

# Should juveniles be waivered to adult court



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The Effects of Not Having Enough Detail about Judges or Offenders: A Literature Review of “ The end of the line: An empirical study of judicial waiver.”

With recent significant increases in youth violence, criminal courts have begun to apply several techniques to handle juvenile offenders. The most common form, judicial waivers, are used by a judge after a hearing to determine if a youth is a threat to his or her environment and if the offender would do well with treatment. Little information exists, however, about the statistics surrounding waivers, which makes “ The End of the Line” a valuable analysis. Within the study, Podkopacz and Feld analyzed 330 transfer motions in Hennepin Minnesota filed between 1986 and 1992 and recorded various information about waivers including their involvement in criminal court processing, sentencing, and recidivism of youth offenders. Podkopacz and Feld make several errors while attempting to draw a relationship between their localized studies and the role of waivers in court systems throughout the country. The study takes particular effort in ensuring that the population sample drawn from Hennepin’s records is reflective of the waiver trends Minnesota as well the United States. While the study succeeds in showing that its offender population generally reflects trends throughout the United States, the authors do not show that the judges sampled in the study are representative of the judges throughout Minnesota and the United States. If the authors had attempted to craft a more detailed profile of the judges, who made the subjective decision to issue the waivers, and drew a comparison to judges throughout the country, it would follow the judges elsewhere would make similar subjective decisions.

The authors take a conservative stance on recidivism by choosing to allow

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actual adjudications or convictions to stand as indicators of recidivism rather than rearrests. The authors claim that recidivism rates of juveniles indicate that court systems are not achieving their goal. When in fact, consideration of the types of crimes committed by repeat offenders may show that these additional offenses are significantly less in magnitude than the original crimes. Thus, the legal system may be “working” towards deterring juvenile offenders from additional offenses but not enough.

Although the authors make a detailed and strong argument about the role waivers play within Hennepin’s court system, the paper fails to draw a strong gap between the focused group of waivers in Hennepin and waivers throughout Minnesota and the United States. The authors of this study can strengthen their article by providing increased portraits of the judges and offenders. These details will most likely lead to a better understanding of the effect waivers have on influencing sentencing decisions and recidivism of youth offenders.

#### Bibliography

Podkopacz, Marcy Rasmussen, Feld, Barry C. The end of the line: An empirical study of judicial waiver. *Journal of Criminal Law & Criminology*, 86(2), 449-493.