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An Evaluation of Juvenile Lifers in Pennsylvania Pre and Post Act 33 of 1995

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Walden University

College of Social and Behavioral Sciences

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Kieshia Martin

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Walden University
2018

Abstract

An Evaluation of Juvenile Lifers in Pennsylvania Pre and Post Act 33 of 1995

by

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MSW, Kutztown University, 2008

BS, Kutztown University, 2004

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

Walden University

August 2018

Abstract

Act 33 of 1995 is an amendment to Pennsylvania's Juvenile Act (2008). This amendment changed jurisdictional boundaries for juvenile offenders who committed violent crimes with weapons. As a result, youth who committed violent crimes with weapons were automatically transferred to the adult criminal justice system. Using punctuated equilibrium as the theoretical foundation, the purpose of this study was to determine if Act 33, as a punctuating event, resulted in an increase in the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole in an urban county in Pennsylvania. Secondary data ($N = 143$) were acquired from the Pennsylvania Department of Corrections on juveniles sentenced to life without the possibility of parole in Pennsylvania pre and post Act 33. Chi-square test with 2-way contingency table analysis was used to analyze the data. Results did not indicate a statistically significant association between the numbers of juveniles transferred to the adult criminal justice system and sentenced to life without the possibility of parole and the implementation of Pennsylvania of Act 33. The positive social change implications of this study include recommendations to the Pennsylvania legislators to increase state funds in order to implement service integration for juvenile lifers returning to the community.

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Dedication

I started this journey long ago. I wanted to educate and inform people about the implications of policies. After I had my son, Leghend Ari Martin, I was destined to become an agent of change. I wanted to make sure that he would know how to understand and analyze the policies that impact his day-to-day life. I want him to know how to advocate and fight for injustices that he will face because of his skin color. I want my son to know that this wasn't easy, but it sure is worth it!

Acknowledgments

To my Mother, Nurse Harvey, Meka and Tawanna, I want to thank you all for being there with me through the ups and downs and always encouraging me to push forward. I want you to know that I appreciate all of the support that you provided me. You put up with all of my attitudes and outbursts and allowed me to work through the process. I want to thank my committee members for standing by me through this process. Most of all I want to thank God for giving me the chance to be Dr. Martin. Who would of thought that this could happen to me. I'm just a kid from Reading...

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Chapter 1: Introduction to the Study

Get-tough-on-crime laws, such as the Adam Walsh Child Protection and Safety Act (2006) and Violent Crime Control and Law Enforcement Act (1994), are recognized by the nation's political leaders as a social investment (Jensen & Howard, 1998; Mole & White, 2005). These laws are geared towards enhancing public safety. Public safety campaigns, public services announcements, local initiatives, and financial incentives are provided to government and private agencies that adhere to these new standards. Juvenile violent crime has risen and fallen over the last few decades. Despite the fluctuation of juvenile violent crime, policymakers are unwilling to amend punitive juvenile laws unless they are challenged in the courts (Benekos & Merlo, 2008; Office of Juvenile Justice and Delinquency Programs [OJJPD], 2012; Young & Gainsborough, 2000).

Researchers have discussed transfer and waiver laws; however, scholars have not examined whether Pennsylvania's get-tough-on crime approach has criminalized more youth by excluding them from the juvenile justice system. Researchers have not determined if there is a connection between juvenile life without the possibility of parole (JLWOP) sentences and Act 33 of 1995 (Kurlychek & Johnson, 2004; Redding, 2003; Steiner & Wright, 2006). An analysis has not been conducted to assess the number of youth transferred or waived to the adult criminal justice system in an urban County in Pennsylvania for committing a violent crime and sentenced to life without the possibility of parole pre and post Act 33.

The purpose of this study was to determine if Act 33 has increased the number of youth transferred to the adult criminal justice system and sentenced to life without the

possibility of parole in an urban County in Pennsylvania. The findings were used to develop recommendations to address unintended consequences of this legislation.

This chapter provides a historical background of the juvenile justice system, Pennsylvania's juvenile transfer laws, and JLWOP sentences. The study examined Act 33 of 1995 and JLWOP sentences in Pennsylvania. The chapter also provides an overview of the literature that was reviewed in preparation for this study. The chapter concludes with an overview of the methodology that will be explained in Chapter 3.

Background

The U.S. juvenile justice system was established in the early 19th century. The U.S. juvenile justice system was created based on the philosophy that juveniles are different than adults. The underlying belief was that juveniles are “developmentally different from adults and more responsive to rehabilitation efforts, and therefore should not be held criminally responsible for their actions” (Mole & White, 2005, p. 1). The juvenile justice system was designed to provide individual, supportive responses to youth who committed delinquent acts (Clear & Cole, 2003). The system was created to hold juveniles accountable for their actions without destroying their life opportunities. The goal of the juvenile justice system was to provide rehabilitation for the youthful offenders.

Different reform movements shifted the focus of the juvenile justice system from rehabilitation to punishment. Each reform movement was sparked by concerns of violent juvenile offenses and public safety. These concerns have become the center of political

agendas, which lead to cases being fought in the courts, new legislation, and new methods of addressing crime (Clear & Cole, 2003).

A series of U.S. Supreme Court decisions have changed the character and procedures of the juvenile justice system. *Kent v. United States* (1966) determined that the courts must provide the essentials of due process in transferring the juvenile to the adult criminal justice system. Since that time, lower courts have shared dissenting opinions of the higher courts' decisions and have cast doubt on the validity of the higher court. The validity of the Kent decision has been questioned in two lower court cases. In *Interest of B.* (1982), a juvenile was waived to the criminal justice system with the court taking testimony from the district attorney. The Wisconsin Supreme Court determined that juveniles could be waived to the criminal court without adhering to all rights guaranteed by due process. In *States v. Jacobs* (1984), the Vermont Supreme Court determined that the criminal court could maintain jurisdiction for the offenses committed by the juvenile despite the defendant's request to be transferred to the juvenile justice courts.

In Re Gault (1967) determined that juveniles facing an adjudication of delinquency and incarceration have certain procedural rights afforded by the due process clause of the 14th Amendment. The court determined that juveniles accused of crimes in a delinquency proceeding must be afforded many of the same due process rights as adults, such as the right to timely notification of the charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel. Subsequent U.S. Supreme Court decisions used *Gault* as a reference to challenge court decisions. Some

cases agreed with the *Gault* decision, others dissented the *Gault* opinion. *McKeiver v. Pennsylvania* (1971) determined that the due process rights guaranteed by the U.S. Constitution are not identical for juveniles and adults. This case determined that the right to trial by jury does not apply to cases handled in the juvenile courts, as there would be no distinction between juvenile and criminal court systems.

Breed v. Jones (1975) determined that the waiver of juveniles to criminal court following adjudication in juvenile court constitutes double jeopardy. A juvenile cannot be subject to trial and conviction in the juvenile court and then sent to the criminal court for the same offense. This case has been cited in several subsequent appeals and has not been overturned. *Eddings v. Oklahoma* (1982) determined that a defendant's youthful age should be considered a mitigating factor in deciding whether to apply the death penalty.

Stanford v. Kentucky (1989) determined that the minimum age for death penalty is 16. These landmark decisions have criminalized juveniles compared with courts of previous decades. Juveniles have acquired more rights commensurate with adults. They have been vested with greater responsibility for their actions under the law (Clear & Cole, 2003; United States Department of Justice [DOJ], 1996, 2012).

Current Juvenile Justice System

The juvenile justice system has undergone many changes in recent years due to Supreme Court decisions and public outrage with violence (Clear & Cole, 2003; OJJDP, 1996, 2012). OJJDP (2012) stated, "Perceptions of a juvenile crime epidemic in the early 1990s fueled public scrutiny of the system's ability to effectively control violent juvenile offenders" (Overview). Laws have been changed to increase public safety and to reduce

recidivism. Harsh sentencing laws, get-tough-on-crime campaigns, and zero tolerance legislation expanded the circumstances under which juvenile offenders could be tried in adult criminal courts. The premise behind this change was that some juveniles are beyond rehabilitation and should be held accountable for their actions (Mole & White, 2005). Mole and White (2005) stated, “All states have legislation which determines how juveniles are handled in their respective jurisdictions” (p. 5).

The Juvenile Act (2008) is a Pennsylvania statute that provides the courts with general provisions in juvenile matters. The legislation has been amended several times since its enactment in 1972. The chapters in The Juvenile Act describe judicial procedures for both juvenile delinquency and dependency issues that come before the court. This legislation is Pennsylvania’s chief vehicle for intervening in the lives of youth who require the state’s intervention. This legislation provides the Pennsylvania juvenile justice system jurisdiction of youth between 10 and 18 years of age that violate the law.

Law violations by juveniles are typically considered to be delinquent acts rather than crimes. There are several offenses that exclude juveniles from the juvenile justice system in Pennsylvania. The exclusions allow juveniles to be transferred to the adult criminal justice system. Juveniles may be transferred or waived into the adult criminal justice system by discretionary waiver, presumptive judicial waivers, and statutory exclusion. Mole and White (2005) stated, “Regardless of how a case is transferred or waived, once juveniles are sent to the adult criminal justice system [and certified as adults], they lose their legal status as minors and become fully culpable for their behavior” (p. 6).

A discretionary waiver is used when there is

a prima facie case that the child committed the offense alleged and there are "reasonable grounds to believe" that (a) "the public interest is served" by the transfer, and the child is not subject to commitment to a mental institution (Juvenile Act, 2008). The law specifies a number of factors that must be considered in making the public interest determination, including the child's amenability to treatment, supervision, and rehabilitation, which must be determined with reference to a long list of subfactors. Except under certain special circumstances (see Presumptive Waiver), the Commonwealth has the burden of establishing by a preponderance of the evidence that the public interest would be served by a transfer and that the child is not amenable to treatment, supervision, and rehabilitation. "The court's decision to grant or deny a transfer is not immediately appealable" (Juvenile Act, 2008).

A presumptive waiver is used when

the burden of establishing by a preponderance of the evidence that the public interest would not be served by a transfer and that the child is amenable to treatment, supervision, and rehabilitation. The burden rests with the child rather than the Commonwealth where a prima facie case is made out that (a) a child of at least 14 used a deadly weapon in the commission of a felony or (b) a child of at least 15 committed any offense that would be excluded from the definition of delinquent act (see Statutory Exclusion) if it had been committed with a deadly weapon (Juvenile Act, 2008).

In 1995, the Juvenile Act was modified in response to the public's concern with the rise in violent crimes committed by juveniles (Juvenile Court Judge's Commission [JCJC], 1997). In March 1996, Act 33 of the amendment to The Juvenile Act was enacted. Act 33 of 1995 established a statutory exclusion to the juvenile courts. This statutory exclusion allows youth under the age of 18 to be automatically tried as an adult for a number of crimes. Prior to 1995, only youth who were charged with murder were automatically charged as adults.

A statutory exclusion

automatically transfers juveniles to the adult criminal system if accused it finds that of murder, or if fifteen years of age or older at the time of the offense and accused of using a deadly weapon during the commission of one of the following offenses: rape, involuntary deviate sexual intercourse, aggravated assault, robbery, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt or conspiracy to commit murder or any other previously listed crime. If fifteen years of age or older and previously adjudicated delinquent for any of the above-listed crimes prior to the current charge, the juvenile will also be transferred to adult court for criminal proceedings. (Juvenile Act, 2008)

Act 33 also changed the goals of the juvenile justice system. The youth who violated the law and who remained under the juvenile justice system's jurisdiction were introduced to Balanced and Restorative Justice (BARJ). BARJ is a

response to crime that allows the juvenile justice system to devote attention to making amends with the victims and communities, increasing offenders'

competencies, and protecting the public through processes in which victims, the offenders, and the community are all active participants. (OJJDP, 1997, “Introduction” para. 2).

BARJ promotes youth redemption, victim restoration, and community protection.

Sentencing

Juveniles who are certified as adults and convicted of a crime in Pennsylvania are sentenced according to the Pennsylvania Sentencing Guidelines. Sentences could be as lenient as a monetary fine or as severe as life in prison without the possibility of parole. Pennsylvania is one in 34 states that allow juveniles to be sentenced to life without the chance of parole (Nellis & King, 2009). Pennsylvania has the highest number of juveniles who are serving life without parole sentences in the world (Nellis & King, 2009).

Juveniles who are sentenced to life without the possibility of parole (JLWOP) experience physical and sexual abuse, higher incidences of suicidal ideation, and harsher sentences than adults who commit similar offenses (Benekos & Merlo, 2008; Massey, 2006). JLWOP are not presented with the same opportunities as their counterparts who remain in the juvenile justice system. They are not provided the same resources and tools to become productive members of society. These juveniles are warehoused in correctional facilities for extensive amounts of time. These lengthy terms of incarceration are leading to increasing costs for tax payers and society.

Recent Changes in Life Without Parole Sentences for Juveniles

In 2005, *Roper v Simmons* determined that it was unconstitutional and a violation of the eighth amendment for a juvenile to be sentenced to the death. Since that time,

attitudes toward juvenile offenders have relaxed. However, the get-tough laws still exist, and the judges in Pennsylvania still have discretion to use the life without the possibility of parole sentences for juveniles.

Graham v. Florida (2010) determined that juveniles could not be sentenced to life without the possibility of parole except in murder cases. This case was a victory for advocacy groups that believed that JLWOP was unconstitutional. This decision was overturned in a subsequent U.S. Supreme Court decision, *Miller v. Alabama* (2012). In *Miller v. Alabama*, the U.S. Supreme Court deemed mandatory JLWOP sentences to be unconstitutional. The decision does permit the courts to use discretion while using mitigating circumstances when determining the sentencing of juveniles in criminal court. Pennsylvania has developed legislation in accordance with the U.S. Supreme Court's ruling, Act 204 of 2012.

Act 204 of 2012 amended Pennsylvania's Crimes Code (2010), Judicial Code (2010), and Prisons and Parole Code (2010). This amendment permitted the courts to consider mitigating factors, such as age-related factors, the offender's degree of culpability, and threat to public safety when considering JLWOP. This amendment establishes new sentencing requirements for juveniles convicted of first- and second-degree murder. These sentencing requirements leave life without the possibility of parole as an option for juveniles convicted of first-degree murder. This amendment does not make these new sentencing requirements retroactive.

Subsequent court cases have used *Miller v. Alabama* to appeal court decisions. In *Jackson v. Norris* (2013), the Arkansas Supreme Court affirmed JLWOP is

unconstitutional. *Jackson v. Norris* asserted that juveniles who commit murder can be classified as a murderer; however, the punishment cannot be life without parole. This case was remanded to lower courts for reconsideration.

JLWOP sentences are being challenged in lower courts in respect to retroactivity. *Toye v. State* (2014), a Florida District Court of Appeals, determined that *Miller v. Alabama* applies retroactively to provide post-conviction for juvenile homicide offenders sentenced to mandatory terms of life without the possibility of parole. The case was remanded to the circuit courts for resentencing.

Montgomery v. Louisiana (2016) determined that all juveniles who were sentenced to life without the possibility of parole to be unconstitutional. It ensures that the *Miller v. Alabama* decision is applied retroactively. Despite these decisions, Pennsylvania has not moved towards applying this decision retroactively. A judge in Chester County, PA has decided to bypass the resentencing hearings for JLWOP and has instructed these individuals to apply for parole with the Pennsylvania State Board of Probation and Parole.

Pennsylvania State Board of Probation and Parole has re-evaluated all the JLWOP sentences. Each juvenile lifer has been resentenced. Some of the juvenile lifers have been released from prison, some have been given tasks to work on before parole would be granted and some were re-sentenced to life in prison. Lawmakers are beginning to assess the collateral consequences of the JLWOP sentences.

Problem Statement

The objective of Act 33 was to reform Pennsylvania's juvenile justice system due to the increase in violent crime and public fear (JCJC, 2008). BARJ was introduced as a way to provide juvenile offenders with resources and tools to become productive members of society by holding them accountable for the offenses they committed. Act 33 also changed jurisdictional boundaries for juvenile offenders who committed violent crimes with weapons. The youth who committed violent crimes were excluded from the juvenile justice system and transferred to the adult criminal justice system. They were excluded from the juvenile justice system because they were thought to be unsalvageable.

Act 33 was re-examined during the 20th anniversary of BARJ. Legislators had the opportunity to assess the impact of the youth who have been excluded from the juvenile justice system. They had the chance to see if the policy did what it was intended to do. There is no data to show the results of the assessment. This study can be used to show the impact of juveniles transferred to the adult criminal justice system and sentenced to life without the possibility of parole after the implementation of Act 33.

The youth who are excluded from the juvenile justice system would benefit the most from the balanced and restorative justice principles, youth redemption, victim restoration, and community protection. However, the youth were transferred to the adult criminal justice system and left to fend for themselves. The provisions of Act 33 have transferred an increased amount of younger, first-time offenders to the adult criminal justice system (Griffin, Torbet, & Syzmanski, 2008). The transfer and conviction of these

youth have collateral consequences on families and communities (Caravelis, Chericos, & Bales, 2011). These convictions have social and economic costs associated with them.

It is difficult to attach a monetary figure to the cost of crime (Brown, 2004; Dossetor, 2011). Costs associated with crime could be physical, social, and emotional. Dossetor (2011) identified costs associated with crime as the “lost productivity of those individuals committing the crime as well as their victims, and the intangible costs such as fear of crime, pain, suffering and lost quality of life” (p. 1). Myers and Spraitz (2011) explored the economic costs of transferring youth to the adult criminal justice system and found that it was economically and socially better to retain youth in the juvenile justice system as the youth are able to rehabilitate.

Keeping the youth in the juvenile justice system is a social and financial investment (Myers & Spraitz, 2011). Myers and Spraitz stated, “The net balance of the program costs, the costs of subsequent crime, and costs of opportunities lost to the juveniles themselves might allow a constructive discussion of the economic consequences of change” (p. 9) in the transfer of youth to the adult criminal justice system.

It costs \$68, 270 per year to incarcerate an aging inmate (The Campaign for the Fair Sentencing of Youth [CFSY], 2013). The average cost to place a juvenile delinquent in a residential facility is \$240.99 per day (Juvenile Justice Policy Institute, 2009, p. 1). The average length of placement between 2004 and 2009 was 6.85 months (CFSY, Resources, “Facts and Infographs”, 2013). The average cost for this placement was \$49, 523 (CFSY, resources, “Facts and Infographs”, 2013). It costs \$11, 810 per year to

educate a child (CFSY, Resources, “Facts and Infographs”, 2013). The costs to incarcerate one juvenile for life would educate 169 children per year (The Campaign for the Fair Sentencing of Youth, 2013). According to report estimates, it costs \$2.5 million to incarcerate a child for life without the possibility of parole in the United States (CFSY, “Facts and Infographs”, 2013).

Prison is not an economically efficient means of reducing reoffending; a number of sentencing options are more effective and more efficient than standard prison sentences, including community-based sentences and enhancements to standard prison sentences (Abrams, 2013; Zedlewski., 2009). Several community-based interventions reduce reoffending when compared with standard prison sentences, including residential drug treatment, surveillance, and surveillance with drug treatment (Abrams, 2013; Zedlewski., 2009). These interventions produce cost savings when compared with standard prison interventions. Additionally, there are several enhanced prison sentences that both reduce reoffending and save public sector and social costs when compared with standard prison sentences. These include educational and vocational interventions, sex offender treatment, offender behavior interventions, and drug treatment.

Purpose of the Study

The purpose of this study was to determine if Act 33 has increased the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole in an urban in Pennsylvania. This urban county was selected as the area to study because it is the founding place for the humane and salutary treatment of the incarcerated (Pennsylvania Prison Society, 2018). This county also saw the birth of what

we now know as the Prison Society. The Prison Society is a leading advocacy agency for offenders. The Prison society's efforts shaped correctional practices in Pennsylvania and beyond (Prison Society, 2018).

The study examined the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole between 1991 and 2001. This timeframe takes a glimpse at juveniles sentenced to life without parole pre (1991-1995) and post (1996-2001) Act 33. The study evaluated secondary data provided by the Pennsylvania Department of Corrections.

Significance of the Study

The purpose of this study was to determine if Act 33 has increased the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole (JLWOP) in an urban county in Pennsylvania. Pennsylvania has a high number of juveniles who were transferred to the adult criminal justice system and have been sentenced to life without parole (Nellis & King, 2009). This county has the highest number of JLWOP on Pennsylvania. The goal of JLWOP sentences are punishment, retribution, and incapacitation (Nellis & King, 2009).

Opponents of this sanction have advocated for change in judicial practices. The Pennsylvania Coalition for the Fair Sentencing of Youth (PACFSY, 2012) is an advocacy group that argues that youth transferred to the adult criminal justice system have not reached the legal age for adult standards. Other laws recognize differences between youths and adults. Youth were not afforded the same rights and responsibilities because lawmakers recognized their inability to make adult decisions in those areas. Youth are not

able to vote, smoke cigarettes, get married, join the military, or make any other life changing decisions because they are mentally incapable of making well-informed decisions.

Proponents of JLWOP, such as the National Organization of Victims of Juvenile Lifers (NOVJ), claim that laws are made to protect the U.S. citizens. They argued that “all men are created equal” (U.S. Declaration of Independence, 1776). Laws are made to protect the U.S. citizens. Those who violate the laws should be punished accordingly. Age, gender, and race should have no bearing on the punishment. Proponents of JLWOP state that although the offenders are juveniles, they committed adult crimes and should be punished as adults. They are in favor of retribution or life for life in prison. This issue will continue to be battled in the courts and through legislation.

Nature of the Study

A quantitative study that comprised of secondary analysis of archival government data was used for this study. The data was obtained from the Pennsylvania Department of Corrections. The study was conducted to assess if there was an increase in the number of youth transferred to the criminal justice system (dependent variable) in the urban county in this study as a result of Act 33 (independent variable). Act 33 is an amendment to a Pennsylvania law that changed the criteria to transfer juveniles who commit violent crimes to the adult criminal justice system.

The OJJDP (2000) conducted a study on Pennsylvania’s transfer and waiver laws and found that there was not a systematic way of collecting data during the late 90s. I requested files for juveniles transferred to Pennsylvania’s Department of Correction from

1991 to 2001 by using the Right to Know Law. I requested data on variables such as the age, sex, and race of the juvenile, as well as the crime committed by juveniles. These variables were used to identify trends in data. I used the chi-square test to perform statistical analysis on the data. I used the statistical analysis to determine if Act 33 and/or these variables had an impact on the transfer of youth to the adult criminal justice system and JLWOP sentences between 1991 to 2001.

OJJDP (2000) looked at criteria that were used in transfers to the adult criminal justice and decisions, as well as the impact of Act 33 in three urban counties in Pennsylvania (Philadelphia, Allegheny, and Dauphin). OJJDP found that African American youth in these counties were excluded and waived from the juvenile justice system at a higher rate than any other race. OJJDP supported the theory of the disproportionality of African American youth in the criminal justice system. OJJDP's research led to an initiative whose mission was to "eliminate the overrepresentation of youth of color in the Pennsylvania juvenile Justice system by advocating strategies for policy changes, education programs, funding and technical assistance at the local and state levels" (Pennsylvania Disproportionate Minority Contact Youth/Law Enforcement Corporation, 2015, "What is DMC", para 1).

Jordan (2012) and Myers (2003) examined the impact of Act 33 in Pennsylvania. Jordan and Myers focused on the rate of recidivism of the youth who have been transferred to the adult criminal justice system as a result of Act 33. Each study yielded different results. Myers suggested that rates of recidivism increased when juveniles were transferred to the adult criminal justice system. Jordan claimed that juveniles transferred

to the adult criminal justice system have a lower recidivism rate compared to juveniles who commit similar crimes but remain in the juvenile justice system.

Loeffler and Grunwald (2015) examined the transfer of juveniles to the adult criminal justice system in Pennsylvania. Loeffler and Grunwald focused on juveniles who were convicted of drug offenses and transferred to the adult criminal justice system. Loeffler and Grunwald suggested that the rate of recidivism decreases when juveniles are transferred to the adult criminal justice system. However, Loeffler and Grunwald did not provide insight on youths who committed violent crimes or youths sentenced to life without the possibility of parole. Loeffler and Grunwald mentioned Act 33; however, the study was based on juveniles transferred/waived to the adult criminal justice system in Pennsylvania.

The studies that were mentioned discussed different aspects of the impact of Act 33. These scholars explored the impact of youth who have been excluded from the criminal justice system. Researchers have not examined the impact of Act 33 on life without parole sentencing. Scholars have discussed JLWOP sentences and transfer laws, but not whether there is a relationship between the two. This study filled this gap in literature by exploring the relationship between the two.

Research Questions and Hypotheses

BARJ has received positive reviews due to the progress that has been made in the Pennsylvania juvenile justice system; however, the excluded youth have been forgotten. The purpose of this study was to determine if Act 33 has increased the number of youth transferred to the adult criminal justice system and sentenced to life without the

possibility of parole in the county under study in Pennsylvania. The study will examine the number of youth who have been criminalized, marginalized, and penalized. The following question was used as the basis for this research:

RQ 1: Has the implementation of Act 33, the amendment to the Juvenile Act, changed the number of youth who have been transferred to the adult criminal justice system and subsequently sentenced to life without the possibility of parole in an urban county in Pennsylvania?

H0: The number of youth sentenced to life without the possibility of parole in an urban county is independent of the implementation of Act 33.

H1: The number of youth sentenced to life without the possibility of parole in an urban county is not independent of the implementation of Act 33.

Theoretical Framework

Punctuated Equilibrium in Social Theory (PET) was used as the theoretical framework for this study. PET theorists examine changes in policy. According to PET, there is stasis and then radical changes in policy due to various influences (Baumgartner & Jones, 2009). The concepts in this theory help to explain the continuum of changes in the criminal justice policy. This theory includes radical changes in policy due to political subsystems and agenda setting (Baumgartner & Jones, 2009; Boushey, 2012).

The Juvenile Court Act (1901) was Pennsylvania's first juvenile law. The law was enacted to give the court's jurisdiction in presiding in juvenile matters. The law's constitutionality was challenged and amended in 1903. The law was amended several times based on the public's attitude toward juvenile crime. The law was questioned,

which created opportunities for change (Boushey, 2012; True, Jones, & Baumgartner, 2006). The changes were a result of bounded rationality decision making. Bounded rationality is a concept that can be used to explain the changes in the law (Baumgartner & Jones, 2009; True et al., 2006). According to bounded rationality, policymakers have not considered all problems or developed solutions for them. Policymakers develop laws that promote their agenda. Amendments are needed to highlight the voids in the laws to address issues that did not rise to the top of the previous agenda. The amendments to the law were incremental changes made in response to the public's concern with juvenile matters.

In the late 20th century, juvenile crime continued to receive attention. Pennsylvania's Juvenile Act (1972) was enacted as a result of evolutionary changes made by the U.S. Supreme Court. The landmark decisions, *Kent v. United States* (1966), *In re Gault* (1967), and *In re Winship* (1970) determined that juveniles should be afforded with the same due process rights afforded to adults. Incremental changes continued to occur to the law until 1995 when a revolutionary change occurred. Act 33 of 1995 changed the mission and vision of Pennsylvania's juvenile justice system and the way that juvenile matters were handled.

Act 33 of 1995 resulted from the public's reaction to an increase in violent crime being committed by juvenile offenders, such as rape, robbery, aggravated assault, and drug offenses (JCJC, 1997). The media provided coverage on juvenile violent crimes in the 90s. The "crisis" identified by the media caused a largescale change in the Juvenile Act. JCJC (2008) stated, "Pennsylvania's legislature acted to restrict the juvenile court's

jurisdiction over a number of serious felonies and also redefined the court's basic mission to incorporate 'balanced and restorative justice' principle" (p. 21).

PET provided a theoretical lens to view Act 33 of 1995. Policies, such as Act 33, that are developed to address controversial issues should be evaluated to determine if the policy should be reinforced or changed. This study can be used to advocate for change of this policy. The results will be used to provide feedback on the consequences of this policy if this policy is not achieving its intended goal.

Definition of Terms

Act 33 of 1995: An amendment to The Juvenile Act (2008). Act 33 created a direct file transfer that allows youth who commit the following crimes to be automatically transferred to the adult criminal justice system: rape; involuntary deviate sexual intercourse; aggravated assault; robbery; robbery of a motor vehicle; aggravated indecent assault; kidnapping; voluntary manslaughter; or an attempt, conspiracy, or solicitation to commit murder (Juvenile Act, 2008). The reforms of this amendment criminalized juveniles compared with courts of previous decades. Juveniles have acquired more rights commensurate with adults; they have been vested with greater responsibility for their actions under the law (Clear & Cole, 2003, DOJ, 1996, 2012).

Balanced and Restorative Justice (BARJ): "A response to crime that allows the juvenile justice system to devote attention to making amends with the victims and communities, increasing offenders' competencies, and protecting the public through processes in which victims, the offenders, and the community are all active participants" (OJJDP, 1997, "Introduction" para. 2).

Bounded rationality: “The limits upon the ability of human beings to adapt optimally, or even satisfactorily, to complex” (Simon, 1989, p. 12).

Disproportionality: Racial disparity.

Equilibrium: “Long periods of stability” (Gersick, 1991, p. 12).

Evolution: A process of slow change and development (*Merriam-Webster’s Online Dictionary*, n.d.).

Juveniles sentenced to life without the possibility of parole (JLWOP): Youth who are sentenced to life in prison without the possibility of being released back into society. The sentence was mandatory in some jurisdictions prior to *Miller v Alabama* (2012) for certain crimes. The judges were able to sentence youth who committed certain crimes without considering the youth’s life circumstances.

Parole: Early release of a prisoner who is then subject to continued monitoring as well as compliance with certain terms and conditions for a specified period (*The Free Dictionary*, n.d.).

Policy images: Beliefs and values concerning policies (Baumgartner & Jones, 1991).

Policy punctuations: From time to time, policy deviates from its long-established equilibrium as issues shift from incremental decision-making processes within institutional subsystems to the realm of macropolitics (True et al., 2006).

Policy venues: Institutional locations where authoritative decisions are made concerning a given issue (Baumgartner & Jones, 1991)

Punctuated equilibrium theory (PET): Used to measure and explain long periods of policymaking stability and policy continuity, disrupted by short but intense periods of instability and change (Baumgartner & Jones, 2009).

Revolution: Periods of change (Gersick, 1991, p. 12).

Stasis: “A state or condition in which things do not change, move, or progress”

(*Merriam-Webster’s Online Dictionary*, n.d.).

The Juvenile Act (2008): A statute in Pennsylvania that provides the courts with general provisions in juvenile matters. The chapters in this legislation describe judicial procedures for both juvenile delinquency and dependency issues that come before the court. This legislation is Pennsylvania’s chief vehicle for intervening in the lives of youth who require the state’s intervention. The legislation has been amended several times since its enactment in 1901.

Assumptions

Empirical questions have been raised about PET in previous research (Crow, 2010; Wolfe, 2012). Scholars questioned why some policy institutions and policy venues cause policy changes and others do not (Crow, 2010). These concepts can also be used to identify patterns in the policy change system.

There are several assumptions associated with PET. Each scholar adds a different lens to view the theory. Crow (2010) identified policy images, policy venues, and new actors to policy change as the core tenets associated with PET. Mayasari (2010) identified four core tenets of PET: if-then assumptions, radical change, timing, available resources, and a multilevel analysis. According to Mayarsi, PET rejects the if-then assumption. The

theory does not follow a linear pattern. Changes occur, and results are not an exact science.

Gersick (1991) identified six theories that can explain the assumptions of the punctuated equilibrium paradigms. These theories share common events. They each have periods of equilibrium with incremental change and revolutions that alter the structure (Gersick, 1991; Mayarsi, 2010). Assumptions associated with this framework can be viewed from an individual, group, organizational, scientific, biological, and/or grand theory paradigm (Gersick,1991; Mayarski, 2010).

Policies have long periods of stability with short, rapid changes. Policies can be changed when the right conditions are in place. Legislators are responsible for creating new, modified, or improved policies that are responsive to the public outrage. Media can direct attention to different aspects of the same issue and shift attention from one issue to another. However, media attention does not cause policy change directly; it typically precedes or follows the change.

It is important to find a systemic approach to policy reform. Incorporating strategies where the public can participate in policy reform would ensure the legitimacy of the policy process. Allowing the voice of the public to be heard is vital when assessing the impact of policies in the community.

The Juvenile Act was amended in response to an increase in juvenile violent crime (JCJC, 2008). Public safety was a concern of throughout the United States at this time (OJJDP,1996, 1997, 2000). This concern gained attention from the media. Questions were raised as to what could be done to reduce violent crime among juveniles.

Legislators responded by amending the Juvenile Act and introducing Act 33 of 1995. Act 33 was created to hold violent offenders accountable for their actions through adult sentencing options (JCJC, 1997). Policy change occurred when the existing policy was questioned.

Scope and Delimitations

Crime is perhaps the most serious type of behavior over which society must gain control. Laws are developed to establish guidelines for behavior and sanctions for violations of those guidelines (Clear & Cole, 2003). Act 33 of 1995 was a result of a get-tough-on-crime campaign in Pennsylvania (JCJC, 2016). Although there has not been an increase in juvenile crime, policymakers are unwilling to amend the laws to reflect the current level of crime (Benekos & Merlo, 2008; OJJPD, 2012; Young & Gainsborough, 2000). The harsher penalties of the get-tough-on-crime-campaign unfairly punish juveniles who are transferred to the adult criminal justice system (Benekos & Merlo, 2008).

Legislators enacted Act 33 to hold violent juvenile offenders accountable for their actions through adult sentencing options. The legislators claimed that this would help increase public safety. The youth who are certified as adults do not receive consequences that are developmentally appropriate. However, youth who are transferred to the adult criminal justice system are more likely to reoffend (Steiner & Wright, 2006).

Legislators assumed that juveniles who commit violent crimes will not respond to rehabilitation. The youth are not automatically enrolled in rehabilitative programs in prison. Snyder, Sigmund, and Poe-Yamagata (2000) claimed that juvenile youth

incarcerated in adult prisons do not have support and services while incarcerated. They are often the last inmates to be accepted to programs. The youth do not have the opportunity to repair the harm caused to the victim and/or the community.

Summary and Transition

Politicians believe that Act 33 benefits the general public while imposing costs to juvenile offenders. Offenders can advocate for policy change; however, it will not be a part of the decision making or evaluation process. These offenders have little political power and the inability to oppose such laws. Politicians have little incentive to deviate from the general public's desire for more punishment (Nicholson-Crotty, Peterson, & Ramirez, 2009); therefore, they will continue to implement laws that appear to reduce violent crime.

There has been scarce research on the impact of Act 33 on JLWOP. The results of this study were used to analyze the transfer and waiver of juveniles in Pennsylvania who commit violent crimes to the criminal justice system between 1991 and 2001. I also examined the sentencing outcomes of these youth. I evaluated whether or not the legislation benefits the general public while imparting costs on juvenile offenders. Chapter 2 will provide an in depth look at previous research on the topic and gaps that support the need for this study.

Chapter 2: Literature Review

Introduction

There is scant research on Act 33 of 1995, juveniles who have been transferred to the adult criminal justice system, and JLWOP in Pennsylvania as a result of this legislation. There are no data to show whether or not the enactment of the legislation has achieved the policy goals. It is unknown if the results of the legislation are coherent or contradictory to the policy goals. This research was necessary to understand the implications of this legislation.

There are advocates and opponents of Act 33. Supporters of transferring juveniles to the adult criminal justice system believe that current policies have succeeded in lowering the crime rate (Clear & Cole). King, Mauer, and Young (2005) stated, “Advocates of increased use of incarceration have contended that the significant growth in incarceration has been the primary factor responsible for this reduction [in crime]” (p. 1). Proponents of Act 33 claim that tougher sentencing laws and longer incarceration periods deter future crime (Clear & Cole, 2003).

Opponents of incarceration as a crime reducing strategy for juveniles transferred to the adult criminal justice system do not believe that crime can be controlled through the use of incarceration (Clear & Cole, 2003; King et al., 2005). Opponents to incarceration as a crime reducing strategy believe that other societal factors such as employment and education, contribute to reductions in crime. King et al. stated that “prison as punishment is ineffective in deterring offenders, but education makes a

substantial difference to recidivism” (p. 1). Opponents of Act 33 of 1995 are requesting reform from legislators due to the unintended consequences of this policy.

The intent of this study was to investigate the impact of Act 33 of 1995. I assessed whether or not there has been an increase in the number of youth sentenced to life without the possibility of parole as a result of the implementation of Act 33 of 1995. The study filled the gap in literature by providing insight on Act 33 and JLWOP.

Literature Search Strategy

An extensive search was used to collect data on Act 33 of 1995 and JLWOP in Pennsylvania. Information was collected from peer-reviewed and non-peer-reviewed articles, Internet sources, and books. Key concepts were identified and searched separately. I examined the secondary data that to ensure that they met the needs and purpose of study. Data may have been intended for consumption by particular groups that differed from the present project. Finally, the data were verified to ensure that I used quality material in this research.

Peer-reviewed and non-peer-reviewed articles were found using Google Scholar and the Walden University Library search engines such as Ebscohost and ProQuest. In peer-reviewed articles, scholars document research or an experiment that have been conducted. These articles present data to substantiate or unfound a theory. Peer-reviewed articles are considered to be creditable sources of information. These articles are evaluated by other scholars in a peer review process before being published. Non-peer-reviewed articles also provide information to readers. These articles are categorized as substantive, popular, and sensational news (Engle, 2013). Substantive

news may or may not use references in the articles. Popular and sensational news do not cite any sources. The language used in these articles is easily understandable. Non-peer-reviewed articles are not reliable sources of information. These articles do not require more than one editor's review prior to being published.

Internet sources need to be evaluated for accuracy, reliability, and value of the source prior to being used (Harris, 2007). The author should be credible source of information, the accuracy of the information should be confirmed, the information should be reasonable and there should be research to validate the data. (Harris,2007). Following these guidelines will help the reader to determine the quality of the source.

Theoretical Foundation

Punctuated Equilibrium Theory (PET) was selected as the theoretical basis for this study. PET states that policies remain in stasis and equilibrium for a period of time but undergo policy shifts due to punctuations. During stasis, decision-making around an issue is stable. The policy is enacted and being monitored. The public is educated on the benefits of the policy and the policy goals. Research is conducted to support the policy. The policy is viewed in a positive light. The equilibrium is punctuated when an event occurs to disturb that stasis.

Punctuated equilibrium is described as evolutionary change that takes place in short periods of time tied to events (Baumgartner & Jones, 1993). During this punctuation, the issue gains attention through the media. The media mobilizes new actors and identifies a shift in social norms. The media coverage also increases salience and

prioritization of an issue, which could be considered agenda setting. There is a call for action to rectify the disturbance.

PET was used to provide a theoretical lens to view Act 33 of 1995. This perspective provided insight as to how punctual change, the perceived rise in juvenile violent crime, interrupted the stasis of the Juvenile Act (2008). The punctual change led to the development and implementation of Act 33 of 1995.

History

PET in public policy stems from biological punctuated equilibrium theory. The biological punctuated equilibrium theory was developed in 1972 by Eldridge and Gould. This theory was developed to explain the evolution of fossil records (Givel, 2010). This theory states that species will remain in stasis for most of their lives. The theory proposes that species only change due to rare and rapid events. Major concepts of this theory are punctual change and stasis. This theory does not identify radical changes that disturb the stasis; instead, gradual changes in the species cause a change. Change occurs due to genetic variability. Change occurs over a long period of time. Mutations and migration are the basis for genetic variability of a species.

Baumgartner and Jones (1993) adopted this theory to explain the evolution of policies. PET states that changes in public policy occur due to disturbances that demand attention (Baumgartner & Jones, 1993; Givel, 2010; John, 2003; Robinson, 2006). The theory has some attributes of Kingdon's multiple streams theory. According to the multiple streams theory, there are three streams in the policy process: problems, policies, and politics (John, 2003). Each stream has the capacity for input from the media. PET

asserts that punctuations in policies occur when problems are sensationalized by the media. Politicians respond to public outrage and modify or create laws to make the public feel safe.

The biological and social theories have similarities and differences. Both theories identify a period of stasis that is interrupted by punctuation. Significant changes in policy occur when the right conditions are in place (Kingdon, 2011). Differences between the theories include “time frames for change, what constitutes outside disturbances of equilibrium, venues of punctuated equilibrium, levels of analysis for change, and patterns of change” (Givel, 2010. p. 187).

Research

PET has been used in longitudinal studies of agenda setting and decision making. PET research has been used to increase understanding of decision-making process. Baumgartner and Jones (1993) developed PET to showed that there is stability and change in the policy making process. Scholars have studied this theory and have developed new theoretical concepts in relation to PET. These developments have broadened the applications of this theory (Epp & Baumgartner, 2014; Robinson, 2006; True et al, 2006).

Scholars have conducted empirical and theoretical analyses of PET. The research has advanced PET. PET moved from a historical context to a distributional movement (Crow, 2010; Epp & Baumgartner, 2014). This change does not provide a chronology of historical events that occurred with the policy; however, it provides a general overview of the changes that occurred.

Some scholars have rejected PET. These scholars claim that PET does not provide concrete evidence of evolutionary policy change. These scholars state that punctuations are short lived and reversed in a short period of time (Crow, 2010; Markel, 2011; Prindle, 2006; Workman, Jones, & Jochim, 2009). The punctuations that are presented could be issues that are easily fixed and should not appear on political agendas. Prindle (2006) believed that Baumgartner and Jones's approach to PET ignores the causal processes behind punctuations. Researchers are not able to attribute causal processes as in the evolutionary theory of Gould. Prindle stated that Baumgartner and Jones's "formulation has no grounding in operational definitions of stasis and sudden change and is therefore a metaphor rather than a causal theory" (p. 11).

Other scholars have accepted PET. These scholars have been able to identify policy change based on radical events that occurred (Romero, 2009; Wolfe, 2012). PET is used to explore policy change and stability based on policy images and policy venues. Policy images are how the policy is viewed and understood by the public (Baumgartner & Jones, 1991). Policy venue is a set of institutions where policy decisions are made (True et al., 2006). The interaction between venues and images can result in long periods of stability or short periods of intense change. Policy changes can be influenced by images portrayed in the media. The media has the ability to shape the public's views in positive or negative ways. The media sets the stage for shifts in attention required for policy change (Wolfe, 2012).

Punctuations are large policy changes that relate to periods of attention to particular policy issues, driven by external events. The increase in violent crimes

committed by juveniles led to juveniles being punished more harshly for their violations against laws. The changes in juvenile laws were a result of the need to reduce violent crime and to keep the public safe.

PET was used in this study to describe the policy change in the Juvenile Act due to the perceived rise in violent juvenile crime in Pennsylvania. The rise in juvenile crime can be seen as the punctual change that jeopardized the stasis in the predominant juvenile justice law in Pennsylvania. A statistical analysis was used to assess the impact of the punctual change that occurred. I also assessed whether or not the change in the policy impacted the number of juveniles sentenced to life without parole in Pennsylvania.

Criminal Justice Laws, Public Attitudes, and JLWOP

Federal, state, and local laws are based on the U.S. Constitution. The laws that are based on the U.S. Constitution were established to protect and defend the rights of common citizens (Clear & Cole, 2003; Lynch & Michalowski, 2000). However, the laws that have been created are complex. The policies are driven by a need for a crime-free society (Clear & Cole, 2003).

U.S. laws have changed from the colonial era to the present. Laws that have been created “have shifted from one era to the next and they have been influenced by societal factors” (Clear & Cole, 2003, p. 58). Policies have reflected changes in the social, economic, and political environment of society (Clear & Cole, 2003). The goals of punishment and the forms of criminal sanctions have changed. For example, prisons were introduced in the colonial era; however, they were not used as a form of punishment, but rather a place to hold offenders until after their trial (Clear & Cole, 2003). Prisons are

now used to incapacitate offenders. Clear and Cole (2003) stated, “Incapacitation assumes that society can, by detention in prison or execution, remove an offender’s capacity to commit further crimes” (p. 66).

There have been many reforms in criminal laws that impact the punishment of juvenile offenders (Clear & Cole, 2003). The battle between liberalism and conservatism has created an ongoing conflict between the criminal justice system, individual rights, and society. Clear and Cole (2003) claimed, “Social change is brought about by diverse elements in society that place questions on the political agenda, lobby for new policies, and an urge an end to existing policies” (p. 59). In the literature review, I will describe the juvenile justice system, transfer laws, and public attitudes towards juvenile offenders. All of these concepts are consistent with the scope of this study.

Juvenile Justice System

Several researches have looked at the evolution of the juvenile court system (Feld, 1997; Jensen & Howard, 1998; Marquis, 2011). The goal of the juvenile justice system has changed from rehabilitation to incapacitation due to the get-tough legislation. The reforms in the juvenile justice system criminalized juveniles compared with courts of previous decades. Juveniles have acquired more rights commensurate with adults; they have been vested with greater responsibility for their actions under the law (Marquis, 2011).

Feld (1997) called for a separation in social welfare and the criminal justice system. Feld discussed the abolishment of the juvenile justice system and suggested one criminal justice system that would handle all criminal cases. Feld recommended the

creation of one criminal justice system that would acknowledge the culpability of juvenile offenders and alleviate sentencing disparities. The courts could apply standards that would be used uniformly. Other scholars have advocated for the separation of juvenile offenders and adult offenders based on the juvenile's ability to be rehabilitated (Fagan, 2008; Flynn, 2008; Marquis, 2011; Massey, 2006; Mole & White, 2005; Thompson, 2011).

Pennsylvania's Act 33 maintains delineation between the juvenile justice system and the adult criminal justice system. This policy excludes youth from the juvenile justice system who are not deemed to be amenable. The youth are incapacitated and rarely rehabilitated in the adult criminal justice system. If the juvenile justice system was dismantled, it would reverse years of progress. The sentencing outcomes for the youth would be unfair, according to Kurlychek and Johnson (2004). Kurlychek and Johnson assessed the sentencing outcomes of youth in Pennsylvania by comparing the sentences of juveniles who were transferred to the adult criminal justice system in Pennsylvania. Kurlychek and Johnson used the focal concerns theory to examine the adult court sentences for both populations. Kurlychek and Johnson found a significant difference in the sentencing outcomes for juveniles and young adult offenders.

Pennsylvania's Transfer and Waiver Laws

Research has been conducted to examine the transfer policies throughout the United States, but primarily in Pennsylvania. Researchers used data that were primarily collected from criminal justice agencies and databases. Public policies will adapt to changing legal conditions and social pressure. For example, scholars showed that, despite

Pennsylvania's implementation of Act 33 of 1995, juveniles were transferred to the adult criminal justice system at the same pace prior to Act 33 (Griffin, 2003; Snyder et al., 2000). Snyder et al. (2000) showed that the exclusion provision had little impact on juveniles transferred to the adult criminal justice system in Pennsylvania.

Other scholars assessed the effects of adjudicating and sentencing juveniles as adults and found varying results as to whether or not transfer laws deter crime (Dharamrup, 2009; Redding, 2003; Steiner & Wright, 2006). Redding (2003) provided information on collateral consequences of transfer laws based on previous research. Redding found that juvenile offenders who are transferred to the adult criminal justice system endure lifelong sentences. The juveniles are labeled as criminals and have to live with the stigma attached to it. Juveniles recidivate at higher rates than their counterparts in the juvenile justice system. The juveniles have difficulty transitioning into adulthood and have difficulty obtaining an education and employment. These juveniles are not offered rehabilitative services.

Steiner and Wright (2006) assessed the general deterrent effects of juvenile transfer laws in 14 states in the United States. Steiner and Wright determined that the juvenile transfer laws had little effect on juvenile crime. Dharamrup (2009) examined the impact of juvenile transfer laws on the juvenile violent crime rate. According to Dharamrup, the juvenile transfer laws were enacted in Oklahoma to reduce the amount of juvenile violent crime. Dharamrup determined that there was no statistical significance in the reduction of crime due to the transfer laws that were enacted in Oklahoma.

Dharamrup (2009) provided a historical chronology of the juvenile justice

systems and the landmark decisions that changed it. Dharamrup assessed variables that impacted the juvenile violent crime rate and the transfer of juveniles from the juvenile justice system to the adult criminal justice system in Oklahoma and Missouri. Dharamrup determined that race was a determining factor for the juvenile crime rate and transfer to the adult criminal justice system. African Americans were adjudicated and transferred to the criminal justice system at higher rates than any other race. Dharamrup identified other gaps in the literature that needed to be filled. Dharamrup suggested a duplication of this study in other states to determine if the stricter waiver laws impact juvenile violent crime rate.

Griffin (2003) provided data on juvenile transfer laws throughout the United States. Griffin stated that transfer decision criteria are consistent with common interpretation of the law. The transfers of juvenile offenders to the adult criminal justice system are reserved for the most serious juvenile offenders. There are some jurisdictional differences in the laws (Griffin, 2003). Griffin identified information gaps in the criminal processing of juveniles nationally. Griffin requested national reliable case statistics of juveniles charged as adults to gain a better perspective on this phenomenon.

Fagan (2008) questioned the purpose of transfer and waiver system for juveniles into the adult criminal justice system. Fagan did not believe that the transfer process reduces crime. Fagan recommended legislative reform that will reduce the culpability of juveniles. Fagan requested a reassessment of the juvenile justice system and reform of the transfer and waiver system. Griffin provided conventional ways in which this process can be reduced and eventually eliminated. Fagan acknowledged that juvenile offenders

should be accountable for their actions, but Fagan claimed that there needed to be a requesting a better approach to punishment.

Transfer laws have no deterrent effect on juvenile crime. However, scholars have not discussed the impact of the transfer/waiver of juvenile violent offenders on life without the possibility of parole sentences. An analysis on Act 33 and LWOP will help to fill the gap in literature.

Public Attitudes Towards Juvenile Crime and Transfer Laws

In the 1990s, public policies were changed to reflect the public's perception of juvenile crime. Nicholson-Crotty et al. (2008) assessed whether or not public sentiments impact policy making. Nicholson-Crotty et al. conducted a single time series to explore multiple dimensions of public mood regarding policy making. Public sentiment was the independent variable and public policy was the dependent variable. Nicholson-Crotty et al. explored two dimensions of the public's sentiments: The public's preference for more or less government impacts the creation of public policy and the public's preferences for more or less punitive criminal justice policies impact the creation of public policy.

Nicholson-Crotty et al. hypothesized that policy makers will adjust criminal justice policy in response to shifts in public attitudes. Nicholson-Crotty et al. found that criminal justice policies respond to the second dimension of public mood. Nicholson-Crotty et al. provided an alternative way to explore the relationship between public sentiments and criminal justice policy. his study appears to fill a gap in the literature as no previous work has examined multiple dimensions of public policy making (Nicholson-Crotty et al., 2008).

The information that was presented in Nicholson-Crotty et al.'s (2008) study can support the need for a cost benefit analysis of juvenile transfer laws in Pennsylvania. If the public is informed on the impact of these policies, the public sentiments could be used to amend the laws to increase the benefits and reduce costs associated with this policy. There is a need for further exploration on this subject (Nicholson-Crotty et al., 2008).

Scott, Reppucci, Antonishak, and Deganarro (2006) assessed the attitudes towards the culpability and punishment of juvenile offenders. Scott et al. focused on the attitudes of the public. Scott et al. hypothesized that the public's attitudes towards the culpability and punishment of young offenders would be based on the age, race, and physical maturity of the offender. Scott et al. claimed that the public would hold younger offenders less accountable due to their psychological development. Scott et al. believed that African American juveniles would be perceived as more psychologically mature, more responsible, and deserve harsher punishment than Caucasian juveniles.

Scott et al. also believed that juvenile offenders who appeared physically mature would be perceived as more psychologically mature, more responsible, and deserve harsher punishment than youth who appeared to be his/her age. Scott et al. revealed the public's awareness of the lack of culpability of young offenders (Scott et al., 2006). Scott et al. also revealed that the public feels that there is a need for revised punishment of youth offenders. The public recognizes that the crimes committed by the juvenile offenders do not contain the same elements as crimes committed by adults (*actus reus*, *mens rea*, concurrence, and causation); therefore, the youth should not be held to the same standards. Scott et al. showed the difference in culpability of juvenile and adult

offenders. In my study, I explored the impacts on youths who have been held to the same standards as adult offenders.

Benekos and Merlo (2008) examined the relationship between juvenile justice policies (dependent variable) and public attitudes (independent variable). Benekos and Merlo wanted to know if the softening of the public's attitude has impacted juvenile justice policies. Benekos and Merlo examined juvenile transfer laws, juveniles incarcerated with adults, and juveniles sentenced to life without the possibility of parole. Benekos and Merlo were opponents of legislation that permit juvenile offenders to be sentenced to life without the possibility of parole. Benekos and Merlo pointed out the inconsistency in state laws regarding this issue. Benekos and Merlo were in favor of new legislation that would eliminate JLWOP. Benekos and Merlo invited further research on JLWOP as landmark decisions such as *Roper v. Simmons* continue to be made.

Nunez, Dahl, Tang, and Jensen (2007) conducted a quantitative survey design using case vignettes as a part of the survey in order to get the participants' perceptions of juvenile offenders who are charged with serious crimes and the decision to transfer them to the adult criminal justice system. Nunez et al. use random sampling to obtain the population and sample for the research. Nunez et al. examined mitigating and contextual factors that are used when determining the trial venue for juvenile offenders charged with serious crimes. Nunez et al. hypothesized that age and history of abuse would impact the public's opinion on sentencing. Nunez et al. believed that the public would favor more lenient sentences on younger offenders who have been abused versus older offender who have not been abused.

Nunez et al. also believed that the younger abused offenders would remain in the juvenile justice system instead of being waived/transferred to the adult criminal justice system. Nunez et al. claimed that mitigating factors should be taken into consideration when determining if a juvenile should be transferred to the adult system. When mitigating factors are taken into consideration, juveniles are less likely to be waived to the adult system and are more likely to receive lenient sentences. This research was useful in my study because it explores juvenile offenders who are charged with serious crimes (Nunez et al., 2007).

Garberg and Libkuman (2009) conducted a quantitative research and used case vignettes as a part of the experiment. Garberg and Libkuman used random sampling to obtain the population and sample for the research. Garberg and Libkuman hypothesized that a moderated relationship would exist between perceived responsibility, perceived guilt, and transfer decisions. Garberg and Libkuman believed that as responsibility increased, transfer and guilty verdicts would increase. Garberg and Libkuman showed that participants believed that the punishment should be proportional to the level of involvement in the commission of a crime. A relationship exists between the perceived responsibility, perceived guilt, and transfer decisions. This research provides information on the public's sentiment toward this population. The public's sentiment is used to fuel policymakers who propose legislation in response to the public's demand (Garberg & Libkuman, 2009).

Juveniles Life Without Parole Sentences

JLWOP sentences have been at the center of debate. Politicians and social scientists have examined the consequences of the nation's war on crime to discover that the length of incarceration has an impact that extends far beyond the adults and juveniles who are imprisoned (Massey, 2006; Fagan, 2008; Mole & White, 2005). Consequently, questions are now being raised about the impact of JLWOP.

Landmark decisions that challenged the constitutionality of JLWOP sentences have been made in the U.S. Supreme Court. *Roper v Simmons* (2005), *Graham v. Florida* (2010) and *Miller v. Alabama* (2012) are recent U.S. Supreme Court decisions that have impacted JLWOP sentences. The *Graham v. Florida* decision determined that it is unconstitutional to impose a harsh sentence on a juvenile convicted of a non-homicide offense, largely because developmental and scientific researchers demonstrate how juveniles—including those who commit violent crimes—possess a greater capacity for rehabilitation, change, and growth than adults do, and they are less blameworthy for their criminal conduct. *Miller v. Alabama* (2012) determined that mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on cruel and unusual punishments and that a judge or jury must have the opportunity to consider mitigating circumstances before imposing the harshest possible penalty for juveniles.

Massey (2006) and Flynn (2008) discussed the impact of a landmark decision case *Roper v. Simmons* (2005). *Roper v. Simmons* determined that it was unconstitutional for juveniles to be sentenced to death. Massey and Flynn stated that JLWOP is a violation

of the eighth amendment of the U.S. Constitution because it is cruel and unusual punishment. Massey stated that the JLWOP sentence violates international law and increases financial costs to the criminal justice system.

The United States is the only country that has implemented JLWOP sentences in recent years. Juvenile offenders are less culpable than adults due to their psychological and neurological deficiencies; therefore, they should be held accountable for their actions based on those factors (Flynn, 2008; Marquis, 2011; Massey, 2006; Mole & White, 2005; Thompson, 2011). The cost to house JLWOP has soared due to the length of incarceration, housing costs, and costs to treat the elderly population (Wetzel, 2011). The scholars did not excuse or condone the behavior of juvenile offenders but did ask for fair and reasonable sentencing for this population (Flynn, 2008; Marquis, 2011; Massey, 2006; Mole & White, 2005; Thompson, 2011).

Researchers have urged policy makers for legislative reform for get-tough-on-crime policies that were enacted when juvenile crime appeared to be at an all-time high. Scholars have identified the costs associated with transfer laws. Scholars urge for further research in this area to show the implications of transfer laws (Fagan, 2008; Flynn, 2008; Massey, 2006; Marquis, 2011; Mole & White, 2005; Thompson, 2011). The underlying circumstances contributing to the increase in JLWOP have yet to be examined and addressed by researchers or policy makers. Available research in these areas indicates a connection between experiences of violence as well as economic and social pressures.

I conducted a secondary analysis for this quantitative study. I assessed whether or not there were changes to the number of JLWOP in this county as a result of the

implementation of Act 33. I used quantitative research methods to analyze the data.

Chapter 3 provides an in depth look at the methods used to conduct this study.

Chapter 3: Research Method

Introduction

The purpose of this study was to determine if Act 33 has increased the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole in an urban county in Pennsylvania. A secondary analysis was conducted to determine whether the number of juveniles transferred to the criminal justice system and sentenced to life without the possibility of parole sentences for juveniles has increased as a result of Act 33. I used information from Pennsylvania's Department of Correction. The data were not intended for this study but will provide information needed to conduct this study.

In this study, I evaluated the impact of Act 33 of 1995 in relation to JLWOP sentences. This study will contribute to the body of knowledge by providing information on juveniles transferred to the adult criminal justice system in this urban county in Pennsylvania and their sentencing outcomes. There are numerous studies by OJJDP, JCJC, MacArthur Foundation, Pennsylvania's Department of Corrections, and other scholars that provide information on the dispositions and outcomes for juveniles who remain in the juvenile justice system in Pennsylvania, but there are scarce data on juveniles who are transferred to the adult criminal justice system serving life without the possibility of parole.

This chapter will provide information on the research design and rationale for the study. This chapter includes the methodology that was used for this study, threats to

validity in the study, ethical concerns in the study, and the summary and transition that lead to the results and conclusion of the study.

Research Design and Rationale

This quantitative study assessed the impact of Act 33 on the number of juveniles transferred to the adult criminal justice system and sentenced to life without the possibility of parole in an urban county in Pennsylvania. This study used secondary analysis of archival government data obtained from the Pennsylvania Department of Corrections. A secondary analysis was the method selected for this study because it “can provide a cost-effective way of addressing issues, conducting cross-national comparisons, understanding country-specific and local conditions, determining the direction and magnitude of change -- trends, and describing the current situation” McCaston, 2005, p. 8).

Possible Types and Information Sources of Data

Engel and Schutt (2005) stated, Secondary data surveys “are obtained from publicly available data archives, from another researcher, or even from one’s own previous projects, which were designed to address some other research question” (p. 266). I sought publicly available data archives for this study as it was it fastest most economical way to obtain data. Several public organizations were contacted and several public databases were accessed in order to obtain the specific data that was sought for the study.

The following websites were viewed in attempts to obtain the information on juveniles sentenced to life without the possibility of parole in this urban county in

Pennsylvania between, 1991 and 2001: pacrimstats.com, the Juvenile Court Judge's Commission (JCJC), the Pennsylvania Sentencing Commission (PSC), the Pennsylvania Judicial Center (AOPC), and PA. Department of Corrections (DOC) websites as well others. Each of these sites provides minimal information on juveniles transferred to the adult criminal justice system and/or sentenced to life without the possibility of parole.

Reports from the JCJC that are available online show the percentage of juveniles that have been transferred to the criminal justice system, but there is no further information beyond the transfer. There is no information as to whether or not these individuals were convicted. There is no information on sentences for any convictions for the juvenile offenders.

The PSC and AOPC were contacted via email to see if either organization had data on juveniles transferred to the adult criminal justice system in Pennsylvania. The PSC staff reported that they were unable to provide information on juveniles transferred to the adult criminal justice system beyond 2010. The AOPC reported that the computer system was down for an unspecified amount of time..

Federal databases such as the Office of Juvenile Justice and Delinquency Prevention, Bureau of Justice Statistics, and National Criminal Justice Reference Service were also viewed. They each have statistics, however there was a disconnect from the juvenile system to the criminal justice system. There was not a transfer of information from one system to the other.

The Pennsylvania Department of Corrections website had annual statistical reports on offenders who are or were incarcerated dating back to 1991. The reports had

information on individuals who were incarcerated based on the age, sex, race, offense, county and etc. However, there was not a report that solely focused on juveniles transferred/waived to the adult criminal justice system and sentenced to life without the possibility of parole. I sought data on juveniles

(individuals that committed a crime under the age of 18), that were transferred to the criminal justice system in Pennsylvania between 1991 and 2001 due to being charged and convicted with Part I violent offenses (murder, rape, involuntary deviate sexual intercourse, aggravated assault, robbery, robbery of a motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt, conspiracy, or solicitation to commit any of these offenses); and used a deadly weapon during the offense from juvenile court and were sentenced to life without the possibility of parole.

The archival government data were requested and collected from the Pennsylvania Department of Corrections by using the Right-to-Know-Law.

Instrumentation and Operationalization of Constructs

Non parametric statistical testing was selected for this study. The type of data used in the study drives the type of statistical procedure used in data analysis. The study consisted of ratio and nominal levels of measurement in this study. Juvenile transfers and life without parole sentences are ratio levels of measurement. Act 33 is a nominal level of measurement. I looked at whether or not the juvenile transfers and sentences increased, decreased, or stayed that same after the implementation of Act 33 of 1995.

A secondary analysis does not require direct participation or observation for data collection. Data collection measurement reduces the biases that result from the intrusion of the researcher or measurement instrument (Creswell, 2009, Engel & Schutt, 2005). However, unobtrusive measures reduce the degree to which the researcher has control over the type of data (Creswell, 2009; Engel & Schutt, 2005). For some constructs, there may not be any available unobtrusive measures.

Reliability and validity play a role in constructing measurement instruments and in initial stages of data exploration. Reliability is used to test whether or not an instrument measures a construct accurately and consistently. Validity is used to determine the accuracy of the assessment. The validity and reliability of a study is instrumental in determining whether a research used proper instrumentation, proper procedure, and achieved meaningful results.

Threats to Validity

The study may face threats to validity and generalizability due to several factors. Issues of validity arise with secondary data when the definitions of an original data collector or organization do not match with that of the theoretical definition of the secondary data user (Creswell, 2009; Engel & Schutt, 2005). However, there are actions the researcher can take to minimize these threats. The following sections will provide descriptions of threats to validity and generalizability that occurred in this study.

Internal Validity

Major threats to the internal validity of this study are history and instrumentation. Events that occurred during the time period in which the data were collected could impact

the effects of the policy. Attitudes towards crime shift may have shifted between 1991 and 2001. All counties in Pennsylvania may not have implemented the changes in the law at the same time or may have interpreted the law in different ways. Judges may or may not have used discretion when dealing with juvenile offenders. Changes in the economy impact crime and the implementation of laws. Although laws change funding, it is necessary to support the changes. It is not clear when the legislation was funded after its enactment. Crime may have increased or decreased based on economic conditions. New laws and/or Supreme Court decisions may have impacted the transfer and waiver of youth during this time period as well.

There may be threats to the internal validity due to instrumentation. There may be various techniques used to collect the data at different correctional facilities. Technology changed during that time frame. More advanced methods emerged to collect and store data. The impact of Act 33 of 1995 on JLWOP in this urban county will not be known until it is evaluated and assessed.

External Validity

A secondary analysis of information requires a review of previously recorded data. To control the threat of external validity, I examined the secondary data that are being considered to ensure that it meets the needs and purpose of study. I used data that were collected from the Pennsylvania Department of Corrections (PADOC). The PADOC collected these data to keep account of individuals who are incarcerated. The data are also used for reports.

Generalizability

Each jurisdiction in the United States has separate and distinct laws for JLWOP. The impact of Act 33 of 1995 will apply to JLWOP in this urban county in Pennsylvania. The data that were obtained from the Department of Corrections included demographic information for the juveniles who were transferred to the adult criminal justice system. I also requested the offense, charges, and sentences of these individuals between 1991 and 2001. I requested data for this population for the entire state of Pennsylvania and not just Philadelphia. The information for the entire state could be evaluated in a future study.

Restraints

A secondary analysis requires the researcher to review a large amount of data. The quality of data is based upon the source in which the data are collected from. Secondary data “are obtained from publicly available data archives, from another researcher, or even from one’s own previous projects, which were designed to address some other research question” (Engel & Schutt, 2005, p. 266). This method allows the researcher to recycle data and use them to generate new ideas. The data were collected from the Pennsylvania Department of Corrections.

Secondary data are used to explain why a problem exists. McCaston (2005) stated. “Review and analysis of secondary data can provide a cost-effective way of addressing issues, conducting cross-national comparisons, understanding country-specific and local conditions, determining the direction and magnitude of change -- trends, and describing the current situation” (p. 8). Secondary data can be used to interpret primary data by generating new ideas (Engel & Schutt, 2005; McCaston, 2005).

Secondary analysis refers to the analysis of data originally collected by another researcher, often for a different purpose. Secondary analysis of high-quality data sets can provide a cost-effective means by which researchers, often with only limited funding, can reap the benefits of a large investment for little additional cost. A limitation to secondary data is the researcher did not have the opportunity to influence how the data was collected, questions asked to obtain the data or the coding frames used to report the data.

Methodology

Non parametric statistical testing was selected for this study. A Chi-square test was performed to see if the change in the law impacted the change in the number of youth transferred/waived to the adult criminal justice system in the county being studied and/or a change in JLWOP in this county.

Inferential statistics were used to analyze the data. Inferential statistics “are used in deciding whether it is likely that an association exists in the larger population from which the sample is drawn” (Engel & Schutt, 2005, p. 366). I used the available sample of variables from the public data sources to complete this analysis. The analysis was used to identify and obtain information on the measure of association between variables. The tests and statistical assumptions that were used to describe the hypotheses are discussed below.

Chi-Square Test

Chi-square test is commonly used to compare observed data with data we would expect to obtain according to a specific hypothesis. The chi-square statistic compares the tallies or counts of categorical responses between two (or more) independent groups.

There are different types of chi-square tests that are used to analyze data, the one sample chi-square test, the two way contingency table analysis using crosstabs, the two independent samples test (the Mann Whitney U test), the K independent samples test (the Kruskal Wallis and the Median test), the two related samples tests (the McNemar, the Sign, and the Wilcoxon test), the K related tests (the Friedman and the Cochran tests). This paper will focus on the two way contingency table analysis using crosstabs.

Restatement of Research Questions

This quantitative research consisted of a secondary analysis of existing archival government data. The data was used in a way that was distinct from the purpose of the original collection of data. Statistical analysis of the archival government data was completed by using IBM SPSS statistical software version 24. Updates to the software have occurred since this research was started; however, all of the analysis was completed with SPSS version 24. The results of the analysis were used to answer the research question and to determine the statistical significance of the hypotheses.

RQ 1 Has the implementation of Act 33, the amendment to the Juvenile Act, changed the number of youth who have been transferred to the adult criminal justice system and subsequently sentenced to life without the possibility of parole in an urban county in Pennsylvania?

H_0 : The number of youth sentenced to life without the possibility of parole in an urban county is independent of the implementation of Act 33.

H_1 : The number of youth sentenced to life without the possibility of parole in an urban county is not independent of the implementation of Act 33.

Data Collection

The study used archival government data that was collected from the Pennsylvania Department of Corrections (PADOC). PADOC contains records on anyone who is or was incarcerated in the correctional facilities. The records include demographic information, offender's charges, and sentences for the convictions.

The Right-To-Know Law (2016) was used to request the data on juveniles convicted of violent crimes and sentenced to life without the possibility of parole between 1991 and 2001. The law gives the public access to public records. This law also encourages government agencies and big corporations to be transparent with their information.

An electronic Right-to-Know Law (2016) request was sent to PADOC on March 26, 2016. On March 30, 2016, an interim response from PADOC was provided via email stating that the request for information on juvenile lifers was under review. On May 4, 2016 the request was approved. The data was sent in an Excel file via email.

The Excel file consisted of all the juveniles who were transferred to the adult criminal justice system and convicted of violent crimes in Pennsylvania from 1979 to 2006. The sample was selected from the population by using a non-probability sampling method, purposive sampling. Purposive sampling a specific sample to be selected that would answer the research question.

Population

The population consisted of data from the PADOC for youth who were 15-18 years of age and who were transferred or waived to the adult criminal justice system in

Pennsylvania between 1979 and 2006. The population consisted of information about juveniles between the ages of 15 and 18 who were charged with murder or a violent offense (rape, involuntary deviate sexual intercourse, aggravated assault, robbery, robbery of a motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt, conspiracy, or solicitation to commit any of these offenses) and who used a deadly weapon during the offense. Additionally, the act excluded from juvenile court any juveniles who had been previously adjudicated delinquent of any of the offenses, except for aggravated assault. The data that was outside of 1991 and 2001 were removed from the population. This timeframe was selected as it represents the time before and after Act 33 of 1995 was implemented.

Sampling and Sampling Procedure

Purposive sampling was used for this study. Purposive sampling is a non-probability sampling method that is used based on the characteristics of a population and the objective of the study. The main objective of a purposive sample is to produce a sample that can be logically assumed to be representative of the population. This is often accomplished by applying expert knowledge of the population to select in a nonrandom manner a sample of elements that represents a cross-section of the population (Etikan, I., Musa, S.A., & Alkassim, A.S., 2016).

The total population sampling method was used for this research. The total population sampling method “is a technique where the entire population that meet the criteria are included in the research being conducted.” (Etikan, et. Al, 2016, pg. 2) The sample was selected from an urban county in Pennsylvania because this particular

county is the largest county in Pennsylvania, had the highest crime rate in Pennsylvania and the highest number of juveniles sentenced to life without the possibility of parole in Pennsylvania between 1991 and 2001. This county has set the precedent for many things throughout history. The evaluation of Act 33 will help to provide understanding of the impact on get-tough-on crime policies in Pennsylvania and throughout the nation.

Data Analysis Plan

SPSS is a computer-associated quantitative data analysis software program that was used to answer RQ1 Has the implementation of Act 33, the amendment to the Juvenile Act, changed the number of youth who have been transferred to the adult criminal justice system and subsequently sentenced to life without the possibility of parole in Pennsylvania? IBM SPSS statistics version 24 was used to analyze the data. SPSS was used to import data that was provided on an excel sheet from the PADOCC. SPSS was used to interpret and manage data.

SPSS was used to conduct the Chi-square test. The Chi-square test was used to evaluate whether a statistical relationship exists between the number of juveniles transferred/waived to the adult criminal justice system and the implementation of Act 33. Tables and figures will be used to describe the results of the analysis. A contingency table illustrated the results of the statistical analysis.

Ethical Procedures

An application for permission to conduct this study was submitted to the Walden University's Institutional Review Board (IRB). The application provided a description of the research. The application detailed how ethical standards would be applied and

adhered to during the research and in the reporting of the findings. The application provided a detailed account of how the data would be collected for the study.

The IRB was informed of my intent to avoid risks. I ensured confidentiality of information and developed a plan for data safety. The information was transferred through a secure internet connection. All direct identifiers were removed from the data set to ensure privacy, confidentiality, and anonymity of the subjects. The electronic files were stored on a secure server that was password protected. The paper copy was stored in a locked fire proof safe in an undisclosed location.

Ethical Considerations

As in any research, ethical issues were considered throughout the process. Ethics played a role from the time the when the topic was proposed to the final submission of the study. Ethics were a priority in order for me to practice in accordance to the core values of my profession.

I adhered to the expected ethical standards. I made sure that the data sharing and data confidentiality were upheld throughout the process. Confidentiality is a topic of attention and primary focus of ethical concerns. The intent for the data was fully disclosed to the Pennsylvania's Office of Open Records/Pennsylvania Department of Corrections and Walden University IRB.

The benefits of the research findings are more probable than any foreseeable risk. The findings could be used to identify other gaps in literature. The findings could be used to develop programs and initiatives to reduce any negative impacts of the get-tough-on crime legislation.

Summary

This chapter described the quantitative methods that were used to prepare for and conduct this study. Secondary data was collected and used to determine if Act 33 has increased the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole in an urban county in Pennsylvania. This chapter identified threats to validity in the study and ethical concerns in the study. Chapter 4 will provide results for the analysis that was described in this chapter.

Chapter 4: Results

Introduction

The purpose of this study was to determine if Act 33 has increased the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole in an urban county in Pennsylvania. The study will be used to evaluate the impact of the amendment to Pennsylvania's Act 33 of 1995 (independent variable) in relation to JLWOP sentences (dependent variable). I assumed that the number of juveniles transferred to the adult criminal justice system and sentenced to life without the possibility of parole would increase post passage of the Act 33. I assumed that there is a relationship between the change in the law and the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole.

This study will contribute to the body of knowledge on the impact of legislation enacted due to fear of violent juvenile crime by providing information on juveniles transferred to the adult criminal justice system in an urban county in Pennsylvania and their sentencing outcomes. Previous studies reported dispositions and outcomes for juveniles who remain in Pennsylvania's juvenile justice system. However, there are scarce data on juveniles who are transferred to the adult criminal justice system serving life without the possibility of parole.

The secondary data obtained from the Pennsylvania Department of Corrections was coded and analyzed in order to answer the research question. The data were provided to me via email in an Excel file.

The research question was the following:

RQ 1 Has the implementation of Act 33, the amendment to the Juvenile Act, changed the number of youth who have been transferred to the adult criminal justice system and subsequently sentenced to life without the possibility of parole in this urban county in Pennsylvania?

H0: The number of youth sentenced to life without the possibility of parole in an urban county is independent of the implementation of Act 33.

H1: The number of youth sentenced to life without the possibility of parole in an urban county is not independent of the implementation of Act 33.

Data Collection

The data for this study were obtained from the Pennsylvania Department of Corrections. The information was obtained by using Pennsylvania's Right-to-Know Law (2016). This law allows the public to have access to records that are held by companies, agencies, and organizations. An electronic request was sent to the PA Department of Corrections (PADOC) Office of Open Records. I informed the PADOC of the desire to evaluate the impact of Act 33 on juveniles transferred to the adult criminal justice system and sentenced to life without the possibility of parole between 1991 and 2001.

The data were requested March 26, 2016 and provided May 4, 2016. The data were provided in an Excel spreadsheet. The data consisted of the names of the JLWOP, sentence date, dates of birth of the JLWOP, prison the JLWOP were completing his/her sentence, offense committed, date charged with the offense, date convicted of offense, sex, and race. It is unknown what method was used by the Department of Corrections to

collect the data. It is unknown if the data were collected at the time of the arrest, if the data were collected by the Department of Correction itself or if the data were provided by local law enforcement agencies or if someone conducting a study gathered the information. There were no details provided on how the Department of Correction collected the data.

There is no reference to when the data for the study were collected. It was assumed that the data were collected between 1991 and 2001 at the time that the juveniles were incarcerated and/or convicted of one of the following offenses: murder, rape, involuntary deviate sexual intercourse, aggravated assault, robbery, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt or conspiracy to commit murder. These are the offenses that Act 33 allowed juvenile offenders to be transferred to the adult criminal justice system. If the offenders were convicted of these offenses, the offenders could receive a sentence of life without the possibility of parole.

It was not reported how the data were obtained, maintained, or stored. It is unknown if the data were maintained on a secure data base, on a state or national database system, by a research group or by the Pennsylvania Department of Corrections. It is unknown what location the data were stored. It is unknown who is responsible for quality assurance of the data.

Discrepancies in Data Collection

The data set was obtained from the Pennsylvania Department of Corrections. I requested data for juveniles transferred to the adult criminal justice system for violent crimes (murder, rape, involuntary deviate sexual intercourse, aggravated assault, robbery,

aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt or conspiracy to commit murder) and sentenced to JLWOP between 1991 and 2001.

Act 33 of 1995 is the amendment to Pennsylvania's Juvenile Act. The Juvenile Act is Pennsylvania's law that gives the courts' jurisdiction in juvenile matters. Act 33 was enacted as a result of the public's perception that there was an increase in violent crime being committed by juveniles. Act 33 was a part of the get-tough-on-crime campaign existing at that time. Law enforcement agencies vowed to keep the public safe. Violent crime decreased by 49% throughout the United States in 1994. The decrease in violent crime became evident in Pennsylvania in 1997 (Unified Crime Report, 2017). It is unknown if there is a link in the decline in violent crime across the United States and Act 33 or other factors. That issue should be explored in future research.

The dates that were selected for this study are pre (1991-1995) and post (1996-2001) the implementation of Act 33. These dates were selected because they are the dates leading up to the change in the law and the dates immediately following the enactment of Act 33. I assumed that the 1991-1995 would provide a baseline of data for juveniles who were transferred to the adult criminal justice system for committing violent crimes prior to Act 33. This time period is when the public advocated for harsher punishment for juvenile offenders. The advocacy led to the change in the Juvenile Act.

I assumed that 1996-2001 would provide information on juveniles who committed violent crimes after the implementation of Act 33. I would be able to assess the impact of Act 33. The timeframes that were selected would provide information on the juveniles

transferred to the adult criminal justice system who committed similar violent crimes pre and post Act 33.

Each of Pennsylvania's 67 counties had discretion on when and how to implement Act 33 when it was enacted. Law enforcement was responsible for determining if the youth/crime met the exclusion criteria at the time of the arrest. The data set does not account for youth who were transferred to the adult criminal justice system and decertified as adults. The data set consists of youth who were charged and convicted of a serious violent crime and convicted of JLWOP. The data set excludes any youths who were convicted of a serious violent crime between 1991 and 2001 but were sentenced to punishment other than life without parole.

The data set does not provide or explain aggravating and mitigating circumstances contributing to the juveniles transferred to the adult criminal justice system. It is unknown whether or not this is the offender's first or 50th time being arrested. It is not known if the individual has mental health or substance abuse issues. It is not known if the youth was represented by a public defender or private attorney. It is not known if there were multiple offenders charged with the crime or just the individual convicted of a serious violent crime. It is not known if there were any other factors that may have contributed to the number of juveniles transferred to the adult criminal justice system pre or post Act 33. These variables can be assessed in a future study.

I did not request data for JLWOP for the specific urban county under review but for all JLWOP in Pennsylvania. The data set that was provided consisted of 2,081 juveniles who were transferred to the adult criminal justice system for violent offenses

throughout Pennsylvania. The data set included juveniles who were transferred to the adult criminal justice system for violent offenses prior to 1991 and after 2001. Those cases that were outside of the 1991 and 2001 were removed from the population as they would distort the results.

There were 1,860 juveniles in Pennsylvania who were transferred to the adult criminal justice system and convicted of murder, rape, involuntary deviate sexual intercourse, aggravated assault, robbery, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt or conspiracy to commit murder between 1991 and 2001. Eight percent (143) of the juveniles who were transferred to the adult criminal justice system were convicted of a violent crime and sentenced to life without the possibility of parole. The other cases that did not meet the criteria for the study were removed from the population because they would distort results.

The data set that was provided did not include the county where the offense occurred. I did not request the county where the juveniles committed offenses, but all JLWOP in Pennsylvania. The original study assessed JLWOP in the entire state of Pennsylvania. The final study focused on JLWOP in the specific urban county being studied.

The PADOE is able to provide data based on county of offense, however, I requested data for the entire state. I could have received data for JLWOP in the specific urban county being studied if a new request was made. I found the county of offense and eliminated data from every other county except the one in question.

The offender's names were searched on the Pennsylvania Department of Corrections Inmate locator website, the Unified Judicial System of Pennsylvania web portal, and Google search engine to locate the county where the offense occurred. The Pennsylvania Department of Corrections' Inmate locator website allows the public to search for the inmate by various search criteria. The search result provides the inmate's number, name, race, date of birth, correctional facility where the inmate is located (location), and the county that the crime occurred in (committing county). Eighty percent of the offenders were found on the Pennsylvania Department of Corrections Inmate Locator website.

The Pennsylvania Unified Judicial system website provides the public with information on court proceedings. Docket sheets were used to search for court proceedings. The county being studied has a separate link to its court systems. The search provides the docket number, filing date, and county. The site provides details about the court proceedings in detail. Fifteen percent of the offenders were found on the Unified Judicial System of Pennsylvania website.

The Google search engine was used to find 4% of the offenders by name. The search was unable to determine 1% of the counties where violent crimes were committed by juveniles because the offender's name did not appear on any of the websites. It is unknown if the individual was released from prison as a result of an appeal. It is unknown if the offender's record was sealed or expunged. It is unknown if the individual died in prison. There is no documentation regarding these individuals.

Fifty-eight percent of the juveniles who were sentenced to life without the possibility of parole between 1991 and 2001 were from the county being studied. The individuals serving JLWOP had the opportunity to petition the courts for resentencing due to Supreme Court decisions *Miller v. Alabama* (2012) and *Montgomery v. Louisiana* (2016). These Supreme Court decisions determined that mandatory JLWOP sentences are unconstitutional and these offenders have the opportunity to be resentenced. JLWOP have the opportunity to petition the court for a commuted sentence. Some of the new sentencing options included, but were not limited to, time served with an immediate release from prison, a shortened prison sent with correctional supervision upon release, or a life sentence with the possibility of parole. Each offender was assessed individually.

Descriptive and Demographic Characteristics of Data

The population for this study consisted of juveniles between the ages of 15 and 18 who were convicted of murder or a violent offense (rape, involuntary deviate sexual intercourse, aggravated assault, robbery, robbery of a motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt, conspiracy, or solicitation to commit any of these offenses) and who used a deadly weapon during the offense in this urban county between 1991 and 2001. The data set provided consisted of the names (nominal), dates of birth (nominal), race (nominal), sex (nominal), offense (nominal), year of sentence (nominal), and sentence (nominal) of all juveniles transferred to the adult criminal justice system in Pennsylvania. The names were removed from the data set once the counties of the offense were obtained to maintain the confidentiality of the individuals.

A codebook was generated in order to provide descriptive and statistical analysis of the variables. Gibbs and Taylor (2005) stated, “coding is the process of combing the data for themes, ideas and categories and then marking similar passages of text with a code label so that they can easily be retrieved at a later stage for further comparison and analysis” (para. 1). Coding allowed me to look for similarities and differences in the data. The data were placed into categories and classifications in order to facilitate analysis of the data. The codes made it easier to conduct analysis of the data.

There were 83 juveniles who were transferred to the adult criminal justice system and sentenced to life without the possibility of parole in the county being studied between 1991 and 2001. Fifty-four percent of the juveniles were convicted of first degree murder. Forty-six percent of the juveniles were convicted of second degree murder. Ninety-eight percent of the offenders were males, while the remaining 2% of offenders were females. Eighty percent of the JLWOP were African American, 2% were Caucasian, and 18% were Hispanic. Table 1 shows the Offense of JLWOP Between 1991 and 2001.

Table 1

Offense of JLWOP Between 1991 and 2001

	Frequency	Percent	Valid Percent	Cumulative Percent
Murder 1st degree	45	54.2	54.2	54.2
Murder 2nd degree	38	45.8	45.8	100.0
Total	83	100.0	100.0	

Table 2

Sex of JLWOP Between 1991 and 2001

	Frequency	Percent	Valid Percent	Cumulative Percent
Male	81	97.6	97.6	97.6
Female	2	2.4	2.4	100.0
Total	83	100.0	100.0	

Table 3

Race of JLWOP between 1991 and 2001

	Frequency	Percent	Valid Percent	Cumulative Percent
African American	66	79.5	79.5	79.5
Caucasian	2	2.4	2.4	81.9
Hispanic	15	18.1	18.1	100.0
Total	83	100.0	100.0	

The number of JLWOP varied. There were years when only one offender was sentenced to JLWOP and another year where 16 offenders were sentenced to JLWOP. The number of juvenile offenders sentenced to JLWOP ranged from 1-16 per year between 1991 and 2001. Sixteen youth (19%) were sentenced to JLWOP in 1994. The year with the second highest rate of youth sentenced to life was 1997. In 1997, 10 youth (12 %) were sentenced to life without the possibility of parole. The least number of youth who were sentenced to life without the possibility of parole was in 2001. One juvenile (1%) was sentenced to life without the possibility of parole that year.

Table 4

<i>Year of JLWOP Sentence</i>				
Year of Sentence	Number of JLWOP sentences	Percent	Valid Percent	Cumulative Percent
1991	6	7.2	7.3	7.3
1992	8	9.6	9.8	17.1
1993	9	10.8	11.0	28.0
1994	16	19.2	18.3	46.3
1995	8	9.6	9.8	56.1
1996	8	9.6	9.8	65.9
1997	10	12.0	12.2	78.0
1998	5	6.0	6.1	84.1
1999	8	9.6	9.8	93.9
2000	4	4.8	4.9	98.8
2001	1	1.2	1.2	100.0
Total	83	100.0		

The offenders were between the ages of 13- and 17-years-old. Fifty-two percent of the offenders were 17-years-old, 33% were 16-years-old, 12% of the youth were 15-years-old, 1% was 14-years-old, and 1% was 13-years-old.

Table 5

Ages of Offenders Sentenced to JLWOP between 1991 and 2001

Age	Frequency	Percent	Cumulative Percent
13.0	1	1.2	1.2
14.0	1	1.2	2.4
15.0	10	12.0	14.5
16.0	28	33.7	48.2
17.0	43	51.8	100.0
Total	83	100.0	

Table 6 is a summary of the juveniles who were sentenced to life without the possibility of parole in Pennsylvania between 1991 and 2001. The table breaks down the characteristics of the juvenile based on the year, offense, sex, and race.

Table 6

Race, Sex, and Offense of JLWOP between 1991 and 2001

Sex			Race			Total	
			Black	White	Hispanic		
Male	Sentence Year	1991	5	1	0	6	
			6	0	2	8	
		1992	5	0	3	8	
		1993	15	0	1	16	
		1994	7	0	1	8	
		1995	8	0	0	8	
		1996	8	0	1	9	
		1997	3	0	2	5	
		1998	4	1	3	8	
		1999	2	0	2	4	
		2000	1	0	0	1	

		2001				
	Total		64	2	15	81
Female	Sentence Year	1993	1			1
			1			1
		1997				
	Total		2			2
	Combined Total		66	2	15	83

Results

A Chi-square test was used to test the hypothesis of this study. This analysis was used to test the relationship between Act 33 and the number of juveniles transferred to the adult criminal justice system. The study explores the number of youth transferred to the criminal justice system pre and post implementation of Act 33 of 1995. I assumed that there would be a significant difference in the number of JLWOP in Pennsylvania as a result of Act 33 amendment. I assumed that there would be more juveniles transferred to the adult criminal justice system and sentenced to life without the possibility of parole as a result of Act 33.

Statistical Assumptions

The Chi-square test can only be used if certain statistical assumptions are met. This study used the two-way contingency table to summarize the relationship between the number of youth transferred to the criminal justice system (dependent variable) in an urban county in Pennsylvania and the implementation of Act 33 (independent variable). The two-way contingency tables are used to analyze the independence between variables, homogeneity

of proportions, and unrelated classification. “A two-way contingency table analysis evaluates whether a statistical relationship exists between two variables” (Green & Salkind, 2011, p. 366).

A common question with regards to a two-way contingency table is whether there is independence between the variables. By independence, it means that the row (independent variables) and column (dependent variables) variables are unassociated. “The relationship between the row and the column variables in the population is being evaluated” (Green & Salkind, 2011, p. 366).

The test is used to determine if the null hypothesis can be rejected or fail to be rejected. The data that were used consisted of juveniles transferred to the adult criminal justice system between 1991 and 2001. The juveniles who were transferred to the adult criminal justice system in Pennsylvania between 1991 and 2001 were between the ages of 15 and 18 who were charged with murder or a violent offense (rape, involuntary deviate sexual intercourse, aggravated assault, robbery, robbery of a motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt, conspiracy, or solicitation to commit any of these offenses) and who used a deadly weapon during the offense.

This test can only be used if two conditions exist. The first assumption is “the observations for a two-way contingency table analysis are independent of each other” (Green & Salkind, 2011, p. 368). Observations are independent if the sampling of one observation does not affect the choice of the second observation.

The second assumption is” two-way contingency table analyses yield a test statistic that is approximately distributed as a chi-square when the sample size is relatively large... the size of the expected cell frequencies rather than the total sample size should be examined.” (Green & Salkind, 2011, p. 368). The chi-square test is based on an approximation that works best when the expected frequencies are fairly large.

Statistical Analysis Summary

The independent variable in this study was the implementation of Act 33 of 1995. Act 33 is an amendment to the Juvenile Act. The Pennsylvania Juvenile Act (42 Pa. C.S. § 6301, 2008) gives the court jurisdiction in juvenile matters. Act 33 changed the criteria that were needed to transfer the juvenile to the criminal courts. Act 33 is a direct file mechanism that allows youth to be transferred to the adult criminal justice system if they are charged with murder or a violent offense (rape, involuntary deviate sexual intercourse, aggravated assault, robbery, robbery of a motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt, conspiracy, or solicitation to commit any of these offenses) and who used a deadly weapon during the offense. The youth were automatically transferred to the adult criminal justice system. The change in the law was assessed to see if it had an impact on the number of youth who were transferred to the adult criminal justice system.

The dependent variable was the number of youth who were transferred to the adult criminal justice system and sentenced to life without the possibility of parole in the county being studied. . Youth between the ages of 15 and 18 who were charged with murder or a violent offense (rape, involuntary deviate sexual intercourse, aggravated

assault, robbery, robbery of a motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt, conspiracy, or solicitation to commit any of these offenses) and who used a deadly weapon during the offense were transferred to the adult criminal justice system.

The data set provided consisted of various variables. The study focused on the race, sex, offense, year of sentence, and sentence of all juveniles transferred to the adult criminal justice system in Pennsylvania. Each of these variables were coded and used to determine if the amendment to the Juvenile Act changed the number of youth transferred to the adult criminal justice system.

The following information is a description of the variables and the number beside each is the number that was used in the coding and analysis. The race of the individuals was Black (1), White (2), Hispanic (3) and Other (4). The sex of the individuals is based on the sex at birth not what the individuals identifies as. The sex was male (1) and female (2).

The juveniles who were transferred to the adult criminal justice system in Pennsylvania between 1991 and 2001 were between the ages of 15 and 18. They were charged with murder or a violent offense (rape, involuntary deviate sexual intercourse, aggravated assault, robbery, robbery of a motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt, conspiracy, or solicitation to commit any of these offenses) and who used a deadly weapon during the offense. However, the juveniles sentenced to JLWOP were convicted of Murder 1 (1) or Murder 2 (2).

The sentence year ranged from 1991 and 2001. This time was selected because it was pre and post Act 33. Each year was coded by the last date of the year 2000 (10) and 2001 (11). The only sentence that was used for this study is Life Without the Possibility of Parole. Coding was not needed for this variable once these sentences were separated from the others

Hypotheses

RQ 1 Has the implementation of Act 33, the amendment to the Juvenile Act, changed the number of youth who have been transferred to the adult criminal justice system and subsequently sentenced to life without the possibility of parole in an urban county in Pennsylvania?

H0: The number of youth sentenced to life without the possibility of parole in an urban county is independent of the implementation of Act 33.

The null hypothesis suggests that there is not a connection or relationship between the independent and dependent variables. The change in the independent variable does not correlate with a change in the dependent variable. A change in the independent variable is not associated with a change in the dependent variable.

H1: The number of youth sentenced to life without the possibility of parole in an urban county is not independent of the implementation of Act 33.

The alternative hypothesis suggests that there is a relationship between the independent and dependent variable. The change in the independent variable will be synchronized with the change in the dependent variable. The correlation between the variables does not mean that one causes the other.

The Chi-square test was the statistical analysis that was used to test the hypothesis. The dependent variables were separated into two groups: pre-Act 33 (1991 to 1995) youth who committed violent crimes and were transferred/waived to the adult criminal justice system and sentenced to life without parole and post Act 33 (1996 to 2001) youth who committed violent crimes and were sent to the adult criminal justice system via direct file and sentenced to life without parole.

The youth who were sentenced to JLWOP in in this urban county pre-Act 33 were predominantly Black males who were convicted of first degree murder. There were 38 Black males, one Black female, one White male, and seven Hispanic males sentenced to JLWOP pre Act 33. The highest numbers of youth were sentenced to JLWOP during the period of 1994. The highest numbers of juveniles were sentenced to JLWOP when violent crime was declining throughout the United States. Future researchers can compare the rise and violent crime in Pennsylvania with the rise and decline of violent crime across the United States.

Table 7

Race, Sex, and Offense of JLWOP Pre Act 33

Sex			Race			Total
			Black	White	Hispanic	
Male	Sentence Year	1991	5	1	0	6
			6	0	2	8
	1992	5	0	3	8	
	1993	15	0	1	16	

		1994	7	0	1	8
		1995				
	Total		38	1	7	46
Female	Sentence Year	1993	1			1
	Total					
	Combined Total		39	2	14	47

The results from the analysis conducted on juveniles sentenced to JLWOP in this urban county between 1991 and 2001 were aligned with the national statistics that show racial disparities in the correctional system throughout history. African Americans and Latinos are incarcerated at higher rates than Caucasians (Caravelis et al., 2011; Wolcott & Schlossman, 2002). The tables provide information on the race, sex, offense, and sentence year of the individuals sentenced to JLWOP pre-Act 33:

Table 8

Race of JLWOP Pre Act 33

	Frequency	Percent
Black	39	83.0
White	1	2.1
Hispanic	7	14.9
Total	47	100.0

Table 9

Sex of JLWOP Pre Act 33

	Frequency	Percent
Male	46	97.9
Female	1	2.1

Total	47	100.0
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Table 10

Offense of JLWOP Pre Act 33

	Frequency	Percent
1 st Degree Murder	24	51.1
2 nd Degree Murder	23	48.9
Total	47	100.0

Table 11

Sentence Year of JLWOP Pre Act 33

Sentence Year	Frequency	Percent
1991	6	12.8
1992	8	17.0
1993	9	19.1
1994	16	34.0
1995	8	17.0
Total	47	100.0

The youth who were sentenced to JLWOP post Act 33 were predominantly Black males convicted of first degree murder. There were 26 Black males, one Black female, one White male, and eight Hispanic males sentenced to JLWOP post Act 33. The highest number of youth sentenced to JLWOP in the county under study occurred in 1997. Pennsylvania began to see a decline in juvenile violent crime in 1997, the same year that the highest number of youth were sentenced to JLWOP in this county. It is unknown what contributed to the difference in juvenile crime in this urban county compared to the rest of Pennsylvania. Table 11 shows these demographics.

Table 12

Race, Sex, and Offense of JLWOP Post Act 33

Sex		Sentence Year	Race			Total	
			Black	White	Hispanic		
Male		1996	8	0	0	8	
			8	0	1	9	
		1997	3	0	2	5	
		1998	4	1	3	8	
		1999	2	0	2	4	
		2000	1	0	0	1	
	Total	26	1	8	35		
	Female	Sentence Year	1997	1			1
		Total	1			1	
		Combined Total	27	1	8	36	

Table 13

Race of JLWOP Post Act 33

	Frequency	Percent
Black	26	74.3
White	1	2.9
Hispanic	8	22.9

Total	35	100.0
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Table 14

Sex of JLWOP Post Act 33

	Frequency	Percent
Male	34	97.1
Female	1	2.9
Total	35	100.0

Table 15

Offense of JLWOP Post Act 33

	Frequency	Percent
1 st Degree Murder	21	60.0
2 nd Degree Murder	14	40.0
Total	35	100.0

Table 16

Sentence Year of JLWOP Post Act 33

	Frequency	Percent
1996	7	20.0
1997	10	28.6
1998	5	14.3
1999	8	22.9
2000	4	11.4
2001	1	2.9
Total	35	100.0

The two-way contingency table is used to analyze the independence between the variables. To test the null hypothesis we need to find the probability of obtaining a chi-square statistic at least as extreme as the calculated statistic from the sample, assuming

that the null hypothesis is true. If the calculated chi-square statistic is small then we accept the null hypothesis. If the calculated chi-square statistic is large then the null hypothesis is rejected.

Table 17 displays the results of a cross tabulation of the variables. There is a slight difference in the number of youth transferred to the adult criminal justice system and the number of youth expected to be transferred to the adult criminal justice sentenced to JLWOP pre and post Act 33 in the identified county.

Table 17

		Committing County			
		Identified Urban County	Other Counties	Total	
Sentence Date	Pre Act 33	Count	47	29	76
		% within Sentence Date	61.8%	38.2%	100.0%
		% within Committing County	56.6%	48.3%	53.1%
		% of Total	32.9%	20.3%	53.1%
Post Act 33		Count	36	31	67
		% within Sentence Date	53.7%	46.3%	100.0%
		% within Committing County	43.4%	51.7%	46.9%
		% of Total	25.2%	21.7%	46.9%
Total		Count	83	60	143
		% within Sentence Date	58.0%	42.0%	100.0%
		% within Committing County	100.0%	100.0%	100.0%
		% of Total	58.0%	42.0%	100.0%

Chi-square compares two or more groups with respect to a set of categories, or the same group with respect to two different sets of categories. “The chi-square test measures

the discrepancy between the observed cell counts and what you would expect if the rows and columns were unrelated” (IBM, 2011, chi-square test). The Pearson chi-square is .962, the p value is .00, and has 1 degree of freedom. The likelihood ratio test is .962, $p \leq .10$, and has 1 degree of freedom. The two-sided asymptotic significance of the Pearson chi-square statistic states that the $p \leq 0.10$. The variables have a very weak association.

Figure 1

Chi-Square Tests					
	Value	df	Asymptotic Significance (2- sided)	Exact Sig. (2- sided)	Exact Sig. (1- sided)
Pearson Chi-Square	.962 ^a	1	.327		
Continuity Correction ^b	.658	1	.417		
Likelihood Ratio	.962	1	.327		
Fisher's Exact Test				.396	.209
N of Valid Cases	143				

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 28.11.

b. Computed only for a 2x2 table

The statistical analysis failed to reject the null hypothesis. The statistical analysis rejected the alternative hypothesis. The number of juveniles sentenced to life without the possibility of parole did not significantly change after the implementation of Act 33. The number of juveniles sentenced to life without the possibility of parole slightly declined after the enactment of Act 33. The county being studied had the highest number of juveniles sentenced to JLWOP pre and post Act 33 during the years that juvenile violent crime declined in the United States (1994) and in Pennsylvania (1997). I did not explore what factors contributed to the decline. A future scholar should look at the cause of juvenile violent crime in this county.

Summary of the Analysis of Act 33

The researcher assessed the impact of Act 33 on the number of JLWOP in an urban county in Pennsylvania. This urban county had 58% (83) of JLWOP in Pennsylvania between 1991 and 2001. The remaining 66 counties in Pennsylvania had 42% of JLWOP between 1991 and 2001. Fifty-seven percent (47) of the JLWOP in the identified county occurred between 1991 and 1995 prior to the implementation of Act 33. Forty-three percent (36) of the juveniles transferred to the adult criminal justice system and sentenced to life without the possibility of parole in this county occurred between 1996-2001, after the implementation of Act 33.

The number of youth sentenced to JLWOP declined after the implementation of Act 33 in this county. It is unknown if the decline of JLWOP sentences is consistent throughout Pennsylvania or just in the county being studied. There are various factors such as public sentiment towards crime, reduction in crime, and/or de-certification of juvenile offenders that may have contributed to the decline in JLWOP sentences that are not assessed in this study.

The secondary data that were analyzed not collected for the purpose of this study. The data were collected as a way for the Pennsylvania Department of Corrections to maintain a database of offenders. The study was limited because the information that was requested was basic, minimal data. There was not an opportunity to gather other facts about the data or to assess what other factors may have impacted the results.

This study left a lot of unanswered questions that identified a gap in the literature. The unanswered questions should lead to future studies. Future researchers can assess

whether or not there was a change in the number of juveniles transferred to the adult criminal justice system and sentenced to life without the possibility of parole post Act 33 throughout Pennsylvania. Other researchers could assess what factors contributed to the decline in juveniles being transferred to the adult criminal justice system and being sentenced to life without the possibility of parole.

Chapter 5: Discussion, Conclusions, and Recommendations

Introductions

The purpose of this study was to determine if Act 33 has increased the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole in Pennsylvania. Act 33 of 1995 is the amendment to the Juvenile Act. The Juvenile Act gives court's jurisdiction in juvenile matters. Pennsylvania has the highest number of juveniles in the world who were transferred to the adult criminal justice system and have been sentenced to life without parole (Nellis & Kring, 2009). The county that was selected for this study has the highest number of JLWOP in Pennsylvania.

Secondary data was obtained from the Pennsylvania Department of Corrections. The information was obtained by using the Right-to-Know Law (2016). The data set included a list of all juveniles transferred to the adult criminal justice system between 1979 and 2006. Data that was outside of the timeframe, 1991 and 2001, was eliminated from the data set. The final data set included on juveniles transferred to the adult criminal justice system and sentenced to life without the possibility of parole between 1991 and 2001 due to committing violent crimes such as rape, involuntary deviate sexual intercourse, aggravated assault, robbery, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt or conspiracy to commit murder or any other previously listed crime.

I assessed the impact of Act 33 on juveniles transferred to the adult criminal justice system in this county and sentenced to life without the possibility of parole

between 1991 and 2001. The study was conducted to see if the changes in the law impacted the number of JLWOP.

Purpose and Nature of Study

The purpose of this study was to determine if Act 33 has increased the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole in Pennsylvania. Act 33 of 1995 established a statutory exclusion to the juvenile courts. This statutory exclusion allows youth under the age of 18 to be automatically tried as an adult for a number of crimes. Prior to 1995, only youth who were charged with murder were automatically charged as adults. Act 33 of 1995 allows juveniles offenders to be transferred to the adult criminal justice system and punished as adults for rape, involuntary deviate sexual intercourse, aggravated assault, robbery, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt or conspiracy to commit murder or any other previously listed crime.

I assessed the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole between 1991 and 2001. This timeframe allowed me to identify transfer and sentencing trends based on Pennsylvania's transfer and waiver laws before and after the enactment of Act 33.

Significance of the Study

I explored the sentences of the juveniles transferred to the adult criminal justice system who were convicted of a violent offense (murder, rape, involuntary deviate sexual intercourse, aggravated assault, robbery, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt or conspiracy to commit murder). The data was

analyzed to see whether or not Act 33 increased the number of youth sentenced to life without the possibility of parole in an urban county in this county is the largest county in the state . This county has the highest number of juveniles who were transferred to the adult criminal justice system and have been sentenced to life without parole in Pennsylvania (Nellis & King, 2009). The sentences of the juvenile offenders were determined by the PA Sentencing Guidelines (2015).

The Pennsylvania Sentencing Guidelines (2012) were used to determine the sentences. The juveniles who were transferred to the adult criminal justice system between 1991 and 2001 received indeterminate sentences, general sentences (1), life sentences (149), and commuted life sentences (3). Indeterminate sentence classification is a sentence with a minimum and maximum sentence date with the minimum date generally determining parole eligibility. Ninety-two percent of the juveniles received indeterminate sentences.

General sentence classification no longer exists. It was a sentence classification that pertained to youthful offenders who were committed to prison, by an adult criminal court, with no minimum sentence being imposed (Sentencing Guidelines, 2012). Such commitments carried a sentence up to 6 years and were eligible for parole at any time. This type of sentence is no longer legal in Pennsylvania. However, reference to this type of sentence is still found in older case material. Less than 1% of the juveniles received a general sentence.

Life sentence classification in Pennsylvania is complex. The legislature did not define life imprisonment in a statute between 1991 and 2001. According to PA

Sentencing.com (2015) there are different types of life sentences that were identified in 10 statutes; however, judges used life without the possibility of parole for every life sentence (PA Sentencing.com, 2015). Changes have been made to Pennsylvania laws since *Montgomery v Alabama* (2012). Life without the possibility of parole sentences is only an option for offenders convicted of first- and second-degree murder (Sentencing Guidelines, 2012). Eight percent of juveniles transferred to the adult criminal justice system in Pennsylvania between 1991 and 2001 were sentenced to life (without the possibility of parole).

Commuted life sentence classification pertains to life sentences commuted to nonlife sentences. The offenders may be released from prison immediately or receive an indeterminate sentence that will allow for release to the community in the future. Less than 1% of the juveniles transferred to the adult criminal justice system between 1991 and 2001 received a commuted life sentence.

Key Findings

The urban county being studied had the highest number of youth who were transferred to the adult criminal justice system in Pennsylvania between 1991 and 2001. The youth were convicted of violent crimes (murder, rape, involuntary deviate sexual intercourse, aggravated assault, robbery, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt or conspiracy to commit murder). The number of youth who were transferred to the adult criminal justice system in this county and sentenced to life without the possibility of parole after the implementation of Act 33

declined. The number of African American males sentenced to life without the possibility of parole was higher than any other race.

Interpretation of the Findings

The findings of this study are similar to a study that was conducted by OJJDP in 2000. OJJDP assessed the transfer and waiver laws in four different states, including Pennsylvania. OJJDP assessed the impact that new transfer/waiver legislation (Act 33) had on the number of youth being excluded from the juvenile courts jurisdiction. OJJDP determined that Act 33 sent younger, first-time offenders to the criminal justice system.

Other scholars determined that there was not a significant difference in the number of youth transferred to the criminal justice system pre and post direct file legislation (Jensen & Howard, 1998; OJJDP, 2000; Steiner & Wright, 2009). Jensen and Howard (1998) examined the cycle of reform in juvenile policy in relation to juvenile justice policies (dependent variable) and juvenile crime (independent variable). Jensen and Howard did not find a causal connection between juvenile crime and juvenile justice policies.

African American males have a higher rate of transfer/waiver to the adult criminal justice system (Dharamrup, 2009; OJJDP, 2000). Dharamrup (2009) determined that race was a significant determining factor for the juvenile crime rate and transfer to the adult criminal justice system. African Americans were adjudicated and transferred to the criminal justice system at higher rates than any other race. Dharamrup also showed that African American males are transferred to the criminal justice system at a higher rate

than any other race. African American males are serving JLWOP sentences at a higher rate than any other race.

There were 83 juveniles who were transferred to the adult criminal justice system and sentenced to life without the possibility of parole in the county under study between 1991 and 2001. Fifty-four percent of the juveniles were convicted of first-degree murder. Forty-six percent of the juveniles were convicted of second-degree murder. Ninety-eight percent of the offenders were males, while the remaining 2% of offenders were females. Eighty percent of the JLWOP were African American, 2% were Caucasian, and 18% were Hispanic.

The youth who were sentenced to JLWOP in this county prior to Act 33 were predominantly Black males who were convicted of first-degree murder. There were 38 Black males, one Black female, one White male, and seven Hispanic males sentenced to JLWOP pre-Act 33. The youth who were sentenced to JLWOP post Act 33 were predominantly Black males convicted of first-degree murder. There were 26 Black males, one Black female, one White male, and eight Hispanic males sentenced to JLWOP post Act 33. The data showed little change from the number of youth transferred to the adult criminal justice system and sentenced to life without the possibility of parole in this county pre and post Act 33. There is not a significant difference in the number of youth who were transferred to the adult criminal justice system and sentenced to life without the possibility of parole from pre (1991-1995) and post (1996-2001) Act 33.

The statistical analysis failed to reject the null hypothesis. The statistical analysis rejected the alternative hypothesis. The number of JLWOP did not increase after the

implementation of Act 33. The number of JLWOP slightly declined after the enactment of Act 33.

PET provided a theoretical lens to view Act 33 of 1995. Policies, such as Act 33, that are developed to address controversial issues should be evaluated to determine if the policy should be reinforced or changed. PET was used in this study to describe the policy change in the Juvenile Act due to the perceived rise in violent juvenile crime in Pennsylvania. The rise in juvenile crime can be seen as the punctual change that jeopardized the stasis in the predominant juvenile justice law in Pennsylvania. The statistical analysis that occurred determined that there was a small punctuation as a result of the change in the law. The timeframe that was evaluated was not a long enough period to determine if the policy should be reinforced or changed.

Incarceration: A Crime Reducing Strategy

Throughout history prison, has been used for various reasons. From the Middle Ages until the Victorian Era, prisons were used to hold individuals who failed to pay financial debts and as a place to hold the accused awaiting trial (Clear & Cole, 2003). During the Victorian Era, corrections was reformed and prisons became the main form of punishment.

Corrections have gone through many changes. Although the forms of punishment have changed, incarceration continues to be one of the main forms of punishment. (Clear & Cole, 2003). Research has been conducted to examine the relationship between crime and incarceration (Jordan, 2012; Loeffler & Grunwald, 2015; Myers 2003). The relationship between crime and incarceration is complicated (Clear & Cole, 2003; King,

Mauer, & Young, 2005). It is difficult to determine whether or not incarceration reduces crime due to different variables, such as demographics, economic trends, and geographical locations (Henry, 2005). Advocates and opponents to incarceration as a crime reducing strategy provide opposing theories.

Supporters of incarceration believe that current policies have succeeded in lowering the crime rate (Clear & Cole). King et al. (2005) stated, “Advocates of increased use of incarceration have contended that the significant growth in incarceration has been the primary factor responsible for this reduction [in crime]” (p.1). They believe that tougher sentencing laws and longer incarceration periods deter future crime (Clear & Cole, 2003).

Opponents of incarceration as a crime reducing strategy do not believe that crime can be controlled through the use of incarceration (Clear & Cole, 2003; King et al, 2005). Opponents to incarceration as a crime reducing strategy believe that other societal factors, such as employment and education, are some factors that contribute to reductions in crime. Researchers have shown that “prison as punishment is ineffective in deterring offenders, but education makes a substantial difference to recidivism” (King et.al, 2005, p. 1).

Limitations of the Study

The findings in this study are subject to at least three limitations. First, I used a secondary analysis. The secondary data in itself were not a limitation, but the purpose of primary collection of data could impact the current study. There is not a clear way of

knowing who collected the data, for what purpose were the data collected, when the data were collected, where the data were collected, and/or how the data were collected.

There were no systematic methods used to collect data of juveniles transferred to the adult criminal justice system due to committing a violent crime between 1991 and 2001. Local law enforcement agencies such as local magistrates, juvenile probation offices, and courts were responsible for collecting during that time. Not until recently was the Department of Corrections held accountable for obtaining and maintaining these data. The data were provided from the Pennsylvania Department of Corrections, Right-to-Know Law (2016) request. Other organizations were contacted, the Pennsylvania Juvenile Court Judge's Commission, and Pennsylvania Unified Judicial System; however, they did not have the data that were necessary for this study.

Secondly, transfer laws and policies are interpreted and applied differently among counties and even judges. The study focused on one of 67 counties in Pennsylvania. The data reviewed for this report were only the cases that received a life without the possibility of parole sentence, and they might not be representative of all youth transferred to the adult criminal justice system and convicted of a violent offense (murder, rape, involuntary deviate sexual intercourse, aggravated assault, robbery, aggravated indecent assault, kidnapping, voluntary manslaughter, or an attempt or conspiracy to commit murder) between 1991 and 2001.

Finally, I did not have pre-sentence investigations or other pertinent information on the juveniles and whether or not they had a history of committing offenses. There were no data that suggest these were first- or fifth-time offenders. The absence of

aggravating and/or mitigating circumstances could impact the sentence that the offenders received.

There is no indication as to whether or not these juvenile offenders attempted to be de-certified. De-certification is a process which would allow the juvenile's charges to be sent back to the juvenile justices system. The youth would have the opportunity to be adjudicated and provided rehabilitative services to restore the victim, redeem the youth and protect the community.

The study did not take incorporate other factors that may have impacted the transfer and sentencing of the juveniles, such as political climate, economy, and media. It is unclear if there was pressure to provide harsher sentences to juveniles who committed violent crimes in this county during this time period. It is unknown if the economy led the juveniles to commit violent crimes for financial and/or material gain.

Implications of the Study

This study was conducted during a time when changes have been made to JLWOP sentences due to landmark Supreme Court decisions. *Graham v. Florida* (2010) determined that juveniles could not be sentenced to JLWOP except in murder cases. This case was a victory for advocacy groups that believed that JLWOP is unconstitutional. This decision was overturned in a subsequent U.S. Supreme Court decision, *Miller v. Alabama* (2012). In *Miller v. Alabama* (2012), the U.S. Supreme Court deemed mandatory JLWOP sentences to be unconstitutional. The decision does permit the courts to use discretion while using mitigating circumstances when determining the sentencing

of juveniles in criminal court. Pennsylvania has developed legislation in accordance with the U.S. Supreme Court's ruling, Act 204 of 2012.

Act 204 of 2012 amended Pennsylvania's Crimes Code (2010), Judicial Code (2010), and Prisons and Parole Code (2010). This amendment permitted the courts to consider mitigating factors, such as age-related factors, the offender's degree of culpability, and threat to public safety when considering life without parole sentences for juveniles. This amendment establishes new sentencing requirements for juveniles convicted of first- and second-degree murder. These sentencing requirements leave life without the possibility of parole as an option for juveniles convicted of first-degree murder. This amendment does not make these new sentencing requirements retroactive. Subsequent court cases have used *Miller v. Alabama* (2012) to appeal court decisions. In *Jackson v. Norris* (2013), the Arkansas Supreme Court affirmed that life without the possibility of parole sentences for juveniles is unconstitutional. The Arkansas Supreme Court asserted that juveniles who commit murder can be classified as a murderer; however, the punishment cannot be life without parole. This case was remanded to lower courts for reconsideration.

JLWOP are being challenged in lower courts in respect to retroactivity. *Toye v. State* (2014), a Florida District Court of Appeals, determined that *Miller* applies retroactively to provide post-conviction for juvenile homicide offenders sentenced to mandatory terms of life without the possibility of parole. The case was remanded to the circuit courts for resentencing. *Montgomery v. Louisiana* (2016) determined that all juveniles who were sentenced to life without the possibility of parole to be

unconstitutional. It ensures that the *Miller v Alabama* (2012) decision is applied retroactively. Each person sentenced to JLWOP has the opportunity to be resentenced as a result of this decision.

The transfer/waiver legislation does significantly impact youth transferred to the adult criminal justice system (Dharamrup, 2009; Griffin, 2003, Kurlycheck & Johnson, 2004). African American males are also transferred to the adult criminal justice system at higher rates than other races. It highlights the disproportionate minority contact with the criminal justice system. This can be explored in a future study.

I explored transfer/waiver laws in Pennsylvania pre and post implementation of Act 33. I acknowledged that laws are being challenged, studies are being conducted, and child advocates have been raising questions about offenders being held to the same standards as adult offenders. This study was conducted to shed light on the impact of Act 33.

Policymakers need to be made aware of the unintended consequences of the transfer/waiver laws and the trickle-down effect of these laws. Despite the millions of families affected by incarceration on any given day, the well-being of prisoners' families and children has not been a part of this social policy agenda. Similarly, services and activities that assist prisoners in carrying out family roles and responsibilities have seldom been included in the strategic plans of social services agencies or corrections departments (Clear & Cole, 2003).

Policymakers are currently reassessing the exclusionary provisions set forth in Act 33 of 1995 and the PA Crimes code, Title 18, Chapter 1102. Legislation should be

enacted that will be specific to juvenile offenders who commit violent offenses. The legislation should allow the juveniles to remain in the juvenile court's jurisdiction while receiving treatment to address their risks and needs. All juvenile offenders should be assessed and offered services to address their risks and needs. A tool such as the Youth Level of Service/Case Management Inventory should be used to assess the risk and needs of the offenders so the appropriate services can be provided to them.

Recommendations

Transfer policies are implemented to reduce violent or other criminal behavior (Benekos & Merlo, 2008). Innovative ideas should be introduced to help offenders adjust to changes that they face postconviction. A combination of services can be used to help offenders reintegrate into society. Offenders who are sentenced to prison are eventually released back into the community.

Incarceration presents opportunities to improve prisoners' abilities to serve as productive members of their families once they are released. For example, prison-based programs can enhance parenting skills, treat addictions, increase literacy, raise educational levels, and generally prepare inmates for life outside prison (Clear & Cole, 2003). Many of these programs have been shown to reduce recidivism rates and improve the chances of successful reintegration (Clear & Cole, 2003). Rehabilitative programs can be used to help these offenders transition back into society. Clear and Cole (2003) stated, "Rehabilitative programs are designed to help offenders [reenter into society] and to act as special deterrents to recidivism" (p. 371).

Rehabilitative programs are used to prepare offenders for successful re-entry into society. These programs offer offenders some form of education or training to enhance their skills. Past researchers have shown that rehabilitative programs reduce the rates of recidivism (Clear & Cole, 2003). However, other scholars have found that there are other criteria that can be used to measure the success of inmate rehabilitation programs. Rehabilitative programs can also be measured in terms of the cost-benefit ratio. Cost benefit ratio is “a summary measure of the value of a correctional program in saving money through preventing crime” (Clear & Cole, 2003, p. 360). According to this theory, it costs more to incarcerate offenders than it does to rehabilitate them. The government will be able to save money by rehabilitating offenders. The money could be used for other programs and services.

Rehabilitative programs can promote safer prison environments (U.S. DOJ, 1993). Rehabilitative programs provide opportunities for inmates to bring meaning to their lives. Rehabilitative programs can be effective in reintegration into society for offenders (Clear & Cole, 2003; Petersilia, 2004; Severson, Bruns, Veeh, & Lee, 2011). Rehabilitative programs should be offered to every offender upon admission to the prison. The program should be designed to offer assistance with locating and obtaining housing in a nourishing environment; establishing and maintaining stable income; attaining educational goals; and providing therapy to address mental health, substance abuse, and behavioral issues. Different treatment modalities can be used depending on the client, the issues at hand, and the programs guiding practice. These programs should include a bio-psycho-social assessment in order to obtain background information on the

offender. The assessment will provide the offender the opportunity to gain insight on any problems or issues that he/she is faced with. The background information will be critical in developing a case plan that will help the offender become a productive member of society.

A case plan is an agreement between the re-entrant and the criminal justice agency (Rycus & Hughes, 1998). The plan should include the following: the reason the individual is involved in the criminal justice system, the offender's strengths and weaknesses, individual goals, actions the offender is to take to achieve those goals, services that re-entrant are to receive and participate in, and a time period for working on those things (Rycus & Hughes, 1998). The case plan should remain in effect until the returning citizen has successfully been reintegrated into society. The case plan should include transitional planning for the returning citizen's transition from prison to society, as well as post release planning. A case plan can help focus on what needs to change to help re-entrant's reintegration into society. It allows the individual to know how far he/she has come and to keep track of the progress that is being made.

Rehabilitative programs will reduce recidivism by providing the re-entrants with the resources and tools that they need to become productive members in society. Effective intervention will depend on accurate assessment that directly translates into focusing treatment when and where it is needed (Myer & Conte, 2006). These treatments focus on human behavioral disorders through the reinforcement of acceptable behavior and suppression of undesirable behavior; engage the individual in the change process;

and change the individual's pattern of thinking, and ultimately their behaviors which will reduce recidivism (Goldstein & Noonan, 1999).

Due to the changes in the laws, JLWOP have the opportunity to be resentenced and possibly return home. The Pennsylvania Department of Corrections website has reported that as of April 2017, 79 JLWOP in Pennsylvania were resentenced, 20 were released from prison. The remaining JLWOP population is awaiting resentencing or parole (PADOC, 2017). The JLWOP population will need support with income and housing. Some of the returning citizens do not qualify for financial assistance from the government due to their charges. Some may be too old to work. The ones who are able to work will need skill development.

Workforce Development

The government has offered tax exemptions for companies that hire citizens returning to the community from incarceration. However, the returning citizens may not have the skills to fill the positions or the minimum wage will not allow the returning citizens to re-enter successfully. The returning citizens may not be able to survive off of minimum wage. Some re-entrants may be excluded from employment based on his/her criminal convictions. There are programs in the community that are funded by the federal government that offer free literacy programs, free job training, and certification programs. The Citizens returning to the community from incarceration qualify for these programs. There are also technical and college-level educational programs that are available to this population as well. They need to have mentors that will guide them and support them in the workforce development area.

Housing

Citizens returning to the community from incarceration will need a place to live once they return to the community. A lot of companies have housing restrictions that forbid citizens returning to the community from incarceration from living in the properties. Affordable housing should be available for returning citizens in areas outside of low income areas. Partnerships have to be developed with HUD, Pennsylvania Department of Corrections and housing management companies.

Expungement of Criminal Records

Criminal records should be expunged for this population. It will give them an opportunity to have a fresh start. The expungement will wipe away the criminal history, but may raise questions as to where the citizens returning to the community from incarceration have been for a long period of time.

Re-Entry Oversight

The program should be evaluated on a micro and macro level on an ongoing basis to respond to changing conditions. On a micro level, the case plan, should be evaluated quarterly and as needed. This evaluation is used to address areas in need of improvement while taking the opportunity to build on the offender's strengths. By the end of each quarter, re-entrants will have been afforded the opportunity to engage in tasks related to each of the program objectives. On a macro level, the program should be evaluated to determine if the strategies have helped the re-entrants become productive members of society and if it has decreased recidivism. The program evaluation should "rely on strategies success or failure to help them decide whether strategies should be maintained,

reformed, or terminated” (Bryson, 2004, p. 292). The evaluations will help to enhance the program’s capacity to achieve positive outcomes.

Conclusion

Juvenile lifers are subjected to some of the harshest penalties and punishments. As with any policy, there are intended and unintended consequences associated with it. This proposed policy appears to be more beneficial than harmful as its goal is to enhance public safety. One of the goals of Act 33 is to increase public safety by punishing juveniles who commit violent offense.

Progress is being made in the juvenile justice system in the United States. Landmark decisions have been made that will impact the juvenile system for years to come. Attitudes towards offenders may play a role in the punishment of juvenile offenders. Massey (2006) stated, “Although children should be held accountable for their crimes, the U.S. criminal justice system should never make them disposable” (p. 1118).

Mole and White (2005) have fought for legislative reforms that will guarantee rights for juvenile offenders and have won another victory with the *Louisiana v. Montgomery* (2016) decision. A reentry coalition workgroup has been developed in this county in order to identify next steps for the juvenile lifers who have the opportunity to be released into the community. The work group is trying to develop a network of support for these individuals returning to the community after spending decades in prison. The workgroup consists of the Pennsylvania Department of Corrections, Pennsylvania Board of Parole and Probation, US Attorney’s Office, the Philadelphia County Department of Aging, The Philadelphia Defender’s Association, and other social

service agencies based in this county.. Further research is necessary to show the implications of the new decisions.

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