswell (2007) pointed out that five to 25 individuals are generally recruited in qualitative studies. For in-depth interviews, Groenewald (2004) recommended two to 10 participants. Specific to the current study subject, Ashkar and Kenny (2008) interviewed 16 participants in their examination of young offenders' subjective experiences of incarceration. Mincey et al. (2008) purposively selected nine juveniles for their phenomenological study of specific deterrence.

For the present study, 12 participants were sought. With consideration of the above recommendations and as noted in chapter 1, this number has been shown effective for collection of in-depth data for "saturation," that is, the repetition of information and themes among participants. Thus, additional interviews would add little further insight (Guest et al., 2006, p. 59). Further, as Miller (2008) noted, qualitative studies are not subject to the same standards as quantitative studies with regard to sample selection or quantity of participants. However, as Creswell (2007) suggested, on the possibility that some participants could withdraw, the researcher collected names of others who could substitute to maintain the minimum number of participants so as to assure rich data collection and thorough exploration of themes and patterns.

Criteria for Participation

The inclusion criteria for sample participation were based on current applicable and recognized theories and literature, the study research purposes, and the research questions (Creswell, 2007; Lincoln & Guba, 1985; Lopez & Willis, 2004; Maxwell, 2004; Seidman, 2006). Five inclusion criteria were applicable to participants.

1. Participants were adults serving sentences in secure institutions for crimes they had committed when they were juveniles.
2. Participants had experienced juvenile bindover and sentenced under Ohio's waiver law.
3. Participants had been continuously incarcerated in relation to their sentences as juveniles.

4. Participants must have acknowledged the crimes for which they were sentenced. This is a criterion despite the specific circumstances of their sentences, such as plea bargaining, a pleading of innocence, and willingness to discuss their crimes. Whatever these specifics, participants were not subject to further prosecution and their circumstances were held confidential by law.
5. Participants must have been able to understand and read English at an eighth-grade level (Oishi, 2003) or agreed to have the informed consent read to them (Paasche-Orlow, Taylor, & Brancati, 2003).

Ethical Protections and Considerations

Ethical research demands protection of participants in terms of anonymity and confidentiality (Groenewald, 2004; Seidman, 2006; Trochim & Donnelly, 2007). In the present study, participants were protected by several means. First, the study was approved by the Walden IRB (IRB approval number 01-22-10-0371966) and the Ohio DRC IRB (see Appendices G). Both of these institutions required extensive safeguards for participants in a research study.

Second, inmates who met the research criteria were given a letter of introduction to the study and an informed consent that explained the purpose, context, selection criteria, and nature of the study (Appendices H, I). They were told of the research procedures and the nature of the questions they would be asked during the 2-3 hour interviews regarding their firsthand experiences of being bound over to the adult court. They were informed that the interviews would be audiotaped and that they would have

the opportunity to review the researcher's initial interpretations of their transcripts for accuracy as a form of member checks.

Next, confidentiality was explained to them, as well as the exceptions. As noted in the informed consent (see Appendix I), the four exceptions were as follows:

1. The researcher could not assure confidentiality on details divulged of past crimes committed and not prosecuted, which could be subject to legal subpoena. However, participants would not be asked directly any questions regarding past criminal behavior other than that for which they had already been tried and sentenced. They were assured they could not be tried for those crimes again, pursuant to the Double Jeopardy Clause of the United States Constitution. Further, they would not be asked about any specific future criminal intentions.
2. If participants discussed intent to injure themselves, the researcher would have an ethical obligation to disclose the information to prison authorities to protect participants' safety.
3. If participants discussed intent commit serious bodily injury to a specific person, either in the institution or upon release, the researcher would have an ethical obligation to inform authorities.
4. The Department of Rehabilitation and Corrections reserved its right to examine documents leaving the facility. However, the researcher was assured by a senior official that the DRC has never confiscated a researcher's data or violated the confidentiality agreement between the researcher and the participants.

Further, participants were assured that the risks of participating were minimal but that some of the research questions were personal in nature and participants could feel some discomfort. They were told that if they felt discomfort or anxiety during or after the interview, they could request to see a staff clergy member or psychologist. Participants were also assured of the respectful and equitable attitude the researcher brought to the interviews.

They were also informed of the benefits of participation. Although no specific personal benefits were enumerated, participants were informed that their contributions could benefit the larger community through informing leaders and helping juveniles who may turn to delinquency without effective programs and sentencing structures. Participants were also informed that involvement gave them an opportunity to share their insights and make their voices heard.

Participants were informed of the voluntary nature of the study, including their right to withdraw at any time. Because they were incarcerated in secure institutions, the voluntary nature of participation was stressed, with emphasis that no coercion or promises regarding their sentences or institutional conditions would result (Gosten, Vanchieri, & Pope, 2006). Participants were also given contact information to administrators at the DRC and Walden University for any questions and concerns they may have had. Finally, for security purposes, the researcher's name and contact information were not made available and did not appear on the informed consent, and she provided only her first name on written materials and during interviews.

Researcher's Role

Background for Conducting This Study

The researcher has long been interested in juvenile justice and the effects on juveniles as they reach adulthood. Extensive experience and knowledge include 7 years as an adjunct and assistant professor of criminal justice specializing in juvenile delinquency. As a professor of juvenile delinquency and the law, the researcher conducted research in pivotal issues in delinquency, including legislative changes and sentencing trends. The more she learned, the more she became aware of the wide gap between public policy adopted to deter crime and actual crime rates and developed great interest in the development of severe sanctions for juveniles. Working with local juvenile facilities, she developed reciprocal relationships with both the institutional leadership and judicial leadership so that her students of criminal justice could be exposed to actual facilities for the broadest possible education.

Moreover, the researcher conducted research with a leading scholar in this field, C. Ron Huff, Ph.D., now Dean of the School of Social Ecology and Professor of Sociology and Criminology, University of California, Irvine. The researcher was principal investigator for a research study funded by a grant from the Ohio Office of Criminal Justice Services that involved juveniles bound over to the adult court. As part of this study, unpublished to date, the researcher conducted 35 in-depth interviews with incarcerated adults who were previously bound over as juveniles and incarcerated in adult institutions.

This was a population similar to that for the present study. The previous research (Huff & Romanoff, 1999) investigated the general and specific deterrence impact of juvenile transfer laws in Ohio, as well as the sentence length of those bound over compared to those maintained in the juvenile court. A series of questions regarding the offenders' self-reported intent to recommit and adult prison experiences were also studied.

The researcher also has experience as an attorney in both private and public practice. For 3 years she served as a clerk in the U.S. District Court and U.S. Court of Appeals, and gained experience with the court processes. She has also served as a private attorney for both public and private entities and in the field of public policy and law, and 2 years as assistant to chief of staff and chief counsel for the Ohio Attorney General. The researcher's background and understanding of the legal process and interviewing clients and working with constituents helped prepare her for the present study.

Thus, because of this prior research and legal experience, the researcher understands the general mindsets of incarcerated participants. However, previous research did not include study of the knowledge, perceptions, and meanings about the severe sanctions of the participants, especially from phenomenological and interpretive standpoints. As noted earlier, the present study attempted to fill this gap.

However, despite fostering reciprocity and trust with participants (Seidman, 2006), as an educated and professional Caucasian woman the researcher realized she had to act to diminish the social differences, especially because the majority of participants would likely be African American males (Lanza-Kanduce et al., 2002; Stahl et al., 2007).

She consciously minimized status and class (for example, by dressing conservatively and using simple and easily understood language) to minimize participants' perceptions of her through a hierarchical lens (Seidman, 2006). This lens included participants' assumptions that because of divergent backgrounds, the researcher could not understand their viewpoints and their possible assumption that she is "privileged."

In addition, because of the gender and ethnic differences, she was aware of possible problematic interview behaviors, such as "flattery or statements indicative of social desirability response bias" (Collins, Shattell, & Thomas, 2005, p. 188). To minimize both social differences and problematic participant behavior, she emphasized "valuing the words of the participant" (Seidman, 2006, p. 110), as well as communicating respect to participants and the importance of their contributions.

Researcher Bias

In any qualitative study design, researcher bias must be recognized for possible contamination of data collection and analysis (Miles & Huberman, 1994). All research carries the risk of researcher bias in the selection of constructs, interpretation, and analysis (Seidman, 2006). Interpretive phenomenology includes techniques to bracket and limit such bias (Moustakas, 1994). Accordingly, the researcher "access[ed] and ma[d]e explicit participant understandings through their own modes of existence, mode of engagement while being sensitive to one's own modes of existence and of engagement and foregrounding" (Conroy, 2003, p. 11). With this understanding in mind, she did not interpret the data based on a preaccepted framework or her previous experience with a

similar population but instead approached the present participants' contributions as freshly as possible.

Although the researcher's expertise and knowledge are broad, several preconceived notions may have tainted or biased this research. Nevertheless, as any researcher, her thinking is influenced by history, values, desires, and interests (Miller & Glassner, 2004). Thus, it is important to remember what Peshkin (1999) strongly recommended, that the researcher should keep "the lines of subjectivity" open (p. 293). Accordingly, she noted possible biases or prejudgments based on her past experiences (Conroy, 2003; Creswell, 2007; MacCoun, 1998) and the fact that in her practice of law she has neither prosecuted nor defended this population. Her lack of legal practice in this area may in fact be considered a positive.

Researcher biases may have included a conclusion that participants desired to justify themselves or emphasized having been treated unfairly by the justice system. A prejudgment may have been that participants desired to express their outrage that the juvenile justice system failed them as young inmates, many of whom were drug and property offenders. They may have felt mistreated by an inflexible and punitive "get-tough" approach to juvenile crime (Peterson-Badali et al., 2001, p. 593) that gave offenders no opportunities for treatment or rehabilitation. In a "positive" bias, the researcher may have assumed that participants were wholly honest or, in justification of their actions, were incapable of rational decision making because of their ages at the time of their offenses.

Minimizing Researcher Bias

Several methods were employed to minimize researcher bias. First, the researcher maintained “a high degree of consciousness” about possible bias (Apori-Nkansah, 2008, p. 113). In this regard, throughout the interviews and data analysis, the researcher noted through *epoché* or bracketing possible preconceived judgments so that the analysis would reflect participants' meanings and increase the validity and reliability of the study findings (Creswell, 1998, p. 53; Moustakas, 1990). Second, triangulation of the data was conducted, with comparison of what was learned in the interviews with official institutional records (Miles & Huberman, 1994). Third, member checking was also employed, as suggested by Maxwell (2004), in which participants were given the opportunity to review the research findings pertaining to their transcripts and offer suggestions for greater clarity and accuracy.

Data Collection

Data were collected primarily through in-depth, semistructured interviews. The interview protocol was further validated by an expert panel of criminologists (see Appendices D, E, F). After recruitment of participants, interviews were scheduled in a private room within each institution. Each room was arranged with a table and two chairs, with the participant on one side of the table and the researcher on the other. A pitcher of water and paper cups were available on the table. Audiotape equipment was set up in advance and included noninvasive microphones that were sensitive enough to fully and effectively record all sounds. The researcher brought additional sound and battery

equipment as backup to avoid possible technical difficulties or interruptions of the interviews.

Prior to meeting each participant, the researcher met with a volunteer from DRC who acted as a witness to the informed consent process. At that time, the witness reviewed and acknowledged his or her understanding of the witness training memorandum (see Appendix J). Thereafter, the researcher greeted each participant, thanked him or her for participating, and provided the informed consent (see Appendix I), which included notice of audiotaping and voluntary member checking.

Participants were given time to review the informed consent, ask any questions, initial each paragraph, and sign the form. Following the participants' reading, initialing, and signing the informed consent, the witness signed the document to indicate that the criteria for informed consent were met to the best of his or her knowledge. The witness then left the room.

After these preliminaries, the researcher began the interview. As Creswell (2007) recommended, 12 research questions were developed, and these were the primary questions in the interview protocol. These were typed, and the researcher asked follow-up and probing questions asked during the interview (see Appendix A). The interviews were conducted one-to-one, with privacy assured, so that the most in-depth and meaningful responses were collected (Creswell, 2007). At the conclusion of each interview, participants were asked 10 questions pertaining to demographic information (see Appendix L), and the researcher completed a demographic information sheet for each, based on their responses.

The researcher memorized in advance the primary interview questions so that eye contact was maintained throughout the interviews (Creswell, 2007). In conjunction with the typed interview protocol, the researcher also used a notebook, which had ample room for making notes and observations of participants' responses in tone and gestures. These field notes were taken to capture the nonverbal aspects of the responses (Perakyla, 2004). In addition, as recommended by Moustakas (1994), on these sheets the researcher recorded her own responses and bracketed them for later reflection and reporting.

Immediately following the first interview, to ensure that data collected would be appropriately analyzable, the researcher shared the results and debriefed with an expert methodologist. This debriefing was in lieu of a pilot session to assure that the interview protocol resulted in answers that were responsive and relevant to the interview purposes and, if needed, the protocol would be revised. Because the first interview resulted in appropriate responses, no changes were made to the interview protocol and it was used for all interviews.

On completion of each interview, the participant was escorted from the room by an institution official. On leaving the facility, the researcher privately reflected on the interview and made additional notes about the participant's responses and her own. Then she delivered each interview tape to a professional transcriber, who signed a confidentiality agreement (see Appendix K) and transcribed the interviews. In accordance with the guidance of Miles and Huberman (1994) and Seidman (2006), professional transcription took place to maintain accuracy and recording of participants' responses with the highest quality responses for meaningful analysis.

When data analysis had been completed, for member checking the researcher provided a simplified summary of the research findings regarding interview data to participants who volunteered. An administrative assistant at each institution was contacted and arrangements were made for the volunteers to be available at prearranged dates and times. Each member check was conducted individually by the researcher in a private area with the same safeguards as for the original interviews. Every effort was made so participants were not aware of any other inmate's participation.

Interview Techniques

Several interpretive phenomenological interview techniques enhanced data collection. Seidman (2006) recommended especially active listening, following up, and exploration. These techniques relate to the interviewer drawing out the participant to talk more, with the interviewer talking less and listening more to collect more profound and data-rich responses. The researcher is cautioned to intercede only to follow up or explore a particular aspect (Creswell, 2007; Maxwell, 2004). For example, when a participant used an adjective that could be further defined to gain additional insight, the researcher asked what the word meant to the participant.

Questions were used judiciously in the interviews. If a response was less than clear, the researcher asked a follow-up or clarifying question (Seidman, 2006) and endeavored not to make the question a leading one. In accordance with the direction of Taylor (2007) and Miller (2008), the researcher listened carefully for inconsistencies. She asked questions for further clarification and, to further ascertain consistency, also asked repeated question sequences.

Other interview techniques were used to enhance participants' comfort and openness and provide ongoing clarification. The researcher practiced reflexivity during the interview process, redirecting questions or comments based on participants' past responses to encourage them to enlarge and clarify their responses (Noaks & Wincup, 2004). If the participant was narrating expansively and clearly rambling, the researcher provided a "navigational nudge" in the appropriate direction to return to the interview question at hand (Seidman, 2006, p. 79). The researcher was also aware of nonverbal clues, such as participants' tones and body language, which could encourage or discourage responses. She also practiced reinforcement of points already raised during the interview (Conroy, 2003), nodding at various points to show understanding, and gestures or expressions that transmitted nonverbal affirmations to elicit the fullest possible data.

Researcher's "Bracketing"

As noted above, the researcher's private notes and comments were recorded during data collection as part of the interpretive tradition (Lopez & Willis, 2004). Creswell (2007) referred to the concept of *epoché* or bracketing during data analysis, and this concept must also be applied during data collection (p. 59). Although the researcher recorded thoughts relating to her extensive prior knowledge and experiences, she also recorded insights that reflected the participants' realities, not her own. Conroy (2003) referred to this awareness as "double internal tap" (p. 21). It requires the interviewer to absorb both what has been said and what is being said and to separate her own interpretations and conclusions from those of the participants.

"Intersubjectivity" was also applied, as recommended by interpretive scholars (Lopez & Willis, 2004, p. 729; Moustakas, 1994). This concept refers to the study's explicit frames of references and minimization of researcher bias during the interviews (Conroy, 2003). Intersubjectivity in phenomenology "presupposes that our . . . knowledge of ourselves is directly linked to our knowledge of others" (Kaylo, 2006, p. 7). Intersubjectivity thus integrates the interviewer's knowledge and experience that, in turn, produces participants' most relevant and important meanings and impressions within their social and cultural contexts (Burck, 2005). In turn, the researcher relates to the participants' experiences and strives to listen empathically and interpret accurately.

Demographic Information

In addition to the interview questions, basic demographic information about participants was collected (see Appendix K) from official, public institutional records. The DRC director gave approval for this data collection (see Appendix C), and the records helped verify the veracity of the information given during the interviews. Demographic information included the following: age, gender, ethnicity, county, offense, age at waiver, and sentence. In addition, information collected noted the months served to date, months remaining to serve, and eligibility for parole. If participants volunteered additional demographic information during the interviews, these data were included in reporting of the findings.

Methods of Data Analysis

Phenomenological methods of data analysis are complex and require close attention and both cognitive and intuitive skills (Moustakas, 1990). Computer software

can aid in initially organizing and identification of themes; however, if used exclusively, the software is often impractical and ineffective in identification of shared and subjective meanings. Critiques have singled out the emphasis of the software on the algorithmic process, with little room for intuitive judgments or additions (Groenewald, 2004). Thus, although software programs can assist to some degree with coding, for this study the data collected were analyzed manually with several accepted techniques that provided systemic processes with engagement of the researcher's mental, emotional, and intuitive responses

As Seidman (2006) explained, all qualitative interviews are interpreted for meanings. Interviews generate massive amounts of data that must be managed and analyzed systemically and carefully to uncover what is most significant and relevant. Thus, according to Conroy (2003), systemic procedures and rigorous implementation of those procedures should strengthen findings and avoid excessive subjectivity.

Early Analysis

The first impressions of participants in the interview process, as Groenewald (2004) noted, can quickly be forgotten or clouded, despite a researcher's extensive notetaking. Miles and Huberman (1994) strongly encouraged early analysis to maintain clarity, identify initial impressions, and energize the analytical process. Thus, during data analysis, immediately after each interview the researcher reviewed the field notes and made additions or changes for which there had been no time during the interviews. These notes also included preliminary theoretical observations, referring to the researcher's reflections and derived meanings as informed by prior theory (Maxwell, 2004). The notes

also included methodological observations referring to the interview methods, so that techniques were progressively improved throughout the interviews.

In addition, initial data analysis included the researcher's marginal and reflective remarks. These were subsequently added to the interview transcripts so that her impressions of nonverbal behavior and field notes were documented within the context of the transcripts. Following Miles and Huberman (1994), these field notes were summarized and included in the coding process as part of the primary analysis and for further coding.

Phenomenological Reduction and Coding

The recommendations of several scholars were used for data analysis. In a modification of Moustakas' (1994) analytical approach to data analysis for phenomenological research, Creswell (2007) noted that phenomenological data analysis is unique to each study and should be customized. Researchers should identify their personal experiences that may be triggered regarding the phenomenon and bracket them so they do not interfere with recording and analysis of participants' viewpoints and meanings. The researcher's experience and biases, discussed above, were taken into account.

Next, following Creswell's (2007) analytical analysis, the data were reduced or "horizontalized" (p. 159). Miles and Huberman (1994) defined data reduction as the selection or focus of data that appear in the field notes and transcripts based on the study's objectives and fields of inquiry. This form of information reduction takes place throughout the data analysis as themes are identified and shared understandings explained

Further, inductive reduction of the data refers to the researcher's ability to maintain an open attitude and assure that the study maintains its theory- and research-informed frames of reference, with no prior conceptions interrupting or impacting the participants' reflections.

Data reduction involves several steps recommended by scholars (Conroy, 2003; Creswell, 2007; Groenewald, 2004; Seidman, 2006), and the researcher adhered to these steps in the data analysis for this study. First, the transcripts were read and relevant and interesting passages marked, with repeated readings (Seidman, 2006). The audio recordings were repeatedly listened to so that the researcher "re-immersed" in the participants' subjective worlds (Conroy, 2003, p. 27) and identified additional passages of interest. Thereafter, nonrepetitive passages were listed and grouped together in "meaning units" that identified meaningful topics and themes based on the research purpose and questions (Creswell, 2007, p. 159; Groenewald, 2004). These initial meaning units were identified and interpreted within the hermeneutical tradition and according to Conroy's (2003) analytical model.

Groenewald (2004) referred to the process of clustering meaning units as eliciting the "essence of meaning of units within the holistic context" (p. 19). Both Groenewald (2004) and Conroy (2003) pointed out the necessity for the researcher to consciously preserve participants' viewpoints while making subjective judgments about the importance of the data within the research frames of reference and interview contexts. Accordingly, in this study, the "chunks of meanings" (Miles & Huberman, 1994, p. 56),

were coded based on the research paradigms and preliminary statements to further organize and condense the data.

Codes, as defined by Miles and Huberman (1994), are "words, phrases, sentences, or whole paragraphs, connected or unconnected to a specific setting" (p. 56). Codes are based on meanings that are identified by the researcher as significant within the research paradigms and contexts. The researcher must bracket biases but use personal expertise and experience to provide significant meanings about the participants' experiences in the phenomenon of interest (Taylor, 2007). In this study, the researcher kept these principles in mind during coding of the interviews with the study participants, who were incarcerated adults reflecting on their experiences with the juvenile waiver process and their understanding of severe sanctions.

Toward more accurate coding, for this study, as recommended by Maxwell (2004) and Miles and Huberman (1994), a concept map was created that provided further guidance and organization (see Appendix M). As Miles and Huberman argued, the best defense against "data overload" is a strong conceptual framework (p. 55). With this map as a guide, the researcher completed worksheets that identified the meaning units, codes, and initial themes for each interview. On these worksheets, as suggested by Miles and Huberman, the actual transcript narrative appeared on one side and the meaning units, codes, and themes on the other.

Identification of Thematic Patterns and Paradigm Shifts

After all interviews were coded and meanings preliminarily delineated, several additional steps were taken. First, the units of meanings were further clustered by codes

as the researcher searched for shared themes, ideas, or concepts that appeared consistently throughout responses (Conroy, 2003). The themes identified were organized into shared patterns wherever appropriate. In Groenewald's (2004) terms, the "thematic patterns" (p. 21) represented those most common and consistent within the interviews.

In identification of themes and patterns, the researcher was mindful not to cluster themes that may have had obvious or significant differences. This awareness was important because divergent cases could also be important to the research findings and possible future research (Maxwell, 2004). The researcher also considered the possibility, as Creswell (2007) cautioned, that divergences may have been based on distortions or misunderstandings introduced by the researcher or participant.

Identification of paradigm shifts participants may have experienced is another critical analytical tool that pinpoints changes in participants' behavior or thinking (Conroy, 2003). Especially if behaviors are studied that impact public policy and preventative programs, as in this research, paradigm shifts are important to recognize as possible catalysts; such shifts can be highly relevant to public policy. Relevant to this study, a participant's paradigm shift may have taken place, for example, from the decision to offend to the decision to desist. This shift may be evident if the possibility of juvenile waiver impacted the offender's decision-making process prior to committing. Consequently, following Conroy (2003), this research aimed to identify paradigm shifts and the elements that may have provoked such shifts.

Upon completion of these steps, a composite summary was compiled of the themes and patterns revealed by the data analysis. The summary included both structural

and textual findings that provided the "essence" of the participants' shared experiences (Creswell, 2007, p. 159; Groenewald, 2004). The findings are reported in chapter 4, by theme and with relevant verbatim narrative quotations from the participants. However, as the data continued to be analyzed, reduced, and coded, several procedures were used to increase validity, reliability, and authentication.

Validity, Reliability, and Authentication Procedures

As qualitative research in crime and public policy has been recognized as increasingly valuable, scholars have pointed out the necessity of rigorous and reliable methods to preserve academic standards and increase utility of the studies produced (Miller, 2008; Miller & Glassner, 2004; Pogrebin, 2004; Taylor, 2007). Trochim and Donnelly (2007) defined validity as the "best approximation of the truth" (p. 56). Thus, this study utilized several means by which to verify the authenticity of the data and validate the findings.

First, participants were selected through purposeful sampling methods from a variety of prisons in order to decrease possible systemic bias that could result from recruitment of participants from a single institution (Seidman, 2006). Selection from different institutions is a form of "data source" triangulation recommended by Miles and Huberman (1994, p. 267). Second, the phenomenological data obtained were triangulated with the participants' official records, specifically the demographic information (see Appendix L). This type of "corroborating evidence" (Creswell, 2007, p. 208) can increase the validity of responses for greater consistency with the interview data.

Third, regarding validity of description, participants were questioned carefully with repeated sequences and interviewing techniques described above to better ensure the internal consistency of the narrative accounts (Taylor, 2007). Although, as noted in the limitations above, the population's veracity for truth may have posed an additional challenge, questioning techniques increased the likelihood of truthful responses and identification of participants' mischaracterizations or mistruths. In prior research with similar populations, the researcher noted that incarcerated offenders are often eager to be heard and find it important that their accounts are believed. Further, techniques for promoting trust and confidence during the interview process, as previously described, helped increase the probability that the participants would see the futility of lying and the benefits of truthful responses to themselves and others in related populations.

Fourth, the interview protocol (see Appendix A) was designed to increase validity. Participants were provided repeated opportunities to clarify and expand through questioning sequences and probes; thus, the responses should have been trustworthy and valid. Moreover, spiraling techniques that prompt for iterative interpretations and build upon one another were used, in accordance with Conroy's (2003) recommendations, so the researcher could compare what had been said and what was being said with concurrent interpretation.

Research bias was a threat to validity. In qualitative research of this type, it is important to identify potential threats while emphasizing the positive aspects of the researcher's role (Maxwell, 2004). Thus, fifth, validity was increased by identification and recognition of the researcher's frame of reference, background, and expertise so that

bias could be limited (Creswell, 2007), as discussed above. The philosophical paradigms upon which this study was based have been identified, as well as the researcher's experience working with juvenile delinquents and studying deterrence and rational choice crime control models throughout her academic career.

However, although this study was informed by theory and grounded in the literature, the researcher had no preconceptions about the validity of these crime control models beyond the views prevalent in the literature and discussed in the literature review. Admittedly, the researcher is not indifferent to the questionable effectiveness of deterrence. She nevertheless remained open to the meanings and understandings of participants, whether or not their contributions concurred with the literature.

Sixth, reliability of data collection was enhanced by the researcher's careful attention to the recording and transcribing processes. In addition, she made thoroughly constructed field notes that recorded the nonverbal nuances that may not have been properly identified in the recordings (Creswell, 2007). Based also on the researcher's experience in the field, she was knowledgeable enough to identify relevant passages and remain true to the analytical constructs. Simultaneously, following the guidance of Miles and Huberman (1994), she bracketed researcher bias with acceptable techniques. With regard to data analysis, seventh, reliability was further enhanced by use of the worksheets described earlier. The verbatim transcripts and researcher's comments and observations appeared side by side for ease of comparison. In this regard, authentication took place (Miles & Huberman, 1994), with the researcher's rigorous review of these worksheets to validate the conclusions.

Finally, the researcher's initial interpretations were validated and authenticated by participant “member checks” to further preclude erroneous findings (Maxwell, 2004, p. 111). This technique also served to limit researcher bias and assure that the participants’ viewpoints and understandings were accurately construed. Accordingly, all participants were given the opportunity to review these initial findings after transcription of their interviews, as described above, and, as Creswell (2007) advised, make adjustments as to the accuracy of their interpretations consistent with their reflections.

Summary

The purposes of this study impelled the design and methodology described in this chapter. After careful review of many methods, the researcher recognized that the study called for a qualitative phenomenological design. Only this design would yield data that fulfill the research goals and address gaps in the current literature on juvenile waiver and sentencing (Redding, 2008; Taylor, 2007). Moreover, the objects of inquiry have a long and broad theoretical basis that is often the foundation of sentencing policies around the nation (Ramirez & Crano, 2003; Steiner et al., 2006; Wright et al., 2004). Thus, interpretive phenomenological traditions were assessed as best suited so the study could be focused, relevant, and meaningful to the public debate and scholarly research.

Phenomenological design has unique challenges that must be met through meticulous preparation and implementation (Creswell, 2007; Lincoln & Guba, 1985; Moustakas, 1990). From the earliest conceptualizations through the final analysis, in this study, systemic methods were used based on recommended and acceptable techniques that further enhanced the process (Creswell, 1997; Groenewald, 2004; Lincoln & Guba,

1985; Seidman, 2006). These methods, recommended by Lincoln and Guba (1985) and Miles and Huberman (1994), included in-depth interviewing that built trust and rapport, recognition and bracketing of researcher bias, careful data collection procedures, and rigorous data analysis with several qualitative methods.

Early analysis included marginal and reflective remarks recorded in notes by the researcher developed immediately after the interviews. These notes provided additional insight to initial coding (Miles & Huberman, 1994), thematic development and identification, and detection of potential paradigm shifts (Conroy, 2003). Data reduction followed, with theory- and research-informed frames of references. Finally, a summary composite that reflected structural and textural findings was developed that described the "essence" of the participants' shared reflections (Creswell, 2007, p. 159, Groenewald, 2004). As recommended by Conroy (2003), Creswell (2007), and Maxwell (2004), validity, reliability, and authentication were strengthened through adherence to qualitative methods of data collection, triangulation, and member checks.

The design elements of this study, including the research questions, procedures, data collection, and data analysis, helped provide "truth value" (Miles & Huberman, 1994, pp. 278-279) of the findings. In chapter 4, the study findings are reported, with emphasis on themes and shared patterns and narratives from the participants. In chapter 5, conclusions, comparison of the findings with previous research, policy implications, and suggestions for future research are discussed. It is hoped that the study findings can later be utilized for theory modification, future inquiry, new dialogues, and

conceptualizations that lead to positive social policy in the fields of sentencing and crime control and prevention.

Chapter 4: Findings

This study focused on presently incarcerated adults who are serving adult sentences imposed when they were juveniles for crimes they committed as juveniles. The study sought their knowledge and subjective experiences related to the severity of their punishment. Key to this investigation were insights provided by the participants on their decision-making processes as juveniles and their knowledge regarding laws that either allow or mandate prosecution and sentencing in the adult criminal court (Ashkar & Kenny, 2002; Peterson-Badali et al., 2001; Redding, 2008). Equally important was the exploration of how that knowledge was obtained, used, and integrated into participants' decisions to commit or desist from criminal acts.

In this study, in-depth interviews in the phenomenological tradition were employed to better understand the basis of participants' behaviors and decisions that led to juvenile offending. The study explored especially their knowledge, perceptions, experiences, interpretations, and reflections regarding sanction risks and awareness associated with being waived or transferred to the adult criminal court as juvenile offenders. The processes for data collection, analysis, and authentication are presented in this chapter, as well as the findings in both tabular and narrative form.

Processes for Data Generation and Gathering

Interview Context

In terms of the research context of this study, as noted above, few studies have employed qualitative methods with the study population (Ashkar & Kenny, 2008; Steiner et al., 2006; Steiner & Wright, 2006). Phenomenological studies in the interpretive

tradition can provide “interactional” (Miller & Glassner, 2004, p. 135) contexts within which social realities are stressed through participants’ responses and deeper and more profound meanings are shared. To address the study purposes, the participants for this study necessarily had to be incarcerated individuals. Thus, the study context included participants who were adults currently incarcerated in four Ohio prisons.

All participants had experienced juvenile waiver to adult court for a classified crime or collection of crimes, as defined by and pursuant to Ohio Revised Code (2002). Of the 12 prisons in Ohio, four were chosen by the researcher based upon maximum variation for both geographic location throughout the state, security levels, and size of facilities. Potential interested participants were given a letter of introduction to the study (see Appendix H). If they indicated willingness to participate, a meeting with the researcher was scheduled to review the informed consent (see Appendix I) to determine if the inmate would volunteer for the study. Purposeful sampling for maximum sentence, domicile, offense, and age variation was employed at each facility because more than the stated number of 12 participants volunteered.

For inmates who indicated they would like to participate, interviews were scheduled based on the facilities’ schedules. In accordance with the recommendations to protect participants (National Institute of Health, 2006), an Ohio DRC employee was recruited to act as a witness to the informed consent process. In each institution prior to the first interview, the witness was required to read the Witness Training Memorandum (see Appendix J). After the participant signed the informed consent and initialed all

paragraphs, the witness signed the informed consent on the appropriate line (Appendix I) and withdrew from the interview room.

Each interview was originally scheduled to last approximately 2-3 hours. However, because of participants' responses, several questions were inapplicable. As a result, the interview times were decreased to approximately 30-45 minutes. For the researcher's protection, security officials were stationed in nearby proximity and, to increase comfort and ease of responses, the researcher faced the security guards when possible.

Interview Processes

Establishing researcher-participant rapport. To place participants at ease and build trust, the researcher briefly explained the study and her background in criminal justice. She indicated her background in a manner intended not to intimidate participants and to transmit her genuine and long-term interest in the subject as well as in learning about participants' thoughts and experiences. Especially because this population is marginalized, with little opportunity for their views and perceptions to be heard, she emphasized this aspect and encouraged participants to communicate fully.

Moreover, to minimize social distances, the researcher encouraged participants to acknowledge themselves as experts on the topic and interview questions. She pointed out that they could provide firsthand insight and understanding unlike any other individuals, including those typically in higher positions in the generally accepted social and education hierarchy (Seidman, 2006). More specifically, the researcher informed participants of the importance of their ideas and meanings. She emphasized her interest in

juvenile waiver especially and participants' explanations of how they experienced juvenile waiver.

With establishment of a trusting relationship, the researcher set the stage for participants to "talk-back" (Blumer, 1969, as cited in Miller & Glassner, 2004, p. 134). Talking back refers to a participant's abilities to correct misnomers or point out irrelevant topics introduced by the researcher. Such contributions were welcomed because they indicated a sense of equality and trust that provided the greatest opportunities for participants' full disclosures and meaningful dialogue. For example, a participant explained that Interview Question 10 (Research Question 10) on future offending was very difficult to comprehend: P9 said, "Could you imagine getting locked up 2006, 2007, and they tell you, you can't go home until 2016? Man, that just seems unreal." This response, and other similar ones, indicated participants' comfort with the researcher; in this talking back, they were honest, forthcoming, and fully disclosed their personal meanings. As a result, talking back resulted in richer and more meaningful responses.

Minimizing researcher bias. Several methods were employed to minimize researcher bias. First, as noted in chapter 3, the researcher maintained "a high degree of consciousness" about possible bias (Apori-Nkansah, 2008, p. 113). During all interviews and throughout data analysis, the researcher made internal comments through *epoché* or bracketing possible preconceived judgments. She was careful to exclude these from data analysis so that it would reflect participants' meanings and increase the validity and reliability of the findings (Creswell, 1998, p. 53; Moustakas, 1990). Second, the researcher triangulated the data by comparing what the interviews revealed with official

institutional records (Miles & Huberman, 1994). Third, the researcher employed member checking. As suggested by Maxwell (2004), participants were given the opportunity to review the research findings pertaining to their transcripts and offer suggestions for greater clarity and accuracy.

Interview techniques. Data collection was enhanced by several interpretive phenomenological interview techniques, including active listening, following up, and exploration (Seidman, 2006). In these techniques, the interviewer talks less and draws out the participant to talk more, so as to collect more profound and data-rich responses. For example, when a participant used a word that may have had more than one meaning, the researcher asked what the word meant to the participant.

Following the recommendations by Miller (2008), Seidman (2006), and Taylor (2007), the researcher also used many follow-up questions, especially if a response was less than clear. If the researcher detected inconsistencies, she asked additional questions for greater clarity. In addition, to further ascertain consistency, she asked repeated question sequences.

The researcher also used other interview techniques to enhance participants' comfort and openness and provide ongoing clarification. These techniques included reflexivity, in which the researcher redirected questions or comments stemming from previous responses to prompt participants to enlarge on and clarify their responses (Noaks & Wincup, 2004). The researcher noted nonverbal clues, such as participants' tones and body language that could encourage or discourage further responses. She also reinforced points already raised during the interview, as Conroy (2003) suggested, by

nodding or employing gestures or expressions to show understanding and nonverbal affirmations of participants' responses.

Researcher's bracketing. As noted above, the researcher's private notes and comments were recorded during data collection as part of the interpretive tradition (Lopez & Willis, 2004). Bracketing of her thoughts and impressions, or *epoché*, was also applied during data collection (Creswell, 2007). The bracketing notes included both the researcher's thoughts relating to her extensive prior knowledge and experiences as well as insights that reflected the participants' realities. This "double internal tape" awareness (Conroy, 2003, p. 21) required the interviewer to absorb both what had been said and what was being said and to separate her own interpretations and conclusions from the participants'. In this manner, the researcher was able to further authenticate the data and encourage deeper more meaningful responses.

Intersubjectivity. The researcher also applied "intersubjectivity" (Lopez & Willis, 2004, p. 729; Moustakas, 1994), which preserved the study's explicit frames of references and further minimized researcher bias (Conroy, 2003). Through intersubjectivity, the researcher integrated her knowledge and experience with questions and responses that elicited participants' most salient meanings and impressions within their social and cultural contexts (Burck, 2005). As participants spoke, the researcher strived to listen empathically, indicate her empathy, and interpret accurately.

Organization and Analysis of Data Collected

The researcher utilized several methods for data organization and analysis. These were iterative and often concurrent to gather and preserve the substantive nature of the interviews as well as the researcher's reflections. Each method is described here.

Field Notes and Reflections

Directly after each interview, the researcher reflected upon the participant's responses and her own interview techniques. Important notations regarding nonverbal clues and intuitive interpretations that could not easily be noted during the interviews were recorded. Initial theoretical impressions were also included immediately after the interviews for later reflection. These notes were included in the transcript margins where relevant and later used for enhanced analysis.

The notes and impressions regarding researcher's interview techniques were utilized to enhance subsequent interviews as the methods continued to evolve and improve. More thorough researcher reflections were developed as each day of interviews progressed and the researcher had the opportunity to review relevant literature related to critical and interpretive phenomenology, juvenile bindover, and general and specific deterrence regarding sentencing policy.

Coding, Worksheets, and Data Analysis

Each audiotaped interview was transcribed (a sample appears in Appendix N). Following transcription and repeated listening of the interview tapes for further elucidation, the researcher began within-case analysis by reviewing the transcripts for important and relevant narratives that were highlighted or bracketed. Repeated readings

revealed meaningful chunks or units within the relevant narratives, based upon the research purposes and research questions and previously developed concept map (see Appendix M). These narratives and meaning units were transferred to primary worksheets for each participant and organized by research questions.

Preliminary codes were initially developed based on theoretical frames of research and relevant literature. These codes were continually updated in an iterative process as the worksheets evolved, and the codes were included in the first worksheets. At this time, significant supporting narratives were bracketed for future inclusion. Further, and particularly important to crime studies, any possible paradigm shifts were identified for further analysis.

Second worksheets were then developed to further reduce the data as meticulous and systemic analysis continued with efforts to identify the participants' complex lived experiences as related to the research purposes. At the same time, their responses were horizontalized in a manner that provided practical meanings. These secondary worksheets included the previously identified meaning units with updated codes. These codes were organized according to research purposes, questions, and general research categories. Although the codes were complex, as the researcher maintained immersion in the data, she became familiar with the coding system and utilized the codes with care and precision.

These codes were informed, but not limited by, the research purposes, research questions, and theoretical frames as well as relevant literature and prior studies. The codes below are postinterview, revised codes, and include additions that reveal meanings

not considered prior to the interviews as well as those that did not appear in the literature. Meanings found in the literature but not expressed by these participants were deleted so that the codes would reflect the themes or meanings analyzed from these participants only.

It is important to note that these codes did not limit the researcher's efforts to clarify and search for complex and intertwined mental processes that may not be easily deduced and thus not appropriate for coding (Peterson-Badali, 2001). Moreover, the researcher continued to develop and refine the codes throughout the research and analysis. Further thematic codes that refer to patterns discovered in the data were developed after data analysis. Figure 1 displays the codes organized by research questions and possible responses to each.

In both the first and second worksheets (see Appendices O, P), initial thematic interpretations were additionally identified based on consistent responses. In addition, data discrepancies were identified and alternate explanations developed. Important and related future research issues were included on both worksheets as they were identified, and supporting narratives were further identified and bracketed. From the initial narratives and worksheets, the researcher searched for themes of significance and patterns based on numerous identifications and "connective threads" (Seidman, 2006, p. 128).

Upon completion of the second worksheets, the researcher converted the thematic interpretations to easy-to-read language for participants' member checks. These are described in Figure 1. Following each member check, the researcher made necessary revisions to the thematic interpretations, if necessary.

1. Understanding of Sentencing Possibilities: Research Question 1

General Deterrence	GD
Description	Code
Initial Offense	C (Criminality)
Knew and understood criminality of their behavior	GD-KC
Did not know or understand criminality	GD-DKC
Adult trial and sanctions	GD-AS
Knowledge: Did not know N (no)	GD-AS/N
Knowledge: Did know Y (yes)	GD-AS/Y
Understanding: Understood U	GD-AS/U
Understanding: Did not understand DU	GD-AS/DU
Understanding: Very vague--not apply	GD-AS-NA

2. Sources of Sentences and Sanctions: Research Questions 2, 3

Description	Code
Sources of knowledge	GD-AS/S
Television news	GD-AS/ST
Timing of knowledge	
Do not remember	GD/AS/TD

3. Influence of Sources: Research Questions 4, 5, 6

Description	Code
Believability of sources: DB	GD-AS/DB
Influence of sources: IS	GD-AS/NI (none)
If participants would have known and understood adult sanction possibilities, would they have offended? ^a	GD-AS/H
Yes, would have considered	GD-AS/HC
Would NOT have offended if known	GD-AS/HN
Many revealed inhibitors	GD-AS/CI
Immature	M
Indifferent to consequences	I
Did not understand reality of adult sanctions (both conditions and length)	A
Delinquent or criminal peer influence	C
Retrospective reasons	GD-AS/HC
Length of sentence	S
Conditions of adult sanctions	AC

How would you educate juveniles about juvenile bindover? ^b	GD-AS-D
Recreation centers	GD-AS-R
Schools	GD-AS-S
Courts	GD-AS-C
Probation officers	GD-AS-P
Youth services	GD-AS-DYS

^aThis question refers to whether the knowledge of adult sanction possibilities may have deterred the participant had they known. It is applicable to all participants who reported having no knowledge or understanding of adult sanctions.

^bSee Redding (2005) for similar question relevant to this study.

4. Use of Knowledge About Sentences: Research Questions 7, 8, 9^{c, e}

Description	Code
Juvenile punishment: To what extent did they consider? Rational choice/Juvenile sanctions	GD-JS/RC or NRC ^d
Immature	I
Apathetic	A
Need	N
Normative	No
Easy conditions	E
Short in duration	S
Certainty (apprehension)	NC

^cBecause 100% of the participants reported that they did not understand that juvenile bindover and adult sentences could be applied to them, how they used knowledge of sentences necessarily refers to juvenile sanctions.

^dEngaging in rational choice assumes participants had some knowledge of adult sanctions as applied to them and addresses how they may have used the knowledge during the decision making process. However, because no participant knew or understood, this code is based on hypothetical follow-up questions. It also applies to juvenile sanctions.

^eParticipants illuminated particular perceptions and factors that influenced the extent to which they considered juvenile sanctions as a general deterrent. They are related to inhibitors to general deterrence below. By implication, these rational choice variables may also address juvenile cerebral development.

5. Possible Future Crime: Research Questions 10, 11

Description	Code
Specific deterrence	SD
Intend to desist from further offending	SD-D
Not as sure, but hopes to desist	SD-HD
Personal variables ^f	
Incapacitation conditions: Reasons <u>not</u> to return to prison:	

Victimization	SD-D/V
Incapacitation conditions	SD-D/IC
Incapacitation length	SD-D/IL ^g
Freedom	SD-D/Fr
Positive variables: that help encourage desistance	
Family or peers	SD-D/F
Job or life skills	SD-D/S
Rehabilitation or treatment	SD-D/T
Maturity	SD-D/M
Inhibitors ^h	
No education or life skills	SD-I-E
No therapy or rehabilitation	SD-I-/R
Anger/Bitterness/Injustice ⁱ	SD-I-A
Felony record	SD-I-Re
Structure/Relationship outside	SD-I-SR
Violence	SD-I-V
What else may deter participant?	MD
General deterrence	MD-GD
Specific deterrence	MD-SD

^fSee Ashkar and Kenny (2008). These variables may include negative incarceration conditions or outside variables, such as family, religion, or peers, or more positive variables, such as therapy, institutional education, job skills, or life skills preparation.

^gParticularly important as a goal of juvenile waiver.

^hThis code indicates participant's inhibitors or expressed challenges that may lead to recidivating.

ⁱThis category refers to the meanings attached to the sentence.

Figure 1. Coding for data analysis based on research questions.

A third worksheet was developed following member checks that reflected thematic numeric consistencies as crosscase analysis began (see Appendix Q). These crosscase consistencies reflected patterns in the research findings with supporting narratives for each pattern. The third worksheet also reflected and further clarified discrepancies in the data as all salient data were accounted for and analyzed. Following completion of the third worksheet, a graphic representation of the findings was developed.

they are referred to by these numbers only. The following participant profiles include county of residence, age, ethnicity, gender, most serious offense for which they were charged and sentenced, sentence length, time served, parole eligibility, and age at the time of juvenile bindover. This information is part of the public record, and any additional information reported was offered by the participants themselves.

Participant 1 was from Montgomery County. He was a 21-year-old African American male. The most serious offense for which he was bound over was murder. He received a 21-year sentence for his offense and has served 6 years. He is eligible for parole but does not know precisely when. He was 15 years of age at the time that he was bound over to the adult criminal court.

Participant 2 was from Stark County. He was a 26-year-old Caucasian male. The most serious offense for which he was bound over was murder. He received 15 years to life for his offense and has served 10 years and 7 months. He is eligible for parole in 53 months. He was 16 years of age at the time that he was bound over to the adult criminal court.

Participant 3 was from Cuyahoga County. He was a 22-year-old African American male. The most serious offense for which he was bound over was murder. He received 20 years for his offense and has served 6 years and 1 month. He is not eligible for parole. He was 16 years of age at the time that he was bound over to the adult criminal court.

Participant 4 was from Franklin County. He was a 20-year-old male Caucasian. The most serious offense for which he was bound over was felonious assault. He received

5 years for his offense and has served 3 1/2 years. He is eligible for parole but does not know precisely when. He was 16 years of age at the time that he was bound over to the adult criminal court.

Participant 5 was from Jefferson County. He was a 27-year-old Caucasian male. The most serious offense for which he was bound over was aggravated murder. He received 45 years to life for his offense and has served 13 years. He is eligible for parole in 32 years. He was 15 years of age at the time that he was bound over to the adult criminal court.

Participant 6 was from Hamilton County. He was a 19-year-old Caucasian male. The most serious offense for which he was bound over was kidnapping. He received 15 years and has served 3 years. He is eligible for parole in 2 more years. He was 16 years of age at the time that he was bound over to the adult criminal court.

Participant 7 was from Clark County. He was a 24-year-old Caucasian male. The most serious offense for which he was bound over was attempted murder. He received 12 years for his offense and has served 8 years. He was not sure but did not believe he is eligible for parole. He was 15 years of age at the time that he was bound over to the adult criminal court.

Participant 8 was from Cuyahoga County. He was a 24-year-old African American male. The most serious offense for which he was bound over was voluntary manslaughter. He received 15 years for his offense and has served 6 years. He was not sure if he is eligible for parole. He was 16 years of age at the time that he was bound over to the adult criminal court.

Participant 9 was from Cuyahoga County. He was a 19-year-old African American male. The most serious offense for which he was bound over was aggravated robbery. He received 9 years for his offense and has served 3 years. He is eligible for parole in 2 years and was 16 at the time that he was bound over to adult criminal court.

Participant 10 was from Hamilton County. He was a 22-year-old African American male. The most serious offense for which he was bound over was aggravated robbery. He received 9 years and has served 5 years. He is eligible for parole in 5 months. He was 17 years of age at the time that he was bound over to the adult criminal court.

Participant 11 was a 30-year-old Caucasian female. The most serious offense for which she was bound over was aiding and abetting aggravated murder. She received 23 years to life and has served 14 years. She is eligible for parole in 10 years. She was 16 years of age at the time that she was bound over to the adult criminal court.

Participant 12 was a 19-year-old African American female. The most serious offense for which she was bound over was aggravated robbery with a gun specification. She received 10 years and has served 2 years. She is presently eligible for parole. She was 16 years of age at the time that she was bound over to the adult criminal court.

Of the participants, 88% were male and 12% female. Regarding ethnicity, 50% were African American and 50% were Caucasian. Participants from the four institutions in Ohio were from eight counties throughout the state. Offenses ranged from felonious assault to aggravated murder and aggravated robbery. Table 1 summarizes participants' mean ages and timeframes related to their sentences and time served.

Table 1

Demographic Characteristics of Participants

Characteristic	Mean	Range
Current age	22.6	19-30
Age at waiver	16.5	14-17
Sentence	169	24-540 months
Months served to date	81.4	24-168 months
Months to serve	115.6	18-384 months
Eligibility for parole (years) ^a	—	—

^aMost participants were not sure; therefore, this category could not be completed.

Findings

The findings of this study are presented first according to the 12 research questions, illustrated by participants' responses. Colloquial speech patterns are preserved. The findings are also accompanied by reiteration of the significance of each question, as well as the thematic patterns that emerged. The research questions were organized in the following general categories:

Understanding of Sentencing Possibilities: Research Question 1

Sources of Sentences and Sanctions: Research Questions 2, 3

Influence of Sources: Research Questions 4, 5, 6

Use of Knowledge About Sentences: Research Questions 7, 8, 9

Possible Future Crime: Research Questions 10, 11, 12

Supporting and representative narratives are reported for responses to each research question, and participants are referred to by number only (e.g., “P1”). In addition to narratives that are rich in participants’ reflections and meaningfulness, the findings are also reported numerically for an additional perspective. Discrepant cases and nonconforming data are noted, illustrated, and discussed for each research question.

Understanding of Sentencing Possibilities: Research Question 1

Research Question 1: Understanding of sentencing possibilities. Research Question 1 asked, As a juvenile offender, what was your understanding regarding possible adult criminal sentences? That is, what did adult criminal sentences mean to you?

Of the 12 participants, 10 (83%) reported that they had no knowledge of juvenile bindover, and all 12 (100%) reported that they did not understand juvenile bindover. Many of the participants expressed intense frustration, anger, and dismay when responding to this question. The researcher used repeated question sequencing and probing to encourage participants' deeper and broader responses with regard to their understanding, perceptions, and knowledge of juvenile bindover.

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

P1: Nobody knew!

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

P8: No understanding whatsoever.

P9: I never heard about nobody coming here before as a juvenile at least . . . I got bounded over. I never saw it coming.

P10: Never heard of it.

P11: The only time I knew about it that I would be tried as an adult or whatever, was when they bound me over.

P12: Before I committed my crime, I didn't have no understanding.

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

Probing questions revealed additional knowledge with two participants.

P5: At the time, I really never heard of anyone my age even getting tried as an adult, and I was only 14 whenever I got arrested and tried as an adult But most people I had heard of was 16. I didn't think of getting bound over or anything like that.

Upon initial questioning, P7 reported that he knew "absolutely nothing" about juvenile bindover. However, further probing and repeated question sequences revealed that he thought he had heard something about juvenile bindover on the television news:

P7: They said you were getting bound over; it shocked me completely. . . .

Oh yeah, yeah, yeah, I've heard of that. I mean I don't know about the proceedings and all that, but yeah I've heard that you can get bound over as an adult . . . yes, yeah I think I did. I would say it [my knowledge] was extremely vague.

These responses were typical, and many expanded upon their responses and revealed frustration and anger over their own ignorance of the law, such as the following:

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

Whether or not participants had heard of juvenile bindover, significantly, all (100%) explained that they did not understand juvenile bindover. As illustrated above, only two participants (P5 and P7) reported having any knowledge regarding adult sentencing possibilities, and that knowledge was very vague. Neither understood that adult sanctions or juvenile bindover could apply to them. The other 10 participants described total ignorance, and all expressed shock and dismay at being transferred, tried, and sentenced in adult criminal court.

As a logical subquestion (Creswell, 2007), the researcher asked participants if juveniles should be educated about juvenile bindover, and if so how. All (100%) said they firmly believed that juveniles should be educated about juvenile bindover and adult sanctions.

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

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

P7: I think it's very important that they should know. They said you were getting bound over; it shocked me completely and I think, I'm positive I'm not the only one that's happened to.

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

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

In summary, participants all recommended that individuals and institutions disseminate knowledge and educate juveniles about the possibility of being transferred to the adult criminal court for trial and sentencing. Several participants revealed frustration about their ignorance as they expounded upon their astonishment upon being bound over. Most of their suggestions regarding knowledge dissemination targeted at-risk youth and the places where they could be reached.

Sources of Sentences and Sanctions: Research Questions 2 and 3

Research Question 2: Where knowledge of sentencing was obtained. Research Question 2 asked, As a juvenile, where did you get your knowledge of sentencing? Was it a person, a book, a magazine, a TV show, an Internet source, or another source?

This question applied only to the two participants who had some knowledge of juvenile bindover. Both had heard of juvenile bindover from television news.

P5: I just heard of, like juvenile getting transferred on the news and things . . . on TV.

P7: Maybe on the news.

Research Question 3: When learned about adult sentences. Research Question 3 asked, If you had such knowledge, when did you learn about possible adult sentences? Like Research Question 2, this question applied only to the two participants who had some knowledge of juvenile bindover (P5, P7). As reported above, both had heard of juvenile bindover only from television news.

P7: No, I can't say. I don't remember when,

Regarding the sources of sentences and sanctions, as noted, only two participants had any knowledge and sources. Moreover, their knowledge was extremely vague, and neither could recall when they had heard about juvenile bindover.

Influence of Sources: Research Questions 4, 5, and 6

Research Questions 4 and 5: Influence of sources on understanding and use of knowledge. These two questions are considered together because the same two participants (P5, P7) were the only respondents reporting prior knowledge of juvenile bindover. Research Question 4 asked, What was the influence of the source(s) on your understanding of possible sentencing? (Example: Was sentencing clearly explained to you?) Research Question 5 asked, What was the influence of the source(s) on your use of the knowledge about possible sentences? (Example: If the information came from a judge or a law book, you may have believed it or taken it more seriously.)

As illustrated above, these participants reported that they learned of adult sentencing of juveniles through television sources. Because the information and their recollections were so vague, they offered no other thoughts about the possible influence of sources. Thus, Research Questions 4 and 5 yielded no meaningful responses.

Research Question 6: Belief in source of knowledge. Research Question 6 asked, How much did you believe the source(s), and why? Similar to Research Questions 4 and 5, this question pertained solely to P5 and P7, because they were the only participants to have heard of juvenile bindover. Both participants said they had believed the source.

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

In summary, with regard to influences of sources, Research Questions 4, 5, and 6 were exclusively applicable to two participants who reported a vague knowledge of juvenile bindover. These research questions were inapplicable to the other 10 participants who revealed no knowledge whatsoever regarding juvenile bindover. Both P5 and P7 explained that they thought they had heard something about bindover on television news, although P7 was not positive that he heard something about adult sanctions, but thought he might have. Neither participant questioned the veracity of the information because it had appeared on television news, which they both assumed was accurate.

Use of Knowledge About Sentences: Research Questions 7, 8, and 9

Research Question 7: Consideration of punishment and sentencing. Research Question 7 asked, As a juvenile, how seriously did you consider the possible punishment and sentencing possibilities?

The possibility of punishment at all was the first aspect of this research question. As with the foregoing research questions, P5 and P7 were the only individuals for whom this question included adult sanctions because they were the only two who reported any knowledge of juvenile bindover. As their responses indicated previously, neither participant seriously considered adult sanctions prior to committing their offenses, because they did not believe that juvenile bindover applied to them or their offenses. Both had indistinct knowledge and no understanding that the adult sanctions could apply to them.

P5: Not at all.

For P7, an alternative explanation may be that he may not have fully understood the seriousness of his offense. He threw a rock over a highway impasse and considered this action a “retarded juvenile prank.” Accordingly, he did not consider sanctions or punishment. However, he was charged with attempted murder. Moreover, in the interview, he did not allude to a criminal lifestyle or any relationships with others who engaged in crime. His responses led the researcher to question whether he fully understood the serious criminal nature of his offense. Probing led to this response:

P7: I wasn't thinking about that at all.

In addition, none of the participants reported that they understood juvenile bindover and adult sanctions as applying to them. As a result, for these participants this question implicitly explored whether they engaged in any rational choice decision making regarding possible juvenile punishment. Although juvenile sanctions are not the focus of this research, the findings are illuminating for future research regarding

juveniles' decision-making and criminogenic behaviors. Significantly, two participants reported that they thought about sanctions, but the thought did not impact their decisions. Ten (83%) of the respondents did not consider juvenile sanctions at all before they committed their offenses. Responses indicated complex and multifaceted experiences as the participants recalled their decision-making rationales.

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

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

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

P8: You know, the punishment for committing the crime—people don't think about that at the time that they commit crimes. I'm speaking because I know . . . if they did, they wouldn't do what they did, you know?

P9: It [the threat of being sent to an Ohio Department of Youth Services institution] really didn't have an impact.

P12: No, I was just doin' it . . . I just did it.

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

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

P9 reported that he did think of punishment before he committed his crime of aggravated robbery. He explained that his mother was addicted to drugs, his aunt had just died, and he had a handicapped brother. He believed that they all needed help, and this outweighed the risk of punishment:

P9: I thought about it. . . . I felt as though what I was doing, it was worth it. . . . I don't regret it.

The nonconforming case was P12, who never considered punishment because she never thought she would be caught in her crimes of aggravated robbery.

P12: 'Cause I never got caught, I never got caught [previously] They would never find us.

Although P5 and P7 vaguely knew of sentencing possibilities, sentencing by means of juvenile sanctions was not considered a serious risk for any of the participants (100%). They were unequivocal in their responses, quickly and clearly illustrating that they did not engage in any type of cost benefit decision-making behaviors in which consideration of juvenile sanctions might have been personal costs of offending. Only two, P5 and P9 (17%), acknowledged that they even thought about such sentencing possibilities briefly prior to committing their offenses. However, although they reported that they did think of juvenile sanctions, they further clarified that they did not significantly contemplate any type of punishment prior to committing their offenses.

Research Question 8: When consideration took place of punishment and sentencing in relation to crime. Again, because of the minimal responses of the same two participants, P5 and P7, and because their consideration was so marginal, Research Question 8 was inapplicable. The remaining 10 (83%) participants revealed various meanings that they attached to juvenile sanctions. These are further explored in their responses to Research Question 9.

Research Question 9: Contributions to consideration of punishment and sentencing. Research Question 9 asked: What contributed to your consideration of punishment and sentencing possibilities?

This research question encouraged participants to expand their responses and disclose personal and subjective rationales as to why they did not consider punishment prior to committing their offenses. Their responses indicated clearly that subjective meanings and logic contributed to all of the participants' criminal behavior. As P9 so aptly summarized,

P9: Your wrong may be my right.

The interview process helped elucidate their responses and revealed several thematic interpretations and patterns. Ten (83%) participants considered juvenile crime as a normal part of their daily lives.

P2: But, as a juvenile, it's a whole lot easier then being in prison.

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

Intersubjectivity, in which the researcher listened empathically and interpreted accurately, and subtle probing questions further revealed additional patterns. Participants related family backgrounds, events, and ideas related to offending and sanctions.

P8: A lot of family members in prison because of playin' with guns.

P9: I mean I didn't really have much of uh, uh upbringing . . . my auntie smokes crack . . . my mom shoot heroin and smoke crack. Then I got another brother, he ain't no angel.

Six participants (50%) reflected that the juvenile sanctions imposed on them for earlier crimes were not a threat because of their shorter duration and easier conditions than adult sentences.

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

P10: I just thought I was gonna be in jail for probably a couple of months or whatever.

P12: 'Cause I just watch TV and it just show juveniles in DYS DYS is easier than a piece of cake.

Six (50%) participants explained that their youth had led to impulsive and immature behaviors. (As Table 1 shows, the mean age at waiver to adult court was 16.5 years.) These participants reflected on their age and immaturity as the researcher searched for both conscious and unconscious meanings attached to their offending decisions within the context of possible punishment.

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

P4: I was a kid and I wasn't thinking.

P8: It was playing I was a kid.

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

P6: I didn't care really.

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

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

P9: There was nothing to think about, just do it and get it over with.

P12 explained that she had been expelled from home, was hungry, and had to survive:

P12: I was kicked out at the time and I was hungry and I needed some money, so I was like I'm going to go out there and I'm going to do this.

A discrepant experience and feelings attached to criminal offending were disclosed by P3 as he reflected on his disinclination to consider juvenile sanctions. He reported feelings of thrill and adrenaline when committing criminal acts, and these feelings acted as personal motivators for him.

P3: I get the thrill of doing it. . . . The adrenaline starts pumping—I'm going to do it again.

In summary, responses indicated complex and multifaceted experiences. Patterns emerged that highlighted the participants' lived experiences and social contexts that had

impacted their offending choices. For most, criminal lifestyles of nuclear family members and criminal behaviors embedded in the structure and context of their lives and relationships appreciably affected their choices.

Because only two participants (P5 and P7) had heard of adult sanctions applying to juveniles, with all participants, the researcher asked as a follow-up question how or if they would have considered adult sanctions had they known and understood that those sanctions could have applied to them and their offense. Eleven of the 12 (92%) explained that they would have considered adult sanctions before committing their offenses if they had they known and understood that they could receive them.

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

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

More specifically, six (50%) participants reported that they would not have committed their offense if they had known that adult sanctions could apply to them.

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

P3: Yeah, I wouldn't have did it.

P5: Uh, I wouldn't did it at all.

P7: I'm pretty sure I wouldn't have done it. If I knew that I would get sentenced to 12 years in prison, and adult prison, I wouldn't have done it.

P12: Yeah, 'cause I never thought I would end up in prison . . . but they don't know how, how serious the offense will be once it's committed. And, now kids

are getting smacked with the law but they are getting smacked 10 years, 15 years, 20 years at a time.

These responses indicate a possible paradigm shift based on sentence length and adult conditions. That is, in retrospect, participants perceived the punitive sentences and adult incarceration conditions as strong threats or risks of offending. Had they known and understood that adult sanctions could apply to them, these participants may have used that knowledge in a rational choice decision-making model that may have led to general deterrence or a decision not to offend. Yet, if (and because) the participants did not know and understand those risks, they could not consider them before committing their offenses. Hence, adult sanctions, which many reported they would have seriously considered as possible disincentives or deterrents before committing their crimes, could not act for these participants as a general deterrent to juvenile offending.

Of the remaining five participants who reported that they would have considered adult sanctions prior to committing their crime, three revealed that they had deep reservations about their ability to desist even if they had had adult sanction knowledge. They would have considered sanctions, but could not say that they would have desisted. Immaturity, relationships, and the structures of their lives were powerful offending influences.

P1: I can't say that [I would have desisted]. I might have . . . they [juveniles] are hard-headed, you gotta show 'em. I was hardheaded; that's how most juveniles still today. . . . If I knew, I can't say that I would have did things different, but I'd

been more lenient. I wouldn't have been so quick to do this or do that. So, I would have been more careful. . . . I would have stayed out of trouble.

P9: You take anything into consideration if you know . . . you gotta think about it.

Two participants, P6 and P10 (17%), reported that they would have significantly considered punishment before they committed their crimes if they had known they could receive adult sentences and that they would be served in adult institutions.

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

P8 represented a discrepant case, explaining that because his offense was an “accident,” the question was inapplicable. He further reported, however, that his youth may have further precluded weighing of punishment.

P8: No, because my crime was an accident. . . . it was playing, I was a kid, I was playing.

Eleven of the participants reported that their offending choices were made with little to no regard for possible punishment. Only P9's response suggested that he engaged in any type of meaningful reflection. His reflection was based on his familial relationships and needs that he judged more important to him than punishment.

In summary, with regard to consideration of punishment and sentencing, participants gave personal revelations and meanings attached to juvenile sanctions as they described why they offended and did not consider juvenile sanctions as a risk of criminal behavior. For 10 participants, juvenile offending took on normative meanings within the context of their social structures and relationships with friends and family. Although these "subjective perceptions" manifested in various ways, they were linked by common

threads that converged with explanations of criminal lifestyles (Smith et al., 2009).

Moreover, the researcher discovered a possible paradigm shift as participants revealed meanings they believed they would have attached to adult sanctions had they known and understood juvenile bindover.

Possible Future Crime: Research Questions 10, 11, and 12

Research Question 10: Effect of current sentence on future crime. Research Question 10 asked, How could your current sentence affect your possible future decision to reoffend or not commit a crime?

Probing questions revealed complex reflections as the participants sought to understand and define their incarceration experiences. A large majority, nine (75%), explained that that they had thought about this question. Their current sentence, including its length and conditions of incarceration such as violence and loss of freedom, had significantly affected their future intent not to reoffend.

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

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

P9: I haven't even experienced life. I would definitely think I ain't tryin' to go back to jail.

P11: Oh, I'm not going to commit. I mean I'm going to try not to. I mean I can't really say, you know, but I'm going to try my hardest . . . 'cause everything that goes on in here.

P12: Because of the conditions and also the way I'm being treated and also being away from my family, which hurt them more than it hurt me. So, I would never come back up here.

In contrast, and with admirable candor, five (42%) participants revealed that their current sentence could be either a deterrent to future offending or that it could promote future offending. P1 explained that he did not plan to recommit. But he then went on to explain the negative conditions of his incarceration in a complex and emotional reflection.

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

P10 was very clear on the apparent paradox:

P10: It's got a negative and it's got a positive. The positive when you doing a lot of time, it make you think about never comin' back again. . . . [The negative is] You doin' a lot of time you feel like I can't do nothing so I'm just goin' go out and do the same thing.

Similarly, P12 did not plan to recidivate and was convinced that she would not. However, in contrast to earlier assertions, she divulged that she was very angry and that anger could lead to violence. This illustrated her effort to explore and understand her own meanings and feelings regarding her sentence.

P12: This anger that I feel now it, it make me mad. It make me mad, but my temper is short and my temper is cut short that anybody can just look at me the wrong way or someone done say something wrong to me and I be ready to fight them 'cause I'm so angry I'm in here because I'm getting treated a certain way, and I'm isolated from my family and it's just crazy. It just make me a very hateful person being in here.

Additional responses revealed other illuminating data. Although these data do not reflect a pattern, they are vital to the current research purposes. For three (25%) participants, the length and conditions of their sentences were overwhelming challenges to desistance. They all seemed to recognize their situations.

P5, with a life sentence and possibility of parole after 45 years, realized that when he left prison, he would be back where he had been at age 14 with nothing but a felony record. He did not want to recidivate, but felt that he might:

P5: I can't say I ever want to, but I mean, I can't say I can't. I won't have nothing. . . . Just by being felons your work is cut off, you can't get many jobs and I think that's why most people reoffend, because even if you want to get out there and do what you can, society won't let you.

P8 explained that because of his long sentence and his perception of being "thrown away," the futility of his life and anger will lead him to reoffend:

P8: Everything is like F--- it! I don't care about nothing, nobody, or whoever. I'm doing what I gotta to survive. Prison done took my life already, I don't care. What

is a sentence, nothing? I just did 18 years for something that I didn't actually mean to do. So I'm going to do something now!

However, for P8, an alternative explanation for bitterness and anger could be based on his belief that he was unfairly charged and sentenced. He maintained his offense was an accident. This perception could impact his perceptions of his past and future choices.

P9 reported that, although he did not want to return to prison, he had grave doubts about his ability to desist based upon his past experiences that had immersed his life in violence and anger:

P9: I gotta bag o' bulls--t. There's a bunch of negativity and bulls--t in that bag, knives, guns, peoples' lives. Once I whip that bag of bulls--t out, I'm going back to my old ways, which I don't want.

A divergent, nonconfirming case was illustrated by P11. More hopefully than the preceding participants, she reported that the programs and education in which she participated were positive enablers to help her desist.

P11: I have taken a lot of programs in here. I've done plumbing, I've learned how to do plumbing, horticulture. But, I do feel like I learned a lot here, and I do feel that once I leave here that I will, I will be able to adapt.

However, an alternate explanation for her hopefulness could be based on P11's noncriminal lifestyle, in contrast to P5, P8, and P9. P11's involvement in school activities and relationships with family members who had no criminal records or lifestyles could have influenced her perceptions and meanings.

P11: I never really hang around with people in trouble. I never been in trouble before and my family has never been to prison.

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

A smaller number of participants perceived the length and conditions of their sentences as perhaps too destructive to overcome. For these participants, release would almost surely result in future criminal behaviors. Moreover, participants did not limit their reflections to challenges and protections from future crime related to their prison sentences. Deterrents that were not related to the participants' prison experiences were explored in Research Question 11.

Research Question 11: Possible deterrents to future Crime. Research Question 11 asked, What might stop you from committing crime in the future? Six participants (50%) discussed additional personal features that may impact their decisions to maintain a lifestyle free of crime upon release. They identified maturation, growth, supportive family members, and institutional training programs as possible insulators against future

criminal behavior. However, two participants (17%) expressed fear and frustration over the prospect of finding employment with a felony record.

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

P3: I got two sons and a daughter; that will stop me.

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

Participant 12 represented a divergent case. She explained that being on probation would help her to discontinue her criminal lifestyle. Breaking probation meant there was the immediate threat of reincarceration and supervision.

P12: Like dealing with drugs; if I dropped dirty, I'd be locked back up. I would have to get a job. I would have to live in a house that I live in standards, that has food, refrigerator, just no excons.

In summary, when participants were asked what might stop them from committing crime in the future, half identified specific and personal elements that they believed might impact their ability to desist, such as increased maturity, family support, and training programs. Although six reported positive variables that could insulate them from committing future crimes, such as family, two others voiced dismay at searching for, and locating, a job with a felony record. This apparently insurmountable barrier seemed to suggest that these participants would return to criminal behavior out of frustration at not finding legitimate employment.

Significantly, nine (75%) of the participants explained that their current sentence would deter them from committing crime upon release. The long duration of their sentences and incarceration conditions, such loss of freedom and constant violence, were most often revealed as reasons for their intention not to recidivate. Five (42%) participants thoughtfully explained that their current sentence could either deter future offending or cultivate future offending, because the conditions and length of incarceration breed anger and resentment. Internalization of these emotions and the challenge of controlling them they felt could impact their ability to desist in spite of their desires to the contrary. For an additional three (25%) participants, the length and conditions of incarceration appeared too overwhelming to overcome. However, one participant reported that the programs and skills she learned while incarcerated would help her adapt to the external society and desist from further criminal behavior.

Research Question 11 encouraged participants to search for deeper insights and meaning regarding their choices upon release and the salient elements in their lives that could impact their abilities to desist. Six (50%) discussed personal and positive features, with maturation most often mentioned as an insulator. Two (17%) participants, however, expressed fear and profound concern about their anticipated inability to find employment with a felony record and the corresponding difficulty of desistance.

Research Question 12: Additional comments. Research Question 12 asked, Are there any other comments you would like to add? This question gave participants the opportunity to discuss any other relevant issues not addressed in the interviews that they deemed important. Four (33%) of the participants further discussed their lived

experiences regarding juvenile bindover. Although these do not constitute a pattern, several are relevant for present purposes. For example, P2 and P12 gave emphatic warnings to juveniles not to offend and end up like them.

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

P12: I feel like the adult should get more time than a juvenile 'cause a juvenile have more time to be able to reform themselves.

P 12 and another (17%) participant also made general observations about what they deemed the absurdity of juvenile bindover.

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

In summary, these participants expressed additional frustration and puzzlement about their sentences. Two voiced harsh messages to deter potential juvenile delinquents, and one addressed juvenile versus adult culpability. With these additional expressions, participants expressed themselves beyond the interview questions and provided valuable insights that expanded upon the questions but maintained the research purposes.

Summary of Findings: Themes, Patterns, and Discrepancies

Several major and important themes and patterns were revealed by data analysis of the interviews. Although no summary can fully elucidate the complexity of interpretive phenomenological findings, this summary provides an additional tool to aid the understanding of the complex data analysis and findings. Following this narrative, a

graphic representation illustrates the interrelationships among the themes and the supporting data (see Figure 3).

Research Question 1 addressed the participants' understanding of sentencing possibilities and revealed important patterns. Of the 12 participants, 10 (83%) reported that they had no knowledge of juvenile bindover, and all 12 (100%) explained that they did not understand juvenile bindover. The two discrepant cases reported that they had very vague knowledge of juvenile bindover but did not understand that adult sanctions applied to them or their particular crimes. All 12 (100%) of the participants expressed surprise and dismay at being transferred, tried, and sentenced in adult criminal court.

As a logical subquestion (Creswell, 2007), the researcher asked the participants if juveniles should be educated about juvenile bindover and, if so, how. All (100%) of the participants expressed firm beliefs that juveniles should be educated about juvenile bindover. They suggested venues that target at-risk youths, such as middle schools, recreation centers and the Ohio Department of Youth Services.

Research Question 2 asked where participants had obtained knowledge of sentencing. This question applied only to the two participants who reported any knowledge about juvenile bindover. Both thought they had heard of juvenile bindover from television news. Similarly, Research Question 3 asked about the timing of participants' knowledge and applied only to the same two participants who reported vague knowledge of juvenile bindover. Neither could recall when they had heard about juvenile bindover.

Research Questions 4 and 5 were considered together because they applied only to the same two participants who reported vague knowledge of juvenile bindover. Research Question 4 asked about the influence of the source(s) on participants' understanding of possible sentences, and Research Question 5 addressed the influence of the source(s) on the use of the participants' knowledge. The two participants who reported very vague knowledge both had learned about juvenile bindover from television. However, their knowledge was so vague that they offered no additional thoughts about the possible influence of sources.

Similar to Research Questions 4 and 5, Research Question 6 pertained solely to the same two participants who reported vague knowledge about juvenile bindover. Research Question 6 addressed whether the participants' believed the source(s). Both reported that they did believe what they heard on television news and felt they had no reason to doubt the veracity of television news.

Research Questions 7, 8, and 9 addressed how the participants used their knowledge of sentencing. As all (100%) of the participants admitted they did not understand juvenile bindover, these questions implicitly explored their use of juvenile sanctions. Although not the focus of this research, these findings were also illuminating. Significantly, 10 (83%) of the participants reported that they did not consider juvenile sanctions at all prior to committing their crimes. Only two (17%) explained that they briefly thought about juvenile sanctions but their thoughts did not impact their decisions to offend. A third participant reported that she never thought she would be apprehended, and this was the reason she never considered juvenile sanctions. No participant reported

engaging in any serious consideration of sanctions, and thus Research Questions 8 was inapplicable.

Research Question 9 asked what contributed to participants' consideration of punishment and sanctions. This question encouraged participants to further examine and disclose subjective rationales as to why they did not consider punishment prior to committing their offenses. Important thematic patterns emerged: 10 (83%) participants revealed that offending was part of their daily lives, and friends and family likewise engaged in and endorsed illegal behaviors. Six (50%) reported that prior juvenile sentences did not impact their decisions to offend because the juvenile conditions were lenient and the sentences short in comparison to adult sentences. Importantly, six (50%) participants also explained that they were simply too young and immature to rationally consider the costs of offending.

Finally, criminal relationships and structures leading to indifference to sanctions impacted another six (50%) participants, and three (25%) stated that their subjective needs were the primary reason they did not consider juvenile punishment as a deterrent. One discrepant case evolved as the participant explained the thrill and adrenaline rush had led him to offending. These complex and multifaceted experiences revealed a variety of significant themes and patterns that are important to understanding juvenile offending choices.

As a logical follow-up question, because no participant reported understanding juvenile bindover, the researcher asked how or if they would have considered adult sanctions if they had understood sanctions could be applied to them. Eleven (92%) of the

participants reported that they would have considered adult sanctions, six (50%) explained that they believed they would not have committed their offense at all, and three (25%) said they would have very seriously considered sanctions prior to committing.

These responses indicate a possible paradigm shift and are particularly relevant. The three (25%) who indicated that they would have considered adult sanctions prior to committing their offenses also candidly revealed that consideration still might not have deterred them because of their criminal lifestyles and subjective needs. One discrepant or nonconforming participant reported that his offense was an accident, so he could not have considered sanctions prior to offending. The personal revelations and complex meanings revealed by participants were linked by the common threads and patterns of criminal lifestyles.

Research Questions 10, 11, and 12 addressed possible future crime and implicitly specific deterrence. Question 9 asked how the participants' current sentence may impact their future decisions to reoffend or desist. Several important patterns emerged. Nine (75%) participants explained that the length and conditions of their sentences, including loss of freedom and institutional violence, had significantly impacted their decisions not to reoffend. Another five (42%) participants revealed complex reflections as they sought to understand their incarceration experiences. These participants stated that their current sentence could be both a deterrent and a promoter of future crime. They hoped not to reoffend but divulged that the negative conditions and socialization of incarceration could promote their recidivism. For three participants (25%), the length and conditions of their

sentences were too overwhelming to overcome. They reported that they did not believe they could remain crime free upon release.

Two divergent cases emerged. For example, one participant explained that she felt well prepared to be released and did not fear recidivism based upon the programs in which she had participated and the training she had received. However, an alternative explanation for her subjective readiness-to-desist could be based on her prior positive school experiences and family free of crime, in contrast to most other participants. In sum, participants' thoughtful and multifaceted responses illustrated the complexity of offending decisions as they sought to understand the influences on their committing crimes and their offending choices.

Research Question 11 sought to examine deterrents not related to length and conditions of incarceration. Six (50%) participants discussed additional insulators that could positively impact their decisions to desist. These included maturation, growth, supportive family members, and institutional training programs. Two (17%) participants revealed their fears and frustration over the prospect of finding employment with a felony record and indicated that this challenge could lead to their reoffending.

Research Question 12 asked if participants had any other comments they would like to make, giving them the opportunity to express other thoughts, ideas, or insights that they may have had regarding their sentences that were not included in the interview protocol. Several participants further elucidated their subjective meanings regarding their sentences. Although their thoughts do not constitute a pattern, they are nevertheless relevant to the research purposes. Four (33%) vehemently expressed additional

triangulation of data, repeated questioning sequences, and interview construction to verify responses, To increase reliability, the methods included conscientious recording and transcribing and member checks.

Trustworthiness

First, selection of participants by purposeful sampling methods from a variety of prisons helped decrease possible systemic bias from recruitment of participants from a single institution (Seidman, 2006). Miles and Huberman (1994) recommended selection from different institutions as a form of "data source" triangulation (p. 267). Second, the researcher triangulated participants' interview data with their official records. Such "corroborating evidence" increased the validity of interview responses (Creswell, 2007, p. 208). This corroborating evidence applied specifically the demographic information (see Appendix L).

The results of this triangulation indicated that the participants' veracity with regard to their demographic information was high. Table 2 shows the results. As the table shows, for all but one of the characteristics, participants demonstrated 100% congruence with official records. The exception was their reporting of their offense (92%). Possible reasons for this percentage are discussed in chapter 5.

Table 2

Demographic Characteristics: Comparison of Participants' Responses With Official Records

Characteristic	Percentage responding truthfully verified by official records
Current age	100
Gender	100
Ethnicity	100
County	100
Offense	92
Age at waiver	100
Sentence	100
Months served to date	100
Months to serve	100
Eligibility for parole ^a	—

^aNot part of public record and thus not verifiable.

Fourth, the researcher designed the interview protocol (see Appendix A) to increase validity. The forms of the questions provided participants with repeated opportunities to clarify and expand through questioning sequences and probes, enhancing the possibilities of trustworthy and valid responses. Moreover, the researcher used spiraling techniques to compare earlier and later responses with concurrent interpretation

(Conroy, 2003). In this manner, she was able to clarify apparent inconsistencies or prompt participants to greater consistency based on their subjective perspectives and logic.

Reliability

Recording and transcribing. To enhance the reliability of data collection, the researcher gave careful attention to the recording and transcribing processes. In addition, she constructed thorough field notes nonverbal nuances that may not have been fully identified in the recordings (Creswell, 2007). Based on the researcher's experience in the field, she identified relevant passages, guided by the analytical constructs of Miles and Huberman (1994, p. 308; see Appendix R). Similarly guided by Miles and Huberman (1994), throughout the recording and reviewing processes, she also bracketed researcher biases with acceptable techniques.

Reliability of the data analysis was additionally enhanced with the researcher's use of the worksheets. These are described above and illustrated in Appendices O, P, and Q. Also as recommended by Miles and Huberman (1994), she placed the verbatim transcripts and comments and observations side by side, comparing them carefully to validate the analyses and conclusions.

Member checks. To further preclude inappropriate findings and interpretations, and to enhance reliability the researcher arranged for participant "member checks" (Maxwell, 2004, p. 111). This technique additionally limited researcher bias and assured that the participants' viewpoints and understandings were accurately communicated and

interpreted. Meetings were arranged in the same manner as the initial interviews, with all appropriate confidentiality maintained, as described in chapter 3.

In the second meetings, the initial thematic interpretations were presented in typescript to each participant. Each participant was given the opportunity by the researcher to clarify, affirm, or modify the researcher's interpretations. This procedure helped to validate and further authenticate the research findings.

The member check meetings were voluntary, and all participants voluntarily chose to participate. A large majority (92%) of participants enthusiastically affirmed all of the researcher's initial thematic interpretations with no modifications. The single participant who responded otherwise, P1, added a clarification regarding the extent to which his GED could enhance his ability to desist upon release.

In chapter 5, these findings are interpreted and conclusions offered, as well as discussion of the findings. Findings are considered in relation to the theoretical framework for this study and previous research. Implications for social change are discussed, as well as recommendations for action and further study.

Chapter 5: Discussion, Conclusions, and Recommendations

Overview

This study was undertaken because of the contradictory findings of previous studies on juvenile criminal offenders tried and sentenced as adults, the erratic but consistently high rates of juvenile crimes and juveniles tried as adults, and the few qualitative studies on this population. Few studies have explored juvenile offenders' knowledge and perceptions once they have reached the age of majority and are still incarcerated. As Peterson-Badali et al. (2001) noted, there is "a paucity of research reporting on juvenile offenders' perceptions about dispositions" (p. 594). Given the vast amount of resources expended in the United States on incarceration and offending policies, Mears (2007) suggested that additional studies are necessary for development of more rational and evidence-based crime policies. Thus, a qualitative study of juvenile offenders' perceptions was necessary for a fuller understanding of the impact of the effects of sentencing juveniles as adults, with a focus on offenders' knowledge and views of sanctions. Findings could be applied to more effective legislation toward positive social change for adolescent offenders.

This study employed critical and interpretive phenomenological methods grounded in scholarly theories that guided the research design and data collection (Lopez & Willis, 2004). In phenomenological studies, in-depth and semistructured interviews are conducted that encourage participants to reflect on the meanings of their experiences. Through multiple interviewing techniques, as suggested by Seidman (2006), participants

are prompted to respond beyond their initial responses to consideration of intricate relationships of factors and contexts related to their present situation.

The major or grand tour question (Creswell, 2007) that informed this study was the following: What are the reflections and conclusions of incarcerated adults as they recall their decisions to commit offenses as juveniles and the knowledge and thoughts that did or did not deter them? Both deterrence and rational choice theories (Beccaria, 1794/1963; Quinney, 1974; Roshier, 1989; Wilson, 1983) and current studies (Ashkar & Kenny, 2008; Redding & Fuller, 2004) were used to formulate this question. The 12 research questions addressed how such knowledge was used, the sources of knowledge, and significance of those sources, as well as participants' decision-making processes regarding punishment and their future intentions upon release (see Appendix A).

The findings indicated that, in general, no participants had understood they could receive adult sentences. Six (50%) participants maintained they would not have committed their crimes had they known, and five (42%) asserted that they would have considered the severity of adult punishment prior to offending. This study concluded that juveniles' use of general deterrence factors is not possible if juveniles do not know or understand bindover and the possibility of adult sentencing. Regarding specific deterrence, the participants indicated that the length and conditions of incarceration would most likely have acted as a deterrent to future offending. They also cited insulators such as family support, growth, and maturity as important to desistance. Yet, significantly eight (75%) revealed that employment challenges and their ongoing feelings of injustice

and anger could lead to future criminal behaviors. All remarked on the paramount importance of educating and informing youth about juvenile bindover.

Interpretation of Findings

The study findings are presented and interpreted structured by each research question, with reference to chapter 4. Comparisons are made as well with previous studies as they apply to the findings for each research question. As reported in chapter 4, some research questions were discovered inapplicable because of participants' lack of knowledge. These are discussed here, and conclusions are offered for each research question.

Research Question 1: Understanding of Sentencing Possibilities

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

The current national trend to sentence large numbers of juveniles as adults (Sickmund et al., 1997; Sickmund et al., 2008) is largely based on the assumption that more punitive sentences will lead to a greater general deterrent effect (Redding, 2008). As Wilson (1983) suggested, the severity of the sentence is often increased as a means of decreasing crime. However, knowledge of possible sanctions is an essential deterrent component. Accordingly, this study sought to understand knowledge and subjective experiences related to the severity of participants' punishment.

As noted earlier, for study purposes, general deterrence referred to the extent to which juveniles would be dissuaded from committing a crime after weighing the costs

and benefits of committing the crime because of the possibility that they could be tried and sentence as an adult (Redding, 2008). Key to this investigation was the insight provided on the participants' decision-making processes as juveniles and their knowledge regarding laws that either allow or mandate prosecution and sentencing in the adult criminal court (Ashkar & Kenny, 2002; Peterson-Badali et al., 2001; Redding, 2008). Equally important was exploration of how that knowledge was obtained, used, and integrated into participants' decisions to commit or desist from criminal acts.

Significantly, in response to Research Question 1, 10 (83%) of the participants revealed that they had no knowledge of juvenile bindover whatsoever. The two remaining participants reported that they had very vague knowledge about juvenile bindover and the possibility of receiving adult sentences as juvenile offenders. Neither believed that juvenile bindover applied to a juvenile their age and/or their offense. Accordingly, all 12 (100%) of the participants explained that they did not understand juvenile bindover. Their ignorance was attested by many reporting shock and dismay at hearing they were being bound over to the adult criminal court.

These findings indicated that general deterrence for participants in this study was precluded by ignorance of juvenile bindover. The findings further implied that juvenile bindover could result in general deterrence if the juvenile had known and understood the realities of severe sanctions. Yet, this conclusion is theoretical, because the participants did not actually understand the sentencing possibilities.

In previous studies, many of the questions posed by researchers to address whether deterrence is an effective crime control strategy were similar in focus regarding

the impacts of recent sentencing trends (Snyder & Sickmund, 2006). As reviewed in chapter 2, prior studies on the general deterrent effect of punitive sanctions focused on three-strikes legislation (in which an offender who commits two felonies is imprisoned for life upon committing a third (Kovandzic et al., 2004) and juvenile transfer laws. In examining the impacts of these policies, most studies utilized quantitative methods and concentrated on the punitive threat of a life sentence and the general deterrent impact on adults (Ramirez & Crano, 2003; Steiner et al., 2006; Steiner & Wright, 2006; Webster et al., 2006). These studies are important to the present study in contributing to its general frames of reference and theoretical foundations. Furthermore, these studies addressed whether the punitive laws resulted in a decrease in crime and an increase in public safety. Many also contributed to further development of general deterrence theory as related punitive sanctions.

However, prior studies, such as those by Kovandzic et al. (2004), Worrall (2004), and Webster et al. (2006), are limited in application to the present findings because this study was qualitative in nature and focused on juveniles, not adults, and the general deterrent implications of knowledge and rational choice decision making on this prevalent model of crime control. Moreover, as a phenomenological study, the present analysis did not attempt to draw definitive conclusions regarding the empirical general deterrent impact of juvenile bindover. Nevertheless, some three-strikes quantitative studies have application to the present findings.

The research of Webster et al. (2006) examined the general deterrent impacts of California's three-strikes law; the authors discussed the importance of knowledge as a

central component of general deterrence and rational choice models of crime control. This is the model upon which many punitive sentencing laws are based, including juvenile bindover (Bushway & McDowall, 2006; Wright et al., 2004). Although Webster et al. addressed the publicity surrounding California's three-strikes legislation as vital to knowledge and thus general deterrence, they used quantitative methods. Thus, in contrast to the present study, which has provided insight into offenders' specific knowledge of sanctions and how offenders utilized such knowledge or absence of it in their offending decisions, Webster et al. failed to address particularized knowledge.

In another relevant study, Wright et al. (2004) conducted a correlational examination of criminal propensities at three different life stages. However, the authors focused on informal sanctions as costs or risks of offending and, in contrast to the present study, did not focus the deterrent impacts of punitive sanctions. Nevertheless, Wright et al. recognized the importance of studying complex social processes and their disparate impact on individuals with the propensity for crime. Citing the relevant massive costs associated with punitive sentencing models that have dominated the nation's "get-tough-on-crime" trends (p. 181), Wright et al. urged criminologists and leaders to consider personal variances that may impact the effectiveness of crime control strategies.

The present study responded to the suggestion of Wright et al. (2004). Findings indicated that individual characteristics and life experiences may have a direct impact upon offending choices. Although six (50%) of the participants reported that impulsive and immature behaviors might have impacted their offending choices, three (25%) revealed that personal needs were connected to their crimes. One participant explained

that the thrill of crime impacted his offending choices, and another discussed the importance of not fearing apprehension by law enforcement officers. These and other personal experiences revealed during the interviews illustrate the relationships for incarcerated individuals among personal meanings, insights, and experiences and offending choices.

The general deterrence effect of juvenile transfer laws has rarely been examined. The findings of the few previous studies have been consistent; researchers failed to find a correlation between decreased crime rates and enhanced juvenile transfer laws (Kovandzic et al., 2004; Steiner et al., 2006; Webster et al., 2006; Worrall, 2004). Steiner et al. found that 18 states were unaffected by the more punitive changes in the laws, and three others showed only temporary changes. Only one state, Maine, showed an abrupt and permanent change in the juvenile violent crime arrest rates, suggesting a general deterrent effect, with no corresponding change in the control state. Steiner et al. thus concluded that stricter laws mandating juvenile transfer to the adult courts, with much longer sentences, did not generally deter youth from committing offenses. Similarly, Steiner and Wright (2006) found that juvenile transfer laws in 14 states resulted in little to no significant relationship between the laws' passage and a decrease in crime.

The results of these studies can be viewed as consistent with the present study findings because 100% of the participants did not understand juvenile bindover. Their lack of knowledge and understanding logically implies that they could not engage in rational choice decision making regarding this punitive sanction, because they did not

understand that it could apply to their offenses. As a result, general deterrence would be precluded.

However, neither Steiner et al. (2006) nor Steiner and Wright (2006) addressed the personal perceptions and meanings of incarcerated individuals that may have precluded general deterrence. Nor did they address knowledge and understanding as essential components of general deterrence, as did the present study. In light of the previous research findings, the present findings illuminate the ignorance of inmates and highlight the necessity of fully understanding the impact of the costly punitive sentencing trend of juvenile bindover.

Research Questions 2, 3, 4, 5, and 6: Sources of Sentences and Sanctions and Influence of Sources

Research Questions 2, 3, 4, 5, and 6 were inapplicable to 10 (83%) of the participants, because they said they had no knowledge about juvenile bindover. The remaining two (17%) participants explained that they had only vague knowledge of juvenile bindover and no understanding of its application to their offenses.

No prior studies specifically addressed the extent to which a source can impact juveniles' understanding of bindover. However, the context of the information (the source and influence) is implicitly important to the juvenile's ultimate ability to believe, understand, and process the impact of severe sanctions. Accordingly, and to provide comprehensive and in-depth phenomenological findings that could provide the basis for further research and policy formulation, this study included specific questions about the sources of knowledge and how those sources might be regarded. However, because no

participants understood that juvenile sanctions could be applied to them and only two had very vague knowledge based on the television news, these questions were inapplicable.

Research Questions 7, 8, and 9: Use of Knowledge About Sentencing

Regarding the potential influence that knowledge of adult sanctions and understanding of the juvenile transfer process may have on juvenile offenders, almost all the participants, 11 (92%), explained that they would have considered juvenile bindover as a risk of offending if they had known and understood that it could be applied to them. This finding contrasts with those of Steiner et al. (2006) and Steiner and Wright (2006), who failed to find a general deterrent effect of juvenile transfer laws. However, present findings support the results of Redding (2005), who found that a majority of boundover youth claimed that they would have considered juvenile bindover and adult sanctions had they known the sanctions could apply to them.

Because the present qualitative study allowed for in-depth responses, in comparison to quantitative methods, the present participants indicated complex considerations that would have additionally impacted their decisions. Although half, six (50%), confidently claimed that they would not have offended had they known of sanctions, the other half provided additional insights into challenges based on their lifestyles and relationships that may have eventually led to offending in spite of their knowledge. These considerations included immaturity, relationships, and criminal lifestyles of nuclear family members and the majority of individuals in the environment.

In addition, it must be noted that although these participants were able to reflect on their possible actions and provide insight as adults, their responses were nevertheless

hypothetical. Whether their claims would have been actualized when they were juveniles had they known adult sanctions could apply to them is unknown. Nevertheless, these findings prompt questions for present legislators about the efficacy of punitive sanctions. The participants' responses also point to the need for future research that replicates and expands upon this study for further understanding of juvenile offending decisions.

An important consideration with regard to the present and previous studies is the limited cerebral development of juveniles and their general inability to weigh costs and benefits of their actions (Lenroot & Giedd, 2006; Mole & White, 2005). Steiner and Wright (2006) considered this lack of development in their study of juvenile deterrence. They suggested that this inability inhibits adolescents from making rational offending choices. Cognitive choice is necessary for deterrence to be effective. In rational choice, as Peterson-Badali et al. (2001) pointed out, the risks and rewards of offending are weighed, with recognition that increased sentences carry greater risks.

Thus, the present findings concur with Steiner and Wright's (2006) recognition that adolescents cannot engage in rational decision making. Present findings suggest that participants did not engage in serious rational choice decision making prior to committing their offenses. Ten (83%) of the participants revealed that they did not seriously consider juvenile sanctions prior to committing their crimes. Two (17%) participants reported that they thought of juvenile sanctions but did not seriously weigh costs and benefits of offending. Only one participant discussed his family's needs in a context that suggested he engaged in any cost/benefit analysis, saying that his mother's heroin and crack use, his

disabled brother, and his grandmother's recent death outweighed any consideration for him of the risk of juvenile punishment.

Based on juveniles' limited cerebral development and decision-making capabilities, Pagnanelli (2007) called for a decrease in juvenile transfer to adult courts. He argued that rational choice decision making upon which general deterrence is based is inappropriately relied upon for juvenile transfer laws. Similar to the findings of the present study, he noted that immaturity might limit juveniles' abilities to appropriately weigh the risks of severe punishment.

This study indicated that 11 (92%) of the participants failed to engage in serious rational choice decision making and considered the risk of juvenile sentences. Moreover, several participants discussed their youth and immaturity in the context of their juvenile offending, consistent with Pagnanelli's (2007) assertion that juveniles' limited cerebral development impacts their ability to fully weight the consequences of their behavior. This factor is especially important because the present study focused on adults who had the time to reflect on and gain additional insights about their juvenile offending. Because of the safe and supportive interview environment, many participants discussed their personal growth and maturity as essential to understanding their past juvenile criminal choices. This finding is important to general deterrence and its effectiveness for juvenile offenders in light of the studies (Lenroot & Giedd, 2006; Mole & Wright, 2005) showing that adolescents brains do not fully develop until their early 20s.

Consistent with the multifaceted findings of this study, Mocan and Rees (2005) sought to capture juveniles' complex offending decisions as related to employment

opportunities and the likelihood of arrest. Controlling for a variety of specific offenses as well as societal, demographic, and individual characteristics, the authors found that economic considerations and arrest rates may provide incentives to desist, and this finding is important to the issue of juvenile general deterrence. However, Mocan and Rees' (2005) findings were not supported by the present study results, in which participants did not make rational choice decision making regarding sanctions.

Mocan and Rees' (2005) findings suggested that juveniles may respond to incentives or sanctions, although, unlike the present researcher, they authors did not specifically address sentencing variables. Nonetheless, based on their findings Mocan and Rees concluded that deterrence may be strongly related to social circumstances. This conclusion is consistent with the present study findings regarding the participants varied and intertwined responses on their considerations of punishment and elements of their lived experiences that impacted those considerations. As suggested above, juveniles' cerebral abilities with regard to rational choice should be studied further; similarly, individual experiences and lived meanings that could further impact offending choices should also be studied. However, as Von Hirsch et al. (1999) aptly noted, no cost/benefit analysis can take place if, as the present study found, the cost of offending in terms of sanctions are simply not understood or known.

With additional relevance to the present study, Von Hirsch et al. (1999) called on social scientists to examine the subjective perceptions of offenders regarding sentence length as a risk of punishment. As the present findings illustrate, Von Hirsch et al. maintained that society and lawmakers could only understand offending choices and

general deterrence based on punitive sanctions if the complex attitudes and experiences of individual offenders were understood. The authors also urged future researchers to focus on the extent to which potential offenders knew and understood the severity of sentencing possibilities, which was a primary purpose of the present research. Without such knowledge, Von Hirsch et al. (1999) claimed that desisting could not be ascribed to general deterrence.

This study confirms the assertions of Von Hirsch et al. (1999) that knowledge of sentence severity is an essential component of general deterrence, answers about offending must be sought from those who have offended, and subjective perceptions are crucial to understanding offense choices. Deterrence is based on the concept of punishment as a triggering mechanism for change or crime desistance (Redding & Fuller, 2004). This study demonstrated that offenders cannot be deterred without knowledge of sanctions. Ten (83%) of the participants had no knowledge of juvenile bindover and the risks of severe sentences. All participants (100%) failed to understand that adult sanctions could be applied to their offenses. This study clearly illustrated that personal perceptions and understandings about severe sanctions are crucial to general deterrence and understanding of this theoretical crime control model. Without such knowledge, even the possibility of general deterrence is illusory.

Only one study, conducted by Redding (2005), utilized qualitative methods to examine the understanding of juveniles bound over to adult criminal court. The author sought to understand juveniles' knowledge and perceptions regarding the possibilities of being tried as adults. Confirming the present study findings, the majority (69.7%) of

Redding's respondents said that they did not know or did not believe that the transfer law would ever apply to them. Moreover, and equally important to the study of general deterrence and juvenile transfer, 74.5% reported that they believed that knowledge of such severe sanctions would have deterred them from committing their crimes.

The present study findings confirm those of Redding (2005). Eleven (92%) of present participants reported that they would have considered adult sanctions prior to committing their crimes had they known and understood juvenile bindover. The only discrepant respondent claimed that his crime was an accident and, as such, the threat of sanctions was not relevant for him. Significantly, half of the participants (50%) believed they would not have committed their crimes had they know of bindover. This knowledge could have acted as a potential general deterrent, they claimed, if they had understood that they could receive adult sanctions.

Research Questions 10, 11, and 12: Possible Future Crime

These research questions addressed specific deterrence, an offender's experience and perception of past punishment as highly negative, theoretically leading the offender to weigh future offending risks more carefully and thus be less likely to recidivate (Pogarsky & Piquero, 2003). Similar to general deterrence, specific deterrence has been ineffective with regard to severe sanctions, despite policy goals. Although the present study revealed that nine (75%) of the participant intended to desist upon release, the findings also revealed many of the same personal challenges as identified in past research (Ashkar & Kenny, 2008; Feinstein et al., 2008; Mincey et al., 2008). These issues

included the length and conditions of incarceration as well as participants' normative criminal social contexts and structures.

In contrast, Fagan et al. (2007) and Lanza-Kaduce et al. (2002) in quantitative research found that transferred youth were significantly more likely to recidivate. Further, these youth reoffended with more serious crimes than their counterparts who were retained by juvenile courts. These studies are also consistent with similar studies (e.g., Steiner & Wright, 2006), which found that the waiver of juveniles to adult criminal court may not impact the precise youth who are targeted in any effective manner.

In the present study, although the majority (75%) of participants reported that they did not intend to recidivate, a large percentage (68%) admitted that in spite of their desires never to return to prison, they also faced many challenges to living conventional lifestyles, such as the length and conditions of their incarceration. These challenging incarceration conditions included violence and criminal dynamics.

The studies of Fagan et al. (2007) and Lanza-Kaduce et al. (2002) were quantitative and did not explain the personal impact of deterrence on juveniles (Taylor, 2007), as did the present study. Several prior phenomenological studies made important contributions specifically to issues involving juvenile offending.

Mincey et al. (2008) explored juvenile and specific deterrence in a qualitative study to examine the impacts of prison residential treatment programs and their relationship to reoffending. Although the study's research purposes diverged from the present study, with a similar small, purposeful sample, Mincey et al. sought to understand the lived experiences of juveniles in an effort to better understand their offending

decisions. Mincey et al. examined the causes of juvenile delinquency and recidivism and the impacts of family, community, and residential treatment programs on offending patterns.

In the Mincey et al. (2008) study, positive and negative aspects of the juvenile treatment programs were revealed through thematic coding, similar to the present researcher's thematic coding of adults who were bound over as juveniles and their decision-making processes. Mincey et al. found that positive aspects included educational and counseling programs. Negative aspects included aversive and unsupportive staff as well as the difficulties of returning to communities whose main characteristics were economic deprivation, drug trafficking, and violence. Consistent with the Mincey et al. (2008) results, in the present study only one participant revealed that programmatic opportunities would enable her to desist upon release. Somewhat similar to the findings of Mincey et al., eight (77%) participants in the present study cited negative aspects of incarceration, including violence and disrespect, as well as returning to criminally-structured communities and families, which would render desisting difficult.

Brunelle et al. (2000) also employed interpretive phenomenological methods to study participants' perspectives on the relationships between their drug use and criminal offending. Although findings cannot be compared because of exploration of different subjects, methods can be. Consistent with the present study, the authors adhered to several of the same phenomenological interview techniques, such as listening for the participants' subjective logic. However, the present researcher went further than Brunelle et al. (2000) in utilizing a critical perspective to give voice to marginalized populations,

such as incarcerated adults bound over as juveniles. Moreover, this study integrated interpretive phenomenological philosophies that respect the researcher's prior experience as providing a necessary frame of reference. In contrast, Brunelle et al. failed to describe the any specific philosophy that acknowledged the researchers' experience and expertise. As a consequence, a full understanding of their findings was not possible.

In another well-informed phenomenological study, Ashkar and Kenny (2008) examined the deterrent effects of youth incarceration at a maximum-security detention facility. The researchers interviewed 16 boys who were 16 to 19 years of age to understand why incarceration and reoffending are correlated for young offenders. Similar to the present study, the authors employed subjective processes that could lead these adolescents to specific deterrence in spite of intentions to desist.

Many of Ashkar and Kenny's (2008) respondents had similar perceptions and personal challenges as the participants in the present study, including learning of little to no life skills or receiving little rehabilitation as well the experience of debilitating violent and antisocial prison environments. Ashkar and Kenny's (2008) findings also supported the present finding concerning participants' overwhelming desires to lead conventional lifestyles. In both studies, participants' readiness for change was based on their aversions to elements of the incarceration culture, such as victimization and bullying. In the present work, nine (77%) revealed fears associated with reoffending, such as violent lifestyles and little hope of employment opportunities.

Comparable to this study's methods, Ashkar and Kenny (2008) used several phenomenological techniques to further enhance the research, such as neutral probes and

confirmation of data analysis by a consulting analyst to promote accuracy of interpretation. Like the present researcher, Ashkar and Kenny (2008) relied on prior research and theoretical foundations as frames of references. Thus, in accord with the interdependent relationship of qualitative and quantitative methods recommended by many social scientists (Trochim & Donnelly, 2007; Miller & Glassner, 2004; Sayer, 1992), both the present study and Ashkar and Kenny's (2008) study relied on this interdependent relationship.

Another phenomenological study of 18 juvenile males was conducted by Feinstein et al. (2008) to discover how several resiliency factors impacted the adolescents' offending choices. Feinstein et al. concluded that the social processes in which the youths engaged, such as rehabilitation, treatment, and educational programming, could build and cultivate resiliency. The researchers further identified specific strengths and weaknesses of each variable that the youths reported built resiliency within the institution, such as adult support and career planning.

Although the inferential and explicatory analysis and findings of Feinstein et al. (2008) suggested an interpretive approach, like Mincey et al. (2008), Feinstein et al. (2008) failed to specify their frames of references or qualitative philosophies. These are vital to clearly delineated and impartially implemented phenomenological studies (Creswell, 2007). Moreover, neither Mincey et al. (2008) nor Feinstein et al. (2008) explained or identified the roles of the interviewers, as recommended by Seidman (2006), with regard to bracketing, rapport, equality, and reciprocity.

In contrast, the present study used clearly delineated frames of references, and the interpretive and critical phenomenological models were clearly defined and implemented. Also important, this researcher utilized her knowledge and experience while simultaneously practicing *epoché* (Creswell, 2007). The responses were both truthful, as evidenced by the triangulation methods, and insightful. Thus, the present study built upon these past studies and went beyond them to search for the most meaningful responses possible to elucidate juvenile bindover and the experiences of adolescents transferred to adult court.

In a study which combined ethnographic and phenomenological methods, Abrams (2006) recognized that listening to juveniles talk about their subjective experiences could inform policy makers and criminologists regarding whether treatment can prevent recidivism. Unlike the present study that found nine (75%) of the participants potentially deterred by secure incarceration, Abrams (2006) found that most of the youth (specific numbers or percentages were not supplied) were not deterred by secure confinement, especially those who adapted to incarceration or had previously experienced chaotic lives with inconsistent relationships, including out-of-home placements, such as foster care. However, significantly, Abrams' sample was not incarcerated in adult facilities at the time of the study. Accordingly, the findings are not directly applicable to the present findings.

However, one of Abrams' (2006) findings is relevant: a discrepancy between offenders' intentions while institutionalized and their abilities to desist once they were released. Although Abrams did not follow the participants after release, she concluded

that many who expressed desires to remain free of crime failed to possess any strategies to counteract their originating environments. These included peers and family members who may have played significant roles in their criminal offending. Abrams noted further that offenders who desired to remain free of crime had no strategies for housing, employment, or future plans.

These findings suggests the need for better developed and implemented programmatic elements, in which strategies and skills are taught offenders to prevent reoffending. Such programs would help offenders "disentangle" themselves from their high-risk lifestyles (Abrams, 2006, p. 73). Although the present study did not address participants' actual abilities to desist, the findings are similar because six (50%) participants reported high-risk lifestyles. Further, only one reported that he had a job arranged upon release. Supportive of Abram's findings, three (25%) participants expressed fear and concern over finding employment with their felony records.

In a mixed-method study, Peterson-Badali et al. (2001) examined Canadian youths' dispositions, perceptions, and experiences related to deterrence. Similar to the present study, Peterson-Badali et al. included a rational choice model of offending as a theoretical basis and noted that deterrence must include a rational decision-making process, in which the severity of the punishment is a component of the decision to offend. Also consistent with the present researcher's review of research that corroborates studies indicating the largely ineffective impact of U.S. harsh sentencing laws on general deterrence (Kovandzic et al., 2004; Steiner et al., 2006; Worrall, 2004), Peterson-Badali et al. (2001) noted research illustrating flaws in the general deterrence model of crime

control. They pointed out that Canada continues to rely on increasingly harsh punishment as a means of general deterrence. The researchers further determined that the complex nature of offending can only be fully understood through qualitative approaches. For both studies, these observations served as justification for qualitative research with juveniles.

In another mixed-method study, Corrado et al. (2003) conducted interviews with a large sample of 400 participants from Vancouver, British Columbia. The study included both criminal and noncriminal behaviors and attitudes, such as motivations for deterrence, procedural rights, family history, mental illness, and social bonding. Similar to prior study findings (Abrams, 2006; Ashkar & Kenny, 2008; Feinstein et al., 2008), Corrado et al. (2003) found that for their sample sentence conditions may be more important in prompting deterrence than sentence lengths. In comparison, although the present study's participants all referred to the length of their sentences as aversive, they also discussed the conditions of their incarceration as having a significant and profound impact upon them. Many believed that the conditions of their sentences could either discourage them from recidivating or encourage them, based on the anger and antisocial skills they developed while incarcerated.

The present study is consistent with past studies that have failed to find a general deterrent effect of punitive sanctions, such as three-strikes and juvenile bindover (Kovandzic et al., 2004; Steiner et al., 2006; Steiner & Wright, 2006; Webster et al., 2006). More significant for this research, however, are the few studies that have indicated the necessity of rational choice decision making as an essential component of general deterrence (Peterson-Badali et al. 2001; Steiner & Wright, 2006; Webster et al., 2006).

However, even fewer studies (Redding, 2005; Webster et al., 2006; Von Hirsch et al., 1999) have called for or examined knowledge as a crucial element of rational choice. Consistent with the single study that addressed juveniles' knowledge and understanding of juvenile bindover (Redding, 2005), the current study found that all (100%) of the participants failed to understand that adult sanctions could apply to them, and only two (17%) had very vague knowledge of sanctions from television. This lack of understanding and knowledge implies that these participants could not engage in rational choice decision making and thus could not be generally deterred. Neither did the participants' responses regarding juvenile punishment suggest that they engaged in rational choice decision making, a finding consistent with prior studies (Lenroot & Giedd, 2006; Mole & Wright, 2005) that questioned juveniles' cerebral development and their ability to make decisions rationally.

Finally, the present study found that half (50%) of the participants intended to desist. This finding was inconsistent with prior quantitative studies regarding specific deterrence and punitive sanctions (Fagan et al., 2007; Piquero et al., 2004). However, the present study finding was consistent with prior qualitative research that discovered specific elements of the participants' incarceration experience and personal lives that were related to their desires and abilities to desist (Abrams, 2006; Ashkar & Kenny, 2008; Peterson-Badali et al., 2001). Further, specific observations, such as a lack of skills and coping mechanisms that could address the antisocial and violent environments facing many offenders both in and out of the institutions, were cited as challenges to desistance

in both prior juvenile phenomenological research (Feinstein et al., 2008; Mincey et al., 2008) as well as in the present study.

Implications for Social Change

Introduction

Although policy makers continue to rely on deterrence theory as the foundation of sentencing philosophies and laws (Bailey, as cited in Redding & Fuller, 2004; Peterson-Badali et al., 2001), few studies (Von Hirsch et al., 1999; Webster et al., 2006) have examined offenders' knowledge of severe sanction policies. Fewer studies have explored the experiences and decision-making processes of juveniles transferred to adult criminal court (Lanza-Kaduce et al., 2002; Redding, 2005). However, both citizens and lawmakers can only understand the benefits or drawbacks of crime prevention models and strategies on the basis of carefully designed and implemented studies.

General Deterrence: Basic Knowledge of Juvenile Bindover

The few studies that have addressed juveniles' understanding, perceptions, and knowledge of juvenile bindover found results that suggested the respondents lacked basic knowledge of bindover, which logically precludes any general deterrent impact (Ashkar & Kenny, 2008; Redding & Fuller, 2004). As such results confirm, and contrary to policy goals of public safety and decrease of juvenile crime, the trial and sentencing of juveniles as adults does not appear to lead to public safety or a lessening of juvenile crime. The present study found that, alarmingly, 100% of the participants failed to understand juvenile bindover. Only two (17%) had ever even heard of juvenile bindover. Yet, the majority, nine (75%), also claimed that had they known they could receive adult

sentences, they would have considered that knowledge prior to committing their crimes. Regarding social change, these findings should contribute to the development and implementation of policies toward more effective deterrence of juveniles from committing crimes and greater protection of the public.

Juveniles' Rational Decision-Making Capabilities

The present study also found that, although rational decision making regarding adult sanctions was precluded by a lack of knowledge, significantly 10 (83%) of the participants did not consider juvenile sanctions at all prior to committing their crimes. Only two (17%) reported that they briefly considered juvenile sanctions, but this consideration did not impact their decisions to commit their offenses. These findings indicate that the participants did not engage in any rational choice decision making in which they weighed the risks of offending with the benefits of offending. Only one participant indicated that he engaged in rational choice decision making, briefly considering juvenile sanctions.

These findings, illuminating adolescent offenders' decision-making processes, provide the grounding for social change, because the current juvenile laws continue to be based upon juveniles' presumed abilities to weigh the costs and benefits of offending in a rational choice manner prior to committing their offense (Peterson-Badali et al., 2002). To inform legislators and the public of the reality, as indicated by the present findings, that juveniles weigh the costs and benefits of offending very little, these findings should be disseminated and discussed by those with legal authority. Hopefully, the discussions would lead to dialogue about and possible revision of the juvenile crime control models.

Specific Deterrence: Desistance and Recidivism

This study should additionally lead to social change regarding the specific deterrence value of juvenile bindover and severe sanctions. Although the majority, nine (75%), of the participants intended to desist upon release, with further questioning, many, eight (66%), also revealed deep concerns and challenges based on the conditions and length of incarceration. Three (25%) forthrightly declared that the length of their incarceration, the violence and anger that the conditions bred, and their inability to find employment would render them unable to desist. These findings should lead to positive social change in the development and extension of institutional programs that encourage readiness for change and address the participants' particularized concerns and fears, as well as follow-up support programs on offenders' return to the community.

Conclusions for Social Change

The personal and meaningful accounts reflected in the present findings complement statistical models that have called into question the costly approach of juvenile bindover and severe sentencing to juvenile crime control. Combined with quantitative studies, these findings should be particularly useful for lawmakers in their "authentic accounts of social worlds" (Miller & Glassner, 2004, p. 138), for the illumination of juveniles' decision-making processes and the complex influences in their lives and lifestyles. When such personal accounts as revealed in this study, in contrast to impersonal statistical reports, are presented to lawmakers, such accounts, collected with scholarly rigor, as Trochim and Donnelly (2007) observed, often influence decision makers to question and change policies for the better.

Deterrence strategies are directly based upon punishment as a triggering mechanism for crime desistance. The study findings regarding such strategies should provide policy makers with greater perceptivity that can lead to a better understanding of juvenile transfer and its impacts on those who experience adult sanctions as juveniles. In turn, these insights should lead to calls for continued research and modifications in policies for greater understanding of the effectiveness of juvenile bindover as a deterrent to juvenile crime.

Recommendations for Action

Quantitative data from surveys and numeric analyses are not always understood and may be discounted by intended audiences, especially in the areas of criminal justice and criminology (Sherman & Strang, 2004). However, when quantitative studies are combined with carefully extracted accounts of the lived experiences of participants involved in surveys, the information can become much more relevant and meaningful. Accordingly, this research has generated short-term and long-term recommendations for action, addressing both general and specific deterrence goals of juvenile transfer to adult court.

General Deterrence

Recent scholars have made appeals for interview-based research that specifically explores subjective offender accounts and perceived meanings by criminology experts (Mears, 2007; Miller, 2008; Miller & Glassner, 2004; Pogrebin, 2004). Specific to the research questions for this study, Von Hirsch et al. (1999) called for the use of phenomenological traditions to explore the extent and meaning of sanction knowledge as

it relates to deterrence. Redding (2008) also recommended such studies with youth bound over to adult court. Further, policy makers, leaders in corrections, and prominent academicians specializing in juvenile justice supported and acknowledged the need for the present study (see Appendices B-F).

As a result of these calls to action, the present findings can be disseminated to several valid, enthusiastic, and receptive audiences. On a statewide level, the Ohio Sentencing Commission has endorsed this research and anticipates its findings. As its director explained (see Appendix B):

Your approach is refreshing. Gathering qualitative data about future choices from offenders who actually were bound over to adult courts should help us better understand whether the waiver process deters crime. . . . We are anxious to learn from your study and to consider your findings as we contemplate changes in Ohio's juvenile sentencing statutes.

With regard to deterrence as a specified policy goal of juvenile bindover, in a second letter, the director further stated (see Appendix F):

Given the costs of waiver and numerous issues concerning placing young offenders into the adult corrections system, your research should provide valuable, formal insight into the perceptions of “boundover” juveniles. Since waivers are, in theory, designed to deter youth from committing serious offenses, this study of the cohort’s subjective sense of deterrence will further round out our knowledge and, perhaps, contribute to policy changes. The questions in the interview protocol seem logically designed to glean meaningful responses from

the interview subjects. The Sentencing Commission looks forward to your research findings. And we are pleased that the Ohio Department of Rehabilitation and Correction is comfortable with your approach.

Thus, the researcher will present the findings to the Ohio Criminal Sentencing Commission through both a written report and an oral address during a regularly scheduled meeting. Her report will include calls to action based on the research findings, as follows. First, based upon the important finding that all 12 (100%) of the participants did not understand juvenile bindover and 10 (83%) had no knowledge of it whatsoever, she will immediately recommend an educational program. Such a program, suggested by 100% of the participants, could include a variety of venues and means to educate youth about juvenile bindover in order to reach the widest audience in the most meaningful manner.

This program of education about juvenile bindover, as six (50%) participants recommended, could be implemented in middle and high schools. For example, schools could incorporate information on juvenile bindover during units on government or assemblies, such as those that address driving while intoxicated and the consequences. Inclusion into middle school programs, such as Drug Abuse Resistance Education (DARE), could also be a logical and relatively straightforward addition, because the structures and personnel are already in place. Further, as three (25%) participants recommended, program components could also inform youthful offenders as they move through the juvenile justice system within the Ohio Department of Youth Services.

The researcher thus plans to develop an educational dissemination pilot program that can be delivered to schools and the Ohio Department of Youth Services. This program will include segments for nonoffenders as well as those who have had prior contact with juvenile justice authorities. Both segments will inform and educate youth about severe juvenile sanctions and consequences of juvenile crime. The first segment for nonoffenders would be disseminated in broad venues, such as schools. The second segment for youth who have had experience with the juvenile justice system would be disseminated through a variety of programs and venues in which these youth may be involved. These include diversion and probation programs and other nonsecure juvenile sanction programs. The program would also contain segments on the juvenile justice system specifically designed for youth in secure juvenile confinement, so they may understand future offending consequences and the possibility of adult sanctions while still juveniles.

In addition to such programs, the researcher recognizes that juvenile judges can also play an important role in educating adolescents about juvenile bindover. Two (17%) participants suggested informing youth through the court system. These judges often have direct contact with youth who are entering the juvenile justice system. Accordingly, the researcher will develop an information protocol for juvenile judges containing suggestions for informing youth about escalating sanctions and outlining the circumstances in which youth could be bound over for the adult court. This protocol will be presented to the Ohio Association of Juvenile Court Judges at their next annual meeting.

Because two (17%) participants mentioned recreation centers as an additional location that could target at-risk youth, the researcher will seek out such locations. Ohio does not have a centralized database for youth recreation centers; individual cities and organizations often own and manage their own centers (New Albany Parks and Recreation, 2010). Beginning with a major city, the researcher will initially contact the Columbus Recreation and Parks Department and propose dissemination of information on the justice system in general and severe sanctions related to juvenile bindover. This information could be posted on bulletin boards and websites or shared as parts of specific programs. Finally, public service announcements similar to those regarding teenage drug use could be developed and implemented on both television and radio.

Further, in presenting the study findings to both statewide and local stakeholders, the researcher will engage in collaborative informational meetings. One of the most important stakeholder groups is parents of teens and of juvenile offenders. Several Ohio programs that target parents of juvenile offenders could be included, such as the Family Preservation Juvenile Justice Program that provides families with intensive home-based services in order to divert serious juvenile offenders from secured incarceration. Eleven (92%) of this study participants referred to family as either a significant insulator or correlate and even encourager of their criminal behavior. As a result, the findings point to inclusion of families as crucial stakeholders. Although family members of juvenile offenders and at-risk youth are often difficult to enlist or even locate, full efforts should be made by organizations equipped to contact and provide services to these families.

All of these recommendations for action flow directly from the findings. Eleven (92%) of this study's participants believed that they would have considered the severe sanctions attached to juvenile bindover if they had understood the process and application of adult sentences. A significant 50% of the participants claimed that they did not believe they would have committed their crimes had they known and understood juvenile bindover. Thus, these recommendations are made to address such issues and stimulate positive social change through educational conduits based on both the researcher's experience as an attorney and researcher and the participants' recommendations.

In addition, concurrent with the proposed education pilot program and based upon the findings, the researcher will urge the Ohio Sentencing Commission to reconsider the general deterrent goal of juvenile bindover. Although six (50%) of the present participants claimed they would not have committed their crimes had they understood juvenile bindover, 10 (83%) failed to engage in any type of rational choice decision making necessary for general deterrence. Many participants then revealed personal meanings attached exclusively to juvenile sanctions.

These meanings raise the question of participants' cerebral abilities while juveniles to weigh the costs and benefits of criminal behavior. Although the study purposes were not directly related to juvenile cerebral development, the findings in light of previous studies that highlight the general deterrent efficacy of juvenile bindover should be presented to the Ohio Sentencing Commission. The researcher will recommend future research and an appeal to reconsider the Ohio juvenile transfer laws to determine if

the current actions to bind over large numbers of juveniles are justified by past policy goals of increased safety and decreased juvenile crime.

Specific Deterrence

The study findings concerning specific deterrence were supported by past research (e.g., Abrams, 2008). These findings illustrated the challenges that boundover juveniles face upon release from the institutions. Eight (75%) participants revealed deep and profound concerns over their abilities to desist upon release in spite of their declared intent to remain free of crime. Not only did they discuss the difficulties of emerging into society after being institutionalized for many years, but they pointed out the violent and challenging conditions inside the institutions that could lead to recidivism. Three (25%) participants described their personal experiences with violence and reported that they felt the conditions and length of sentence were too overwhelming for them. In contrast, one participant discussed the programs and training she had received during incarceration and commented that these would enable her to desist. Skills training and education, she explained, would provide her with tools to return successfully to conventional living.

Beginning with the Ohio Department of Rehabilitation and Corrections, the researcher will recommend that additional skills and educational programs, such as horticulture, plumbing, and paralegal training, are implemented in institutions to ready inmates to reenter society and continue lives free of crime. Concurrently, she will recommend research related to these programs and recidivism rates for Ohio youth bound over to adult courts, discussed in detail in the next section.

In a continued effort to increase evidence-based policies and information sharing between lawmakers and researchers, the researcher will also present study findings to the Ohio General Assembly House Juvenile and Family Law Committee. This presentation will provide a brief overview of the research findings combined with the recommendations here for action and future research. Also on a state level, the researcher will contact the Ohio governor and offer to present the findings at the next Ohio Governor's Juvenile Crime Summit.

Stakeholders

Much action can be taken to help communities on a larger scale than incarceration-related institutions understand severe sentencing possibilities based upon juvenile bindover. As the youth should be educated, so should the communities. Organizations such as Big Brother and Big Sisters of Central Ohio have already demonstrated their willingness to participant in community forum discussions with their members on this topic (Edward Cohen, Executive Director, Big Brothers Big Sisters of Central Ohio, personal communication, February 8, 2010). Other community organizations, such as parent-teacher associations, religious-based youth organizations, and block watch and other civic associations, as well as parks and recreation organizations, could provide additional venues for stakeholder discussions and educational programs regarding juvenile bindover.

Criminologists and Social Science Researchers

The researcher plans to continue dissemination of study findings in the criminologic scholarly community. Sharing the findings with other criminologists and

public policy professionals encourages open dialogue and evidenced-based policies. In this regard, the researcher recently gave presentations on the existing literature and lack of qualitative studies on juvenile bindover at both the annual International Social Science Conference and annual American Criminal Justice Science Conference. Her abstract of study findings has been submitted to the forthcoming American Society of Criminology Conference. Further, her article on the rich and complex meanings revealed by the participants through critical and interpretive phenomenological designs in crime studies, based on the study research design, is in consideration with a professional journal in criminology.

Recommendations for Future Research

Fagan et al. (2007) and Lanza-Kaduce et al. (2002) noted the importance of future research to inform legislative agendas and contribute to understanding of policy makers' goals in decreasing crime and increasing public safety based on the new laws. Similarly, this study sought to inform legislative agendas while calling for continued research in an intertwined process of evidenced-based policy design. Given the costs of juvenile transfer in dollars, personal lives, and community impact, further research regarding juveniles' knowledge and understanding of juvenile transfer laws and the impact of that knowledge is crucial.

Quantitative Studies

Future quantitative studies should be based upon issues raised by the current research findings. First, with participants in Ohio institutions, a follow-up empirical study could be conducted that measures the number of juveniles bound over to the adult court

who knew and understood juvenile transfer sanctions. This provides overlapping and interrelated research methods that yield the greatest societal improvements. The sample would include both juveniles currently serving adult sentences and adults serving adult sentences they received while juveniles. In Ohio prisons, approximately 700 hundred offenders are currently incarcerated who were bound over while juveniles. A random sample of these inmates would provide more generalizable data that could, in combination with qualitative studies, provide the impetus for dissemination of education about juvenile bindover and broad-based policy changes.

Second, the Ohio Office of Criminal Justice Services should undertake a correlative study to determine whether juveniles who are tried and sentenced as adults are more likely to reoffend than their counterparts who were sentenced in the juvenile court. The study should control for several intervening variables, similar to research by Fagan et al. (2007) and Lanza-Kaduce et al. (2002), such as sentence length, offense history, education, and parental income. Cultural elements also should be controlled for, such as family history of criminal activity, number of family members on welfare, gang membership, ethnicity, and geographic location. Such a study would provide numerical evidence of the specific deterrence effectiveness of bindover.

Third, an empirical study should be developed to measure the extent to which juvenile justice officials inform juveniles about juvenile bindover. In the present research, repeated question sequencing revealed that no participant had heard of juvenile bindover from any juvenile justice official. The two (17%) who had revealed only vague knowledge from television news. Thus, a gap in the research was discovered. This gap

could begin to be filled by a survey administered to officials who regularly come in contact with juvenile offenders, including juvenile court judges, probation officers, juvenile prosecutors, and individuals who work with youth in various diversion and residential programs. Such research can provide policy makers with clearer understanding on the extent to which these officials discuss escalating sentences and juvenile bindover with offending youth. Such knowledge, as previously explained, is essential before these youth have an opportunity to be deterred by the severity of sanctions.

Finally, no study currently exists that compares youth bound over to adult court with adult counterparts who have similar offending histories and have committed the same crimes. Several current participants whose sentences were a median of 169 months stated that they received harsher punishments than adults who had committed similar crimes. Although not the purpose of this research, their anger and sense of injustice at what they perceived as glaring inconsistencies calls for future investigation, as does the severity of their sanctions. Thus, a future quantitative study could determine the extent to which juveniles may be receiving harsher sentences than their adult counterparts for similar crimes.

Qualitative Studies

Although quantitative data can provide results that reflect the outcomes of crime control policies, such studies cannot provide meaningful perspectives into how and why offenders make their offending choices (Burck, 2005). Evidence should also be based upon generally less costly nonexperimental designs that elucidate understanding of the

criminal processes and reasons for desistance or continuation (Mears, 2007). The present qualitative study provided insights about juvenile bindover and adolescent offenders' decision making that, when combined with quantitative data, are highly relevant for intended stakeholders.

As indicated by the present complex findings, both qualitative and quantitative research must be undertaken and used in a cyclical and collaborative approach to crime studies. Miller and Glassner (2004) recognized that qualitative approaches can fill many gaps and contribute to understanding of the social world of current and prospective offenders and simultaneous foster social change. Redding (2008) called for future research that addresses three crucial questions: (a) Are juveniles aware of transfer laws? (b) Do they believe the laws will be enforced against them? (c) Does this awareness and belief deter criminal behavior? The current study was directly informed by Redding's prior research and questions. The findings indicate both the need for future qualitative research and policy debate regarding the efficacy of juvenile bindover as a general deterrent.

In a collaborative and comprehensive approach to juvenile bindover research, both quantitative and qualitative studies should be conducted that complement and build upon one another to provide stakeholders, policy makers, and social scientists with the broadest possible evidence of the impacts and effectiveness of juvenile bindover.

Although quantitative studies are important, as reviewed and recommended, they cannot elucidate why adult sanctions failed to deter offenders or how they were considered. Nor

can quantitative research illuminate why incarceration and reoffending are correlated for bound over youth. Consequently, several qualitative studies are recommended.

First, given the significant findings of this study, a larger study should be conducted that replicates its methods with a larger sample to verify the findings. Several concurrent studies should be carried out in Ohio and other states with large numbers of bound over youth, such as Florida (Fagan et al., 2007). Although research on the extent to which juveniles knew and understood the possibility of juvenile bindover remains a crucial research purpose, based on this study's findings and especially the inapplicability of several research questions, a concurrent study could be conducted. This new study would prequalify participants who had some knowledge and understanding of juvenile bindover and could provide important data. This study could specifically address several relevant and related issues, such as the best means of education and knowledge dissemination to juveniles.

Second, with inmates who did know and understand juvenile bindover, a critical and interpretive phenomenological study should be conducted to fully understand the role that this knowledge played in their decision-making process. Such a study would more fully illuminate juveniles' abilities to engage in rational choice decision making, a necessary component of general deterrence (Redding, 2008; Snyder & Sickmund, 2006; Steiner & Wright, 2006). General deterrence is often indicated as a goal of juvenile bindover

Third, offenders who have recidivated and been reincarcerated should be interviewed with the same meticulous and carefully implemented methods as those used

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

These recommendations all derive from the current research findings. Some are called for as a direct result of the findings, and others are recommended based on gaps identified by the present research. Additional recommendations, such as the determination of whether juvenile justice officials are educating youth about bindover, are based upon new issues raised by this research.

Researcher's Reflections

The researcher's reflections encompass many stages, insights, and changes throughout this process. Thus, these reflections begin with the proposal stage in choosing and developing the research purposes and methods. Because of her prior experience and research, she knew that despite a large number of studies that questioned the effectiveness of juvenile transfer as either a general or specific deterrent, one in five juveniles continue to be bound over at staggering costs. The necessity of rational choice and the juveniles' ability to conduct cost/benefit analyses for the application of general deterrence, in addition to the few studies that had called into question their knowledge about juvenile transfer, revealed both gaps in the literature and what she perceived as a dire need for qualitative studies to shed light on these important issues.

Proposal Stage

As the researcher began her quest for the best method based on her research purposes, she was frustrated to find few studies that used critical and interpretive phenomenological methods, notwithstanding their highly relevant application to crime research. As a result, she became dedicated to the development and implementation of these research methods for this population. Further, the few studies that employed interview-based methods often failed to identify particularized philosophies and interview techniques, rendering them largely invalid and unacceptable in use of these crucial methods.

The researcher's frustration continued with the inconsistent and meager resources regarding researcher-participant confidentiality laws and ethics for incarcerated populations. For example, the researcher had to search state by state to develop a comprehensive informed consent that accurately reflected the circumstances under which the interview data could be subpoenaed or the researcher could be ordered to divulge the contents of the interviews in a court of law. After extensive research and delays, she was able to develop a comprehensive informed consent for incarcerated populations who are participants in research studies. This document now serves as the Walden template for participants who are incarcerated.

Qualitative prisoner research requires several levels of internal reviews exclusive to this population. The Ohio Department of Rehabilitation and Corrections Institutional Review Board, as well as the wardens from each institution from which participants were drawn, had to approve the research, in addition to the Walden Institutional Review Board

(IRB). Moreover, when the Walden IRB required changes, they had to be presented to the Ohio Department of Corrections as addenda to the original proposal and approved once more by the Ohio Department of Correction's Institutional Review Board. With each cycle of increasingly detailed explanations and their corresponding delays, the researcher delved deeper into legal protections, developed greater patience, and became even more dedicated to the time-consuming but irreplaceable research methods.

Thus, the proposal stage included many challenges unique to this population and research methods. These challenges, however, were overcome through zealous dedication to these research purposes and methods. The researcher believes them both crucial for positive social change and remains even more committed to qualitative research with those who have directly experienced the offending phenomenon.

Research Implementation Stage

The research methods chosen are highly complex and require complex thinking both during and after the interviews. For the researcher, simultaneously bracketing her own norms and values and embracing her expertise and experience to maintain focus on the research purposes initially required a great deal of conscious effort. Concurrent use of several interview techniques that are necessary to reveal complex and deep meanings also posed an initial challenge. But, early in the research, the participants' overwhelming enthusiasm, sincerity, and veracity, coupled with the researcher's strong belief in the research mission led to a collaborative effort and many rewarding revelations by participants. *Epoché* (the researcher's bracketing of possible preconceived judgments regarding participants' responses; Moustakas, 1990) became second nature as the primary

role unfolded of the participants' insights in relation to the vital research purposes. The researcher was further rewarded when all participants endorsed her initial thematic interpretations during their member checking meetings.

Personal Biases

The researcher was aware of a possible personal bias that could have tainted the research, based on her strong conviction in the worthiness of this subject. She believes that social responsibility dictates transmission of experience from those who have experienced bindover to those who develop sentencing policies. A major mission of this research was to give incarcerated individuals who experienced juvenile bindover an opportunity to voice to their experiences in a scientifically valid environment.

The researcher, as an educated, upper class Caucasian woman, could have held predetermined ideas based upon her privileged status. These ideas could include a conclusion that participants desired to justify themselves or would emphasize having been treated unfairly by the justice system. Another prejudgment could have been that participants desired to express outrage that the juvenile justice system failed them as young inmates.

However, after over a decade of working with juvenile offenders, including teaching about and researching issues surrounding juvenile offenders, the researcher did not find it a challenge to set aside her values to fully understand those of the study participants. Moreover, her experience as an attorney with court experience and public and private practice enabled her to better understand their judicial experiences as she continuously bracketed her own thoughts and biases during data collection and analysis.

With this bracketing, the data analysis stage brought a renewed vigor and conviction of the importance of the study findings for social change, action, dissemination, and future research.

Possible Effects of the Research on the Participants

The researcher identified two possible effects on the participants as outcomes of the interviews. First, for many, this was the only time that anyone (much less a professional) asked them about their ideas, meanings, feelings, and experiences in a respectful and judicious manner. The opportunity to give voice to their experiences of juvenile transfer, especially to a sympathetic and fully listening individual, seemed to provide participants with a profoundly positive experience. The researcher found the gratitude expressed of even the most serious offenders certainly touching and almost overwhelming.

Second, the interview process seemed to give these participants hope. Many expressed severe frustration, anger, and indignation about their sentences. They understood that the researcher could not in any manner change their sentence; however, the idea that another individual was focusing on their plight seemed to inspire them. As P2 said, "No one has ever cared about me." When the researcher responded that she did, he replied that she was the first one. Based on the interview, one participant wrote a letter to the governor, recounting antisocial adolescent influences and experiences, pointing out the ineffectiveness of juvenile bindover, and imploring the implementation of educational resources for young people in many venues to avoid experiences such as his. (This letter

cannot be reproduced in this document because of participant confidentiality.) Thus, the effects of this research upon the participants seem overwhelming positive.

Third, despite the researcher's privileged educational status, all participants were forthcoming and sincere in their responses. They did not appear to be cynical or disrespectful of the researcher's role and purpose. Similarly, although half the participants were African American, the researcher's Caucasian race did not seem to negatively affect their open and trustful attitudes. The participants may have tempered their own stereotypes and may have been pleasantly surprised at the researcher's respect for them, willingness to listen, and genuine interest in their experiences, thoughts, and feelings.

Researcher's Changes in Thinking

Although the intensiveness of the interviews and subsequent data analysis were strenuous and challenging, the researcher's commitment to this population remains firm. She believes that the multiple bureaucratic obstacles that allowed her to interview the participants should be lessened somewhat for planned future research, based on her experience with this research population. Moreover, because of the profound and insightful results, she is even more strongly committed to promotion of the necessary interrelationship between research and policy in an area where research seemingly does not inform policy.

Advice to Future Criminological Researchers

Crucial to effective policy and positive social change, quantitative and qualitative research methods must be combined to illuminate why a policy may or may not be

effective. Through such convergence, comprehensive policy can be developed, implemented, evaluated, and revised based on evidence from both types of research in a cyclical relationship of cause and effect. An understanding of offending choices from those who have experienced the phenomenon is absolutely necessary to an understanding the phenomenon itself. However, based on the current scholarly experience, the offers several cautions to future qualitative researchers in this field.

First, the researcher should commit to the highest standards for development and implementation of qualitative methods so that these techniques will continue to gain the respect deserved (Miles & Huberman, 1994; Miller, 2008; Taylor, 2007). In so doing, both quantitative and qualitative methods can be utilized in tandem. In this manner, each method can inform the other, with the goal of effective crime control and prevention policies.

Second, the researcher should commit to the widest dissemination feasible. Rather than limiting the work to focus exclusively on scholarly endeavors, the researcher should aim to directly inform policy makers and stakeholders with the widest possible influence. Findings should be presented to relevant commissions, agencies, organizations, and lawmakers, so that the research outcomes can become a vital and integrated component of any law or policy strategy.

Third, the researcher should recognize that working with this population presents unique challenges. Bureaucratic obstacles may seem overwhelming and unnecessary at times, with multiple layers of protocols and approvals required and ethical considerations complex and perhaps daunting. Yet, the researcher's meticulous and thorough

preparation, patience, and commitment to this critical method of research will result in dedicated, rigorous, and important contributions.

Fourth, logistically and environmentally, the researcher should be prepared to experience intimidating conditions to conduct interviews with incarcerated offenders. The prison environment, with ubiquitous guards and double-fastened security gates behind one, can be frightening. Prearranged personal security measures should be in place.

On meeting each offender, the researcher should make immediate direct eye contact. A confident yet respectful demeanor will help build immediate trust and researcher-participant rapport. As this researcher found, the first few moments are crucial.

Often the inmates will have been strip-searched prior to entering the interview room. They may be shackled. Initially, as the researcher experienced, they may be leery of the researcher's honest and genuine intent. Appropriate and sincere responses, both verbally and physically, are essential to participants' comfort and decisions to reveal their in-depth personal and profound experiences. The many demands of meeting and conducting research with individuals in this population become eminently worthwhile as researchers face the challenge of interviewing prisoners with sincere appreciation for their expertise and the researcher's own expertise and dedication.

Conclusions

Juvenile transfer to adult court impacts one in five juvenile offenders today. The costs are staggering, both economically and socially. Juvenile transfer to adult court was meant to deter would-be serious juvenile offenders, lower crime rates, and improve

public safety. Yet, the efficacy of this severe sentencing strategy is dubious at best (Peterson-Badali et al, 2008; Redding, 2005; Steiner & Wright, 2006). Previous quantitative research illustrated no general or specific deterrent impact and possibly even counterdeterrent effects (Fagan et al., 2007; Lanza-Kaduce et al., 2002; Steiner et al., 2006). The present findings support those of earlier quantitative studies as well as the few qualitative studies conducted to determine the understanding and knowledge of juvenile offenders regarding bindover. The distressing and indisputable findings of this study indicate a preclusion of general deterrence in contrast to policy goals. This finding should lead to both future research and policy modifications.

The impact of severe sentencing policies to potential juvenile offenders, their communities, victims, and the larger society cannot be overstated. Consistent with prior study findings (Ashkar & Kenny, 2008; Redding & Fuller, 2004), the present participants claimed that with knowledge of bindover they might not have offended due to the severe risks of adult sentences. Potential educational programs could lead rational choice decision making, in which adolescents consider the realities of risks prior to offending. However, further research is also needed based on prior research and this study's findings that questions juveniles' abilities to fully weight risks and benefits pursuant to rational choice decision making.

Nevertheless, this research should provide the impetus for concurrent policy dialogue and future research with regard to the essentiality of knowledge and implementation of such knowledge for juveniles prior to serious offending, as well as further theoretical development and refinement of general deterrence and severe

sanctions. Without knowledge, general deterrence is entirely precluded. Yet this study found that 12 (100%) of the participants failed to understand juvenile bindover and its application to them or their crimes. Ten (83%) participants revealed that they had never even heard of juvenile transfer to adult court. They urged the researcher to promote educating of juveniles. As one said, "Tell them so they do not end up like us." Further, 11 (92%) reported that they would have considered juvenile bindover had they known and understood it could apply to them. Half, six (50%), claimed they never would have committed their crimes if they had known, yet their abilities to engage in rational choice decision making as juveniles called into question their abilities to desist based on severe sanctions. Many, nine (75%), were disillusioned because of their lack of knowledge and the severe consequences of incarceration. In spite of their intent to desist upon release, eight (68%) revealed that they were afraid that the length and conditions of incarceration as well as their criminal structures would lead to their recidivating.

These findings were highly significant in light of previous studies, the current research purpose, and the research questions. Following from synthesis of the data, the issues surrounding juvenile bindover were illuminated, additional questions were raised, and new issues emerged. Several gaps in research were also identified, with recommendations for future studies.

As the public continues to call on lawmakers to address the nation's consistently high crime rates, especially of juveniles, researchers must constantly evaluate the effectiveness and efficiency of current crime control strategies. Evaluation is especially necessary regarding juvenile bindover and its doubtful positive impact on crime

prevention. The findings of this study, grounded in research with incarcerated individuals who experienced bindover as juveniles, should contribute to the reevaluation and possible extensive revision of sentencing policies for juvenile offenders.

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Appendix A: Interview Protocol

Understanding of Sentencing Possibilities

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

Sources of Sentences and Sanctions

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

Influence of Sources

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

Use of Knowledge About Sentences

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

9. What contributed to your consideration of punishment and sentencing possibilities?

Possible Future Crime

10. How could your current sentence affect your possible future decision to reoffend or not commit a crime?
11. What might stop you from committing crime in the future?
12. Are there any other comments you would like to add?

Appendix B: Letter of Support From Institution

OHIO CRIMINAL SENTENCING COMMISSION

65 South Front Street · Fifth Floor · Columbus · 43215 · Telephone: (614) 387-9305 ·
Fax: (614) 387-9309

Chief Justice Thomas J. Moyer
Chairman

David J. Diroll
Executive Director

=====

To: Karen Miner-Romanoff
From: David Diroll
Re: Juvenile Deterrence Dissertation
Date: November 25, 2008

On behalf of the Ohio Criminal Sentencing Commission, I write in support of your dissertation on the deterrent effects of transferring juveniles to adult courts for prosecution.

Specific deterrence, separate from the effects of incapacitation, can be difficult to find and measure. Moreover, deterrence tends to be an abstraction when compared to the actual conduct of offense-prone offenders. Your approach is refreshing. Gathering qualitative data about future choices from offenders who actually were bound over to adult courts should help us better understand whether the waiver process deters crime.

In the late 1990s, the Sentencing Commission favored creating alternatives to the bindover process in Ohio. The group proposed, and the General Assembly adopted, a blended juvenile/adult sentencing approach for certain juveniles, many of whom were bindover-eligible. Absent meaningful evaluations of the relative merits of transfers to adult courts, blended sentencing, and traditional juvenile dispositions, we have not suggested further reforms. However, the Commission stands ready to reopen these issues based on empirical research. We are anxious to learn from your study and to consider your findings as we contemplate changes in Ohio's juvenile sentencing statutes.

Appendix C: Letter of Cooperation From Institution

Department of Rehabilitation and Corrections
Lee Norton
Director of Research

March 13, 2009

Dear Ms. Miner-Romanoff

Based on my review of your proposal, I tentatively give support for the study entitled *Incarcerated Adults Sentenced in Adult Criminal Court While Juveniles: Knowledge, Understanding, and Perceptions of Their Sentences* within the Ohio Department of Rehabilitation and Corrections (DRC). I recognize as part of this study, you will be collecting interview data within the DRC institutions. I also realize you will be collecting demographic and offending history data from the participants' official records. Individuals' participation will be voluntary and at their own discretion. We reserve the right to withdraw from the study at any time if our circumstances change.

I confirm that I am authorized to give this provisional approval. This approval will only become final after the researcher has submitted her IRB application to the DRC and that application has been formally approved.

I understand that the data collected will remain entirely confidential and may not be provided to anyone outside of the research team without permission from the Walden University IRB.

Sincerely,

Lee Norton
The Ohio Department of Rehabilitation and Corrections

Appendix D: Letter of Support From First Expert in Field

December 16, 2009

Institutional Review Board
Walden University

Re: Ms. Karen Miner-Romanoff
Dissertation Proposal

Dear Colleagues:

At the request of your doctoral student, Ms. Karen-Miner Romanoff, I have reviewed both her proposed dissertation plan and her interview protocol and I am writing to you at her request concerning my assessment. I was also asked to let you know about my qualifications, so I have included a brief biographical statement for that purpose.

The past two decades have seen a large increase in the utilization of “waiver” or “bindover” (waiver of juvenile court jurisdiction for the purpose of trying a juvenile in criminal court). Comparatively little research has been conducted concerning the knowledge and perceptions of juveniles who are subjected to this practice. A great deal of concern exists within both the scholarly and the legal community concerning the efficacy of this practice, as well as the competency of juveniles to understand the nature and potential impact of this practice and its associated proceedings.

The proposed research and the interview protocol that has been submitted by Ms. Miner-Romanoff would, in my judgment, make an important contribution to our knowledge. Her proposed interviews with incarcerated adults in Ohio who were previously “bound over” as juveniles are very likely to yield important insights that will have implications for both policy and practice. Having conducted research on this topic myself, I look forward to her findings, pending your approval of her dissertation proposal.

Thank you for your consideration of my assessment and please let me know if you have any questions. Best wishes for the holidays.

Sincerely,

C. Ronald Huff, Ph.D.
Professor
Dept. of Criminology, Law and Society
Dept. of Sociology

Appendix E: Letter of Support From Second Expert in Field



College of Education, Criminal Justice,
and Human Services

School of Criminal Justice
University of Cincinnati
PO Box 210389
Cincinnati, OH 45221-0389

660 Eyer Hall, Giffen Avenue
Phone: (513) 356 5827
Fax: (513) 356 3303
Web: www.uc.edu/criminaljustice

TO: Walden University Internal Review Board

RE: Research Protocol for Karen Romanoff

DATE: December 18, 2009

I have reviewed the proposal for Karen Romanoff's planned dissertation "Incarcerated Adults Sentenced in Adult Criminal Court While Juveniles: Knowledge, Understanding, and Perceptions of Their Sentences." I believe it is very worthwhile and important study and does not pose any risk to the subjects. The interview guide and protocol she has developed is designed to solicit the subjects understanding and knowledge about sentences and their impact. The questions are neither intrusive nor related to information that could be harmful.

As someone who has conducted numerous studies in prison settings, including both adult and juvenile I appreciate the importance of protecting human subjects. Assuming that steps are in place to ensure appropriate consent, it is my opinion that this study poses no risk to the subjects. Furthermore, Karen Romanoff's proposed study will make an important contribution to the literature will help us better understand the choices that youth make.

If you would like to discuss this matter I can be reached at the number above or Edward.Latessa@uc.edu.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward J. Latessa'.

Edward J. Latessa, Ph.D.
Professor & Director

Appendix F: Letter of Support From Third Expert in Field

OHIO CRIMINAL SENTENCING COMMISSION

65 South Front Street · Fifth Floor · Columbus · 43215 · Telephone: (614) 387-9305 ·
Fax: (614) 387-9309

Chief Justice Thomas J. Moyer, Chairman

David J. Diroll, Executive Director

To: Karen Miner-Romanoff
From: David Diroll
Re: Deterrence Methodology and Interview Protocol
Date: December 24, 2009

On behalf of the Ohio Criminal Sentencing Commission, I support your methodology, including the interview protocol, in researching the perceptions of juveniles facing transfer to adult courts for prosecution.

Given the costs of waiver and numerous issues concerning placing young offenders into the adult corrections system, your research should provide valuable, formal insight into the perceptions of “boundover” juveniles. Since waivers are, in theory, designed to deter youth from committing serious offenses, this study of the cohort’s subjective sense of deterrence will further round out our knowledge and, perhaps, contribute to policy changes. The questions in the interview protocol seem logically designed to glean meaningful responses from the interview subjects.

The Sentencing Commission looks forward to your research findings. And we are pleased that the Ohio Department of Rehabilitation and Correction is comfortable with your approach.

Appendix G: Letter of Approval From Ohio Department Of Rehabilitation and
Corrections IRB



Ohio Department of Rehabilitation and Correction

770 West Broad Street
Columbus, OH 43222
614-752-1164

Ted Strickland, Governor

www.drc.ohio.gov

Terry Collins, Director

Karen Miner Romanoff
4090 Baughman Grant
New Albany, OH 43054

Dear Ms. Romanoff:

The ODRC Human Subjects Research Review Committee approved your proposal without any request for revisions at our meeting on August 4, 2009. The proposal was forwarded to the Deputy Director of the ODRC Office of Policy for an approval decision for ODRC Central Office, and has been approved at that level as well. To move the proposal forward for final approval, we will need to know which ODRC institutions you plan to include for data collection, in order to forward the proposal to the wardens at those institutions for a final approval decision. Each warden will make an independent approval decision for his or her institution. If the warden at an institution approves the study, you will end up coordinating with the warden's administrative assistant to recruit subjects and set up the interviews with the inmate participants.

As I understand it, Bureau of Research Chief Steve Van Dine has sent you a list of inmates who were initially juvenile offenders in our system, and it is from that list that your interview subjects will be chosen. You are going to choose three institutions, presumably ones that have a significant number of these inmates currently incarcerated, and then attempt to recruit approximately four inmates from each to give you 12 subjects total to be interviewed. For your information, should you find that you need to add another institution or two in order to get enough research subjects, you will be allowed to do that. If any of the wardens at the initial three institutions you choose should not approve your study, you will be allowed to try to gain approval from wardens at other institutions. If you end up with an interview subject who gets transferred to another institution between the time of the warden's approval and the time of their interview, and you still want to interview the inmate, you will have to gain approval from the warden at the institution to which he transferred, and re-schedule the interview at that institution.

Please let me know if you require any additional assistance from us in making a decision as to which institutions to propose for inclusion in your research.

Sincerely,

Lee Norton, Ph.D.
Assistant Chief, Bureau of Research
Chair, Human Subjects Research Review Committee

Appendix H: Letter of Introduction to the Study

Dear Participant,

You are invited to take part in a research study of the personal experiences and understanding of juveniles transferred to adult court. You were chosen for this study because you are an adult inmate who was transferred to the adult court while still a juvenile, and you acknowledge the offense for which you are currently serving your sentence.

This study is being conducted by Karen, a researcher who is a doctoral student at Walden University. This study is part of her doctoral dissertation.

Past research has not explored the extent to which inmates like you knew and understood that they could be transferred, tried, and sentenced to adult prisons with longer, adult sentences. This research seeks to determine the role that your knowledge or lack of knowledge when you were a juvenile may have played in your decision to commit your crime.

The purpose of this study is to explore the extent to which you knew and understood the possibility of being transferred from the juvenile court to the adult court for trial and sentence, while you were still a juvenile. The study further seeks to understand the meanings that you attached to your adult criminal sentence and the role that the sentence or punishment may have played in your decision to commit your crime(s). A total of 12 inmates who are serving sentences for crimes committed as juveniles will be asked to participate.

You will be asked to meet with the researcher for a one-to-one interview, lasting from two to three hours. The interview questions will explore the sources and circumstances of your knowledge of adult penalties while you were still a juvenile. The interview will also include questions about whether your current sentence might impact your future choices. In order to discuss these issues, you will have to acknowledge the crimes for which you are currently in prison. The interview will be audiotaped and transcribed for later analysis of your responses.

If you choose to participate, you will also have the opportunity to review the researcher's interpretation of your interview answers. You can tell her, if you choose, whether you think she is correct in her conclusions about your answers. This is called a member check.

This introduction tells you about the study so you can decide if you may want to volunteer to participant. If you think you may want to participant, you will be given a

longer and more detailed letter, called an Informed Consent, that explains all of the procedures of the study.

As a research participant, information you provide will be kept confidential. No names will be used in reporting the findings of the interviews. Your participation is entirely voluntary, and your status at the facility or with any of the staff will not be affected by your decision to participate or not.

No compensation will be given for participation, and the risks of participating are minimal. However, if you feel discomfort or anxiety at any time during or after the interview, you may request to see a staff clergy member or psychologist.

There are no benefits to you for participation. However, your personal accounts can help juveniles make better decisions and aid future leaders in their efforts to decrease juvenile delinquency.

You also will have the right to withdraw at any time. After you have read, or had the Informed Consent read to you, and decide to participate in the study, you will be asked to sign the consent before the interview begins.

For any questions prior to participation, you may email the researcher at swimgcsto07@yahoo.com or you may call Dr. Leilani Endicott. She is the Walden University representative who can discuss this with you. Her phone number is 1-800-925-3368, extension 1210.

Thank you for considering participation.

Sincerely,

Karen

Appendix I: Informed Consent

Dear Participant,

You are invited to take part in a research study of the understandings and personal experiences of juveniles transferred to adult court. You were chosen for this study because you are an adult inmate who was transferred to the adult court while still a juvenile and admit your guilt for the offense for which you are currently serving your sentence. Please read this form and ask any questions you have before agreeing to be part of the study.

This study is being conducted by Karen, a researcher who is a doctoral student at Walden University. This study is part of her doctoral dissertation.

Background Information:

Past research has not explored the extent to which you knew and understood that that you could be transferred, tried, and sentenced to adult prisons with longer, adult sentences. This research seeks to determine the role that your knowledge or lack of knowledge may have played in your decision to commit your crime.

The purpose of this study is to explore the extent to which the participant (you) knew and understood the possibility of being transferred from the juvenile court to the adult court for trial and sentence, while you were still a juvenile. The study further seeks to understand the meanings that you attached to your adult criminal sentence and the role that the sentence or punishment may have played in your decision to commit your crime(s). The questions will explore the sources and circumstances of your knowledge of adult penalties while you were still a juvenile. The interview will also include questions about whether your current sentence will impact your future choices.

This form is part of a process called "informed consent" to allow you to understand this study before deciding whether to take part.

Procedures:

If you agree to be in this study, you will be asked to:

* Take part in an in-person private interview with the researcher. The interview should last between 2 and 3 hours and will be audiotaped and transcribed.

* Member checks: You will be asked if you would like to review the researcher's interpretation of the answers to your interview questions. This gives you the chance to tell the researcher if her statements appear correct. This is completely voluntary on your

part. You do not have to answer now or you may decline now and change your mind later. I will ask you again at the end of the interview. If you want to change your mind about the member checks at any time, you may do so.

Confidentiality:

The information you provide will be kept confidential with four exceptions. First, the researcher cannot promise that details of past crimes you committed that you may speak about and which you have not been prosecuted for will remain confidential. Such information may be subject to a legal subpoena by a court of law. That does not include crimes committed as a juvenile for which you were bound over and tried as an adult.

Second, if you discuss the intent to commit injury to yourself, the researcher has an ethical obligation to disclose that information to prison authorities to protect your safety.

Third, if you discuss the intent commit serious bodily injury to a specific person, either in the institution or upon release, the researcher has an ethical obligation to inform authorities.

However, you will not be asked directly any questions regarding past criminal behavior other than what you have already been tried for and sentenced. You cannot be tried for those crimes, again pursuant to the Double Jeopardy Clause of the United States Constitution. And you will not be asked about any specific future criminal intentions.

Fourth, the Department of Rehabilitation and Corrections reserves its right to examine documents leaving the facility. However, the researcher has been assured by a senior official that the DRC has never confiscated a researcher's data or violated the confidentiality agreement between the researcher and the participants.

The researcher will not use your information for any purposes outside of this research project. Your name or anything else that could identify you will not be used in any reports of the study. Your responses will be identified only by a number assigned to you and a letter assigned to your institution and known only to the researcher. After you have reviewed the report, all reference to your names will be destroyed. The dissertation will be published and "in the public arena" for the indefinite future. However, the researcher will keep the raw data for 5 years, after which it will be destroyed.

Voluntary Nature of the Study and Withdrawal Rights:

Your participation in this study is voluntary. This means that everyone will respect your decision of whether or not you want to be in the study. No one at the Department of Rehabilitation and Corrections will treat you differently if you decide not to be in the study.

If you decide to join the study now, you can still change your mind during the study and withdraw. If you feel stressed during the study for any reason, you may stop at any time. You may skip questions that you feel are too personal. If you choose to withdraw from the study, there will be no negative consequences to you, and all transcripts, notes, and tapes of your participation will be destroyed.

In addition, a witness will be present to assure that you are not coerced or unduly influenced to participate and that your rights are preserved, as outlined in this informed consent.

Risks and Benefits of Being in the Study:

Benefits

There are no benefits to you for voluntarily participating in this research. However, there will be benefits to the greater community if you choose to share your thoughts and understandings. Your personal accounts can aid future leaders in their efforts to decrease juvenile delinquency. This research provides you an opportunity to inform leaders, help juveniles who may turn to delinquency without effective programs and sentencing structures, and make your voice heard.

Risks

The risks of participation in this study are minimal. The researcher will make every effort to limit your vulnerability, to respect your views and accounts of your experiences, and to listen with interest and attention. The researcher recognizes the value of your views and insights to current juveniles and society for more effective prevention methods and programs. You should know that some of the research questions are personal in nature and you may feel some discomfort, although the researcher will make all efforts to minimize discomfort. If you feel discomfort or anxiety at any time during or after the interview, you may request to see a staff clergy member or psychologist.

Compensation:

You will not receive any compensation for your participation in this research.

Contacts and Questions:

You may ask any questions you have now. If you have questions in the future, you may email the researcher at swimgcsto07@yahoo.com. Or, if you have questions later about your rights as a participant, you may call Dr. Leilani Endicott. She is the Walden University representative who can discuss this with you. Her phone number is 1-800-925-3368, extension 1210. Walden University's approval number for this study is **01-22-10-0371966** and it expires on **January 21, 2011**.

Please initial every paragraph in this letter to signify your understanding.

Please sign your consent with full knowledge of the nature and purpose of the procedures. A copy of this consent form will be given to you to keep.

Statement of Consent:

I have read the above information and I understand the study well enough to make a decision about my involvement. By signing below, I agree to the terms described above.

I have read the above information. I have received answers to any questions I have at this time. I am not a minor but am 18 years of age or older, and I consent to participate in the study.

Printed Name of Participant _____

Participant's Written Signature _____

Researcher's Written Signature _____

Printed Name of Witness _____

Witness's Written Signature _____

Date of Consent _____

This has been approved by the
Institutional Review Board of
WALDEN UNIVERSITY
as acceptable documentation of the
informed consent process and is valid
for one year after the stamped date.

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Appendix J: Witness Training Memorandum

Dear Witness,

You have volunteered to be a witness for the informed consent process that is essential to assuring voluntary and ethical research. This memorandum will explain the purpose of your witness role.

The Nature of the Informed Consent

Ethical research requires respect for participants so they may be given the opportunity to choose what shall and shall not happen to them. Valid consent requires:

- a. disclosure of relevant information about the research,
- b. their comprehension of that information, and
- c. their voluntary agreement, free of coercion and undue influence, to research participation.

The informed consent must describe the research in such a way that the potential subject will understand the information necessary to reach an informed choice about participation. The language of the informed consent must be written and tailored to the level of understanding of each person invited to consent.

Consequently, the informed consent is not simply the signing of a document or verbal or implied acquiescence to participation. Instead, informed consent describes a process by which potential subjects are offered information about the research and what they will be required to do, followed by a reasoned and voluntary decision to participate.

Your Purpose in Witnessing Informed Consent

As a witness to this informed consent process, your purpose is to help assure that the participant has been provided sufficient opportunity to consider whether or not to participate based on the purposes of the research and the nature of the confidentiality agreement, including the exceptions. Your presence and attention help assure that possibilities for coercion or undue influence of participants are minimized.

Only after the researcher has explained the research study, the participant has had ample to time read the informed consent and ask questions, or has had the informed consent read to him or her, should the participant sign the informed consent indicating voluntary and informed consent to participate in the research. At that time, your witness signature is required, documenting that the criteria for informed consent have been met to the best of your knowledge.

Please feel free to ask the researcher any questions you may have or raise any concerns. Thank you for consenting to be a witness.

Appendix K: Transcriber Confidentiality Agreement

As a professional assisting Karen Miner-Romanoff in the project *Incarcerated Adults Sentenced in Adult Criminal Court While Juveniles: Knowledge, Understanding, and Perceptions of Their Sentences*, I understand that I will have access to confidential information about study participants. By signing this statement, I am indicating my understanding of my obligation to maintain confidentiality and agree to the following:

1. I understand that names and other identifying information about study participants are completely confidential.
2. I agree not to divulge, publish, or otherwise make known to unauthorized persons or to the public any information obtained in the course of this research project that could identify the persons who participated in the study.
3. I understand that all information about study participants obtained or accessed by me in the course of my work is confidential. I agree not to divulge or otherwise make known to unauthorized persons any of this information unless specifically authorized to do so by office protocol or by a supervisor acting in response to applicable protocol or court order, or public health or clinical need.
4. I understand that I am not to read information and records concerning study participants, or any other confidential documents, nor ask questions of study participants for my own personal information but only to the extent and for the purpose of performing my assigned duties in this research project.
5. I understand that a breach of confidentiality may be grounds for disciplinary action and may include termination of employment.
6. I agree to notify my supervisor immediately should I become aware of an actual breach of confidentiality or situation which could potentially result in a breach, whether on my part or on the part of another person.

Signature

Date

Print Name _____

Appendix L: Demographic Information

1. Current Age _____
2. Gender _____
3. Ethnicity _____
4. County _____
5. Offense _____
6. Age at Waiver _____
7. Sentence _____
8. Months Served to Date _____
9. Months to Serve _____
10. Eligibility for Parole _____

Appendix N: Sample Transcript

Participant 4

Karen: When you were a juvenile, a juvenile offender, what was your understanding regarding possible adult criminal sentences?

Participant 4: I was not told about it, I was just told a little bit about it as if an adult would have committed it, it would have been a lot more serious offense as an adult than as a juvenile if I had did the crime.

K: Were you told this before you committed your crime or after?

P4: After, while I locked up going to court for it

K: So after you were charged for it?

K: Before you were arrested for the offense for which you are here now.

P4: OK.

K: What was your understanding of the possibility of you being charged as an adult?

P4: I didn't think about it.

K: Did anyone talk to you about it?

P4: No.

K: Friends you never talk about it? Possible judges?

P4: No.

K: You didn't, would you, when you say you didn't think about it, would you say you didn't know about it?

P4: Yeah.

K: So you had never understood that you could be taken into adult court for adult sentences.

P4: No, I didn't.

K: No one ever talked to you about it?

P4: No.

K: Did you ever think about punishment and the possibility of a sentence?

P4: No.

K: Before you committed your crime?

P4: No.

K: If you had known that you could be taken to an adult court for adult sentencing and served your time in an adult prison, what do you think the impact might have been on you?

P4: I would have thought about it a little bit better before I would have did it. I would have got a better understanding about it before I would have did my crime.

K: You think you would have taken it into account?

P4: Yeah.

K: Do you think perhaps you wouldn't have committed your crime?

P4: Well, I wouldn't necessary say that.

K: OK, that's fair.

P4: But I would have thought about it a little bit better.

K: You would have thought about it; you would have thought about it more.

K: So, you suggested that you really didn't think about punishment at all or, or sentence.

P4: No, I didn't.

K: Before you committed your crime?

P4: No, I didn't.

K: OK, and you think if you would have known about the adult sentence, you would have thought about it?

P4: Yeah.

K: Prior to committing your crime. OK, did you think about the sentence after you committed your crime? When they were telling you. And if you did, what did you think at that time, after you were charged and they said, you can be tried as an adult?

P4: I just, cause once I caught for and they read everything I was being charged for. I just knew right there that it was over.

K: What do you mean it was over?

P4: They told me like, you can be charged as an adult with this, and all the charges I had there was a lot of time when they first charged me. So, they told me like, well, this is what can be done about it if we bound you over and everything. They said if we take it to an adult court, it can be for an adult, it's a lot of time for an adult. So, at that time that when it hit me that I could be charged as an adult for it.

K: Again, you and your friends or your peers, you never talked about this?

P4: No.

K: All right, we have talked about possible punishment and how you may have viewed punishment before you committed your crime and you said you didn't think about it. And I might have, had I known...

P4: Yeah.

K: And you found after afterwards, and you thought, Well, now it's over.

P4: Yeah.

K: Let's talk about the sentence you have served. Do you think your current sentence will impact your decision to go back out and commit another offense? Or reoffend?

P4: Nah, no. I don't think I'll go out there and risk that. But I'm young, and I don't want to make any promises that says no I will not. There's a lot of guys who come in here, and lie and say no, I'm going to be a good person. I can't say that and I don't want to lie to myself and say yeah, I'm going to go out there and be a good person. I'm going to go out there and try to do the right thing to the best of my knowledge, to the best I can. So I would say no, no I don't want to commit another offense, I don't want to be a reoffender.

K: What do you think might contribute to you going out and offending or not offending? Do you think this sentence in any way might have an impact on you, or what happens while you were serving your sentence?

P4: Yeah, as I look back now I can see what I did was dumb, what I did was wrong and I can't take it back. I can't. The only thing I can do is apologize for what I did. 'Cause now that I look back I see that it was wrong. I was a kid and I wasn't thinking.

But now, as an adult I can look back and see what I did wrong. And I apologize for it.

But I can't take it back.

K: So, you were young when you committed and you think part of it was because you were young.

P4: Yeah, 'cause the guys I was hanging out with was, I was just hanging out with older guys, and it really had an influence on me too.

K: Did anything about your time here have an impact on you that you think might affect you when you get out?

P4: No.

K: No, uh, programming here?

P4: Yeah, I take some nice programs here.

K: Do you think that might make any difference?

P4: Yeah.

K: Can you tell me what kind of programs you think might make a difference?

P4: I took life changing programs, power source, taking charge of your life, drug programs, anger management, um, criminal tactic programs, and them are nice programs.

K: Do you think any of those might

P4: Committing a crime? Yes.

K: How do you think that would work?

P4: Because when you go to the programs and you sit down and read and they got little questionnaires that you read and you answer them and you watch videos on it. By like body languages and everything like that. So, by watching them you can see how

persons acts by how they carry themselves. And by then you know what you want to do in that situation, if you ever get put in that situation.

K: Do you think that your sentence, that you are serving now, and possibly fear of another sentence? Would that make a difference when you get out?

P4: Yes.

K: You think that might make a difference. You think that might factor somehow into whether or not you commit again? The sentence you serve now—do you understand what I mean by that?

P4: Yeah.

K: Yeah.

P4: Like, by me serving this crime, would I want to go out and do another crime to serve more time?

K: Because you have already served the sentence and you know what it's like being here.

P4: Yeah.

K: You think that would make any difference?

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

K: What else do you think may stop you from committing another crime when you get out?

P4: Probably, I hurt my Mom and Dad the most in this, because they didn't know what I was doing. I didn't tell 'em. I didn't let them know nothing about it. All of a sudden, one day I get arrested at 6:00 o'clock in the morning at the house.

K: At your home?

P4: Yeah, and it broke my Mom and Dad's heart. So, that would probably be the biggest reason I wouldn't want to come back.

K: So, your family.

P4: Yeah.

K: Your family would be a reason you don't want to have another sentence.

P4: Yeah.

K: Can you think of anything else?

P4: Yeah, watchin' my two older brothers go through this, that would probably be, 'cause they spent their whole lives in prison. So probably I wouldn't want to make a career out of this.

K: Anything else you can think of? Your thoughts, your feelings about the sentence you received? How it's impacted you? How it might impact you in the future?

P4: 'Cause it's always an example that they made of me so that I can look back and see if I do this, than this is what I got to look forward to. So if I don't do this, I can keep going like this. But if I choose to do this crime, this what I got to look forward to, so I know that I can base, that, this is see do I really want to do it or make that decision. So yeah, I can say this is an eye opener.

K: You said at the beginning that you didn't know you could get adult time.

P4: Yes.

K: If we were going to try to let the young adult people of the world know, how would you go about doing that?

P4: I think, I think if they knew a little bit better about the criminal system, about the justice system, that they knew that the crimes they were committing could be charged as an adult, I think they would have a better outlook on “Well, do I really want to do this” or “no”. Because a lot of the young people don’t know about the adult crime, they just think, Well, I’m a kid. They gonna give me kid time, and it’s not like that. They will charge you as an adult.

K: Where do you think we should go, who should we, who should have told you? Who do you think could have been a good source for you?

P4: Like middle school, ‘cause them kids are the kids committing crimes, like seventh and eighth grade.

K: Right.

P4: ‘Cause I was ninth grade when I caught my crime. So, probably middle school would be the best place to start. The Dare program and some of those activity things they have in school would be good for like that.

K: So like a Dare program or part of a Dare program, add that kind of information and talk about the justice system a little bit.

P4: Yeah.

K: Anything else you want to tell me? This is your voice.

P4: Uh, probably if they go to recreation centers and stuff like that where kids hang out. Because there is a lot of kids like in Columbus, there's a lot of places that kids go and hang out, like all these little rec centers. You could probably go there and talk to 'em. Because it would be good for kids to know about the adult system and they could be charged as an adult as a kid, and this ain't the way you want to be as a kid 'cause you gotta whole lotta life to live when you are a kid. You don't want to spend it in here.

K: Anything else?

P4: No.

Appendix O: Sample First Worksheet

Participant 4

Narratives/Meaning Chunks and Corresponding Codes With Possible Quotations

Horizontalization or data reduction based on the study's objectives and fields of inquiry. Narrations extracted that are relevant to the study frames of references, theoretical foundations, and purposes. These narrations are grouped together by meaning units or chunks of data (underlined) that identify meaningful topics based on research questions.

<p><i>General Deterrence, Adult Sanctions, Knowledge, Understandings and Perceptions</i> Questions 1-9 Narrative</p>	<p>Code</p>
<p>K: Question 1: When you were a juvenile, a juvenile offender. What was your understanding regarding possible adult criminal sentences?</p> <p>P4: They said if we take it to an adult court, it can be for an adult, it's a lot of time for an adult. So, at that time that when it hit me that I could be charged as an adult for it... I just knew right there <u>that it was over</u>. <i>Does not correspond to code. Yet, is relevant to perception of adult sentence.</i></p> <p>K: Were you told this before you committed your crime or after?</p> <p>P4: <u>After</u>, while I locked up going to court for it</p> <p>K: Before you were arrested for the offense for which you are here now, what was your understanding of the possibility of you being charged as an adult?</p> <p>P4: <u>I didn't think about it</u></p>	<p>GD-AS/N</p>

<p>what do you think the impact might have been on you?</p> <p>P4: <u>I would have thought about it a little bit better, before I would have did it. I would have got a better understanding about it before I would have did my crime.</u></p> <p>K: You think you would have taken it into account?</p> <p>P4: Yeah</p> <p>K: <u>Do you think perhaps you wouldn't have committed your crime?</u></p> <p>P4: <u>Well I wouldn't necessary say that</u> <i>Talking-back to clarify because my question suggested it was possible to hypothetically claim you would not have committed your crime.</i></p>	<p>GD-AS/HC</p>
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<p><i>Specific Deterrence</i> Question 10 Narrative</p>	<p>Code</p>
<p>K: Let's talk about the sentence you have served. Do you think your current sentence will impact your decision to go back out and commit another offense? Or re-offend?</p> <p>P4: <u>Nah, no I don't think I'll go out there and risk that. But I'm young, and I don't want to make any promises</u> that says no I will not... I'm going to go out there and try to do the right thing to the best of my knowledge, to the best I can. So I would say no, no I don't want to commit another offense, I don't want to be a re-offender.</p> <p>P4: <u>I was a kid and I wasn't thinking.</u> But now, as an adult I can look back and see what I did wrong....</p>	<p>SD-HD</p> <p>SD-D/M</p>

<p>P4: ‘Cause the guys I was hanging out with was, I was just <u>hanging out with older guys</u> and it really had an influence on me too so.</p> <p>K: Did anything about your time here have an impact on you that you think might affect you when you get out?</p> <p>P4: No</p> <p><i>However, upon further probing and questioning he revealed positive programming that may impact his decisions to reoffend or desists.</i></p> <p>P4: Yeah, cause I don’t want to be here. <u>This ain’t no place to stay by choice.</u> Cause I don’t want to come back.</p> <p>K: No, uh, programming here?</p> <p>P4: Yeah, I take some nice programs here.</p> <p>K: Do you think that might make any difference?</p> <p>P4: Yeah</p> <p>K: Can you tell me what kind of programs you think might make a difference?</p> <p>P4: <u>I took life changing programs</u>, power source, taking charge of your life, drug programs, Anger management, um, criminal tactic programs and them are nice programs</p> <p>K: How do you think that would work?</p> <p>P4: Because when you go to the programs and you sit down and read and they got little questionnaires that you read and you answer them and you watch videos on it.</p>	<p>SD-D/IC</p> <p>SD-D/T</p>
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<p>By like body languages and everything like that. <u>So, by watching them you can see how persons acts by how they carry themselves. And by then you know what you want to do in that situation, if you ever get put in that situation.</u></p>	
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<p>Question 11 Narrative</p>	<p>Code</p>
<p>K: What else do you think my stop you from committing another crime when you get out?</p> <p>P4: Probably, <u>I hurt my mom and dad the most in this.</u> Yeah, and it broke my mom and dad's heart. <u>So, that would probably be the biggest reason I wouldn't want to come back.</u></p> <p>P4: Yeah, <u>watchin' my two older brothers go thru this,</u> that would probably be, cause they <u>spent their whole lives in prison.</u> So probably I wouldn't want to make a career out of this.</p> <p>P4: ...but if I choose to do this crime, this what I got to look forward to, so I know that I can base, that, this is see do I really want to do it or make that decision. So yeah I can say <u>this is an eye opener.</u></p> <p><i>Potential Ways of Disseminating Knowledge of Adult Sanctions (Bindover)</i></p> <p>K: If we were going to try to let the young adult people of the world know, how would you go about doing that?</p> <p>P4: I think, <u>I think if they knew a little bit better about the criminal system, about the justice system that they knew that the crimes they were committing could be</u></p>	<p>SD-D/F</p>

<p><u>charged as an adult, I think they would have a better outlook on “well do I really want to do this” or “no”. Because a lot of the young people don’t know about the adult crime, they just think well I’m a kid. They gonna give me kid time and it’s not like that</u></p> <p>P4: Like <u>middle school, cause them kids are the kids committing crimes, like 7th and 8th grade... So, probably <u>Middle school</u> would be the best place to start. <u>The Dare program</u> and some of those activity things they have in school would be good for like that.</u></p> <p>P4: uh, probably if they go to <u>recreation centers</u> and stuff like that where kids hang out</p> <p>[Because it would be good for kids to know about the adult system and they could be charged as an adult as a kid, and this ain’t the way you want to be as a kid cause you gotta whole lotta life to live when you are a kid. You don’t want to spend it in here.]</p>	<p>GD-AS-DR,S</p>
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Appendix P: Sample Second Worksheet

Participant 4
 Meaning Units with Corresponding Codes and Themes in Brackets Indicate Possible
 Descriptive Narration

Adult Sanction Knowledge, Understandings and Perceptions and General Deterrence Meaning Units	Codes	Themes/Notes (In Italics)
<p>Knowledge/Understanding of Adult Sentences</p> <p>K: so you had never understood that you could be taken into adult court for adult sentences.</p> <p>P4: No, I didn't.</p> <p>I didn't think about it.</p> <p>K: so you had never understood that you could be taken into adult court for adult sentences.</p> <p>P4: No, I didn't.</p> <p>Hypothetical Knowledge and Possible Consequences</p> <p>[I would have thought about it a little bit better, before I would have did it. I would have got a better understanding about it before I would have did my crime.]</p> <p>K: Do you think perhaps you wouldn't have committed your crime?</p> <p>P4: Well I wouldn't necessary say that</p>	<p>GD-AS/N</p> <p>GD-AS/N</p> <p>GD/AS/DU</p> <p>GD-AS/HC</p>	<p><i>He had no knowledge or understanding of juvenile bindover or adult sanctions.</i></p> <p><i>If he had known, he would have engaged in weighing of consequences but still may have committed</i></p>

<p>(appears pensive, thoughtful).</p> <p>Juvenile Sanctions and the role they may have played in offending decisions and deterrence and corresponding perceptions/subjective logic.</p> <p>K: Did you ever think about punishment and the possibility of a sentence . . .</p> <p>P4: No</p> <p>K: So, you suggested that you really didn't think about punishment at all or, or sentence.</p> <p>P4: No, I didn't.</p> <p>P4: 'Cause now that I look back I see that it was wrong. I was a kid and I wasn't thinking.</p> <p>How should we disseminate education and knowledge to juveniles?</p> <p>[I think if they knew a little bit better about the criminal system, about the justice system that they knew that the crimes they were committing could be charged as an adult, I think they would have a better outlook on "well do I really want to do this" or "no". Because a lot of the young people don't know about the adult crime, they just think well I'm a kid. They gonna give me kid time and it's not like that]</p> <p>Middle school, 'cause them kids are the kids committing crimes.</p> <p>Middle school . . . the DARE program.</p>	<p>GD-JS/NRC</p> <p>GD-JS/NRC</p> <p>GD-JS/NRC-I</p> <p>GD-AS-DR</p>	<p><i>his crime.</i></p> <p><i>No rational choice decision making or consideration of juvenile sanctions possibly due to his young age</i></p> <p><i>Juveniles should be educated about juvenile bindover in middle schools and recreation centers so that they can think about consequences before they commit</i></p>
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Recreation centers.		<i>their crime.</i>
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Specific Deterrence Meaning Units	Codes	Themes/Notes (In Italics)
<p>How do you believe your current sentence might impact your decision to reoffend or desist? (Specific Deterrence impacts of Juvenile Bindover)</p> <p>[Nah, no I don't think I'll go out there and risk that. But I'm young, and I don't want to make any promises that says no I will not...I'm going to go out there and try to do the right thing to the best of my knowledge, to the best I can. So I would say "no," I do not want to commit another offense.]</p> <p>I was a kid and I wasn't thinking. But now, as an adult I can look back and see what I did wrong.</p> <p>Hanging out with older guys and it really had an influence on me too so.</p> <p>Yeah, cause I don't want to be here. This ain't no place to stay by choice. Cause I don't want to come back</p> <p>I took life-changing programs.</p>	<p>SD-HD</p> <p>SD-D/M</p> <p>SD-D/IC</p> <p>SD-D/T</p>	<p><i>He would most certainly like to desist and does not want to return to prison. But does not for certain and will make no promises. Growing up and programming are positive influences that he believes may help him desist.</i></p>

<p>So, by watching them you can see how persons acts by how they carry themselves. And by then you know what you want to do in that situation, if you ever get put in that situation</p> <p>What might stop you from committing crime in the future?</p> <p>I hurt my mom and dad the most in this... So, that would probably be the biggest reason I wouldn't want to come back.</p> <p>Watchin' my two older brothers go thru this..., 'cause they spent their whole lives in prison. This is an eye opener.</p>	<p>SD-D/F</p> <p>SD-D/IC</p>	<p><i>The possibility of hurting his family again is the primary reason that may impact his decision to desist from future offending</i></p>
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Appendix Q: Sample Third Worksheet

Thematic Patterns (Italics)

Discrepancies

Alternate Explanations

Paradigm Shifts

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

Patterns

1. *88% did not know anything about adult sanctions.*
2. *100% did not understand that they could be transferred, tried, and sentenced in adult criminal court*

Supporting Narratives

I had no understanding.

No idea that you could get an adult sentence.

Really, really wasn't none . . . they didn't give us no understanding . . . I don't have no understanding.

I ain't know about getting bound over.

Nobody knew!

If I'd known this, I wouldn't . . . I ain't never knew.

No understanding whatsoever.

I had no knowledge of sentences at all.

I didn't know that. I never heard about nobody coming here before as a juvenile at least I got bonded over, I never saw it coming.

Never heard of it.

I ain't know. I ain't know how much time I was going to face or what I was doing, nothing.

Before I committed my crime, I didn't have no understanding.

I just thought I was actually going to have to go to DYS.

I never thought I could go to prison at such a young age.

I didn't know juveniles got bounded over. I thought they just went to DYS.

We just always thought it was DYS until we was 18.

Discrepant Cases

12% had a vague idea from television that juveniles could be transferred to adult court. The following themes and supporting narratives are only applicable to the two participants who reported vague knowledge. Because the responses are not numerically

consistent throughout all participants, they are discrepancies in terms of patterns. Yet within-case analysis reveals significant themes.

Supporting Narratives

Participant 7: First response: Absolutely nothing.

Upon probing and repeated sequence questioning: Oh yeah, yeah, yeah, I've heard of that. I mean I don't know about the proceedings and all that, but, yeah, I've heard that you can get bound over as an adult . . . yes, yeah I think I did.

I would say it was extremely vague.

They said you were getting bound over; it shocked me completely.

Participant 5: At the time, I really never heard of anyone my age even getting tried as an adult, and I was only 14 whenever I got arrested and tried as an adult But I had most people I had heard of was 16. I didn't think of getting bound over or anything like that.

The following questions were only applicable to the two participants who had some knowledge of juvenile bindover:

Research Question 2: As a juvenile, where did you get your knowledge of sentencing?

These two participants heard of juvenile bindover from television news.

Supporting Narratives

I just heard of, like juvenile getting transferred on the news and things . . . on TV. Maybe on the news.

Research Question 3: If you had such knowledge, when did you learn about possible adult sentences?

Supporting Narratives

No, I can't say. I don't remember when.

Research Question 4: What was the influence of the source(s) on your understanding of possible sentencing? (Example: Was sentencing clearly explained to you?)

Research Question 5: What was the influence of the source(s) on your use of the knowledge about possible sentences? (Example: If the information came from a judge or a law book, you may have believed it or taken it more seriously.)

These two questions were considered together because only the same two participants (P5, P7) reported that they learned of adult sentencing of juveniles through television sources. Information and their recollections were vague, and they offered no other

thoughts about the possible influence of sources. Thus, Research Questions 4 and 5 yielded no meaningful responses.

Research Question 6: How much did you believe the source and why?

Both believed the source.

Supporting Narratives

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

Did you believe the news?

Uh [affirmative].

Research Question 7A: As a juvenile, how seriously did you consider the possible punishment and sentencing possibilities? (Note: For these two participants, juvenile bindover is a component of this question, unlike for the other participants).

These participants did not seriously consider adult sanctions prior to committing their offenses.

Alternate explanation for first participant: He may not have fully understood the seriousness of his offense. Accordingly, he did not consider sanctions or punishment as he deemed throwing a rock over an overpass as a "retarded juvenile prank." Moreover, he did not report any structures or relationship contexts that suggested his lived experiences included a criminal lifestyle.

Supporting Narratives

I wasn't thinking about that at all.

Not at all.

Follow-up Question: If you would have understood that juvenile bindover and adult sanctions applied to you and your offense, how seriously would you have considered it before committing your crime?

Pattern

All but one participant (92%) explained that they would have considered adult sanctions before committing their offense had they known and understood that they could receive them.

Specific Patterns

Many participants reported that they would not have committed their offense if they had known that adult sanctions could apply to them. This recognition indicates a hypothetical or possible paradigm shift based on sentence length and adult conditions.

Supporting Narratives

I wouldn't did it at all.

I'm pretty sure I wouldn't have done it. If I knew that I would get sentenced to 12 years in prison, and adult prison, I wouldn't have done it.

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

Yeah, 'cause I never thought I would end up in prison . . .but they don't know how, how serious the offense will be once it's committed. And, now kids are getting smacked with the law but they are getting smacked 10 years, 15 years, 20 years at a time.

Of the remaining participants, all but one reported that they would have considered adult sanctions before they committed their crimes but could not say that they would have desisted.

Supporting Narratives

You take anything into consideration if you know . . . you gotta think about it.

I can't say that [I would have desisted]. I might have . . . they are hard-headed, you gotta show 'em. I was hardheaded. That's how most juveniles still today.

If I knew, I can't say that I would have did things different, but I'd been more lenient. I wouldn't have been so quick to do this or do that. So, I would have been more careful...I would have stayed out of trouble.

Several reported that they would have significantly considered punishment before they committed their crimes if they had known they could receive adult sentences to be served in adult institutions.

Supporting Narratives

I think it would have made a big difference.

They always come back because they know that if the penalties ain't that or the consequences ain't going to be that rough.

Discrepant Case

One participant explained that because his offense was an accident, the question was inapplicable. He further reported that his youth may have further precluded weighing of punishment.

Supporting Narrative

No, because my crime was an accident.

I could think like an adult because I wasn't never experienced anything as an adult.

It was playing, I was a kid, I was playing.

Research Question 7B: As a juvenile, how seriously did you consider the possible punishment and sentencing possibilities?

None of the participant reported that they understood juvenile bindover and adult sanctions as applying to them. As a result, this question refers to juvenile sanctions and whether the participants engaged in any rational choice decision-making regarding juvenile punishment.

Pattern

The large majority (88%) of the respondents did not consider juvenile sanctions at all before they committed their offenses.

Supporting Narratives

You know, the punishment for committing the crime people don't think about that at the time that they commit crimes. I'm speaking because I know. . . . If they did, they wouldn't do what they did, you know?

No, I was just doin' it . . . I just did it.

It [DYS] really, didn't have an impact.

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

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

Discrepant Case

One participant reported that he did think of punishment: "I thought about it." Yet, he went on to explain that his mother was addicted to drugs, his aunt had just died, and he had a handicapped brother. He believed that they all needed help and that outweighed the risk of punishment:

I felt as though what I was doing, it was worth it.

I don't regret it.

Discrepant Case

The other participant who reported thinking of punishment further explained that he was homeless at 14 years of age and the need to survive outweighed punishment.

I've always had it in the back o0f my mind, but it was never rally, 'cause my situation it was small.

I was homeless; my parents had kicked me out I robbed housed a lot of houses to get by.

Pattern

Subjective meanings and logic lead to juvenile sanctions as a normative part of many participants' lives.

Supporting Narratives

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

It didn't scare me at all.

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

I got a gun and just went out and did it.

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

A lot of family members in prison because of playin' with guns.

I was kicked out at the time and I was hungry and I needed some money, so I was like I'm going to go out there and I'm going to do this.

I mean I didn't really have much of, uh, uh upbringing . . . my auntie smokes crack . . . my mom shoot heroin and smoke crack. Then I got another brother, he aint no angel.

You're wrong may be my right.

Research Question 8: If you considered possible punishment and sentencing possibilities, when did you do so—before, during, or after your decision to commit your crime?

Because of the minimal responses of only P5 and P7, Research Question 8 was inapplicable. The remaining participants, 10 (83%) attached various meanings to juvenile sanctions. These are further explored in their responses to Research Question 9.

Research Question 9: What contributed to your consideration of punishment and sentencing possibilities?

Pattern

Juvenile sanctions were not considered a serious risk.

Supporting Narratives

I just thought I was gonna be in jail for probably a couple of months or whatever.

I didn't care really . . . I was still young when I got out; juvenile detention centers is like daycare compared to here.

'Cause I just watch TV and it just show juveniles in DYS...DYS is easier than a piece of cake.

But, as a juvenile, it's a whole lot easier then being in prison.

I never that it would be that serious—the sentence.

Not really [didn't consider adult punishment] because I was a juvenile.

Discrepant Case

One participant explained that she did not consider punishment prior to committing her offense because she had never been caught: "'Cause I never got caught, I never got caught . . . they would never find us."

Research Question 10: How could your current sentence affect your possible future decision to reoffend or not commit a crime?

Pattern

A large majority of participants explained that their current sentence, including its length and conditions of incarceration, such as violence and loss of freedom, significantly affected their future intent not to reoffend.

Supporting Narratives

I haven't even experienced life. I would definitely think I ain't tryin' to go back to jail. Because of the conditions and also the way I'm being treated and also being away from my family, which hurt them more than it hurt me. So, I would never come back up here. I'm changing my life. I'm startin' me a family and try to do what's right 'cause this I don't wish this on nobody.

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

Oh, I'm not going to commit. I mean I'm going to try not to. I mean I can't really say, you know, but I'm going to try my hardest . . . 'cause everything that goes on in here.

Discrepant Cases

One participant reported that, although he did not want to return to prison, he had grave doubt about his ability to desist based upon his past experiences that had immersed his life in violence and anger:

I gotta bag a' bulls--t. There's a bunch of negativity and bulls--it in that bag, knives, guns, peoples' lives. Once I whip that bag of bulls--t out, I'm going back to my old ways, which I don't want.

Another participant explained that because of his long sentence and his perception of being "thrown away," the futility of his life and anger will lead him to reoffend: Everything is like F--k it! I don't care about nothing, nobody or whoever. I'm doing what I gotta to survive. Prison done took my life already, I don't care. What is a sentence, nothing? I just did 18 years for something that I didn't actually mean to do. So I'm going to do something now!

Alternate explanation: He believes that he was unfairly charged and sentenced, because his offense was an accident. This belief could impact his perceptions of his past and future choices.

One participant with a life sentence and possibility of parole after 45 years said he would be right back where he was at the age of 14, with nothing but a felony record. He does not want to recidivate, but feels that he might:

I can't say I ever want to, but I mean, I can't say I can't. I won't have nothing. . . .Just by being felons your work is cut off, you can't get many jobs and I think that's why most people reoffend because even if you want to get out there and do what you can, society won't let you.

Research Question 11: What might stop you from committing crime in the future?

Pattern

Insulators such as maturation, personal growth, and supportive family members were revealed as positively impacting half of the participants' abilities to desist.

Supporting Narratives

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

I grew and matured, found out life is more than just doing crime.

I was a kid and I wasn't thinking. But now, as an adult, I can look back and see what I did was wrong.

I got two sons and a daughter; that will stop me.

He—my pops—got a job waiting for me right now when I get out, so I'm pretty much in the door, so it's basically on me now.

Discrepant Cases

Two participants revealed their fears regarding finding employment with a felony record. They thought this lack might lead them to reoffend.

Supporting Narratives

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

I got no family. I've never had a job, I got no retirement saved up . . . pretty much I'm right back in the same situation I was at 14 where I don't have nothing. . . . I don't want to do that later in my life, but it's kind of like the state will force you to do that. Places won't hire you because you are a felon. . . . They get out, they can't get jobs, and this place don't teach you to do nothing.

Just by being felons, your work is cut off. You can't get many jobs, and I think that's why most people reoffend.

Discrepant Case

One participant explained that being on probation would provide the type of supervision that would help her desist from a criminal lifestyle.

Supporting Narrative

Like drugs, if I was dropped dirty, I'd be locked back up. I would have to get a job; I would have to live in a house that I live in standard, that has food, refrigerator, just no excons there. The people that would keep you out of trouble.

Research Question 12: Are there any other comments you would like to add?

Relevant Responses

Two participants took the opportunity to warn juveniles not to offend and end up in adult prisons.

Supporting Narratives

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

I feel like the adult should get more time than a juvenile 'cause a juvenile have more time to reform themselves.

No, juveniles need to stay out of trouble 'cause they not playin'. They smack people with the law book, and they are not showing no type of mercy. They making them do time, and I feel like juveniles just need to stay out of trouble.

Two participants commented on what they considered the absurdity of juvenile bindover.

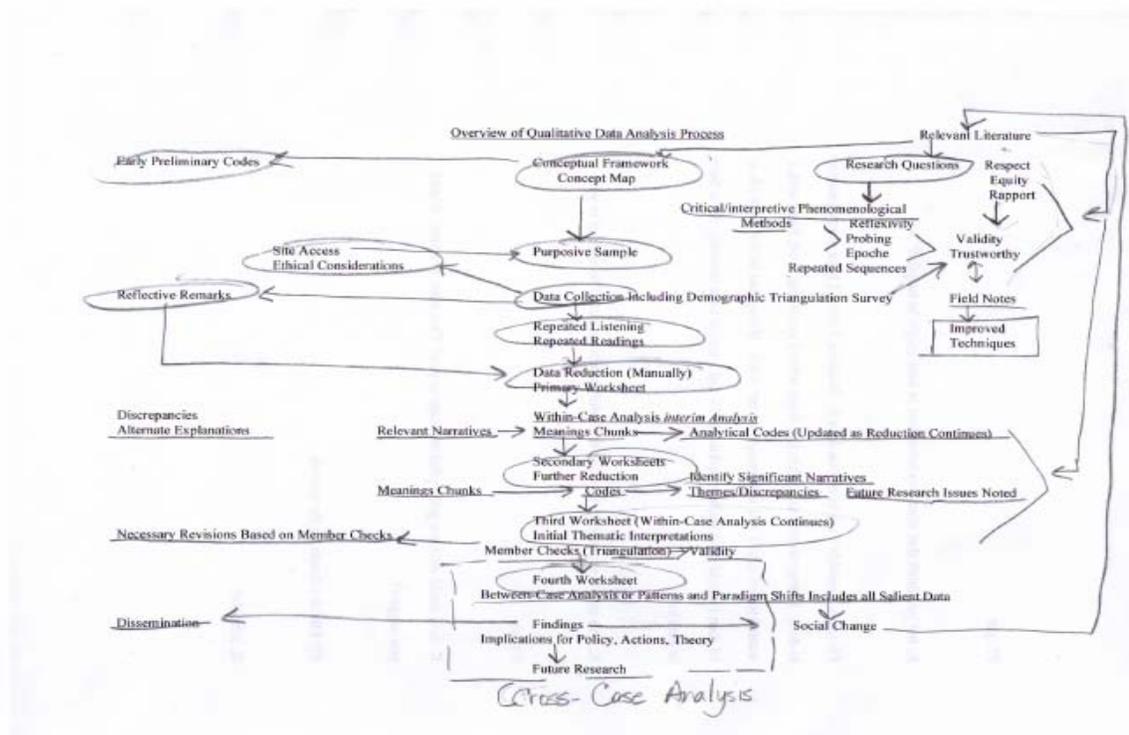
Supporting Narratives

I just feel like juvenile sentences is bizarre. It's crazy because we by juveniles coming here, they are not learning anything, nothing. But, I feel like sending juveniles to prison is stupid. It, it makes them angry.

I have my first adult case, and they gave me 18 years and no chance and no parole and no judicial check ups, no anything. It's just like you are going to do 18 years and then get out and whatever you do after that we don't care but we handle it any type of way you want to bring it.

If I do all my time, I don't even want to get out. There's no reason for it.

Appendix R: Overview of Data Analysis Process



From: Miles and Huberman (1994), p. 308.

Curriculum Vitae

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Education

Doctor of Philosophy - Public Policy and Administration Walden University, Minneapolis, MN Doctoral dissertation: Incarcerated Adults Sentenced in Adult Criminal Court While Juveniles: Knowledge, Understanding, and Perceptions of Their Sentences G.P.A. 4.0	Anticipated 2010
Master of Arts - Public Policy and Administration Ohio State University, Columbus, OH	1999
Juris Doctorate University of Toledo College of Law, Toledo, OH	1988
Bachelor of Science - Criminal Justice Arizona State University, Tempe, AZ	1985

Relevant Professional Experience

Assistant Professor Capital University, Bexley, OH Responsible for developing curriculum and teaching the following courses in the Criminology and Sociology Departments: Sociology of Law, Juvenile Delinquency, Social Deviance and Social Control, Class and Crime and Principles of Sociology.	2005-2007
Adjunct Professor Capital University, Bexley, OH Responsible for developing curriculum and teaching Sociology of Law, Juvenile Delinquency, Social Deviance and Social Control, and Principles of Sociology	1999-2005

Project Coordinator Ohio State University, Columbus, OH Supervised graduate students and conducted and analyzed research related to study entitled: Juvenile Justice Policy Reform: The Sentencing Impacts of Legislative and Judicial Waiver of Juvenile Offenders	1997-1998
Special Assistant to the Chief of Staff and Chief Counsel Office of the Attorney General of Ohio, Lee Fisher, Columbus, OH Provided legal support for both the Chief of Staff and Chief Counsel. Acted as Executive Agency lobbyist and advised the agency on policy initiatives.	1995-1997
Associate Attorney Squire, Sanders & Dempsey Attorneys at Law, Columbus, OH	1992-1994
Judicial Clerkship, United States Court of Appeals, Sixth Circuit Columbus/Cincinnati, OH	1990-1991
Judicial Clerkship, United States District Court Toledo, OH	1988-1990

Community Service

Law Advisor, High School Mock Trial, New Albany, OH	2007-2009
Columbus Museum of Art, Collections Board	2001-2003
Big Brothers and Big Sisters of Ohio, Board	2000
National Council of Jewish Women	1998-2000
Jewish Family Services, Board	1999
Communities in Schools	1998

Honors and Awards

Valedictorian, University of Toledo Law School	1988
The Order of the Coif, University of Toledo Law School	1988
Outstanding College of Law Graduate, University of Toledo Law School	1988
Summa Cum Laude, Ohio State University	1999
Pi Alpha Alpha Honor Society, Walden University	2009

Professional Affiliations

Member, American Bar Association
 Member, American Society of Criminology
 Member, American Society for Public Administration
 Member, Columbus Bar Association
 Member, Ohio State Bar Association

Research Grant

95-DG-G02-7250 (Principal Investigator, C. Ron Huff) 1999
 Office of Criminal Justice Services, State of Ohio
 Juvenile Justice Policy Reform: The Sentencing Impacts of Legislative
 and Judicial Waiver of Juvenile Offenders in Ohio

Presentations

4th International Social Sciences Conference, Nashville, TN December 2009
 Paper Presentation: *What Do They Know? Juveniles Tried as Adults
 and the Need for Qualitative Data to Inform Evidence-Based Policy*

Walden Research Symposium, Dallas, TX January 2010
*Incarcerated Adults Sentenced in Adult Criminal Court While
 Juveniles: Knowledge, Understanding, and Perceptions of
 Their Sentences*

Academy of Criminal Justice Sciences Conference, San Diego, CA February 2010
 Pictorial Showcase: *A Critical Analysis of Research on Deterrence
 Of Juvenile and Adult Offenders and Call for Qualitative Studies*

American Society of Criminology Conference, San Francisco, CA November 2010
 Paper Presentation: *Juveniles Transferred to Adult Criminal Court:
 No Knowledge, No Understanding, No Application of General
 Deterrence: An Interpretive Phenomenological Study*

References

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