

G. Larry Mays and Rick Ruddell: *Do the Crime, Do the Time: Juvenile Criminals and Adult Justice in the American Court System*

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Do the Crime, Do the Time: Juvenile Criminals and Adult Justice in the American Court System, by G. Larry Mays and Rick Ruddell, provides readers with an educational overview of the juvenile justice system and an analysis of the challenges facing today's young criminal offenders. Specifically, the authors provide an in-depth analysis of the practice of transferring youth to adult criminal courts and find that the possibility of transfer carries many significant implications for juvenile law-breakers. The authors draw on case studies, historical analysis, and a vast variety of statistical and comparative data to provide readers with a complete picture of the juvenile justice system and youth transfers. While assessing the detriments, as well as a few positives, of transferring youth to adult courts, the book challenges widely held public perceptions of young offenders and compares the purported reasoning behind the practice of transfers with realistic statistics and outcomes.

Mays and Ruddell begin by discussing the history and function of the juvenile justice system, along with trends in juvenile crime rates. They then turn to an analysis of youth transfers to adult court, including the role of the Supreme Court, public policies, and differences between state policies and practices. The authors also discuss the actual implications of transfer for juveniles, along with their opinion regarding the future of transfers to adult court. By including legal discussion, public opinion overview, and public policy analysis, the book appeals to legal researchers, policymakers, academics, and juvenile-rights advocates alike. The authors effectively provide a well-rounded and well-supported analysis of the practice of transfers, and

present many questions for further review and study in areas where data has not yet proved conclusive.

In Chapter One, Mays and Ruddell provide a broad overview of the treatment of juvenile criminal offenders. They point out that although youth crime rates have recently dropped, most states have been increasing the severity of punishment for young offenders. Mays and Ruddell describe the five ways in which children can end up in adult courts- transfers or waivers, direct filing by the prosecutor, blended sentences, statutory exclusion of some cases from juvenile courts, and juvenile jurisdictions that end prior to the age of 18. When children do appear in adult court, the consequences can be severe. Thousands of children are placed in adult prisons and while individuals under 18 cannot be sentenced to death, many young people are serving "LWOP" sentences-life imprisonment without the possibility of parole. Mays and Ruddell highlight the fact that over half of juveniles transferred to adult courts are actually non-violent offenders as a major problem with the new "get-tough" movement. The authors conclude with a case study of an 11-years old child, Nathaniel Abrams, who was tried in adult court and convicted of first-degree murder, but eventually sentenced as a juvenile. Mays and Ruddell use this intriguing and well-known case to highlight issues regarding juvenile justice—including the role of judge's discretion, the ability of a prosecutor to file a juvenile case in adult court, and the public debate regarding rehabilitation of children who have committed crimes.

In Chapter Two, the authors describe the flow of the juvenile justice system and illustrate at which point youth can be transferred to adult courts. Mays and Ruddell begin by contrasting the initial juvenile justice system from the modern treatment of young law-breakers. In the past, hearings were generally non-adversarial, private and

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informal—attributes that are often not present in juvenile hearings today. The authors then offer a detailed journey through today's juvenile justice system by taking readers step-by-step through the process of referral, intake, and different stages of hearings. A detailed and thorough flowchart is included to further aid readers in understanding potential outcomes for a child that enters the juvenile justice system. In essence, the chapter serves to illustrate that although rehabilitation and the state as "parens patriae" have always been critical features of juvenile justice, the modern system is extremely different from the initial system that sought to "protect" children. Also, the authors alert readers to the fact that the juvenile justice system is becoming more and less harsh simultaneously. Mays and Ruddell find that while young status and minor property offenders are increasingly receiving diversion and community-based treatment, more serious child offenders (but not necessarily violent offenders) are being transferred to adult courts at an increasing rate after adjudicatory hearings before a judge.

Chapter Three contains a statistical analysis of trends in juvenile crime and transfer of youth to adult courts—and seeks to find connections between the two. Focusing on "Part I" offenses—or violent crimes such as homicide, rape, and burglary—Mays and Ruddell utilize both FBI and NCVS (self-reported) data to arrive at the conclusion that the serious juvenile crime rate peaked in 1978 and has been on the decline since 1994. By utilizing self-reports and police statistics, the authors ensure an accurate portrayal of juvenile offender trends. Mays and Ruddell note that while transfers to adult courts are rare (only 0.5% of all juvenile cases in 2008 were transferred), certain trends within the institution of transferring are alarming. Although the number of annual transfers seems to correlate with the number of serious crimes committed by juveniles, the authors' research reveals that the majority of youth being transferred to adult court are charged with non-violent offenses, such as drug or property crimes. The authors' analysis, while enlightening, must be tempered by the fact that data may be incomplete. Juvenile court statistics were not incredibly reliable until recently, data is unavailable concerning some mechanisms that cause youth to end up in adult court, and relevant statistics do not report on the outcome of cases where children are transferred to adult court.

Individuals researching how juvenile justice policies or transfer mechanisms vary from state to state will likely find Chapter Four to be an incredibly useful resource. Mays and Ruddell include multiple charts that elucidate which states have adopted certain transfer mechanisms and identify the approaches to juvenile justice taken by each state. In order to explain the difference between states' treatment of young criminal offenders, the authors point to differences in organization, administration, and philosophies that drive

juvenile justice systems. After an analysis regarding different state policies, the authors conclude that most states have recently made it easier to transfer juveniles to adult courts—pointing to the significant number of jurisdictions where prosecutors can file cases directly in adult court and states where certain offenses are removed from juvenile court completely, forcing juveniles who commit those crimes to appear in adult courts.

In Chapter Five, Mays and Ruddell turn to the role of the Supreme Court in defining limits on juvenile justice and juvenile transfers to adult courts. The authors point to the lack of Due Process rights extended to youth in the initial juvenile justice systems. Landmark Supreme Court decisions such as *In Re Gault* and *In Re Winship* extended to juveniles important rights such as the right to counsel, the right to confront and cross-examine witnesses, and the right to be judged according to the "beyond a reasonable doubt" standard utilized in adult criminal proceedings. The authors also discuss how the Supreme Court has set limits on juvenile punishment—by eliminating the possibility of the death penalty, and the possibility of life without parole for a juvenile who has committed a crime other than homicide. Commentary regarding *Kent v. United States* sheds light on the Supreme Court's role in the transfer of youth to adult courts. A summary of the case, accompanied by the criteria the Supreme Court recommends in determining when juveniles should be transferred, is incredibly useful to law students and legal scholars studying the court's role in shaping the doctrine of juvenile transfers to adult courts.

Chapter Six is a good resource for policymakers or individuals researching public policy, as it examines the link between public opinion and juvenile justice, including transfers of youth to adult courts. Mays and Ruddell draw on numerous polls and studies to find that the last decades have ushered in a wave of public cynicism in regard to the juvenile justice system. While the authors acknowledge defects that can skew the results of polls and surveys, their use of a variety of sources guards against inaccurate results. The authors highlight the role of sensationalized media coverage in creating a perception of leniency, which has in turn resulted in a "get tough" on crime movement. The authors point out that while most of the public supports rehabilitation of juveniles, the "get tough" movement has resulted in high support for punitive sanctions that hold youth accountable for their actions, as well as widespread support for transferring youth from juvenile to adult courts. Mays and Ruddell warn readers about the implications that can, and do, arise from public opinion polls and surveys. Lack of detail in survey question wording—coupled with consumption of the research by policymakers—can result in policies that do not accurately reflect true public opinion.

In Chapter Seven, the authors delve into a detailed analysis of the implications of being transferred to adult

courts for juvenile offenders. This chapter contains a thorough discussion of the differences children will encounter if they are transferred, as opposed to going through the juvenile justice system. Mays and Ruddell point out some positive aspects of the juvenile justice system that children lose when transferred to adult courts. For example—juvenile proceedings are traditionally more lenient, some states delete juvenile criminal records when individuals reach the age of majority, and juveniles often receive probation or verbal reprimands (as opposed to incarceration). Interestingly, the authors also advance multiple reasons why, in certain instances, it may be in a juvenile's best interest to be transferred to adult court. The authors point out that wide discretion in juvenile proceedings and trials may be abused. When young offenders are transferred to adult courts, they generally gain more constitutional rights, including the right to a jury trial that generally cannot be waived at the judge's discretion. Although less than 1% of all inmates at adult facilities are under 18, the authors point out that this estimate may not be entirely correct because individuals who were sentenced before they were 18—but are now over 18—were not included, and small rural jails that likely house juveniles were extremely underrepresented. Overall, the analysis in this chapter is important for readers interested in juvenile rights, as it strengthens the assertion that transfer to adult court carries many significant, often negative, implications for juvenile law-breakers.

The authors conclude with Chapter Eight—a discussion of the effectiveness of transferring youth to adult courts, as well as the future of such transfers. Although policy behind transfers emphasizes public safety, it appears that transfers are just “cosmetic” solutions and juveniles do not necessarily receive harsher penalties. The authors discuss many negative effects of transfers including inconsistency of use, disproportionate use for minorities, transfer of extremely young and nonviolent offenders, and the risk of victimization youth face when incarcerated with adult criminals. Mays and Ruddell analyze recent Supreme Court cases, economic conditions and the role of advocacy groups as aspects that will shape the future of juvenile justice and transfers. The authors also prompt researchers to take action, noting that empirical research will likely influence the course of juvenile justice and transfers. Although they

do not provide a concrete prediction for the future, the authors point to the unintended consequences that often accompany transfers, and leave readers understanding the importance of future research and reform in this area.

In sum, Mays and Ruddell offer a well-supported and balanced analysis of the state of juvenile justice, with a focus on transfer of youth to adult courts. The authors draw upon court cases, public opinion data, and a wide variety of statistical data, and structure their findings in a way that is easy and enjoyable to read. By including many charts and graphs, the authors ensure that those performing research can find data they are looking for quickly. While Mays and Ruddell stress the pitfalls of the juvenile justice system and transfers, they also include contrary findings that allow readers to interpret the data and draw different conclusions. The authors acknowledge gaps and limitations in their findings, including a lack of complete national-level data regarding the specific details of all youth transfers and the comparative effect of different transfer mechanisms. As a result, they help to sharpen the study of juvenile delinquency to highlight the system's response, an area of study that has not been addressed sufficiently by developmentalists who, instead, tend to focus more on the effects of incarceration, turning points, criminal trajectories and desistance (see Blomberg et al. 2012; Constantine et al. 2013; Sweeten et al. 2013). By alerting readers to the indefinite future of juvenile justice and youth transfers, Mays and Ruddell open the door for legal and empirical scholars, as well as those interested in juvenile rights, to build upon their findings and possibly shape the juvenile court's future.

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