

ABSTRACT

Title of thesis: ARE JUVENILES TREATED
DIFFERENTLY? EXAMINING CHARGE
BARGAINS AMONG TRANSFERRED
JUVENILES IN ADULT COURT

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Prior research has investigated the treatment of transferred juveniles in adult court compared to similar young adults, showing that youth may receive harsher penalties; however, relatively little work has explored the impact of prosecutorial decision-making. In attempts to address this issue, the current study uses data from large urban counties to examine the prevalence of charge reductions and the value of those decisions among a waived juvenile sample. Guided by several theoretical frameworks, I argue that transferred youth would be viewed differently by prosecutors, thus impacting their decisions. Findings show that transferred youth are less likely to receive a charge reduction compared to young adults and the value of the charge reductions, in terms of likelihood of incarceration, differs between the populations. Additionally, type of waiver mechanism also impacts the prevalence among the transferred juveniles. These results suggest that youth in adult court are potentially subjected to differential treatment from these court actors, thus affecting case outcomes.

ARE JUVENILES TREATED DIFFERENTLY? EXAMINING CHARGE
BARGAINS AMONG TRANSFERRED JUVENILES IN ADULT COURT

By

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Chapter 1: Introduction

The role of the prosecutor is arguably at the center of the court system. Prosecutors exercise broad discretion at various stages of criminal case processing. They possess power over what cases get filed or dismissed, whether or not to offer a plea, what charges to include, and ultimately what sentence to recommend (Forst, 2011). Roughly 95 to 97 percent of cases are determined by guilty pleas (Johnson, 2019), and an ample amount of guilty plea offers include lesser charges (i.e., charge bargains) that result in a lesser sentence. Much of the research has examined the plea process at initial filing (Schmidt & Steury, 1989; Spohn et al., 1987; Worrall et al., 2006), however, less work has explored the impact of charge decisions on sentencing outcomes (Miethe, 1987; Piehl & Bushway, 2007; Shermer & Johnson, 2010). Even fewer studies have investigated the estimated value of charge bargaining in relation to their impact on sentence outcomes (Piehl & Bushway, 2007; Johnson & Larroulet, 2019). Despite the broad discretion prosecutors possess, and the ubiquity of guilty pleas and charge bargains, scant empirical work exists on how these decisions affect downstream sentencing decisions (Johnson et al. 2016).

Moreover, much of the literature on prosecutorial discretion in guilty pleas and charge bargaining is limited to general adult samples. Though important, an additional population within the adult court system has been overlooked: transferred juveniles. While there has been research looking at juvenile plea outcomes (e.g., Daftary-Kapur & Zottoli, 2014), the population of transferred juveniles has been completely overlooked in regard to charge bargains. A rise in violent juvenile crime in the 1980s spurred legislative authorizations during the 1990s in almost every state to harden

sentencing and prosecution by increasing waivers to adult court (Sickmund, 2003). During this time period, the treatment of juvenile offenders shifted from rehabilitation to a more punitive, risk management focused approach (Myers, 2003; Simon & Feeley, 1992). The growth of transfer laws increased the number of delinquent youths being waived to adult court, which sparked scholars to examine how these juveniles are treated within the harsher environment.

A handful of studies have assessed whether the type of transfer mechanism influences court outcomes (Rainville, 2008; Verrecchia, 2003; Zane, 2017). This line of research suggests that waiver type is related to specific court outcomes, indicating that how these juveniles get to adult court plays an important role in their punishment. Another body of work focuses on sentence outcomes of transferred juveniles. This literature consistently shows that these youths are sentenced more harshly than adults, resulting in a “juvenile penalty” (Kurlychek & Johnson, 2004). Additionally, when compared to similar young adults (i.e., those who are closer to the age of the juveniles), research shows that juveniles receive more severe sentences (Kurlychek & Johnson, 2004; Kurlychek & Johnson, 2010).

Despite increasing literature focused on prosecutorial discretion within plea bargain decisions, as well as juveniles transferred to adult court, little has been done to examine the intersection between the two. The few studies that have explored juvenile plea bargaining have shown that juveniles are less likely to have full understanding of the plea process (Daftary-Kapur & Zottoli, 2014) and are more likely to plead guilty when asked to assume innocence (Redlich & Shteynberg, 2016). However, scholars have yet to investigate the essential role that prosecutors and plea processes play in

sentence outcomes for transferred youth. The current study addresses this issue by examining whether transferred juveniles differ from similar young adults in relation to the prevalence and value of charge reductions and examines how these processes vary across different types of juvenile waiver.

Studying these concerns adds to the literature in many ways. First, only a handful of studies have explored sentencing outcomes for transferred youth compared to young adults (Kurlychek & Johnson, 2010). When examining court outcomes for juveniles in adult court, it is important to compare them to those who are most similar to test for a juvenile penalty. This thesis attempts to add to the research on whether juveniles in adult court are treated differently. Second, research on transferred juveniles yields significant findings on a variety of case outcomes such as incarceration length (Kupchik et al., 2003) and likelihood of custodial sentence (Jordan, 2014; Kurlychek & Johnson, 2004), but very little, if any, research has examined how charge bargaining impacts these outcomes for this population. This study expands previous work done on prosecutorial decision-making and charge decisions by exploring their impact on transferred juveniles in adult court.

As Spohn (2018, 329) conveyed, “given the power that prosecutors exert over criminal defendants and case outcomes, there is an obvious need for additional research on the exercise of prosecutorial discretion.” The commonality of charge bargained plea offers in conjunction with the immense power of the prosecutor makes this type of research a necessity, especially within a less explored population such as transferred juveniles. By merging two national datasets, this thesis examines the prevalence and value of charge reductions for transferred juveniles compared to similar

young adults and explores the extent to which charge decisions differ by waiver mechanism. The results from this study will help expand our knowledge of prosecutorial decision-making and the influence of charge decisions on a new group of individuals. The study begins by reviewing historical background and research on prosecutorial discretion and plea bargaining as well as transferred juveniles in adult court. It then outlines the theoretical framework before detailing the data and methods.

Chapter 2: Literature Review

Prosecutorial Discretion and Plea Bargaining

A plea bargain is an agreement between the prosecution and defendant in which the defendant relinquishes their right of trial and pleads guilty in return for some discount from the prosecutor. These offers often take the form of both charge and sentence bargaining. Plea bargains are widely used today, with guilty pleas accounting for roughly 95 to 97 percent of convicted cases in both federal and state courts (Johnson, 2019). Along with rising plea rates came key sentencing reforms that began shifting more power from judges to prosecutors (Miethe, 1987). Reforms such as mandatory minimums, truth in sentencing, and other policies increased the potential for more severe punishments (Frase, 2000), and allowed prosecutors to further incentivize guilty pleas. These plea agreements were largely unchecked and routinely “rubber stamped” by judges (Alschuler, 1976). The vastly expanded use of plea bargaining initiated a surge in research. Early research identified key correlates of guilty pleas. For example, Landes (1971) developed one of the first models of plea bargaining, which showed that the decision to plead guilty depended on a variety of factors such as likelihood of conviction at trial, attitudes towards risks, crime severity, and prosecutor and defendant’s resources. Expanding the literature, other studies looked at variations in plea bargaining across court communities (Eisenstein & Jacob, 1977), defendants’ perspectives (Heumann, 1978), and the role of the prosecutor (Alschuler, 1968). Although the prevalence of guilty pleas was well documented, research on plea bargaining started to wane after the early 1980s. The paucity occurred largely because policy reforms focused increasingly on judicial discretion, and because data difficulties

emerged in the study of plea processes. As a result, scholars shifted focus away from plea bargaining and toward final sentencing. In recent years, though, plea research has re-emerged as a central focus in sentencing work. Academics have advanced scholarship by accumulating datasets that allow for more innovative examinations of plea bargaining and permit deeper insights into the discretionary power of the prosecutor. This recent work has focused on a number of important discretionary decision points controlled by prosecutors, including early case processing decisions and plea-bargaining outcomes, with a smaller body of literature focused on juvenile plea outcomes. The following sections discuss relevant research within each of these areas.

Discretion in Early Case Processing

Prosecutors hold an immense amount of power in the criminal justice system. Every day they use their discretion in court decisions that affect the direction and outcome of cases. The prosecutor has authority over what cases get prosecuted or dismissed, what charges get filed, and has considerable influence on sentence severity and disparity (Forst, 2011). With this comes challenges in studying the impact of the prosecutor within the justice system (Forst, 2011; Hagan, 1974; Kurlychek and Johnson, 2019; Johnson et al., 2016; Misner, 1995). For example, there is limited data on the early case processing choices that the prosecutor makes as well as the case evidence they obtain. However, even with the difficulties that come with studying certain areas of prosecutorial decision-making, considerable research has been conducted examining their role in the criminal justice system.

Two key decisions prosecutors control are whether or not to file initial charges, and after filing, whether or not to dismiss some or all charges. Prosecutors base these decisions on a variety of factors – such as type of crime, criminal history, and evidence strength (Forst, 2011; Spohn & Holleran, 2001). Scholars have concluded that prosecutors try to “avoid uncertainty” (Albonetti, 1987) by charging cases that are more likely to result in conviction. This stems from the fact that court actors are tasked with making highly significant decisions with limited time and insufficient information (Albonetti, 1986, 1987). There is additional evidence that shows other factors affect the decision to file or dismiss charges, including victim characteristics (Albonetti, 1987; Kutateladze et al., 2016; Spohn et al., 2001; Spohn and Holleran, 2001; Ulmer et al., 2007). For example, Walsh and colleagues (2010) examined the impact of types of evidence on the decision to prosecute child sexual abuse cases. Their results showed that the cases with the strongest available evidence were accepted more often (i.e., child disclosure, witness, confession, physical evidence). Additionally, using data on sexual battery cases as well as attorney interviews, Spohn et al. (2001) explored the relationship of case and victim characteristics with the decision to file charges. They found that the decision to charge was influenced by the association between the suspect and victim, where assaults that were between strangers were less likely to be prosecuted.

Furthermore, there is research that explores the influence of extralegal factors such as race, gender, and age on the decision to file or dismiss cases (Franklin, 2010; Kingsnorth & MacIntosh, 2007; Spohn et al., 1987; Stanko, 1981). For example, Kutateladze et al., (2014) explored racial and ethnic disparity for multiple discretionary

points across prosecution and sentencing. Examining case dismissals, they found that White defendants were the least likely to have their cases dismissed, and Black and Latino defendants were the most likely. Additionally, Franklin (2010) looked at the intersection of defendants' race, gender, and age on prosecutorial dismissal decisions. He found that young Black males were treated no more harshly in the context of case dismissals than any of the race-gender-age categories. The authors make sure to point out that more attention should be given to this line of research, and compared to initial filing decisions, even less work focuses on plea bargaining and charge reduction decisions.

Plea Bargaining and Charge Decisions

The prosecutor's role in the initial stages of a case is crucial. Once initial charges are filed, though, prosecutors continue to exercise significant discretion over case outcomes (Forst, 2011). At this stage, prosecutors commonly negotiate pleas. Plea bargaining has become the primary mechanism for disposing of criminal cases in virtually all American courts. While some legal scholars and researchers deem the practice fair (Bowers, 2008; Lee, 2005), others have criticized it for allowing too much discretion and lacking transparency (Spohn, 2018). Plea bargaining has been critiqued for the use of substantial discounts where defendants may feel pressured into pleading guilty, even if they maintain their innocence, in order to avoid a longer sentence at trial (Johnson, 2019). Additionally, it is common for plea offers to involve informal negotiations that are rarely overseen and are seldom overturned by judges, resulting in an obscure process that lacks accountability and transparency. With the risk of longer trial sentences and lack of oversight, critics are quick to express their concern over the

plea-bargaining process and encourage additional research to better understand it (Spohn, 2018).

Researchers have investigated the role of various legal characteristics in relation to plea bargaining decisions. Studies have shown that offense type, prior criminal history, pretrial detention, and strength of evidence affect the likelihood and outcomes of a plea offer (Heaton et al., 2017; Kutateladze et al., 2015; LaFree, 1980; Petersen, 2019). For example, Kutateladze, Lawson, and Andiloro (2015) examined the impact of evidentiary factors on plea bargaining decisions in felony drug cases. They found that prosecutors gave more punitive offers when they obtained audio/video evidence, eyewitness identifications, undercover officer operation information, and recovered currency. Additionally, Stemen and Escobar (2018) investigated prosecutor and county effects on plea outcomes using data from Wisconsin. They found that pretrial detention status, prior criminal history, and charge severity all impact the odds of a guilty plea to a lesser charge.

Additionally, because of their largely unreviewable discretion, prosecutors decide what charges to keep and/or drop (Frase, 2000). The act of negotiating what charges to bring during plea negotiations is known as charge bargaining; the prosecutor has the ability to include additional charges and/or counts as well as being able to reduce certain charges. Given that charge decisions significantly affect the ultimate sentence (Johnson & Larroulet, 2018; Metcalfe & Chiricos, 2018), it is important to understand the role of these choices and their impact on court outcomes (Reitz, 1998).

Charge reductions are typically associated with less serious sentences, giving prosecutors the ability to use this method to get a guilty plea (Forst, 2011; Reitz, 1998).

Despite the immense power the prosecutor possesses, limited empirical research explores the impact of charging decisions. Much of the existing research focuses on initial filing decisions (Schmidt & Steury, 1989; Spohn et al., 1987; Spohn & Holleran, 2001; Worrall et al., 2006) or simply whether a charge reduction occurred, while less research focuses on resulting sentence outcomes (Miethe, 1987; Piehl & Bushway, 2007; Shermer & Johnson, 2010). The current literature that investigates charging decisions largely focuses on extralegal disparities, such as defendant's race and gender (Hartley & Tillyer, 2018; Kutateladze, 2018; Metcalfe & Chiricos, 2018). For example, Kutateladze et al. (2016) examined the impact of defendant race and how it influences the prosecutors' decisions to offer charge reductions as well as non-custodial punishments. They found that black defendants were less likely to receive a charge reduction and more likely to receive custodial sentence offers. However, research has also found null effects for race and gender (Albonetti, 1992; Bishop & Frazier, 1984). Nevertheless, a meta-analysis conducted by Wu (2016) on discrimination and prosecution states that "minority offenders faced greater odds of being charged or fully prosecuted than White offenders" (p. 450).

Although current research has made great progress in our knowledge of prosecutorial discretion and charge decisions, more research should focus on the impact that charge decisions have on sentencing outcomes, such as the value of the sentence reduction that is associated with charge bargains. Table 1 (presented below) summarizes some of the key recent studies that investigate charging discounts.

Previous work has shown evidence of a relationship between charge decisions and sentencing (Kutateladze, 2018; Sutton, 2013); however, little work has

investigated the actual value of the sentence discount. Piehl and Busway (2007) introduced a pioneering method to try to measure this value. Using data from Maryland and Washington, they approximated the value of the charge bargain by analyzing the sentence received after the bargain compared to the expected sentence that the defendants would have received if the charge bargain was not present. Their findings suggest that charge bargaining has substantial impacts on the length of sentence. Expanding upon Piehl and Bushway's work, Johnson and Larroulet (2019) estimated the "distance traveled" in charge bargaining by looking at the expected change in probability of incarceration as a result of charge decisions. Using more detailed data from the District Attorney's Office of New York, they found that charge bargains are regularly used and that they greatly impact expected punishments. Additionally, they found evidence of gender and race disparities, specifically the probability of incarceration was reduced more so for women than men and for white than black or Latino defendants. Lastly, they investigated how charge discounts vary across stages of prosecution and found that the majority occurs during the plea-bargaining stage (i.e. between screening and conviction).

Juveniles and Plea Bargaining

Much of the current plea and charge bargaining research has focused on adults while less empirical research has focused on juveniles (Mears, 2000). Older studies from the 1970s examined the juvenile plea-bargaining process (Hayeslip, 1979), and showed that plea bargaining had started to gain traction within the juvenile courts. Later, in the 1990s, more qualitative studies on the plea process were conducted that largely focused on the legal aspects of juvenile pleas (Sanborn, 1992, 1993). Sanborn

(1992) observed three juvenile courts and interviewed 100 court actors including judges, prosecutors, public defenders, private attorneys, and probation officers. Findings revealed that less protection was given to juveniles compared to adults who pled guilty, especially because judicial inquiries into the voluntariness of pleas are not mandatory in juvenile court.

These studies helped lead the way for future research into the juvenile plea process, much of which has been conducted by psychology and law scholars. This work examines the effects of age on the knowing, voluntary, and intelligent decision-making plea process (Daftary-Kapur & Zottoli, 2014; Helm et al., 2018; Redlich & Bonventre, 2015; Redlich & Shteynberg, 2016). For example, Redlich and Shteynberg (2016) examined plea comprehension among both juveniles and young adults. The researchers gave the participants a hypothetical robbery scenario where half were told to imagine they were innocent and half that they were guilty; additionally, they told the participants that the plea offer included jail or not and whether the deal was “really good...” or “fair but not great” “compared with what others charged with the same crime are typically offered” (Redlich and Shteynberg, 2016: p. 164). The authors also asked the participants about their plea rationale. Results showed that juveniles were more likely to plead guilty when asked to imagine innocence, as well as less likely to consider the short- and long-term consequences of the decision. Additionally, Zottoli et al. (2016) looked at discounts, time pressures, and false guilty pleas among a sample of youth and adults who pled guilty to felonies in New York City. Their findings showed that a sizable number of defendants claimed innocence and that significant discounts were offered in exchange for their guilty pleas. Expanding this research, Daftary-Kapur

and Zottoli (2014) were the first to investigate plea offer experiences among juveniles tried in adult court. They conducted 40 interviews with juveniles who were proposed plea deals in adult criminal court and found that the juveniles focused more on the short-term benefits, had limited understanding of the plea process, and did not display full understanding of their legal options.

In addition to legal and psychological research, more criminological and quantitative studies have emerged as well (Burrow & Lowery, 2015; Lowery, 2019). For example, Burrow and Lowery (2015), using data from a South Carolina jurisdiction, examined plea bargaining among a sample of waiver-eligible juveniles. They found that younger juveniles (i.e., age 15) were more likely to plea than their 16- and 17-year-old counterparts. In addition, they found that plea concessions differed based on the type of offense.

Although insightful, current research on juvenile plea-bargaining has its limitations. First, there is a larger emphasis put on psychological understanding and less on actual sentence outcomes. Given that the research has shown that juveniles have limited understanding of the plea process and are more focused on short-term outcomes, it is essential to examine the impact of plea-bargaining practices on courtroom conclusions. Second, the work done on juvenile pleas uses small samples that make it difficult to generalize. For example, Daftary-Kapur and Zottoli's (2014) work on transferred juveniles' understanding of the plea process relied on only 40 interviews from New York City. Additionally, Burrow and Lowery's (2015) research on the use of plea bargaining for waiver-eligible juveniles, while important, was limited to one South Carolina county. Lastly, there is a general lack of studies that

explore the impact of the prosecutor on juvenile pleas, and no research looks into the impact of pleas on sentences for transferred juveniles. Given these limitations, it is important to further explore how plea bargaining and charge decisions impact punishment for juveniles transferred to adult court in order to broaden our understanding of how these practices impacts sentencing outcomes for this unique population.

Given that prosecutors possess wide discretion and most cases are resolved through pleas, more research is needed on the impact of charging decisions on downstream penalties. Scholars have conducted promising work on the factors that impact plea bargains (see Table 1); however, more attention needs to be devoted to the consequences of these bargains. The current research connects recent work on the value of charge reductions (Piehl & Bushway, 2007; Johnson & Larroulet, 2019) to research on impacts of guilty pleas for juvenile defendants (Burrow & Lowery, 2015; Redlich & Shteynberg, 2016). As Wright and Egan (2005) suggested, this type of “research on charging decisions has greater value than ever, both in practical and theoretical terms” (p. 1938).

Table 1. Relevant Research on Plea Bargaining and Charge Decisions

Author(s)	Year	Dataset	Dependent Variable	Findings
Burrow & Lowery	2015	South Carolina juvenile court (2002-2006)	Plea decision (plea/no plea)	Younger juveniles were more likely to receive a plea
Daftary-Kapur & Zottoli	2014	Interviews with 40 juvenile transfers in New York City	Basic legal knowledge, understanding and acceptance of plea, voluntariness, and attorney relationship	Juveniles showed little understanding of the plea process, not fully aware of legal options, influenced by short-term benefits, limited contact with attorneys

Johnson & Larroulet	2019	District Attorney's Office of New York (2010-2011)	"Distance travelled" (comparing incarceration probability for charge at arrest and conviction charge)	Greater distance travelled for females compared to males, and White compared to Black and Latino defendants
Piehl & Bushway	2007	State Court Processing Statistics (Washington and Maryland only)	Rate and impact of charge bargaining measured by a defendant's expected sentence at arraignment and predicted actual sentence	Rate of charge bargaining was higher in Maryland (voluntary guidelines state), while the impact on sentences was higher in Washington (presumptive guidelines state)

Juveniles Transferred to Adult Court

Juveniles transferred to adult court are a unique and understudied population. Developmentally they remain adolescents whose brains are still evolving, and their capability to make rational decisions is lacking (Kambam & Thompson, 2009), yet legally they are treated as equivalent to other adult offenders. Because these youth are removed from a system that typically focuses on treatment and put into a system more designed around punishment, it's imperative that scholars continue to explore whether these juveniles are treated differently within the adult system.

Zimring (2000) suggests that youth violence in the United States was an influential factor to the expansion of juvenile transfer laws; youthful offenders who partook in exceptionally violent acts would be viewed as a danger to the public and cross over the domain into adult responsibility (Kupchik, 2006; Zimring, 2000). The justification for transfer policy has been that those juvenile offenders who appear to be beyond the scope of rehabilitative methods are different than other youthful offenders, thus needing harsher sanctioning in the adult criminal court (Myers, 2003).

Rising juvenile crime in the 1980s and 1990s prompted the emergence of the juvenile “super-predator” nomenclature which thus fueled states to enact more punitive legislation in order to toughen the juvenile justice system (Dilulio, 1995; Fagan & Zimring, 2000). In the late 1990s, nearly every state attempted to toughen prosecution and sentencing laws for juveniles by introducing new policy reforms (Griffin, 2003). These newly enacted laws made it easier for juveniles to be transferred and widened eligibility criteria for juvenile transfer. By expanding crimes that qualified for transfer, lifting age restrictions, and expanding transfer methods, changes in juvenile transfer policies dramatically increased the number of youthful offenders punished in adult court (Kupchik, 2006; Schubert et al., 2010). Emerging in the late 1990s, prosecutorial direct file and statutory exclusion became important avenues of transfer (Fagan, 2008). Direct file (i.e., prosecutorial waiver) allows prosecutors to file charges in juvenile or adult court. Statutory exclusion (i.e., legislative waiver) automatically sends juveniles to adult court based on specific case characteristics, such as offense type and age. For example, the state of Maryland has statutory exclusion policies where youth who commit murder and are at least 16 years old are automatically transferred. Though this waiver technically takes away discretion from court actors, others have noted that prosecutorial discretion is still present in the form of the initial charge decision (Bishop, 2004). As such, all states have varying juvenile transfer policies. The following sections review the relevant research on the impact of transferring youth to adult court.

Characteristics of Transferred Youth and Impact of Transfer Mechanism

Increasing research followed the expansion of juvenile transfer policies. A number of scholars have investigated the characteristics of transferred youth (Borrow, 2008; Bryson & Peck, 2020; Fagan et al., 1987; Rudman et al., 1986; Poulos & Orchowsky, 1994). For example, Poulos and Orchowsky (1994) sampled 364 juvenile transfers in Virginia in order to identify legal and extralegal factors that play a role in the transfer decision. They found that youth with a longer prior criminal history were more likely to be transferred. Additionally, they found that those who had less education and had a history of mental health treatment were less likely to be transferred; they also did not find that race and gender played a role in transfer. Expanding this line of inquiry, Burrow (2008) investigated youth from Detroit and found that prior history, offense seriousness, and prior out-of-home placements affect likelihood of transfer. More recently, a study by Bryson and Peck (2020) investigated the individual and joint effects of race and gender on transfer decisions. Their results showed that Black males had the highest probability of being judicially waived to adult court, followed by White males, then Black females. These studies show that not only do state laws determine who get transferred, but both legal and extralegal factors play a part in this decision as well.

Research also shows that the type of transfer mechanism influences court outcomes. For example, Rainville (2008) analyzed data from an urban jurisdiction in a Southwest state and found that statutory waiver was related to longer sentences compared to judicial and prosecutorial waivers. The author suggests this reflects “political responsiveness,” in that those juvenile offenders who receive a statutory

waiver may be considered more deserving of incarceration given that their offense was serious enough to be automatically transferred. Opposing findings, however, have shown that juveniles transferred by judicial waiver receive harsher sentences (Verrecchia, 2003). Expanding this inquiry, Zane (2017) used Juvenile Defendants in Criminal Courts data to explore whether transfer type was related to a variety of court outcomes across jurisdictions. He found that both prosecutorial and judicial waivers were associated with a higher likelihood of prison and jail sentences compared to statutory exclusion waivers. Although there are some contrasting findings, research generally agrees that the type of transfer mechanism can impact sentence outcomes. However, further investigation is needed to explore how mode of transfer might affect prosecutorial decision-making in adult court. Because different types of transfer entail varying degrees of prosecutorial discretion, the transfer mechanism may be an important conditioner of juvenile and adult plea disparities in adult court.

Sentencing Outcomes for Transferred Youth

In addition to effects of type of waiver on court outcomes, scholars have completed a considerable amount of literature that looks at the outcomes for youth in juvenile courts compared to adult courts. Table 2 (presented below) summarizes important findings of studies that investigate sentencing outcomes, along with waiver effects, for juveniles transferred to adult court. Some scholars have indicated that there may be harsher punishments given to youth in adult court compared to juvenile court (Kupchik et al., 2003; Myers, 2003; Rudman et al., 1986). Myers (2003) evaluated a matched sample of violent juvenile offenders both transferred to adult court and retained in juvenile court. Results indicated that the transferred juveniles were more

likely to be convicted as well as receiving longer incarceration sentences. However, others have argued that being a juvenile in adult court may have mitigating factors (Campion, 1989; Kupchik, 2006). Kinder et al. (1995) looked at a sample of transferred juveniles and a sample of juveniles adjudicated in juvenile court and did not find that transferred juveniles were treated more harshly than their non-transferred counterparts.

Table 2. Relevant Research on Transferred Juveniles

Author(s)	Year	Dataset	Dependent Variable(s)	Findings
Rainville	2008	Data from a southwest state	Sentence length (days)	Statutory waivers were associated with longer sentence lengths
Zane	2017	Juvenile Defendants in Criminal Court (1998)	Four outcome categories: non-criminal, community, jail, and prison (1/0)	Higher likelihood of jail and prison sentences for judicial and prosecutorial waivers
Jordan	2014	State Court Processing Statistics (2000, 2002, 2004, 2006)	Incarceration decision (jail prison, community) and incarceration length (months)	Juveniles received longer prison sentences compared to young adults.
Kurlychek & Johnson	2010	Maryland State Commission on Criminal Sentencing Policy (1999-2006)	Sentence length (months)	Employing a propensity matching approach, juveniles received longer sentences than young adults
Myers	2003	Pennsylvania sentencing data on transferred and retained juvenile offenders	Conviction (1/0), confinement (1/0), and incarceration length (months)	Juveniles in adult court experienced higher conviction rate, higher confinement rates, and longer sentences
Steiner	2009	State Court Processing Statistics (1998) and Juvenile Defendants in Criminal Courts (1998)	Initial detention decision (ROR, conditional release, denied bail) and sentenced to prison (1/0)	Transferred juveniles, compared to young adults, were more likely to be sentenced to prison.

Studying juveniles who are transferred to adult court compared to those who are not transferred relies on the assumption that case processing and sentencing are essentially the same between the two courts. This is problematic given that these courts differ in their punishment and treatment goals (Kurlychek & Johnson, 2004). Another approach is comparing transferred juveniles to similar young adults in criminal court. Using such a comparison makes it possible to directly study whether or not having a juvenile status in adult court affects outcomes.

A variety of studies have explored whether transferred youth are treated differently than adults in the criminal court system (Jordan & McNeal 2016; Kurlychek, 2010; Kurlychek & Johnson, 2004; Kurlychek & Johnson, 2010; Lehmann et al., 2018; Steiner, 2009), with the results being mixed. Using Pennsylvania data, Kurlychek and Johnson (2004) found evidence that showed a positive association between juvenile status and sentence length, where juveniles were sentenced more severely than their young adult counterparts. Additionally, Kurlychek and Johnson (2010) conducted a similar study using Maryland data and employing a propensity score matching approach; they found that transferred juveniles were more likely to be incarcerated and received longer sentences compared to similar young adults. Steiner (2009) also found similar effects using data from 37 urban counties. His results indicated that transfers were more likely to be sentenced to prison compared to adults (ages 18 to 29). Jordan (2014) extended the age and incorporated adults that were above age 30 and found varied support for whether or not there is a “juvenile penalty.” He found that transferred juveniles were, in fact, not more likely to receive a jail sentence than adults of any age, and they were only more likely to receive prison

sentences than adults who were 60 and older; however, he did find that transfers received longer prison sentences compared to younger adults (ages 18 to 29).

Furthering the investigation, Jordan and McNeal (2016), using the same data as Steiner (2009), found that juvenile transfers were less likely to receive jail sentences compared to adults of all ages, however, they received longer prison sentences than all adults.

The above studies, while contributing to the literature, all focus on sentence outcomes, whether it be jail or prison lengths. Research on the relationship between prosecutorial decision-making and punishment for transferred juvenile transfers is lacking. To date, extant research has been limited to research on the understanding and voluntariness of the plea process among this group (Daftary-Kapur & Zottoli, 2014). Given the discretionary power of the prosecutor and the vulnerable nature of the juvenile transfer population, it is important to explore the broader impacts of prosecutorial charging discretion on court outcomes for transferred juveniles. In particular, little is known about how prosecutors' charging decisions during plea negotiations shapes the outcomes of transferred youth. This thesis attempts to close this gap in the literature by investigating the following research questions:

1. Do transferred juveniles in adult court differ in their likelihood of receiving charge reductions compared to similar young adults?
2. Does the type of waiver mechanism influence the likelihood of charge reductions among transferred juveniles?
3. To what degree does the value of a charge bargain (i.e. the expected sentence discount) vary between transferred youth and similar young adults?

The next chapter describes the theoretical perspectives used to guide the present analyses, and the fourth chapter summarizes the data and methods employed.

Chapter 3: Theoretical Framework and Hypotheses

Prosecutorial discretion occurs at various stages of a criminal case, including the decision to alter initial charges during plea negotiations. Several theoretical perspectives on courtroom actor decision-making, both inside and outside of criminology, provide useful insights for understanding why prosecutors may modify charges during plea negotiations and how these decisions might differ for transferred juveniles. This chapter introduces these perspectives and describes their relation to this study's hypotheses.

Uncertainty Avoidance/Causal Attributions

Sentencing research draws heavily upon the early works of organizational decision-making scholars. Simon's (1957) work on human decision-making found that individuals are constrained with the amount of information they have, creating a sense of uncertainty. However, these limits of knowledge are overcome by "organizational arrangements" that aid in absorbing the uncertainty. March and Simon (1958) argued that these arrangements bound the individual into routinized strategies. Essentially, decision-makers aim for a satisfactory outcome based on previous strategies they have previously used rather than searching for the optimal solution.

Albonetti (1986, 1987) introduced the above notion of uncertainty as it relates to court actors. Prosecutors are often under information and time constraints which prevent them from having full knowledge of alternative choices and future consequences (Albonetti, 1986, 1987). This uncertainty, she argued, leads prosecutors to consider quick adequate solutions rather than considering alternatives that may result in better outcomes. Prosecutors aim to be cognizant of controlling community crime, efficient in processing defendants, as well as influencing subsequent court actors in later case

processing. In order to find balance, prosecutors employ uncertainty management. Research on this topic indicates that prosecutors attempt to avoid this doubt by filing charges in cases where odds of conviction are high and rejecting charges where the odds are lower (Spohn & Holleran, 2001). Findings have shown this decision is largely based on legal factors (Kutateladze et al., 2015; Spohn et al., 2001) as well as extralegal factors (Kutateladze et al., 2016). Additionally, building upon uncertainty avoidance, Albonetti (1991) introduces a causal attribution theory. This theory hinges on the idea that judges, and other courtroom actors, are limited with available information and therefore make decisions based on a “bounded rationality” (March & Simon, 1958). Court actors, to account for this limited information, rely on previous experience and patterned responses to estimate offender dangerousness and potential recidivism, which may include the use of stereotypes.

The above notions of uncertainty and its role in decision-making is laced into the concept of risk preferences (Wilson, 2019). If an individual is more uncertain about a potential situation or outcome, they may partake in risk averse practices. Someone who is risk averse may draw upon earlier strategy outcomes and patterned responses to help inform the current decision-making. Prosecutors’ risk preference can play a role in various stages of a case, especially plea negotiations. When a prosecutor offers a plea, they are comparing to a potential outcome at trial - the uncertain event. A loss for a prosecutor would be if they were to lose at trial (i.e., an acquittal for the defendant), however, they could avoid that risk by offering a plea. Ultimately a driving force for prosecutors is increasing their conviction rates, and while choosing the value of a plea, they consider factors that could impact their chance of obtaining a conviction (e.g.,

evidence strength). If a prosecutor chooses to offer a plea, they may include a reduction in charges in order to increase their probability of acceptance.

The above notions of uncertainty avoidance, bounded rationality, and risk preferences all tie into one another and, I argue, can specifically apply to prosecutorial charge discretion among transferred juveniles. Given the rarity of juvenile cases within adult criminal court, prosecutors have less experience with this population, therefore they may be more reliant on other factors when determining their charge decisions. For example, prosecutors have limited information on these cases, therefore they may look at the waiver itself as an indicator of culpability and dangerousness when deciding charge reductions. In line with this, these cases may require more time because they are unfamiliar, and they may be less likely to benefit from standardized charge reductions. Lastly, prosecutors could view cases with transferred juveniles through the lens of risk aversion given that waived youth are typically transferred based on serious crime. In sum, scholars have used decision-making theories when examining court actors' decisions for adult defendants, however, these ideas can also be applied to transferred juveniles.

Focal Concerns Theory

In addition to avoiding uncertainty and using causal attributions, other concerns may influence prosecutors decision-making processes. Steffensmeier, Ulmer, and Kramer (1998), building upon the work of Albonetti (1991), suggest that three focal concerns guide court actor decision making: perceived blameworthiness of the offender, community protection, and practical constraints and consequences. The first, blameworthiness, is based on the perception of culpability and the concept of “just

desserts” (i.e., deservingness of punishment). This concept is generally tied to prior criminal history and seriousness of the offense, as well as factors related to intent and the offender’s part in the crime. Thus, once a court actor deems a defendant more “blameworthy” based on these factors, sentence severity increases. In addition to offense severity and criminal history, blameworthiness may also be linked to offender characteristics. In relation to juvenile status in adult court, the perception of culpability may be a potential factor for determining charge decisions and sentencing outcomes. Historically, juveniles have been viewed as needing protection and having a higher potential for reform. However, with the rise of juvenile crime in the 1980’s and 1990’s, and the change in juvenile transfer policies, the perception of blameworthiness towards juvenile offenders increased. Transfer laws focus on juveniles who have committed serious and, oftentimes, violent offenses; therefore, the notion of blameworthiness and culpability may be heightened among these youths. In fact, previous research that applies focal concerns theory to transferred juvenile sentencing shows that these juveniles receive longer sentences compared to adults (Jordan, 2014; Kurlychek & Johnson, 2004). Juvenile status may therefore be an aggravating factor in adult court, where court actors perceive them as more dangerous and blameworthy.

The second focal concern, community protection, is rooted in punishment and focuses on the need to incapacitate. This concern focuses on preventing recidivism by use of incapacitation. Faced with incomplete information about an offender’s propensity for future offending, court actors may rely on imperfect attributions. Steffensmeier, Ulmer, and Kramer use Albonetti’s (1991) concept of “bounded rationality” to argue that court actors base their predictions about community protection and risk of future

offending particularly around the nature of the offense, case information, criminal history, facts of the crime, and defender characteristics. Research has shown that juveniles are more likely to be transferred if they have longer criminal history (Burrow, 2008), suggesting to court actors that these juveniles may be at higher risk of recidivating. Also, the fact that juveniles are typically transferred for serious offenses may affect the perception of community risk and therefore lead to harsher penalties for these youths.

The third focal concern, practical constraints and consequences, includes both organizational and individual concerns. The organizational component comprises maintaining workgroup relationships among court actors, ensuring efficient caseload disposition, and attending to availability of resources. The second concern relates to the individual offender. This second element states that judges are additionally concerned with the offender's situation; this may include health conditions, family disruption, ability to complete the punishment, and other special needs. Additionally, judges care about the impact of potential offender recidivism on community reputation. In relation to juveniles being sentenced in adult court, this third focal concern is particularly relevant. For one, court actors may be hesitant to sentence juveniles to serve time with older, more experienced offenders, given that juveniles are perceived as being vulnerable. Additionally, at the individual level, juveniles being held in adult facilities may have a higher likelihood of being victimized (Forst et al., 1989). Juvenile status, therefore, may be a mitigating factor, where judges consider the hardships that juveniles would face in adult prison. However, community reputation becomes a concern when considering sentencing outcomes; that is, if a judge decides to be lenient and a juvenile

recidivates, the status of the judge and the court declines within the community. To the extent that transferred juveniles are viewed as especially serious or high-risk offenders, practical concerns about the courts reputation in the community may outweigh individual juvenile status considerations.

Although the original theory focuses on judicial decisions, many of these concerns are directly analogous for prosecutors. As suggested by Spohn et al. (2001), like judges, prosecutors are concerned with seriousness of the offense, offender culpability, and community protection; however, their practical constraints may differ. Prosecutors are especially concerned with the likelihood of conviction and with efficient case disposition. In other words, these court actors are motivated by the probability of the defendant receiving a guilty outcome and how quickly they can obtain the outcome. Because prosecutorial success is often measured by conviction rates, they are inclined to pursue cases with higher likelihoods of conviction and offer favorable plea offers that entice a guilty plea (Albonetti, 1987). Given this goal, prosecutors may then use charge reductions to aid in enhancing conviction probability.

Juvenile status may also impact prosecutors' decision-making and lead to harsher outcomes in adult court. First, juveniles are stamped with the negative connotation that comes with being transferred. As previously stated, transfer offenses are oftentimes serious and violent. In conjunction, juveniles transferred by way of judicial or direct waiver may have an additional "label" attached to them, potentially influencing plea bargaining processes. This may be because as the juvenile court prosecutor or judge decides to transfer the youth, it signals to the adult court prosecutor that the individual is worthy of harsh punishment. Additionally, prosecutors may see

these offenders as having a higher recidivism rate based on their younger age, resulting in elevated assessments of potential future risk. Although they may be inclined to use charge reductions as an incentive to gain a conviction, the severity of the crimes and the perceived higher rate of recidivating may reduce the likelihood of a prosecutor offering a charge reduction for transferred youth. Prosecutors may also offer differing sentence discounts to transferred juveniles based on their perceived blameworthiness and risk of future offending. Larger reductions in the severity of charges offered by the prosecutor should result in larger sentence discounts. Offering smaller charge reduction values to transferred juveniles may be viewed as “protecting the community” from these tough and dangerous juveniles. Using the above theoretical perspectives, I propose three main directional hypotheses.

Hypotheses

When deciding whether to offer a charge reduction in a guilty plea negotiation, extant theorizing suggests prosecutors consider factors such as blameworthiness, community protection, and organizational consequences (Steffensmier et al., 1998) while also drawing upon previous experiences and available heuristics to assess potential gains and losses. As Wilson (2019) pointed out, prosecutors aim to ultimately gain a conviction and they base their decisions around the likelihood of this at trial. If it is likely that a trial might result in acquittal, they use tactics during plea negotiations in order to procure their desired outcome. In addition to gaining a conviction, this helps to fast-track their caseload. If, however, they are faced with a transferred juvenile, their decision-making processes and perceptions of the defendant may differ from their standard routine. I argue that prosecutors may view these youth as poorer candidates for

charge reductions because they are likely to be viewed as more dangerous and deserving of punishment, thus less likely to offer reductions. Therefore, I propose the following hypothesis:

Hypothesis 1 (H1): Transferred juveniles will be less likely to receive a charge reduction compared to similar young adults.

The extent to which prosecutors choose to offer charge reductions may differ among the types of waiver mechanisms. Previous research has shown that mode of transfer influences sentencing outcomes (Rainville, 2008; Zane, 2017). In line with this literature, type of transfer may also influence prosecutorial decision-making. Juveniles who are waived by direct transfer (i.e., prosecutorial waiver) could prompt prosecutors in adult court to not offer a charge reduction for a few reasons. First, a direct file indicates that the prosecutor in juvenile court chose for the juvenile to be waived. This can then signal to the adult court prosecutor that this juvenile is deserving of harsher punishment, especially given that this transfer was decided by someone in a similar position. Applying the concept of risk preferences, the prosecutor in adult court may perceive a direct waiver as an indication that the case has a lower likelihood of resulting in a loss at trial, thus potentially inducing more risk seeking behavior (i.e., not offering a charge reduction). Second, with regards to focal concerns, the prosecutor in adult court may see a prosecutorial waiver as an indication of higher blameworthiness and greater need of community protection. Thus, my second hypothesis is:

Hypothesis 2 (H2): Transferred juveniles who were waived by prosecutorial direct file will be least likely to receive a charge reduction.

Lastly, prosecutors may also offer differing sentence discounts to transferred juveniles compared to similar young adults based on their perceived risk of future offending. A juvenile being waived to adult court may signal an increased risk of public threat. Therefore, if risk of future offending is of concern, offering smaller charge reduction values to transferred juveniles may be viewed as “protecting the community” from these tough and dangerous juveniles. Additionally, because of the relative scarcity of juveniles in adult court, prosecutors may alter their routinized sentence discounts. Given that prosecutors do not have as much experience with waived youth compared to other adults, they are bounded by limited information which could then lead to lesser discounts. Centered around this notion, I propose my third and final hypothesis:

Hypothesis 3 (H3): The value of the charge reductions will be less for transferred juveniles compared to similar young adults.

Chapter 4: Data and Methods

Data Sources and Samples

To test the above hypotheses, the current study uses two merged datasets made available through the Interuniversity Consortium for Political and Social Research: The State Court Processing Statistics (SCPS) and the Juvenile Defendants in Criminal Courts (JDCC). I use the SCPS dataset to create a sample of young adults while the JDCC dataset is used to create a sample of transferred juveniles. Merging these two datasets allows me to compare juveniles in adult court to similar young adult counterparts. Comparing transferred juveniles to young adults “ensures the equality of sentencing outcomes and provides for a more direct test of the severity of juvenile punishment in adult court” (Kurlychek & Johnson, 2010 p.728). Information contained in these datasets span a wide spectrum of decision-making points, including initial charging decisions; therefore, I am able to examine the changes from initial arrest charge to final convicted charge, making it possible to measure discretionary charge reductions.

SCPS Data: The State Court Processing Statistics dataset reports information on felony cases across the largest urban counties. This dataset includes information on defendant demographics, arrest charge(s), prior record, pretrial detention, adjudication, and sentencing. The Bureau of Justice Statistics collected the data in a two-stage process. In the first stage, a stratified sample based on initial court filings selected 40 of the 75 largest counties in the U.S. Each of these counties was placed into strata based on their arrests, felony filing information, and population. In the second stage, data were collected on all offenders who had charges filed on select days of the month of May.

From the initial sampling stage, depending on the stratum a county was selected, each county provided data for 5, 10, or 20 days of the month. Weighting of the data happened in two stages. The first stage focused on the probability of the site being selected and the second stage addressed the probability of a defendant being selected from each site during May 1998. SCPS tracked cases until final disposition or until a year had elapsed from the date of filing.

Consistent with previous research focused on plea bargaining (Piehl and Bushway, 2007), I omit all cases that resulted in trial or were still pending at the time of data collection. Additionally, I included only adult defendants under the age of 21; I am limiting the sample to this age group to make the adult sample as comparable as possible to the juvenile sample. Previous research has detailed the benefit of comparing transferred juveniles to a younger adult group (Kurlychek & Johnson, 2004, 2010), stating that this gives a more direct test of juvenile status in adult court. After removing transferred juveniles to avoid the possibility of double cases ($n = 92$) and removing trial and pending cases ($n = 268$), the final sample consists of 1,444 young adult defendants.¹

JDCC Data: The second dataset I use is the Juveniles Defendants in Criminal Courts (JDCC). This dataset includes an independent sample taken from the same counties within the SCPS data. Cases were tracked until final disposition or until one year passed; descriptions of these felony cases include demographics, prior arrests and convictions, arrest charge(s), pretrial detention, adjudication, and sentencing.

Information in the JDCC dataset closely mirrors SCPS, with minor exceptions; for

¹ In terms of missing data, the highest proportion missing is for type of attorney (14%) and current relationship with court (11%). Missing values for other variables are minimal. The analysis is conducted including separate missing dummies for categorical variables with large missing values to avoid the unnecessary deletion of cases.

example, the JDCC dataset includes transfer mechanism and juvenile court information while the SCPS does not.

These data include all juvenile cases that were transferred to adult criminal court by judicial, prosecutorial, or statutory waiver. Each state has different waiver mechanisms as well as different age limits. For example, New York state's upper age limit for juvenile court jurisdiction ends at 15; therefore, for counties in New York, only youth under 16 were included in the juvenile transfer sample.² Data collectors replicated this procedure for each state; that is, they only included those juveniles who were below the legal age of adulthood and were transferred to adult court. For my transferred juvenile sample, I again omit cases that were resolved through trial or still pending ($n = 504$) resulting in a sample of 2,795 transferred juveniles.³

Dependent Variables

There are two main dependent variables of interest. First, whether a charge reduction occurred, measured by comparing the most serious initial arrest charge to the most serious conviction charge. More specifically, a charge reduction is determined by examining the detailed charge name at arrest compared to the charge name at conviction. If a defendant received a less serious charge at conviction, they are measured as having received a charge reduction. For example, if a defendant was initially charged with first degree murder at arrest and then was convicted only of

² Prior to 2018, New York was one of two states that held 16-year-olds criminally responsible. Recently, the "Raise the Age" legislation changed the age that a juvenile can be convicted as an adult to 18.

³ In terms of missing data, the highest proportion missing is for prior arrests (missing 24%), relationship to court (7%), and type of attorney (6%). Missing values for other variables are minimal. The analyses include separate missing dummies for variables with large missing values.

manslaughter, that defendant received a charge reduction.⁴ By examining the charge names, it allows for a more detailed view of what the defendants were arrested and convicted of. This is a dichotomous measure where a 1 indicates a defendant having received a less serious charge at conviction and a 0 if their most serious charge was the same from arrest to conviction.

The second dependent variable is the value of the charge reduction estimated by examining the effect that charge reductions have on the likelihood of incarceration. Incarceration sentences are coded 1, and non-incarceration are coded 0. I measure the value of the charge reduction by examining the difference between the defendant's expected incarceration probability at initial arrest and their incarceration probability at conviction. This measure is described in additional detail in the analytical strategy below.

Independent and Control Variables

For the first research question, the primary independent variable of interest is "juvenile status" measured by age at arrest. States vary on their age of juvenile court jurisdiction (e.g., 17 for Florida, 15 for New York), therefore, juvenile status is based on youth who are actually transferred by the three waiver mechanisms, instead of just using anyone under 18. The JDCC dataset, as stated above, identifies these state-specific criteria in their methodology, which consequently results in a sample of only transferred

⁴ The data lack an ordinal measure of offense severity. To address this, I examined the most serious charges at arrest to assess whether they were the same as the final charges at conviction. If the charges were the same, the case was coded as no charge reduction. If the charges differed, I examined them to determine whether the final charges were less serious (e.g., first degree assault to third degree assault). Cases that resulted in a conviction on a lesser charge are coded as charge reductions.

juveniles. A 1 represents those who are a transferred juvenile, and a 0 represents similar young adults (i.e., adults under age 21).

Based on previous research on the influence of waiver mechanisms in adult court (Zane, 2017), I also explore whether charge reductions differ between modes of transfer within the transferred juvenile sample. For this research question, the independent variable is transfer mechanism. This includes three categories: judicial waiver, prosecutorial direct file, and statutory exclusion. Each type of waiver is coded dichotomously, with prosecutorial waiver as the reference category. The third research question involves measuring the impact of charge bargaining on expected sentence outcomes, as explained in additional detail below in the analytical strategy.

I include additional legal and extralegal variables as controls. Legal variables include pretrial detention, type of attorney, criminal history, offense type, and total charges at arrest. Pretrial detention and attorney type are coded dichotomously, where 1 indicates the defendant was detained pretrial, or obtained private counsel, and 0 indicates the absence of these variables. Prior research has shown the sizable influence of prior criminal history on plea-bargaining and sentencing outcomes (Redlich et al., 2016; Steffensmeier et al., 1998); as prior offenses increase, sentence severity tends to increase. Criminal history consists of two dichotomous measures that consist of prior arrests and active relationship with the adult court system. A limitation of criminal history is that it is measured somewhat differently in the two datasets.⁵ Due to this, only variables that are consistent across datasets are used. I control for dummy variables for

⁵ The SCPS dataset includes more detailed prior history variables such as number of prior arrests and convictions whereas the JDCC only includes dummy variables for whether the defendant had prior arrests and convictions or not. Additionally, the JDCC includes prior juvenile history whereas SCPS does not.

initial arrest offense types at arrest that include murder, rape, robbery, assault, other violent offenses, drug trafficking, other drug offenses, burglary, theft, motor vehicle theft, fraud, forgery, other property offenses, weapons, other public order offenses, driving related violations, and other felony offenses. Finally, I control for total amount of how many initial arrest charges each defendant had, measured continuously.

Extralegal variables include defendant characteristics such as race/ethnicity and gender. Race/ethnicity is operationalized into four dummy variables including Black, White, Hispanic, and Other, with White being the reference category. Additionally, I control for age, measured continuously, and defendant's gender which is coded dichotomously using 1 for male and 0 for female. Lastly, I include fixed effects for court location using a series of dummy variables for the counties.

Analytical Strategy

I employ one-tailed logistic regressions to investigate the impact of juvenile status on the likelihood of receiving a charge reduction (H1) and to examine the effect of transfer mechanism on charge reductions among juveniles (H2). Given that charge reduction is binary, a logistic regression is an appropriate model. The logistic regression calculates the log odds of an event happening; below is the equation used:

$$\ln\left(\frac{p}{1-p}\right) = \beta_0 + \beta_1 X_{IV} + \dots + \beta_k X_k + \varepsilon$$

This equation is used to evaluate the effect of independent variables and control variables on charge bargains, where p stands for the probability of a charge reduction. The log odds of charge reduction are predicted with a vector of covariates and their associated coefficients.

To test the third hypothesis, I estimate the probability of incarceration using the most serious initial arrest charge and the most serious final convicted charge. To estimate the effects of charge reduction on the likelihood of incarceration, I use another logistic regression:

$$Pr (incar) = \beta_0 + \beta_1 X_{crimetypes} + \dots \beta_k X_k + \varepsilon$$

Using estimated coefficients from the above equation, I am able to generate predicted probabilities of incarceration. I first use the equation with the most serious final convicted charge categories which include all the offense types listed above (i.e., murder, rape, robbery, etc.) with the reference category being misdemeanors. I also include legal and extralegal covariates. I then use the same equation but switch out the convicted charge for the initial arrest charge. This gives a second predicted value for each defendant; essentially this reveals the sentence the defendant *would* have received if convicted of the charge at arrest. Thus, by looking at the difference between the predicted probability at conviction and at arrest, I am able to measure the value of the charge reduction. This value is depicted by the percent change from arrest to conviction. As Piehl and Bushway (2007) convey, this estimate should be unbiased as long as pertinent predictors are included, though it is important to note that this model only includes information available within the dataset, and it cannot consider other discretionary factors that may influence charge bargaining (e.g., prosecutor decisions on case facts). Additionally, a limitation of these data is the lack of detailed measures of crime severity. Because of the parsimonious nature of the SCPS and JDCC data, the level of crime severity is imperfect; therefore, the ability to determine causality is

limited, and findings should be interpreted with this in mind. Further examination into these issues is provided in the limitations section below.

Chapter 5: Results

Descriptive Statistics

The goal of this study is to assess the likelihood and subsequent impact of charge reductions among a sample of transferred juveniles compared to similar young adults. Table 3 below provides the descriptive statistics for all the dependent, independent, and control variables for both the juvenile and adult samples. Roughly 27% of juveniles and 37% of adults received a charge reduction. Examining the incarceration decision across the two samples, more transferred juveniles received a carceral sentence compared to adults, 62% and 55% respectively. Predictably, the majority of both juveniles and adults are male (98% and 88% respectively); regarding race and ethnicity, 64% of juveniles were black, 21% were white, 13% were Hispanic, and 2% were of another race. Among the adults' race and ethnicity, 48% were black, 31% were white, 19% were Hispanic, and 2% were of another race. For age, juveniles were on average 16.31 (SD = 0.81) years old while adults were 18.65 (SD = 1.09) years old. Criminal history variables are more common among the adults, where 59% had prior arrests and 36% had a relationship with the adult court. More juveniles were detained prior to adjudication (54%) compared to adults (38%). Total initial charges were also higher for juveniles than adults where juveniles had a mean total charge count of 3.17 and young adults had 2.22. Roughly 20% of juveniles and 21% of adults had a private attorney. For the transferred juveniles, the majority were arrested (27%) and convicted (26%) on robbery charges while the majority of young adults were arrested on drug trafficking charges (21%) and convicted of other drug offenses (20%). Among

the juveniles, the most prevalent transfer mechanism was direct file (42%), followed by judicial (32%) and statutory waiver (26%).

Table 3. Descriptive Statistics for Juvenile and Adult Samples

Variables	Juvenile Sample (<i>n</i> = 2,795)				Adult Sample (<i>n</i> = 1,444)			
	Mean	SD	Min	Max	Mean	SD	Min	Max
Charge Reduction	0.27	0.44	0	1	0.37	0.48	0	1
Incarceration	0.62	0.48	0	1	0.55	0.50	0	1
Gender								
Male	0.98	0.15	0	1	0.88	0.33	0	1
Race/Ethnicity								
White	0.21	0.41	0	1	0.31	0.47	0	1
Black	0.64	0.48	0	1	0.48	0.50	0	1
Hispanic	0.13	0.34	0	1	0.19	0.39	0	1
Other	0.02	0.13	0	1	0.02	0.14	0	1
Age	16.31	0.81	13	17	18.65	1.09	16	18
Criminal History								
Prior Arrests	0.21	0.41	0	1	0.59	0.49	0	1
Relationship With Adult Court	0.11	0.31	0	1	0.36	0.48	0	1
Pretrial Detention	0.54	0.50	0	1	0.38	0.49	0	1
Private Attorney	0.20	0.40	0	1	0.21	0.41	0	1
Arrest Offense Type								
Murder	0.03	0.17	0	1	<0.01	0.06	0	1
Rape	0.02	0.14	0	1	0.01	0.11	0	1
Robbery	0.27	0.45	0	1	0.10	0.30	0	1
Assault	0.16	0.36	0	1	0.11	0.31	0	1
Other Violent	0.03	0.18	0	1	0.03	0.17	0	1
Drug Trafficking	0.16	0.37	0	1	0.21	0.41	0	1
Other Drug	0.05	0.22	0	1	0.12	0.33	0	1
Burglary	0.11	0.32	0	1	0.12	0.32	0	1
Theft	0.06	0.24	0	1	0.09	0.28	0	1
Motor Vehicle Theft	0.03	0.18	0	1	0.05	0.23	0	1
Fraud	<0.01	0.03	0	1	0.01	0.12	0	1
Forgery	<0.01	0.05	0	1	0.02	0.16	0	1
Other Property Order	0.02	0.12	0	1	0.04	0.21	0	1
Weapons	0.03	0.17	0	1	0.04	0.20	0	1
Other Public Order	0.01	0.11	0	1	0.02	0.12	0	1
Driving-Related Violations	<0.01	0.03	0	1	<0.01	0.09	0	1
Other Felony	<0.01	0.04	0	1	<0.01	0.04	0	1
Conviction Offense Type								
Murder	0.03	0.16	0	1	<0.01	0.06	0	1

Rape	0.02	0.13	0	1	<0.01	0.09	0	1
Robbery	0.26	0.44	0	1	0.07	0.25	0	1
Assault	0.14	0.34	0	1	0.07	0.25	0	1
Other Violent	0.04	0.19	0	1	0.03	0.16	0	1
Drug Trafficking	0.14	0.35	0	1	0.17	0.37	0	1
Other Drug	0.18	0.39	0	1	0.20	0.40	0	1
Burglary	0.11	0.32	0	1	0.08	0.27	0	1
Theft	0.07	0.25	0	1	0.08	0.27	0	1
Motor Vehicle Theft	0.03	0.18	0	1	0.04	0.20	0	1
Fraud	<0.01	0.03	0	1	<0.01	0.09	0	1
Forgery	<0.01	0.05	0	1	0.02	0.13	0	1
Other Property Order	0.02	0.13	0	1	0.04	0.20	0	1
Weapons	0.03	0.17	0	1	0.04	0.19	0	1
Other Public Order	0.01	0.11	0	1	0.01	0.11	0	1
Driving-Related Violations	<0.01	0.03	0	1	0.01	0.11	0	1
Other Felony	<0.01	0.06	0	1	<0.01	0.08	0	1
Misdemeanor	0.04	0.20	0	1	0.21	0.40	0	1
Total Initial Charges	3.17	4.17	1	93	2.22	1.75	1	19
Transfer Mechanism								
Judicial	0.32	0.47	0	1	-	-	-	-
Direct	0.42	0.44	0	1	-	-	-	-
Statutory Exclusion	0.26	0.44	0	1	-	-	-	-
County Dummies	-	-	-	-	-	-	-	-

Prevalence of Charge Reductions

Results for the logistic regression concerning the likelihood of charge reduction between juveniles and adults are reported in Table 4. This model reports estimates from the pooled sample of all young adult and transferred juvenile offenders. It indicates that transferred juveniles have lower odds of receiving a charge reduction; specifically, the odds of charge reduction are 53% lower for transferred youth compared to young adults. This supports the predicted direction for my first hypothesis. As suggested above, theoretically this may be because prosecutors view transferred juveniles as more dangerous or because transferred juvenile cases are less common which may result in a departure of their regular routinized charge decisions. Regarding other variables, those with a private attorney had odds of charge reduction that were 34% greater compared to

those with a public defender or appointed attorney. Intriguingly, those who had a relationship with the court have statistically lower odds of receiving a charge reduction (27%); however, prior arrest/convictions is not statistically significant. Those with more initial arrest charges had higher odds of receiving a charge reduction, which may reflect the fact that cases with more charges offer greater opportunity for charge bargaining (Wright & Engen, 2005). Interestingly, race and gender did not have statistically significant effects on the likelihood of charge reduction; however, the direction of the coefficients are in line with previous research that indicate males and minority defendants are less likely to receive charge reductions (Metcalf & Chiricos, 2018).

Table 4. Logistic Regression of Juvenile Status on Charge Reduction

Variables	Logit Coefficient	Robust SE	Odds
Juvenile Status	-0.76	0.16	0.47**
Gender			
Male	-0.19	0.16	0.82
Race/Ethnicity (ref: White)			
Black	-0.02	0.10	0.98
Hispanic	-0.05	0.14	0.95
Other	0.45	0.27	1.56
Age	-0.08	0.05	0.92
Criminal History			
Prior Arrests	-0.06	0.13	0.94
Relationship With Court	-0.32	0.15	0.73*
Pretrial Detention	-0.12	0.09	0.89
Private Attorney	0.29	0.11	1.34**
Total Charges	0.03	0.01	1.03*
Arrest Offense Type (ref: other felony)			
Murder	1.79	1.00	6.03
Rape	0.39	1.01	1.47
Robbery	0.34	0.97	1.40
Assault	0.97	0.97	2.64
Other Violent	0.60	0.99	1.83
Drug Trafficking	-0.38	0.98	0.69
Other Drug	-1.07	0.99	0.34
Burglary	0.19	0.98	1.21
Theft	-0.33	0.98	0.72

Motor Vehicle Theft	-0.02	0.99	0.98
Fraud	-0.23	1.10	0.80
Forgery	-0.21	1.04	0.81
Other Property Order	-0.68	1.01	0.51
Weapons	-0.46	1.00	0.63
Other Public Order	-0.58	1.04	0.56
Driving-Related Violations	-1.64	1.44	0.19
County Dummies	-	-	-

N= 4,239

** p<0.01; * p<0.05

Regarding whether the odds of charge reduction differ among transferred juveniles by type of waiver (hypothesis 2), I again employ a logistic regression. Table 5 below reports estimates generated from the sample of transferred juveniles (excluding young adult offenders). In line with the hypothesized relationship, the odds of receiving a charge reduction for juveniles transferred by prosecutorial direct file are lower than for statutory exclusion and judicial waiver. However, only the relationship between statutory exclusion and direct file is statistically significant, where the odds of receiving a charge reduction for juveniles who were transferred by statutory exclusion are 88% higher than for those transferred by prosecutorial waiver. These findings are partially consistent with prior research that shows juveniles who are transferred by prosecutorial waiver receive harsher punishments compared to those who are transferred by statutory exclusion (Zane, 2017). Additionally, even among this subsample of juveniles, there are no significant race, gender, or age effects as well as no significant findings for prior arrest/convictions. There is an association between juveniles who have a relationship with the court and were detained pretrial where the odds for those who do have a relationship are lower compared to those who do not (49% and 22% respectively). Lastly, juveniles that had a private attorney had 30% higher odds of receiving a charge reduction.

Table 5. Logistic Regression of Transfer Mechanism on Charge Reductions⁶

Variables	Logit Coefficient	Robust SE	Odds
Transfer Mechanism (ref: direct file)			
Statutory Exclusion	0.63	0.31	1.88*
Judicial Waiver	0.42	0.28	1.53
Gender			
Male	-0.26	0.30	0.77
Race/Ethnicity (ref: White)			
Black	0.26	0.15	1.30
Hispanic	0.11	0.20	1.11
Other	0.28	0.36	1.32
Age	-0.12	0.07	0.89
Criminal History			
Prior Arrests	0.27	0.22	1.31
Relationship With Court	-0.67	0.29	0.51*
Pretrial Detention	-0.25	0.13	0.78*
Private Attorney	0.26	0.14	1.30*
Total Charges	0.01	0.01	1.01
Arrest Offense Type (ref: other felony)			
Murder	1.34	1.25	3.82
Rape	0.14	1.27	1.15
Robbery	0.19	1.23	1.21
Assault	0.84	1.23	2.32
Other Violent	0.55	1.25	1.73
Drug Trafficking	-0.66	1.23	0.52
Other Drug	-2.57	1.36	0.08
Burglary	-0.15	1.24	0.86
Theft	-0.95	1.26	0.39
Motor Vehicle Theft	-0.55	1.27	0.57
Forgery	-0.32	1.67	0.73
Other Property Order	-1.96	1.43	0.14
Weapons	-1.22	1.28	0.29
Other Public Order	-0.22	1.33	0.81
County Dummies	-	-	-

N = 2,795

** p<0.01; * p<0.05

⁶ Fraud and driving related violation charges were taken out of the table due to the fact that these coefficients being omitted in the output.

Value of Charge Reductions

The final research question (hypothesis 3) addresses the value of charge reductions. Table 6 below briefly illustrates changes in charge types from initial arrest to final conviction. For most of the offense types, the number of cases decrease from arrest to conviction, with a few types increasing (e.g., theft for transferred juvenile and driving-related violations for adults). Additionally, 114 juveniles (4%) received a misdemeanor as their most serious final charge. while 296 (20%) adults received misdemeanors.

Table 6. Frequency Changes in Charge Type from Arrest to Conviction

Charge Type	Juvenile Sample (n=2,795)		Adult Sample (n=1,445)	
	Arrest	Conviction	Arrest	Conviction
Murder	88	71	6	5
Rape	59	50	18	13
Robbery	766	713	140	98
Assault	437	379	161	99
Other Violent	91	101	45	37
Drug Trafficking	454	393	310	240
Other Drug	147	109	174	166
Burglary	318	319	169	118
Theft	165	183	125	118
Motor Vehicle Theft	93	89	78	62
Fraud	2	2	20	11
Forgery	7	6	36	25
Other Property	44	48	64	58
Weapons	83	87	62	56
Other Public Order	33	37	22	17
Driving-Related Violations	3	3	13	17
Other Felony	4	9	2	9
Misdemeanor	-	114	-	297

Examining the value of charge reductions, Table 7 shows the logistic regression model for the likelihood of incarceration based on the adjudication charge information.

Consistent with prior work, being male, having prior arrests, and receiving pretrial

detention are associated with a higher probability of incarceration. Looking at the juvenile sample, age is significantly related to incarceration, where the older the juveniles are, the higher the probability of incarceration. Among the charge types, the more violent crimes such as robbery and assault have a higher likelihood of incarceration compared to misdemeanors, for both samples. Less serious offenses such as forgery, fraud, and other public order offenses do not have a higher likelihood of receiving an incarceration sentence. Interestingly and inconsistent with prior research, race/ethnicity is not significantly associated with incarceration, however, the direction is consistent with prior work. Also of interest, the coefficient for private attorney was positive for juveniles and negative for adults; while this variable was not significant, it's interesting to note that having a private attorney may not always be a protective factor. Generally speaking, these results are consistent with prior research.

Table 7. Logit Model for Incarceration Decision

Variables	Juveniles	Adults
	Logit Coefficient (SE)	Logit Coefficient (SE)
Gender		
Male	0.65 (0.31)*	0.75 (0.22)**
Race/Ethnicity (ref: White)		
Black	0.19 (0.13)	0.11 (0.18)
Hispanic	0.20 (0.19)	0.31 (0.25)
Other	-0.29 (0.43)	0.09 (0.51)
Age	0.38 (0.07)**	-0.002 (0.07)
Criminal History		
Prior Arrests	0.57 (0.21)**	0.66 (0.20)**
Relationship With Court	0.10 (0.24)	0.12 (0.22)
Pretrial Detention	0.99 (0.11)**	1.17 (0.17)**
Private Attorney	0.04 (0.14)	-0.28 (0.21)
Total Charges	0.03 (0.02)	0.07 (0.04)
Convicted Offense Type (ref=Misdemeanors)		
Murder	2.22 (0.52)**	1.51 (1.31)
Rape	1.37 (0.49)**	2.07 (0.78)**
Robbery	1.43 (0.30)**	0.94 (0.34)**

Assault	1.24 (0.29)**	1.05 (0.32)**
Other Violent	1.60 (0.40)**	1.09 (0.51)*
Drug Trafficking	0.89 (0.29)*	1.35 (0.24)**
Other Drug	0.48 (0.32)	0.69 (0.30)*
Burglary	1.24 (0.30)**	0.66 (0.29)*
Theft	0.68 (0.31)*	0.72 (0.30)*
Motor Vehicle Theft	0.67 (0.36)*	0.41 (0.40)
Fraud	1.20 (1.57)	0.11 (0.88)
Forgery	0.004 (1.13)	0.04 (0.54)
Other Property Order	0.84 (0.47)	0.54 (0.38)
Weapons	0.50 (0.37)	0.25 (0.43)
Driving-Related Violations	0.59 (1.29)	1.05 (0.60)
Other Public Order	1.72 (1.16)**	0.67 (0.69)
Other Felony Offense	1.34 (0.95)	1.54 (0.92)

** p<0.01; * p<0.05

Estimates of the value of charge bargaining are presented in Table 8. Because the research question is concerned with the difference between transferred juveniles and young adults, I used the disaggregated data coefficients reported in Table 7 to generate predicted probabilities of incarceration at conviction, and then subsequently at arrest. Consistent with the descriptive table above, there is downward movement in the probability of incarceration. At arrest, the predicted probability is about 63% for juveniles and 60% for adults; at conviction, the predicted probability is roughly 58% for juveniles and 55% for adults. Regarding the percent changes, transferred juveniles have a smaller percent change than adults (7.9% and 9.1% respectively), indicating slightly larger pleas discounts for adults.⁷ While a binary measure helps to illustrate the likelihood of charge reduction, quantifying the magnitude of the reduction is advantageous in elucidating the value given to different populations. However, it is

⁷ Percent changes (Δ) were calculated by the following: $\frac{(V_2 - V_1)}{V_1} \times 100\%$ where V_1 is the predicted probability at time 1 (i.e., arrest) and V_2 is the predicted probability at time 2 (i.e., adjudication).

important to note that the percent change difference between the two groups are not substantively large.

Table 8. Impact of Charge Change on Incarceration

	Predicted Probabilities		%Percent Change
	\hat{Y}		Δ
	Arrest Charge	Conviction Charge	Arrest to Conviction
Juveniles	0.63	0.58	-7.9%
Adults	0.60	0.55	-9.1%

Supplementary Analyses

While the above analyses are useful in advancing our understanding of prevalence and value of charge bargains, they are subject to potential measurement error, which I attempt to address in supplemental analyses examining the robustness of the findings. These analyses include an alternative measure of charge reduction based on a change in most serious offense charge from felony to misdemeanor, as well as supplemental models using narrower age ranges to obtain better comparability. Results for these additional analyses are briefly described here with complete tables reported in Appendix A.

The first set of supplemental results addresses the fact that the first and second research questions use a charge reduction measure based on the initial charge name and adjudicated charge name. While helpful, in order to test for the sensitivity of this measurement, an additional measure was created based on those who were convicted only of misdemeanors. Since the SCPS and JDCC datasets are collected for those defendants who were initially charged with felonies, any conviction for a misdemeanor necessarily entails a charge reduction. This alternate measurement shows that a total of 114 juveniles and 296 adults received a charge reduction that resulted in only a

misdemeanor conviction. Additional analyses of this alternative charge reduction measure indicated juveniles were still much less likely ($b=-1.10$; $SE=.23$; $odds=.33$) to receive a charge reduction compared to young adults (see Appendix A: Table A1). Because juveniles are transferred typically for serious crimes, it is not that surprising that they are less likely to receive a misdemeanor as their most serious conviction.

The second set of supplemental results investigates the effect of juvenile status on charge reductions using juvenile and adult offenders who were only one year apart. Doing this helps to examine the impact of transfer in a closer age frame and thus examines the effect of juvenile transfer within an even more comparable set of juveniles and young adults. In order to do this, I restricted the sample to the counties that had 17 as the juvenile cut off age (i.e., juveniles aged 17 and adults aged 18). This additional analysis (see Appendix A: Table A1) shows that juvenile status remains statistically significant, with transferred juveniles having 50% lower odds of receiving a charge reduction compared to their 18-year-old counterparts ($b=-.68$; $SE=.19$; $odds=.50$). Additionally, having a private attorney increases the odds of charge reduction; all other variables are statistically non-significant. These findings further support the finding that transferred juveniles are treated differently in adult court.

Chapter 6: Discussion

“Prosecutors are vested with enormous discretion to determine and alter criminal charges, yet not enough is known about these processes or their potential effect on downstream sentencing decisions” (Johnson & Larroulet, 2019, p.1251). Scholars have emphasized the immense power prosecutors have in relation to negotiated pleas, however, scant research has provided measurable impacts of these bargains. Although a few studies have explored how charge bargaining influences incarceration (Johnson & Larroulet, 2019) and sentence length (Piehl & Bushway, 2007), no studies have yet to examine how the transferred juvenile population is affected by prosecutorial charge discretion. The current study addresses this issue by shedding important light on the prevalence and value of charge bargains among waived juveniles compared to similar young adults. By examining the likelihood of receiving a charge reduction as well as quantifying the impact of the bargains, this thesis helps to expand on the current literature.

This study attempts to answer three research questions. The first addresses whether transferred juveniles are treated differently than young adults in relation to the likelihood of receiving a charge reduction. Although previous research has yet to explore this question, studies that have examined sentencing outcomes of transferred juveniles compared to similar young adults have found that juveniles tend to receive harsher punishments (e.g., Jordan & McNeal, 2016). I hypothesized that transferred juveniles would be less likely to receive a charge reduction. Results utilizing a logistic regression supported this hypothesis showing that juveniles had, indeed, a lower likelihood of receiving a charge reduction compared to young adults. This was further

supported in supplemental analyses exploring an alternative charge reduction measure as well as a narrower age gap. Although no direct measures of prosecutorial decision-making processes are available in the data, this pattern of results is consistent with the theoretical notion that prosecutors may see transferred juveniles as more dangerous and therefore aim to protect the community by being less likely to reduce the severity of their charges. Additionally, given the rarity of transferred juvenile cases, prosecutors are bounded by the limited previous experiences they have with these types of cases, which may lead them to alter their routinized charge decision-making strategies. Specifically, prior work indicates that when subjected to “normal crimes” that involve typical offenders, prosecutors standardize their charge discounts (Sudnow, 1965). Transferred youth, therefore, may be seen as atypical and less likely to receive these normal, routinized discounts. Moreover, findings showed that having a private attorney and being arrested on more charges resulted in higher odds of receiving a charge reduction, while having a relationship with the adult court resulted in lower odds. Surprisingly, race, gender, age, and prior arrests were not significant associations with charge reduction. Given that prior work has shown that these case aspects contribute to offenders receiving harsher court outcomes (Roberts, 1997; Steffensmeier, Ulmer, & Kramer, 1998), including charge bargaining (e.g., Johnson and Larroulet, 2019), these relationships not being significant is especially surprising. These findings potentially show that prosecutors may rely on other legal factors more for their decision-making strategies than on defendants’ extralegal characteristics. For instance, prosecutors may focus more on evidence strength to determine whether to offer a reduction. While it is also possible that the current study’s smaller sample sizes may contribute to these

findings, future research should continue to see if these patterns are consistent in other data.

The second research question asked whether and how charge reductions differed across waiver mechanisms for transferred juveniles. Again, this question has not been answered in previous research; however, scholars have noted varying outcomes in relation to sentencing types when examining the impact of waiver mechanisms (Zane, Welsh, & Drakulich, 2016). While some studies show that juveniles transferred by statutory exclusion waivers receive harsher punishments (e.g., Rainville, 2008), others suggest that those transferred by judicial and prosecutorial waivers receive tougher sentences (e.g., Verrecchia, 2003; Zane, 2017). Though findings are mixed, I posited that transferred juveniles waived by direct file (i.e., prosecutorial waiver) would be less likely to receive a charge reduction because the prosecutor in adult court may see a prosecutorial waiver as an indication of higher blameworthiness and greater need of community protection. Using the same analytical strategy, I found that juveniles waived to adult court by statutory exclusion had statistically higher odds of receiving a charge reduction compared to direct file; however, judicial waiver was not significant. These findings are partially consistent with prior research. For example, Zane (2017) found that both prosecutorial and judicial waivers were associated with harsher sentences. However, given that judicial waivers also entail a degree of discretionary power among the judges, these results may not be fully surprising. Prosecutors in the adult court may also see the decision to transfer the juvenile made by the judges in the juvenile court as indication that the juvenile may be more culpable, resulting in nonsignificant findings within this analysis. Additionally, as stated above, no significant findings were seen for

age, gender, race, and prior arrests. Just like the full sample, prosecutors may focus more on the case details than on offender extralegal characteristics. Although these findings help elucidate the potential impact of transfer mechanism on additional court outcomes, future work would benefit from scholars confirming these results with larger and more contemporary samples.

Finally, the third research question addressed the value of charge reductions and how it differs between transferred juveniles and young adults. Previous work has explored the different sentences received by transferred youth compared to similar adults showing that juveniles typically receive tougher sentences (e.g., Kurlychek & Johnson, 2010). Scholars have theorized that transferred juveniles may receive harsher penalties because of their perceived risk of recidivism and heightened perceptions of culpability and dangerousness (Steffensmeier, Ulmer, & Kramer, 1998). In line with previous findings and theoretical expectations, I hypothesized that transferred juveniles would receive smaller charge discounts compared to young adults, in relation to incarceration probability. The findings show that charge reduction values are slightly larger for young adult offenders, though the magnitude of these differences was not especially large (9.1% vs 7.9%). One reason that larger differences in plea discounts were not found may relate to the type of sample examined. Because the data are limited to relatively serious offenders who were all arrested for felony offenses, the likelihood of incarceration is relatively high for the entire sample. Future work is therefore needed that also examines other indicators of the size and impact of plea discounts, such as expected discounts in months of incarceration (Piehl and Bushway, 2007).

Limitations

Though previous research has examined the effects of juvenile transfer status in adult court, scholars have yet to explore prosecutorial decision-making in this context. This study helps to show how transferred youth are treated and expand the literature by investigating the impact of juvenile status in adult court on the prevalence and value of charge decisions. Findings show that transfer status impacts whether a charge reduction is offered while also having a small impact on the value of the plea discount. The current findings are valuable for shedding new light on the role of charge bargaining in this unique population of transferred juveniles, but the study is not without its limitations.

The first limitation is the measurement of the charge reduction dependent variable. The current study uses the charge name at initial arrest and at adjudication to determine whether a charge reduction occurred. While detailed, an official measure of charge severity is lacking. Previous studies have measured charge reductions using various charge severity measures (e.g., felony/misdemeanor classifications, statutory maximums, etc.) (Shermer & Johnson, 2010; Stemen & Escobar, 2018); however, the SCPS and JDCC data do not report detailed information on charge severity. To address this, supplemental analysis was conducted using felony to misdemeanor reductions as an alternative indicator of charge reduction. Though results did not change, this measure also has its limitations. For example, it does not account for charge reductions that may occur when both the arrested and conviction offenses involve felony charges. Future research should explore alternative datasets or pursue additional data collection efforts to obtain more detailed charging data in order to enhance our understanding of charge bargaining, specifically among transferred juveniles.

The charge reduction measure used in this study also fails to capture other potential factors that are relevant to the charge decision process. First, the current measure does not capture reductions at differing stages of a case life cycle. For example, Johnson and Larroulet (2019) examined charge bargains at arrest, screening, and conviction. Though the datasets do not permit the current study to explore these stages, this would be a beneficial avenue to investigate in future work. In addition, the current measure also does not capture other aspects of plea negotiations that may include discounts involving probation time, fines, or explicit sentence bargaining. While plea bargains frequently include reductions to the most serious initial charge, they can also involve concessions in these other areas. As such, it would be advantageous for future research to explore additional dimensions of the plea-bargaining process in order to get a better understanding of how charge bargains shape criminal punishment.

A second important limitation involves the available data on prior criminal record. The only measures available were whether the individual had prior arrests and whether they had an active relationship with the court. While there are more detailed measures in the SCPS data (i.e., number of prior arrests and convictions), the same measures are not available for the juvenile sample, so the analyses could not include these more detailed measures. Given that previous research has shown how criminal history can influence sentencing outcomes (e.g. Stemen & Escobar, 2018), it would be beneficial for future work to include more detailed measures of prior criminal history. Additionally, prior record may potentially be confounded with age and juvenile status given that the older an offender gets, the more likely they are to have a criminal history. Related to this limitation, omitted variable bias may be present. Although the current

analyses include important explanatory variables, there could be omitted confounders that produce biased results. For example, other legal elements such as evidence quality and victim information can influence whether prosecutors decide to offer charge reductions and the value of them.

A third potential concern involves possible selection bias within the juvenile sample. The current study looks at charge reductions using the JDCC data which only includes juveniles who were officially waived to adult court. Because of this, I was unable to observe those juveniles who were eligible for transfer but were ultimately not waived for unknown reasons. Given that previous literature has shown how different juvenile characteristics and legal factors can impact the likelihood of being transferred (Borrow, 2008; Bryson & Peck, 2020; Rudman et al., 1986; Poulos & Orchowsky, 1994), it is possible that waived juveniles are systematically different from those who were not transferred. Though the current study is not able to observe juveniles who were not transferred, it would be beneficial for future research to expand efforts to examine juveniles who are waiver eligible in order to enhance our understanding of the impact of charge bargaining.

The final limitation is the age of the datasets, and how this relates to juvenile transfer policies. Over the past two decades it is possible that juvenile justice policy reform has altered the influence of waiver mechanisms. For example, New York's "Raise the Age" legislation recently changed the age that a juvenile can be charged as an adult to 18. Additionally, policy reform may have changed the overall number of juvenile cases waived to adult criminal court. The Office of Juvenile Justice and Delinquency Prevention estimates that between 2005 and 2019 judicially waived cases

decreased by 49% (OJJDP, 2020). Lastly, it's important to note that since the collection of these datasets, overall crime, including juvenile violent crime, has declined in America (Gramlich, 2020; OJJDP, 2020). Because of this, rhetoric geared towards the dated "super predator" nomenclature has shifted which may have affected how juveniles are treated in adult court. These examples of contemporary changes indicate the importance of prioritizing ongoing data collection within this population. Going forward, additional data collection efforts are needed to help gain insights into more current influences of waiver mechanisms and other factors that affect juvenile punishments in adult court contexts.

Conclusion

This study contributes to the current literature on prosecutorial decision-making by examining charge reductions for transferred juveniles. Though not all of the hypotheses were supported, the results offer some valuable insights that warrant future research. Given the power that prosecutors possess and the dearth of research that has explored prosecutorial charge bargaining among transferred juveniles, the current findings indicate that this avenue of inquiry is worth exploring further. Specifically, the results show that transferred youth are indeed less likely than young adults to receive charge reductions, and that the value of their charge discounts may also differ. Although this study has its limitations, these findings suggest that prosecutorial charge decisions vary based on the juvenile status of the defendant in ways that significantly influence punishment.

As youth are taken out of the juvenile system and punished in adult court, it's imperative to explore how adult criminal court actors treat them. The above results

show that prosecutors may perceive these defendants differently in ways that alter their patterned responses. Future work should continue to examine courtroom outcomes for transferred youth as multiple studies have shown that they are treated differently (Jordan, 2014; Kurlychek and Johnson, 2004; Lehman, 2021; Steiner, 2009).

Prosecutors in adult criminal court do not frequently handle transferred youth which may lead them to respond differently to these unique types of cases. It is important for scholars to further this research in order to understand the full extent to which there is a juvenile penalty within the adult system.

Appendix

Appendix A.

Table A1. Supplemental Logistic Regression of Juvenile Status using Felony to Misdemeanor as the Measures of Charge Reduction

Variables	Logit Coefficient	Robust SE	Odds
Juvenile Status	-1.10	0.23	0.33**
Gender			
Male	0.01	0.22	1.01
Race/Ethnicity			
Black	-0.33	0.15	0.72*
Hispanic	-0.42	0.24	0.66
Other	-0.15	0.48	0.86
Age	0.16	0.07	1.17*
Criminal History			
Prior Arrests	-0.16	0.18	0.85
Relationship With Court	-0.29	0.21	0.75
Pretrial Detention	-0.56	0.14	0.57**
Private Attorney	0.34	0.16	1.41*
Total Charges	-0.02	0.03	0.98

Note: Arrest charge types were included in the analysis though not reported in the table for brevity
 ** p<0.01; * p<0.05;

Table A2. Supplemental Logistic Regression of Juvenile Status on Charge Reduction using a Narrower 1-Year Age Gap

Variables	Logit Coefficient	Robust SE	Odds
Juvenile Status	-0.68	0.19	0.50**
Gender			
Male	-0.12	0.29	0.88
Race/Ethnicity			
Black	-0.06	0.17	0.94
Hispanic	0.02	0.23	1.02
Other	0.12	0.43	1.12
Criminal History			
Prior Arrests	0.01	0.22	1.01
Relationship With Court	-0.33	0.28	0.72
Pretrial Detention	-0.10	0.16	0.90
Private Attorney	0.37	0.17	1.45*
Total Charges	0.02	0.02	1.02

Note: Arrest charge types were included in the analysis though not included in table for brevity.
 Additionally, age was excluded due to collinearity with juvenile status.
 ** p<0.01; * p<0.05

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