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Blended Sentencing Laws and the Punitive Turn in Juvenile Justice

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In many states, young people today can receive a "blended" combination of both a juvenile sanction and an adult criminal sentence. We ask what accounts for the rise of blended sentencing in juvenile justice and whether this trend parallels crime control developments in the adult criminal justice system. We use event history analysis to model state adoption of blended sentencing laws from 1985 to 2008, examining the relative influence of social, political, administrative, and economic factors. We find that states with high unemployment, greater prosecutorial discretion, and disproportionate rates of African American incarceration are most likely to pass blended sentencing provisions. This suggests that the turn toward blended sentencing largely parallels the punitive turn in adult sentencing and corrections—and that theory and research on adult punishment productively extends to developments in juvenile justice.

INTRODUCTION

During the "get tough" era of the 1980s and 1990s, many US states ramped up the severity of punishment for both first-time and repeat criminal offenders. Reforms in the criminal court included three-strike laws, mandatory minimums, sentencing guidelines, and truth in sentencing legislation (Tonry 1996; Clear and Frost 2013). Despite the juvenile court's orientation toward making decisions in the "best interest of the child," more punitive policies also began to creep into the juvenile justice system during this period (Howell 2003, 2008; Ward and Kupchik 2009). Most notably, states began expanding legal mechanisms, such as direct file transfer and mandatory waiver laws, to transfer adolescents to adult criminal court (Zimring 1998, 2000; Feld 1999, 2003; Griffin 2003; Kupchik 2006; Steiner and Wright 2006; Fagan 2008; Johnson and Kurlychek 2012).

Because these legal mechanisms to transfer youth to adult court coincided with a juvenile crime boom in the late 1980s and early 1990s, such measures generally met with broad public support. Among persons aged ten to seventeen, the juvenile arrest rate for violent index crimes nearly doubled between 1984 and 1994, rising from 279 to 497 per 100,000, before descending to a historic low of 182 by 2012

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(OJJDP 2014). This steep rise perpetuated an image of the "vicious and savvy" delinquent or "superpredator"—and a corresponding image of the juvenile court as ill-equipped to punish offenders and deter future crime (Bishop 2000, 84; Feld 1995; Singer 1996; Zimring 1998). The combined effect of moral panic over youth crime and distrust in juvenile justice was reflected in a 71 percent increase between 1985 and 1997 in youths waived to adult court (Butts 1997).

Even as distrust of the system prompted punitive transfer laws, another juvenile justice reform was simultaneously taking shape: blended sentencing laws, which expand sentencing authority by combining a juvenile disposition with a stayed adult sentence (Griffin 2008). In essence, if the youth fails to abide by the juvenile court disposition, the court of jurisdictional authority, either criminal or juvenile, can revoke the juvenile sentence and impose the stayed adult sentence—subjecting the juvenile to adult prison time.

Considerable debate surrounds the origins and philosophical orientation of blended sentence policies, in part because they emerged on the scene when legislators were in dire need of a response to youth violence (Zimring 2014). States responded by crafting legislation that not only expanded the number of transfer-eligible youth, but also shifted power from judges and probation staff to prosecutors via direct file transfer laws (Torbet et al. 1996; Torbet and Szymanski 1998; Kurlychek and Johnson 2004; Zimring 2014). Direct file laws pacified critics of the juvenile court who wanted stricter punishments for juvenile offenders, but weakened the court's long-standing emphasis on amenability to treatment. This shift in power aligned juvenile court proceedings with a long-standing characteristic of the criminal court system, prosecutorial discretion based on the charged offense (Zimring 2005, 2014).

Nevertheless, the question of legislative intent is unclear. On the one hand, for those concerned about the erosion of the boundaries between the juvenile and criminal court, blended sentencing *could* be seen as a means to protect the rehabilitative ideals of the juvenile court and provide a "last chance" for juveniles in lieu of transfer (Feld 1995, 1038). For example, Feld (1995, 966–67) writes that Minnesota's blended sentence law expanded juvenile court jurisdiction, strengthening rather than weakening the juvenile court during a period in which substantive and procedural changes had "transformed juvenile courts from nominally rehabilitative welfare agencies into scaled-down, second-class criminal courts for young people." Although that state's blended sentencing policy may have lengthened dispositions for those adjudicated delinquent, it also expanded procedural safeguards for youth in juvenile court, providing access to defense counsel and the right to a jury trial (Feld 1995). Minnesota's blended sentencing law thus focused on preserving the juvenile court's ability to provide rehabilitative treatment while simultaneously permitting the court, via the expansion of due process safeguards, to enact harsher punishment.

On the other hand, there is also reason to believe that blended sentencing legislation is yet another means to expand transfer or criminal sanctioning of youth. For instance, Dawson's (1988, 2000, 75) review of the development of blended sentencing legislation in Texas emphasizes a determinate blended sentence structure that provided "an alternative to expansion of other means of transfer to criminal

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court." In particular, the determinate sentencing structure would expand the juvenile court's ability to punish youth below the age of fifteen who committed serious crimes, yet fell below the age of transfer (Dawson 1988). In short, Dawson (1988) attributes Texas's blended sentence legislation to concern over youth crime and the state's ability to punish, whereas Feld (1995) attributes Minnesota's blended sentence legislation to a desire to strengthen the juvenile court, while simultaneously providing procedural safeguards. Although each state has particular juvenile crime problems and responses, the following study identifies the general patterns that cut across this local specificity. Before proceeding to an analysis of these shared characteristics, however, we must better situate blended sentencing in the context of the juvenile court.

JUVENILE COURT HISTORY AND REFORMS

If blended sentence policies represent a departure from the rehabilitative mission of the juvenile court, it is important to understand what those ideals represent. Platt (1977) recounts the development of the court, emphasizing the influence of the US child-saving movement in the middle to late 1800s. During this period, economic growth, rapid urbanization, and high rates of immigration transformed views of childhood (Tanenhaus 2004). Led by middle- and upper-class women, the movement focused on delinquency prevention, the adequate preparation of children, concern over their idle time, and the threat of their impoverishment (Platt 1977; Feld 1991). Building on these ideals, the progressives subsequently formalized the process under which delinquent youth could be rehabilitated in the best interest of the juvenile and the first official juvenile court opened in Chicago, Illinois in 1899 (Platt 1969, 1977; Schlossman 1977; Feld 1999; Tanenhaus 2004).

An Interventionist and Diversionary Rationale

The juvenile court adopted an explicit interventionist and rehabilitative rationale, providing positive programming to "protect the community and cure the child" simultaneously, as the child savers intended (Zimring 2005, 36). Nevertheless, Zimring argues that the court's "diversionary" rationale may have been even more salient, as the court could shield children from the long-term negative impact of exposure to criminal punishment and criminal courts (Zimring 2005). According to this diversionary rationale, the juvenile court was "the lesser of evils" in relation to the criminal court (Zimring 2005, 41). Diverting youth would, in George Herbert Mead's terms, spare youth from the "retribution, repression, and exclusion" (1918, 590) of the punitive system of justice.

During the 1960s and 1970s, the US Supreme Court and many scholars questioned whether the juvenile court was in fact rehabilitative and the lesser of two evils (Feld 1999; Zimring 2005, 41). By 1967, the Court decided *In re Gault*, which led to substantial changes in juvenile justice. After reviewing the punitive realities of the juvenile justice system, the Court mandated elementary procedural safeguards such as advance notice of charges, the right to a fair and impartial hearing,

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assistance of counsel, an opportunity to cross-examine witnesses, and privilege against self-incrimination of juvenile defendants (Feld 1999). Although as Ward and Kupchik (2009) note, the Supreme Court rulings did not directly challenge the juvenile court's mission of rehabilitation, they did require accountability on the part of justice officials and limited subjective decision making, formalizing juvenile court processing.

On the heels of the 1960s and 1970s rulings requiring "system accountability" in the juvenile court (Ward and Kupchik 2009), the late 1970s and 1980s marked a shift toward *individual* accountability, offender responsibility, and punitive sanctions for youth as well as adults (van den Haag 1975; Feld 1999; D. Garland 2001). The juvenile court was clearly not immune from the punitive turn in criminal justice. If youth were now more deserving of punishment for their crimes, then legislatures could enact prosecutorial and programmatic changes that would require them to "deal with their commitment" of an offense before release (Ward and Kupchik 2009, 103).

Juvenile transfer to adult jurisdiction is regarded as the most punitive response to juvenile crime. Yet how are we to understand blended sentencing legislation that seems to merge the juvenile court (as the lesser of the evils) and the criminal court? Considering the juvenile court's history and recent reforms, does blended sentencing legislation represent an attempt to strengthen the juvenile court's capacity to intervene in the best interest of the child? Or, does blended sentencing represent a punitive reform in the juvenile justice system, mirroring punitiveness in the criminal courts?

For purposes of this study, we are less concerned with the effectiveness or morality of blended sentencing laws than with their historical, political, and cultural underpinnings. We ask: Does a model that explains the increasing punitiveness of adult criminal sanctions also predict the rise of state adoption of blended sentencing? If so, it would provide evidence that blended sentencing signals a punitive turn toward crime control of juvenile offenders. We will therefore test whether the known drivers of harsh criminal punishment in the adult system also predict state adoption of blended sentencing.

The Rise of Blended Sentencing

Blended sentencing emerged almost three decades ago, with West Virginia being the first US state to adopt the practice in 1985. Texas and Rhode Island followed shortly thereafter, but only three states had adopted blended sentencing laws by 1990. State adoption then rose dramatically from 1994–1997, with twenty-one states passing blended sentence laws. As shown in Figure 1, over half (twenty-six) of the fifty states have now adopted a form of blended sentencing. Figure 1 shows some evidence of geographic clustering, with a majority of states in the Midwest (75 percent) adopting blended sentencing legislation and relatively few South Atlantic states (only Florida, Virginia, and West Virginia).[1] At first glance, the

1. Overall, state adoption of blended sentencing was fairly equal across states in the West region (50 percent), South (44 percent), and Northeast (36 percent).

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FIGURE 1.
Blended Sentencing in the United States by Census Regional Boundaries (1985–2008)

lack of geographic clustering in the South Atlantic states may indicate that blended sentencing was not considered punitive enough, resulting in a lack of state adoption. Alternatively, it is notable that states with relatively low (Maine and New Hampshire) and relatively high (Louisiana and Mississippi) incarceration rates failed to adopt blended sentencing. Such patterns suggest that the blended sentencing movement is not a simple function of region or punitiveness, although our multivariate analysis will provide further insight into these factors.

Blended sentencing legislation can be further divided according to which court—juvenile or criminal—has jurisdiction or sentencing authority. Juvenile blended sentencing laws in fourteen states allow the juvenile court to impose adult criminal sanctions on certain categories of crimes. Generally, the court is empowered to combine a juvenile disposition with a suspended adult sentence (Griffin 2003, 2008, 2010). On the other hand, twelve states allow the criminal court to sentence transferred juveniles to a juvenile court disposition; in some states the criminal court also suspends the adult sentence in hopes of motivating compliant behavior (Griffin 2003, 2008, 2010). As explained in the Appendix, blended sentencing legislation can be further divided by sentencing authority into five overlapping models, shown in Table A1 of the Appendix, by state, year of adoption, and court of jurisdiction.[2]

The origins of the blended sentencing movement remain an open question. Some might have championed blended sentencing to moderate the effects of strict

2. The Appendix shows that there is no geographical pattern or clustering by year for state adoption of blended sentencing.

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state transfer laws (Redding and Howell 2000), shifting potentially adult-certified youth back to the juvenile court. Other proponents, motivated by the perceived leniency of the juvenile court, might have intended to subject more youth to adult criminal sanctions. Still others see the legislative impact of blended sentencing as part of the power shift in the juvenile court from the hands of the judge to the prosecutor (Zimring 2005). Yet there is little direct evidence on the relative influence of such motivations. Moreover, despite calls for more robust attention to theory in juvenile sanctioning (Mears and Field 2000, 984), most research has adopted an instrumental cost-benefit framework. While several excellent studies address the efficacy of juvenile justice reforms (see Redding and Howell 2000; Podkopacz and Feld 2001; Cheesman et al. 2002; Cheesman and Waters 2008; Trulson et al. 2011; Brown and Sorensen 2012), such work gives less attention to the connection between "day-to-day operations" and "an institution's self-conceptions" (Garland 1991, 117). To evaluate whether blended sentencing represents punitiveness in juvenile justice, an affirmation of historic rehabilitative goals, or a shift to prosecutorial power, we construct and estimate a conceptual model of its rise and adoption. Following David Garland (1990a, 1991, 124), we draw from the sociology of punishment traditions of Durkheim, Marx, Foucault, and Elias.

JUVENILE JUSTICE AS PUNISHMENT

Collective Conscience and Changing Sensibilities

Durkheim ([1893] 1933) emphasized the expressive nature of punishment—both as a representation of society's moral values and a mechanism to legitimize and reaffirm those values (Garland 1990b, 1991). From this perspective, changes in punishment should thus mirror broader shifts in the modern conscience collective (Durkheim [1893] 1933). If the collective conscience of society has shifted from rehabilitative to punitive in its orientation toward juvenile law violation, then what tangible *variables* account for these changes? In some respects, Michael Tonry applies a Durkheimian logic in *Thinking About Crime*, pointing to the "prevailing social values, attitudes, and beliefs" (2004, 5) driving adoption of punitive sanctions. Recent research by Enns (2014) supports Tonry by finding that from the mid-1980s to 2009 there was a strong relationship between a rise in public punitiveness and the production of punitive policy. Although a limitation of Enns's study was the inability to identify specific mechanisms that produced increases in public punitiveness, Tonry emphasizes media attention and publicity, showing how US sensibilities to get tough on crime produce punitive policies even in the face of declining crime rates.

As Bernard (1992) reports, public perceptions of youth crime are often untethered from actual juvenile offending. Thus, an increase in media coverage of a juvenile crime wave (Blumstein 1995; Fox 1996) and an explicit focus on high-profile and exceptionally violent cases (Walker 1994; Tonry 2004, 5) can create moral panics (Cohen 1972). These panics help shape public attitudes on crime, resulting in legal changes that encourage harsh punishment. Therefore, following Tonry (2004), we suggest that increases in public attention to juvenile crime will be

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closely correlated with a state's adoption of blended sentencing. Unfortunately, we lack state-level historical information about media or public attention devoted to youth crime. To test this idea, however, we constructed a variable assessing change in publicity of delinquency hearings over time, which ranged from generally closed to generally open to the public.

Although criminal justice policy bears an important relation to levels of crime, it rarely follows directly from crime rates. For example, Tonry (2004) shows how crime rates were often declining when punitive policy changes were enacted. Following Durkheim ([1893] 1933) and others, the punitive crime control era represents a change in public sensibilities rather than an instrumental response to rising crime rates. Nevertheless, to assess how actual crime rates influence the adoption of blended sentencing, we also estimate the effects of direct measures of juvenile crime, such as the rate of juvenile arrests by offense type and the rate of youth confinement by race.

Marx and the "Economics and Politics" of Penal Policy

Scholars examining the structural determinants of crime policy often adopt a Marxian perspective, stressing the interests of the ruling class, which dominates economic production and imposes power in other social spheres (like politics).[3] In turn, political institutions adapt their conditions (such as punishment and criminal policy) to fit the dominant economic mode of production (Garland 1990b). Although Marx wrote little on punishment, scholars in the Marxist tradition have linked economic production and political ideologies to the introduction or expansion of punishment (Garland 1990b, 1991; Beckett and Sasson 2000).

Rusche and Kirchheimer (1939) built a foundation for research in this tradition, specifying several propositions relating labor market and class struggles with penal development. For example, they hypothesized that a surplus of labor led to an increase in harsh punishment, with elites wielding punishment as a managerial tool tied to the labor value of prisoners.[4] In times of labor surplus and high unemployment, punishments tend to become harsher for individuals (either in terms of physical conditions or sentence severity). The capitalist elite and their control of the distribution of resources is only part of Rusche and Kirchheimer's argument linking labor surplus and punishment strategies. By controlling the conditions of penal institutions relative to those of the poor, elites can further dominate the working class. As labor surplus grows, and with it the incentives to commit crime, punishments are thus stepped up.

Contemporary scholars have modified and tested Rusche and Kirchheimer's (1939) labor surplus and punishment theory. Today, labor surplus is typically operationalized as the unemployment rate, while punishment is operationalized as the

3. Although not all scholars examining the political and economic determinants of criminal policy use an explicitly Marxist perspective, we focus this brief review on works influenced by Marxist theory. In doing so, we echo David Garland's (1990b, 83) contention that Marxist theory has "done the most to develop a vocabulary within which to express" such political and economic considerations.

4. For Rusche and Kirchheimer, the subject of harsher punishments connotes physically harsher conditions of punishment, while a more contemporary account of harsher punishments represents increase in use and length of imprisonment (Chiricos and Delone 1992).

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imprisonment rate (Chiricos and Delone 1992). Although studies by Inverarity and Grattet (1989), Greenberg (1977), and Jankovic (1977) find a strong positive relationship between unemployment and prison commitments, other studies find little association (e.g., Parker and Horowitz 1986) or apparently conflicting evidence (Inverarity and McCarthy 1988) that varies with model specification and methodological approach (Sutton 2000). In these instances, even Chiricos and Delone, whose meta-analysis findings generally support the Rusche-Kirchheimer hypothesis, state that "the research has left many if not most of the key theoretical issues unexamined" (1992, 432).

One of the key critiques of the Rusche-Kirchheimer hypothesis is that it understates the importance of political forces that shape legislation of penal measures (Garland 1990b,). Contemporary research in this tradition considers both political and economic determinants of punitiveness. Most notably, Jacobs and Helms (1996) report that unemployment is not related to prison admission rates when controlling for changes in family structure, the percentage of young males in the population, and crime rates. With regard to politics, however, conservatism is a significant and positive predictor of punishment. Jacobs and Helms thus find little direct support for the Rusche-Kirchheimer thesis but greater support for David Garland's (1990b) and Savelsberg's (1994) understanding of the political drivers of criminal punishment. Similarly, Sutton finds that factors such as unemployment and homicide rates are not significantly related to imprisonment rates when structural political factors such as union density and left-party dominance are simultaneously assessed. Strong unions and left-party influence are significantly and negatively associated with imprisonment rates, suggesting that democratic parties "exert political influence in support of a range of ameliorative social policies, including less punitive responses to crime" (2004, 183). Based on these ideas and findings, we consider both economic measures (such as unemployment) and political measures (such as partisan legislative and gubernatorial control) in predicting adoption of blended sentencing.

Apparatuses and Instrumentalities of Punishment for "At-Risk" Populations

David Garland's sociology of punishment perspective also emphasizes the "apparatus and instrumentalities" (1991, 124) of punishment, a reference to Foucault's (1977, 1978, 1980, 1990) analysis of power relations in the penal process and controls such as surveillance, inspection, and normalization. Foucault's approach, moving from the institution outward, informs diverse theories of the evolving strategies and techniques of the penal field. For example, Feeley and Simon's (1992, 449) "new penology" adopts a Foucaultian perspective to describe the emergence of a "new strategic formation in the penal field." This involves new discourses, such as the use of actuarial science and the standardization and use of *efficient* control mechanisms to target high-risk groups of offenders. These include fixed sentences and guidelines to determine sentence type and length,[5] pretrial detention, and, more recently, pretrial bail

5. In 1984, the federal government created the US Sentencing Commission to establish uniform or fixed sentencing guidelines for federal felonies and serious misdemeanors. These guidelines establish presumptive sentencing criteria for use and adoption by individual states (28 USC 994).

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assessments to estimate risk to public safety (Kempf-Leonard and Peterson 2000; Mamalian 2011). Feeley and Simon maintain that the expansion of prison and community corrections (including alternatives such as electronic monitoring and boot camps) and the use of risk assessments are best understood in terms of "managing costs and controlling dangerous populations rather than social or personal transformation" (1992, 465). The instrumentalities and apparatuses in the new penology thus extend the continuum of control to populations deemed most at risk of reoffense.

Feeley and Simon (1992) do not address whether the new penology and actuarial justice has bled into the juvenile system. Kempf-Leonard and Peterson (2000), however, point directly to developments in the juvenile court that could be attributed to actuarial justice, which informs our construction of variables to represent the new penology. For example, greater use of objective risk assessments in *juvenile* court parallels the use of prehearing detention to determine actuarial risk in the adult system.[6] States have increasingly adopted the use of detention risk assessments in juvenile court to identify youths eligible for detainment (Baird, Storrs, and Connelly 1984; Baird 1985; Frazier 1989; Weibush et al. 1995; Kempf-Leonard and Peterson 2000; Howell 2003). This process de-emphasizes individual characteristics and circumstances that could inform the best course of action for each juvenile and, instead, bases juvenile court decisions on offense severity and risk, which are markers of actuarial science and risk management. To assess the relationship between the new penology, community correctional control, and adoption of blended sentencing, we include measures of youth confinement for pretrial detention and adults on parole and probation.[7]

The concept of objective risk assessment is embedded in the criminal justice system's use of sentencing guidelines and truth in sentencing policies. A similar structure is evolving in the juvenile court via new transfer mechanisms, such as direct file, that reduce judicial discretion and increase efficiency by standardizing and routinely processing juvenile cases. Direct file laws allow *prosecutors* to certify youth directly to adult court without judicial screening based on standardized criteria. The presumptive criteria reflect actuarial justice, by defining subpopulations (such as juveniles charged with specified offenses) as particularly threatening and in need of greater surveillance. In transferring control to prosecutors, direct file laws arguably save the juvenile court resources, since the cases that would require the most time and money to resolve are effectively transferred from the court (Kempf-Leonard and Peterson 2000). To assess the impact of reduced judicial discretion and the standardization of juvenile processing, we thus consider the effects of a direct file law.[8]

Finally, Feeley and Simon (1992) argue that the new penology represents a movement away from moral or clinical descriptions of the individual offender toward actuarial language that describes risk to public safety. This actuarial language reflects

6. We use the term prehearing and pretrial detention synonymously to represent a judicial hearing to determine whether a person is detained or released prior to trial or adjudication.

7. We use the adult probation population because juvenile probation data are unavailable for each state and year.

8. The use of pretrial risk assessment has also increased in the past three decades, although no state-specific data are available regarding the timing of its introduction.

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a "trend of the penal system to target categories and subpopulations rather than individuals" (Feeley and Simon 1992, 453). Class- and race-based inequalities are deeply rooted in the actuarial language that defines particular groups as high-risk offenders or career criminals. These links reinforce the idea that crime is a product of a marginalized and dangerous subpopulation—a "high risk group that must be managed for the protection of society" (Feeley and Simon 1992, 467). We thus consider race-specific measures of incarceration and juvenile confinement.

In sum, our model suggests that the landscape of the contemporary crime control era looks something like this: states with high unemployment rates, conservative politics, and growing marginalized populations have higher incarceration rates. Further, moral panic fuels public fear and perceptions of crime, which engenders more severe punishments and the use of managerial techniques such as probation, risk assessments, and pretrial detention to manage the risk of particular subgroups to control crime.

DATA AND METHODS

Dependent Variable and Logic of Analysis

Our analysis is designed to identify whether the predictors of state adoption of blended sentencing parallel the known predictors of punitive justice in the adult system. The primary dependent variable is thus a time-varying indicator of whether states adopt blended sentencing policies. Although states differ by type of adopted blended sentence, either juvenile or criminal court jurisdiction, we initially coded any state that adopted a blended sentence structure as a "blended sentence adopter" and created a dichotomous dependent variable for our event history analysis. We then conducted a more basic ANOVA comparison of blended sentencing adopted under juvenile versus criminal court jurisdiction. We employed this strategy because we are constrained by a small number of events (only twenty-six state adopters over twenty-four years). To maintain stability in our models while incorporating the predictor and control variables, we could not disaggregate the dependent variable into a multinomial dependent variable. This analysis thus follows prior research in aggregating various types of transfer mechanisms (e.g., direct file, judicial waiver, statutory exclusions) into a dichotomous variable despite procedural differences (see Bishop et al. 1996; McNulty 1996; Lanza-Kaduce et al. 2002; Kurlychek and Johnson 2004).

We use a discrete-time logistic regression event history approach to predict state adoption of blended sentencing. Because event history analysis is concerned with time to "failure," the risk set for this analysis includes all fifty states eligible to adopt blended sentencing from 1985 to 2008.[9] Event history analysis is advantageous in this setting because it appropriately models both time-varying predictors

9. We chose to begin the timeframe for our analysis in 1985 because this corresponds with the first state adoption of blended sentencing, and to extend our risk set to 2008 despite the last state adoption of blended sentencing occurring in 2002. Based on juvenile crime trends, we would not anticipate states shifting direction sooner, as the concern over juvenile crime began in 1984 and peaked in 1994 (Howell 1996) and our data set captures a majority of these shifts in our data.

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(such as the unemployment rate) and censored cases that have yet to adopt blended sentencing (Allison 1984; Yamaguchi 1991).

Independent Variables

Each of our fixed and time-varying predictors is described in Table A3 of the Appendix, so we focus discussion here on the key predictors. To assess political climate, we include a state- and year-specific measure of the proportion of the legislature under Democratic or Republican control, as well as a dichotomous measure indicating a Democratic governor.[10] To assess how state punitiveness influences policy changes in the juvenile court, we include the African American incarceration rate,[11] the rate of adults on probation to capture "criminal managerialism,"[12] and the presence of the death penalty (Amnesty International n.d.). We further include measures of direct file laws[13] (to indicate the standardization of juvenile case processing) and the openness of public hearings (to indicate publicity and public scrutiny of juvenile court operations) (see Symanski 2000, 2002, 2004, 2007).

Socioeconomic variables include unemployment rates and education levels, to estimate the impact of labor surplus and workforce education on adoption of blended sentencing.[14] As labor surpluses lead to increased punishment, communities of color have been punished most severely (Tonry 1996, 2004; Feld 1999). To assess the influence of racial threat on the passage of blended sentencing reform, we include census information for the non-Hispanic African American, Hispanic, and non-Hispanic white juvenile population counts by state and year,[15] along with the rate of juveniles in confinement by race.[16] We caution, however, that Hispanic ethnicity was not consistently reported over the period (see, e.g., Liebler and Halpern-

10. Based on data reported in the US Bureau of the Census, Statistical Abstract of the United States: 1985–2009.

11. Based on US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Prisoners in 2009*, Series NCJ 231675 and earlier reports. See also http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2232.

12. The number of adults on probation was created using the US Census statistical abstracts and the Bureau of Justice Statistics Annual Probation and Parole Survey.

13. Direct file law data compiled from Griffin, Torbet, and Szymanski (1998); US General Accounting Office: Report to Congressional Requesters (1995); Griffin (2003, 2010).

14. High school diploma recipient data are from the National Center for Education Statistics online Education Data Analysis Tool (EDAT). Unemployment rates are from the US Bureau of the Census (2009).

15. The variable for juvenile population by race includes population counts for all youth by state and year between the ages of 10 and 17. We disaggregated the race data for African American juveniles to include youth who only report African American and non-Hispanic origin, and did the same for white juveniles. The variable representing Hispanic youth includes all youth who indicate Hispanic or Latino descent regardless of their indicated race category. Race data should be interpreted cautiously, as census data allow for multiple race responses (Liebler and Halpern-Manners 2008). Data retrieved from Puzzanchera, Sladky, and Kang (2014).

16. The rate of juveniles in confinement represents the number of youths committed to *public* juvenile facilities. Private facility data are protected and are not available at the state level. Facility types include a broad spectrum of facilities from shelters to secure facilities. To create this variable, we extracted data from the Children in Custody Census (CIC) for the years 1983, 1984, 1986, 1989, 1991, 1993, 1997, 1999, 2001, 2003, and 2006. For years with missing values, we interpolated the values using linear trend analysis.

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Manners 2008). To assess how juvenile crime rates influence the adoption of blended sentencing, we created state- and year-specific indicators of the rate of juvenile arrests by offense type (Puzzanchera and Kang 2013). Finally, we controlled for region based on census indicators for Northeast, Midwest, South, and West.[17]

Discrete-Time Logistic Regression

Our discrete-time logistic event history models take the following form:

$$\log[P_{it}/(1-P_{it})]=\alpha_t+\beta_1 X_{it1}+\ldots\beta_k X_{tik},$$

where P_{it} represents the probability that blended sentencing passed in state i in time interval t, β signifies the effect of the independent variables, X_1, X_2 … X_k denote k time-varying independent variables, and α_t represents a set of constants corresponding to each decade or discrete-time unit. This approach allows us to employ time-varying covariates to test how changing state characteristics affect the likelihood of state adoption of blended sentencing. Based on inspection of the hazard distribution and a statistical comparison of alternative time specifications, we specify time using a cubic model.[18]

Figure 2 graphs the probability of state adoption of blended sentencing. Our cubic year model accounts for the few early adopters in the mid-1980s, the sharp increase from 1992 to 1998, and the subsequent decline in the probability of adopting blended sentencing laws until the last state, Ohio, adopted its law in 2002.

Bivariate Discrete-Time Regression

After reviewing the timing of state adoption, we next consider state-level predictors. We begin with bivariate analysis, which aids in model specification for the multivariate analysis. Table 1 presents the results from thirty-four discrete-time logistic event models predicting blended sentencing adoption. The first two columns (labeled Cubic Year and Exp(B)) show the relation between the independent variables and the passage of blended sentencing laws while controlling for time with the cubic year specification. We find that states with a Democratic governor are 60 percent less likely to pass blended sentencing laws than states where

17. To assess multicollinearity, we examined the variance inflation factor for each independent variable used in our final models. We tested for multicollinearity by analyzing linear regression models and examined the estimated collinearity diagnostic coefficients for the variance inflation factor. None of the predictor variables in Tables 1 or 2 had variance inflation factor coefficients above 2.5. Results using linear year rather than cubic year show the same pattern of results with little indication of multicollinearity (Schaefer 2011).

18. We specified time in four ways to obtain the best-fitting model and to model periods in which no state adopted blended sentencing appropriately: a linear year term, a quadratic model, a cubic model, and a set of dichotomous indicator variables. Table A4 in the Appendix compares the fit of these models using nested chi-square tests and Akaike's information criterion (AIC). Linear year (entered as a continuous year variable) has the worst fit and the highest AIC value. The quadratic equation provides a better model fit, but the squared term fails to account for the early adopters. The cubic model provides a superior fit, with an AIC comparable to that of the full set of time dummy variables, but using six fewer degrees of freedom. Thus, the preferred time specification includes year, year-squared, and year-cubed.

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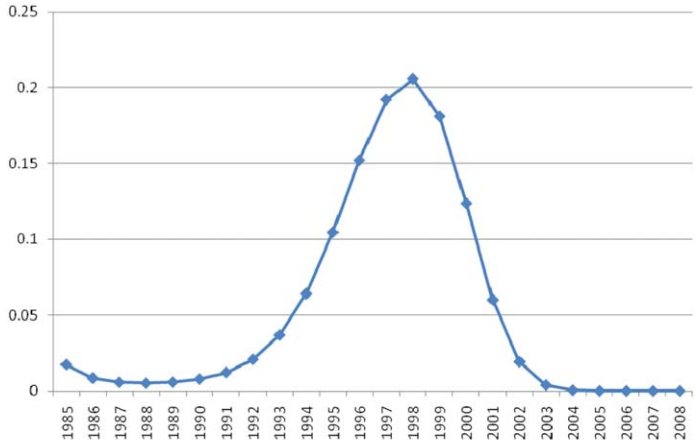

NOTE: Plotted based on cubic model, the best fitting functional form for time.

FIGURE 2.
Probability of State Adoption of Blended Sentencing

Democrats do not hold that office.[19] In contrast, the proportional makeup of the legislature, whether Democratic or Republican, is nonsignificant. We specified several legislative partisanship models (including partisan control as well as the proportion Democrat or Republican), but saw no significant effects. For measures of state punitiveness, the African American incarceration rate has a significant and positive effect on the passage of blended sentencing. A one standard deviation increase in the African American incarceration rate is associated with 35 percent greater odds of passing blended sentencing (using the unstandardized beta and standard deviation to calculate the effect size).[20] Death penalty states had a significant negative relationship to blended sentencing, which likely reflects the regional patterning described above. At the bivariate level, the measures for socioeconomic conditions are not statistically significant, though these factors emerge more strongly in the multivariate analysis.

The next set of variables shows how a state's juvenile court characteristics, juvenile population, and juvenile crime characteristics are associated with the passage of blended sentence laws. Direct file laws have a significant positive impact, with direct file states being 2.3 times as likely as non-direct-file states to pass blended sentencing.[21] We observe nonsignificant effects for upper age limit of juvenile court jurisdiction and openness of public hearings.[22] For the measures of juvenile population characteristics, we find nonsignificant effects for the juvenile

19. For ease of interpretation, we calculate the odds ratio to a percent using the following equation: Exp(B – 1 * 100).

20. Calculated as Exp(Beta * Standard Deviation).

21. As noted in Table A2 in the Appendix, states placing blended sentencing under criminal court jurisdiction led to an especially high likelihood of having direct file transfer laws (direct file was present in 42 percent of the states placing blended sentencing under criminal court jurisdiction and in 60 percent of the states placing it under both criminal and juvenile court jurisdiction, relative to 11 percent of the states passing blended sentencing under juvenile court jurisdiction).

22. The authors recognize that a variable representing extended age of jurisdiction may impact state adoption of blended sentencing; however, these data were unavailable over the twenty-three-year time span of this study.

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TABLE 1.
Bivariate Predictors of Blended Sentencing 1985–2008 (Twenty–Six Events, N = 872)

Variable	Model	Cubic Year	SE	Exp (B)
Political partisanship				
Percent Democratic legislature	1	.006	(.012)	1.006
Percent Republican legislature	2	–.011	(.011)	.989
Democratic governor	3	–.927*	(.483)	.396
State punitiveness				
African American incarceration rate	4	.004*	(.002)	1.005
Death penalty (vs. abolished states)	5	–.998**	(.443)	.368
Adult probation rate	6	.000	(.003)	1.000
Socioeconomic conditions				
Unemployment rate	7	.250	(.166)	1.284
High school diploma rate	8	.370	(.290)	1.448
Juvenile court characteristics				
Direct file (vs. no direct file)	9	.831*	(.448)	2.295
Open hearing (vs. closed)	10	.652	(.527)	1.920
Open hearing with provisions (vs. closed)		.128	(.510)	1.136
Upper age of jurisdiction	11	–.040	(.343)	.907
Juvenile population characteristics				
White youth population (100,000s)	12	.055	(.294)	1.057
African American youth population (100,000s)	13	–.127	(.214)	.881
Hispanic youth population (100,000s)	14	.178*	(.086)	1.195
Juvenile confinement				
Total confinement	15	–.205	(.214)	.815
White juvenile confinement	16	–.317	(.276)	.728
African American juvenile confinement	17	–.005	(.018)	.995
Hispanic juvenile confinement	18	.018	(.013)	1.019
Detention rate	19	.204	(.492)	1.227
Juvenile crime (arrests)				
Total arrests	20	–.001	(.006)	.999
Part I arrests	21	.013	(.022)	1.013
Violent crime arrests	22	.044	(.118)	1.045
Property Part I arrests	23	.016	(.023)	1.016
Murder arrests	24	−2.070	(4.105)	.126
Rape arrests	25	–.967	(2.074)	.380
Robbery arrests	26	–.183	(.279)	.833
Aggravated assault	27	.274	(.200)	1.315
Burglary arrests	28	.088	(.129)	1.092
Larceny arrests	29	.010	(.029)	1.010
Motor vehicle theft	30	.333**	(.157)	1.359
Arson arrests	31	.282	(1.039)	1.326
Weapons violation arrests	32	.066	(.112)	1.068
Drug abuse/sale arrests	33	–.045	(.091)	.956
Census region				
Midwest (vs Northeast)	34	.630	(.528)	1.758
South		–.066	(.648)	.936

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Table 1. *Continued*

Variable	Model	Cubic Year	SE	Exp (B)
West		.075	(.668)	1.077
Time				
Year	35	.−1.316**	(.628)	.268
Year^2		.214***	(.078)	1.239
Year^3		–.008***	(.003)	.992

Note: *$p < .10$, ** $p < .05$, *** $p < .01$. Standard errors in parentheses.

African American and white populations, but a positive and significant effect for the Hispanic population in the bivariate models. These race and ethnicity findings should be interpreted cautiously because reporting shifted over the period, allowing for multiple-race responses in 2000 and subsequent years (Liebler and Halpern-Manners 2008). Nevertheless, there appears to be geographic clustering of Hispanic youth in states that passed blended sentencing. The variables representing rates of confinement by race are all nonsignificant at the bivariate level.

The last cluster of variables considers juvenile arrests for serious and violent felony offenses. We analyzed all UCR Part I violent and property crime, in addition to UCR Part II crimes for weapons violations and drug abuse/sale. The only variable that reaches statistical significance is the juvenile arrest rate for motor vehicle theft. This finding is intriguing because arrest rates for motor vehicle theft peaked in 1990 and declined significantly during the mid-1990s, when most states passed blended sentence laws (Griffin 2008). Other violent crimes such as murder, rape, robbery, and aggravated assault peaked during 1993 and 1994, closer to the time when most states enacted blended sentence laws, but they are not significantly related to adoption of these laws.

Discrete-Time Multivariate Regression

Based on our bivariate analysis, we construct a set of nested multivariate models. We hypothesize that states with high unemployment rates, conservative politics, and high rates of African American incarceration and adult probation will be more punitive in their orientation to juvenile crime; they will pass blended sentencing not as a rehabilitative alternative to treat juvenile offenders, but as a crime control measure. In addition, states that allow the general public to attend delinquency hearings increase concerns that violent crime is on the rise, and these states will be more likely to pass blended sentencing laws as a means to punish offenders, particularly persons of color (Garland 2001). If this pattern of results holds, the evidence would suggest that blended sentencing signals a punitive turn toward crime control in the juvenile court.

Table 2 presents three discrete-time logistic regression models predicting state passage of blended sentencing. Model 1 examines juvenile crime while controlling for

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TABLE 2.
Discrete-Time Regression Predicting Blended Sentencing Law

	Model 1		Model 2		Model 3	
Variable	B	Exp β	B	Exp β	B	Exp β
Census region						
Midwest (vs. Northeast)	1.326*	3.766	.619	1.858	.284	1.328
	(.669)		(.830)		(1.059)	
South (vs. Northeast)	–.386	.679	.111	1.117	.141	1.151
	(.744)		(.832)		(.895)	
West (vs. Northeast)	.230	1.259	.101	1.106	–.007	.993
	(.961)		(1.025)		(1.044)	
Juvenile crime rate						
Juvenile violent arrests	.197	1.218	.140	1.151	.067	1.069
	(.183)		(.225)		(.253)	
Juvenile property arrests	.029	1.030	.048	1.049	.048	1.050
	(.031)		(.034)		(.036)	
Juvenile weapons violations	.120	1.127	.136	1.146	.154	1.166
	(.154)		(.217)		(.205)	
Juvenile drug arrests	–.151	.860	–.162	.851	–.127	.881
	(.135)		(.153)		(.162)	
Juvenile confinement rate						
White confinement	–.697	.498	–.897*	.408	–.890*	.411
	(.465)		(.524)		(.510)	
African American confinement	.034	.967	–.022	.979	–.029	.971
	(.034)		(.047)		(.064)	
Hispanic confinement	.049**	1.050	.038	1.039	.033	1.033
	(.023)		(.027)		(.030)	
Pretrial detention rate	.414	1.513	.643	1.903	.703	2.020
	(.706)		(.761)		(.805)	
Juvenile court features						
Direct file (vs. no direct file)	.898*	2.455	.808	2.243	.904	2.470
	(.531)		(.548)		(.552)	
Public hearing						
Open (vs. closed)	.287	1.332	.740	2.097	.394	1.483
	(.738)		(.785)		(.818)	
Provisions (vs. closed)	–.134	.875	–.173	.841	–.553	.575
	(.651)		(.682)		(.772)	
Socioeconomic						
Unemployment rate			.438**	1.550	.475**	1.609
			(.221)		(.233)	
High school diploma rate			.578	1.782	.588	1.801
			(.446)		(.480)	
Political partisanship						
Democratic governor			−1.162**	.313	–.899	.407
			(.553)		(.628)	
State punitiveness						
Adult African American incarceration					.006*	1.006
					(.004)	
Adult probation rate					–.002	.998
					(.005)	
Death penalty state					–.918	.399

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Table 2. *Continued*

Variable	Model 1 B	Model 1 Exp β	Model 2 B	Model 2 Exp β	Model 3 B	Model 3 Exp β
					(.705)	
Year	−1.899**	.150	−1.892**	.151	−1.890**	.151
	(.809)		(.872)		(.889)	
Year^2	.281**	1.324	.302***	1.352	.295***	1.343
	(.097)		(.104)		(.105)	
Year^3	–.010**	.990	–.011***	.989	–.011***	.989
	(.003)		(.003)		(.004)	
Constant	−2.722	.066	−9.535**	.000	−9.446*	.000
	(2.110)		(4.698)		(4.901)	
−2 log likelihood	180.9		169.4		164.6	
Chi-square (df)	52.9***	(17)	64.4***	(20)	69.2***	(23)
Events	26		26		26	
N	871		871		871	

Note: *$p < .10$, ** $p < .05$, *** $p < .01$. Standard errors in parentheses.

regional effects (relative to the Northeast), time, juvenile crime and confinement,[23] and characteristics of the juvenile court. As is evident in the table, blended sentencing is well established in midwestern states. Because only those charged with serious crimes (e.g., murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson) are eligible for blended sentences, we hypothesized a significant positive relationship between arrest rates for violent and serious juvenile crime and the passage of blended sentence laws. As Table 2 shows, however, juvenile crime is generally not a significant predictor. In contrast, the rate of Hispanic youth in confinement emerges as significantly related to state passage of blended sentencing. A one standard deviation increase in the rate of Hispanic youth in confinement is associated with a 5 percent increase in the odds of a blended sentence law.

While much research on the "criminology of the other" (Garland 2001, 137) emphasizes African American youth, we find a significant positive effect only for Hispanic confinement. We report these results cautiously due to limitations in ethnicity data, but these findings align with research suggesting typification of Hispanics as criminals (Villarruel et al. 2004; Johnson et al. 2011; Welch et al. 2011). Juvenile court characteristics are included to represent the new penology and the changing sensibilities of the US public (Feeley and Simon 1992; Tonry 2004). Model 1 of Table 2 supports our hypothesis that states enacting direct file laws are more likely to pass blended sentence laws. In fact, direct file states are 2.5 times as likely to pass blended sentencing laws. The estimate for open juvenile hearings is not statistically significant.

Model 2 of Table 2 introduces economic characteristics that represent labor surplus, which has been associated with punitiveness in previous research (Rusche and

23. Although juvenile crime was not predictive in bivariate models, we wish to isolate the effects of independent variables, net of crime patterns. Moreover, as Torbet et al. (1996) explain, one of the reported reasons for the introduction of blended sentencing during the 1990s was increasing public safety concerns over violent juvenile offenders. States might thus react to a perceived juvenile threat by enacting legislation that based dispositions on the offense rather than the offender, simultaneously emphasizing punishment and deemphasizing rehabilitation.

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Kirchheimer 1939; Greenberg 1977; Jankovic 1977; Inverarity and Grattet 1989; Chiricos and Delone 1992). If blended sentencing mirrors these crime control policies, then states with higher unemployment rates should be more likely to pass blended sentencing legislation. Consistent with this idea, we find that unemployment is a positive and significant predictor in multivariate models. For each 1 percent increase in the unemployment rate, the odds of passing blended sentencing laws increases by 55 percent. With regard to political partisanship, Model 2 shows a strong negative and significant relationship between Democratic leadership and adoption of blended sentencing; states with Democratic governors are approximately 69 percent less likely to adopt blended sentencing laws net of the other variables. This finding aligns with research associating punitive reforms with Republican rather than Democratic leadership (Sutton 1987, 2000, 2004; Jacobs and Helms 1996; Jacobs and Carmichael 2001, 2002).

Finally, Model 3 of Table 2 introduces measures of state punitiveness. The African American incarceration rate is a significant and positive predictor. A standard deviation increase in the African American incarceration rate raises a state's odds of passing blended sentencing legislation by 59 percent. Moreover, the rate of *white* youth in confinement is a significant and negative predictor in Models 2 and 3. Net of the full set of covariates in the model, states are less likely to pass blended sentencing in states with large numbers of young whites in confinement—a relationship that was not apparent in the bivariate models.

In Model 3 of Table 2, the effect of unemployment persists, but the introduction of state punitiveness variables reduces the effect for Democratic governors and direct file laws to nonsignificance. This pattern is not unexpected, given the close association and endogeneity between incarceration and partisanship. This final model includes economic and political factors, juvenile crime rates, juvenile incarceration, juvenile court characteristics, and census region. Overall, the predictors of blended sentencing laws—racialized confinement, direct file, unemployment, and partisanship—appear more congruent with a punitive culture of control than with the historical treatment emphasis of the juvenile court (see Garland 2001; see also Feeley and Simon 1992; Beckett and Herbert 2010; King, Massoglia, and Uggen 2012).

Although too few states passed blended sentencing laws to permit a disaggregated event history analysis, we conducted a simple ANOVA analysis to compare mean levels on our independent variables across different types of blended sentencing laws. We distinguished between those that passed blended sentencing under juvenile court jurisdiction, criminal court jurisdiction, or both juvenile and criminal court jurisdiction. We found few differences across these categories (as shown in Table A2 of the Appendix and reported in note 22), with the exception of two variables: states placing blended sentencing under criminal court jurisdiction had especially high rates of Hispanic juvenile confinement and an especially high likelihood of direct file transfer laws.

DISCUSSION AND CONCLUSION

In the mid-1980s, blended sentencing emerged that allowed for imposition of both a juvenile disposition and a stayed criminal punishment (Redding and Howell

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2000). Although some scholars maintain that blended sentencing continues to embody the juvenile court's rehabilitative philosophy (see Feld 1995), others have argued that blended sentencing could be operating as a "back door to prison" (Podkopacz and Feld 2001, 1026; Zimring 2000; Kupchik 2006), while enhancing prosecutorial power in the juvenile courts (Zimring 2014). To understand better whether the introduction of blended sentencing aligns more closely with the rehabilitative interventionist rationale of the juvenile court or an expansion of punitiveness for the juvenile justice system, we examined the predictors of state adoption patterns using discrete-time event history analysis.

Such questions are especially timely today. First, in light of research on development in early adulthood, several nations are considering expanding the age of juvenile court jurisdiction to the mid-twenties (Loeber and Farrington 2012). Second, after a long "punishment era" that extended from the mid-1970s to 2010, correctional populations are finally beginning to recede, though the shape of the *next* era remains unclear (Clear and Frost 2013). Our work shows how a broad sociology of punishment perspective can be extended productively to the operation of the juvenile justice system. Moreover, it is an especially important moment to consider the empirical and conceptual relationship between criminal justice and juvenile justice policy making. Although our broad quantitative analysis can provide only one view of this picture, future studies based on more textured and specific state histories are clearly needed.

We find that the determinants of juvenile blended sentence laws mirror the determinants of punitive adult criminal justice policies, suggesting a common culture of control in both systems. In essence, the introduction of blended sentencing provides further evidence that juvenile justice reforms lack a rehabilitative, interventionist reform and more closely align with diversionary rationales providing punishments to youth in a manner that is "less worse" than criminal courts, but no less punishment (Zimring 2015).

States with high unemployment rates, conservative partisanship, new penology managerial techniques, and high minority incarceration and confinement are more likely to pass blended sentencing. First, although blended sentencing laws coincided with the juvenile crime boom, we find that the fluctuation of juvenile crime rates was not significantly related to state passage of blended sentencing. This finding supports Tonry's (2004) contention that the punitive turn in crime control is less attributable to actual crime rates and more representative of changing sensibilities and perceptions about how to deal with offenders. Thus, blended sentencing is not a reaction to juvenile crime per se, but could represent a fundamental shift in the philosophy of the juvenile court to control and punish offenders in lieu of treatment.

Second, state passage of blended sentencing laws occurred in states that also subscribed to features strongly aligned with the new penology. Recall that Feeley and Simon (1992) argued that a marker of the new penology is the use of actuarial techniques to identify and control aggregate groups, generally those viewed as posing the greatest risk to public safety. We find that states are significantly more likely to pass blended sentencing laws when they also employ other punitive juvenile strategies, such as direct file, and when rising minority populations

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are perceived as a visible threat, as evidenced by our findings for Hispanic confinement in Model 1. This study thus finds empirical evidence of the new penology in the juvenile justice system, as suggested by Kempf-Leonard and Peterson (2000).

Third, our conceptual model applies ideas from the sociology of punishment perspective (see Garland 1990a, 1991) to the juvenile system, identifying the cultural, social, economic, and political factors that impact blended sentencing. As Rusche and Kirchheimer (1939) contended, labor surplus is historically linked with more punitive strategies; some recent studies also show a positive relationship between unemployment and prison commitments (see Greenberg 1977; Jankovic 1977; Inverarity and Grattet 1989; Chiricos and Delone 1992). We, too, find support for this hypothesis, with unemployment rates significantly predicting state passage of blended sentence laws. Of course, analysis of the social production of punishment is incomplete without attention to politics. At the bivariate and multivariate level, we found that states with Democratic governors are less likely to pass blended sentence laws, generally supporting research that links punitive reforms with more conservative political parties (Sutton 1987, 2000, 2004; Jacobs and Helms 1996; Jacobs and Carmichael 2001, 2002). If states had passed blended sentencing laws to support the juvenile court's rehabilitative ideals, we would have expected a null or positive relationship between Democratic leadership and adoption of these laws.

Because our analysis is exploratory, it is not without its limitations. In particular, we recognize that there are significant differences between cases that remain under juvenile court jurisdiction, such as states that operate juvenile inclusive, exclusive, or contiguous models compared to cases that move to criminal court for supervision. Thus, coding our dependent variable as dichotomous and merging juvenile and criminal jurisdiction states does not allow us to answer the question of whether the pattern of state passage of blended sentencing is significantly different between juvenile and criminal jurisdiction states. Future research and analysis could offer answers to this question.

In addition, although we used prior research as a guide for the inclusion and operationalization of variables in this analysis, it is possible that other key predictors are related to passage of blended sentences that are not included in this analysis. For instance, Tonry (2004) and Chiricos (2004) suggest that media attention to isolated, albeit horrific, crimes strongly influences the production and passage of punitive crime policies. Therefore, a content analysis that examines the role of media in the passage of juvenile justice policies could expand the literature on national adoption of juvenile justice policy.

In short, the turn toward blended sentencing for juveniles largely parallels the punitive turn in adult sentencing and corrections rather than reaffirming the historic individualized treatment emphasis of the juvenile court. While blended sentences may indeed represent a "last chance" for juveniles before they are waived to adult court (Feld 1995, 1038) or an "alternative to expansion of other means of transfer to criminal court" (Dawson 2000, 75), they were likely enacted, in part, to expand harsh criminal punishments to a larger class of youthful law violators (Zimring 2000).

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APPENDIX: VARIETIES OF BLENDED SENTENCING

Our focus in this article is adoption of any blended sentencing legislation, though there is some complexity in the variety of blends that have been introduced. The following discussion describes the varieties of blended sentencing and the different approaches states have taken at different times. The first three columns in Table A1 identify states adopting a blended sentencing model that remains in juvenile court jurisdiction. Currently, in fourteen of the twenty-six blended sentence states, a juvenile sentenced to a blended sentence remains under juvenile

TABLE A1.
States with Blended Sentencing by Sentencing Authority

Juvenile Inclusive	Juvenile Exclusive	Juvenile Contiguous	Criminal Inclusive	Criminal Exclusive
Alaska (1995)	New Mexico (1995)	Colorado (1993)	Arkansas (1999)	Colorado (1993)
Arkansas (1999)		Massachusetts (1995)	Iowa (1997)	California (1995)
Connecticut (1995)		Rhode Island (1990)	Missouri (1995)	Florida (1994)
Illinois (1998)		Texas (1987)	Virginia (1997)	Idaho (1995)
Kansas (1997)				Illinois (1998)
Michigan (1997)				Kentucky (1996)
Minnesota (1994)				Massachusetts (1995)
Montana (1997)				Michigan (1997)
Ohio (2002)				Nebraska (1999)
				New Mexico (1995)
				Oklahoma (1998)
				Vermont (1997)
				Virginia (1997)
				West Virginia (1985)
				Wisconsin (1996)

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TABLE A2.
Means by Type of Blended Sentence Jurisdiction

Variable	Neither	Juvenile	Criminal	Both
Census region				
Midwest	.24	.33	.33	.40
South	.56	.44	.75	.60
West	.26	.33	.17	.20
Northeast	.18	.22	.08	.20
Juvenile crime rate				
Juvenile violent arrests	2.63	2.97	3.24	3.36
Juvenile property arrests*	19.71	25.78	24.76	16.93
Juvenile weapons violations	1.12	1.39	1.42	1.31
Juvenile drug arrests	4.27	4.98	4.74	5.19
Juvenile confinement rate				
White confinement	1.64	1.55	1.53	1.19
African American confinement	10.55	8.76	9.84	7.57
Hispanic confinement*	3.32	3.69	9.33	2.74
Pretrial detention rate	.63	.60	.78	.739
Juvenile court features				
Direct file (vs. no direct file)**	.18	.11	.42	.60
Public hearing	2.03	1.78	2.00	2.00
Socioeconomic				
Unemployment rate	5.49	5.83	5.45	4.56
High school diploma rate	5.84	5.57	5.92	5.49
Political partisanship				
Democratic governor*	.48	.11	.33	.20
State punitiveness				
Adult African American incarceration rate	190.46	214.74	221.72	188.51
Adult probation rate	112.94	136.99	92.12	125.45
Death penalty state	.76	.67	.67	.60
N	1174	9	12	5

Note: $*p < .10$, $**p < .05$, $***p < .01$. Standard errors in parentheses.

court jurisdiction. Thus, a juvenile judge oversees the adjudication and sentencing hearings and subsequent probation and potential revocation hearings.

Of the fourteen states with juvenile jurisdiction blended sentences, nine operate using a juvenile-inclusive model in which the judge may impose both a juvenile and suspended adult sentence; four follow a juvenile-contiguous model that extends the juvenile sentence past the age of eighteen and requires a review hearing prior to the maximum jurisdictional age to determine whether to release the juvenile or impose an adult sanction; and one operates using a juvenile-exclusive model that imposes either an adult sentence or a juvenile disposition (Griffin 2003, 2008, 2010). The fourth and fifth columns of Table A1 represent the eighteen states that adopted blended sentencing policies with criminal court jurisdiction.

Of these, fifteen follow a criminal-exclusive blended sentencing model that allows the judge either to continue to certify the youth to adult court or to sentence the youth to a juvenile sanction while retaining court jurisdiction. The remaining four states with criminal court blended sentencing follow a criminal-inclusive model that is similar to a juvenile-inclusive model in that it allows the criminal court to impose both a juvenile and adult sentence, often suspending the adult sentence unless the juvenile violates the terms of probation or commits a new offense (Griffin 2003, 2008, 2010).

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TABLE A3.
Variables and Coding

Variable	Description	Coding
Blended sentencing	State blended sentencing law	0 = No, 1 = Yes
Political climate		
Democratic legislature	Lower and upper house Democratic	Proportion
Republican legislature	Lower and upper house Republican	Proportion
Democratic governor	Democratic governor	0 = No, 1 = Yes
State punitiveness		
African American incarceration	Adult African American incarceration per 10,000 African American population	Per 10,000
Adult probation	Adults on probation per 10,000 adults	Per 10,000
Death penalty	State has death penalty	0 = No, 1 = Yes
Juvenile court characteristics		
Direct file law	State has direct file statute	0 = No, 1 = Yes
Public hearing	Openness of juvenile proceedings to public	1 = Open, 2 = Restrictions, 3 = Closed
Age of jurisdiction	Upper age of juvenile court jurisdiction	Age in years
Socioeconomic conditions		
Unemployment rate	Rate of unemployment of noninstitutional civilian labor force	Percentage
High school diploma rate	High school diploma recipients	Per 100 enrolled
Juvenile population characteristics		
Juvenile white population	White youth age 10–17	In 100,000s
Juvenile African American population	African American youth age 10–17	In 100,000s
Juvenile Hispanic population	Hispanic youth age 10–17	In 100,000s
Total juvenile confinement	Rate of juveniles committed to public facilities	Per 1,000
White juvenile confinement	Rate of white juveniles committed to public facilities	Per 1,000
African American juvenile confinement	Rate of African American juveniles committed to public facilities	Per 1,000
Hispanic juvenile confinement	Rate of Hispanic juveniles committed to public facilities	Per 1,000
Juvenile detention	Rate of Juveniles held in pretrial detention.	Per 1,000

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Table A3. *Continued*

Variable	Description	Coding
Juvenile crime		
Total arrests	Rate of juvenile arrests.	Per 1,000
UCR Part I arrests	Rate of Part I juvenile arrests.	Per 1,000
Violent arrests	Rate of juvenile violent arrests (murder, rape, robbery, aggravated assault)	Per 1,000
Property arrests	Rate of juvenile property arrests (burglary, larceny, motor vehicle theft, arson)	Per 1,000
Murder	Rate of juvenile arrests for murder	Per 1,000
Rape	Rate of juvenile arrests for rape	Per 1,000
Robbery	Rate of juvenile arrests for robbery	Per 1,000
Aggravated assault	Rate of juvenile arrests for aggravated assault	Per 1,000
Burglary	Rate of juvenile arrests for burglary	Per 1,000
Larceny	Rate of juvenile arrests for larceny	Per 1,000
Motor vehicle theft	Rate of juvenile arrests for vehicle theft	Per 1,000
Arson	Rate of juvenile arrests for arson	Per 1,000
Weapons violations	Rate of juvenile arrests for weapons	Per 1,000
Drug abuse/sale	Rate of juvenile arrests for drug abuse/sale	Per 1,000
Census region		
Northeast	CT, ME, MA, NH, NJ, NY, PA, RI, VT	0 = No, 1 = Yes
Midwest	IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, WI	0 = No, 1 = Yes
South	AL, AR, DE, FL GA, KT, LA, MD, MS, NC, OK, SC, TN, VI, WV	0 = No, 1 = Yes
West	AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, WY	0 = No, 1 = Yes

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TABLE A4.
Model Testing for Discrete-Time Regression

Variable	Chi-Square Test (df)	AIC
Linear year	.42 (1)	237.456
$Year^2$	24.20*** (2)	215.676
$Year^3$	35.91*** (3)	205.967
Discrete-time (vs. 1985)	15.95* (9)	201.447

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