

RECIDIVISM AND JUVENILE JUSTICE YOUTH: A STUDY
ON RECIDIVISM RATES FOR YOUTH
AWAITING ADJUDICATION

by

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DEDICATION

To my family, friends, and colleagues who have selflessly sacrificed time and countless resources, served as listening ears, and been a constant source of support as I turned a dream into a reality. And to those who have been, and will be, affected by the criminal and juvenile justice systems: may we continue to have hope for, and work towards, a better world and a better tomorrow together.

ABSTRACT

RECIDIVISM AND JUVENILE JUSTICE YOUTH: A STUDY ON RECIDIVISM RATES FOR YOUTH AWAITING ADJUDICATION

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The United States incarcerates more youth than any other country in the world (Justice Policy Institute, 2009). Previous research has focused on recidivism rates of juvenile justice youth post-adjudication. However, a gap in literature exists concerning the relationship of recidivism rates for youth awaiting adjudication. This study seeks to determine what factors correlate with recidivism for youths in detention compared with youths who receive detention alternatives while awaiting adjudication in an urban area in the Southern United States. It is hypothesized that, based on previous research and theory, youth who receive detention while awaiting adjudication are more likely to recidivate than youth who receive a detention alternative. Logistic regression analyses were conducted to determine the relationship of recidivism rates with pre-adjudication juvenile justice youth. The results indicate that the current recidivism rates for youth awaiting adjudication are too high to determine what factors, if any, correlate with recidivism. Study limitations and recommendations for future research are discussed.

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CHAPTER I

Introduction

The United States incarcerates more youth than any other country in the world (Justice Policy Institute, 2009). Currently, there are approximately 70,000 youth in juvenile detention or residential placements on any given day in the United States (Campaign for Youth Justice, 2012). Additionally, roughly 36% of all juvenile detention facilities are over capacity and are relying on makeshift beds to sleep juvenile justice youth (Justice Policy Institute, 2009). The incarceration of juveniles has many effects on the youths themselves, their communities, and the likelihood that they will recidivate and commit future crime.

Juvenile Justice Policy

In order to understand the current state of the American juvenile justice system, it is necessary to take a look at the origins and evolution of its governing policies. The history of federal child welfare policy began in the early 1900s when the Children's Bureau was created to address and report on the systems affecting child welfare (OJJDP, n.d.a.). This bureau was created in response to a political shift that began to value and consider the rights of children as important (OJJDP, n.d.a.). After the creation of the Interdepartmental Committee on Children and Youth in 1948, the groundwork was laid for the enactment of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974. This revolutionary policy acted as "the first federally supported comprehensive approach to the problem of juvenile justice and delinquency prevention" (OJJDP, n.d.a.) and served as the first federal legislation to set standards and policies for the treatment of juvenile justice youth in all fifty states (OJJDP, n.d.a.). The JJDPA of 1974 had three major impacts: 1) it established the requirement for the separation of juvenile offenders from adult offenders, mandating that youth not be placed in institutions with convicted adult

offenders, 2) it required the deinstitutionalization of status offenders (offenses if committed by an adult would not be considered a crime, ex: truancy, possession of alcohol, breaking curfew), and 3) it established the Office of Juvenile Justice and Delinquency Prevention to provide oversight for federal funding and ensure proper implementation of the legislation by the states (OJJDP, n.d.b.).

Since its original inception, the JJDPA has been reauthorized seven times with its most recent reenactment executed in 2002 (OJJDP, n.d.a.; Sedigh, 2017). Unfortunately, there is currently no federal governing policy regarding juvenile justice youth in the United States since the expiration of the last reenactment in 2008. This has led to states resorting to their own measures and policies without enforcement, oversight, or delineated federal funding for states in need. Additionally, research indicates that states are spending more than \$5.7 billion annually detaining youth who have committed non-violent offenses and who could safely and easily be managed in their own communities (Justice Policy Institute, 2009). Without federal legislation and oversight, the needs of juvenile justice youth will continue to go unmet and the problems facing this population and society will continue to compound.

Dallas County, Texas

In Dallas County, Texas, there are on average 215 youths in detention every day at the Henry Wade Juvenile Justice Center (Texas Criminal Justice Coalition, 2012). In 2015, Dallas County Juvenile Department (DCJD) processed 2,952 juveniles through this detention facility. The average length of stay for these youths was 23 days in detention (Texas Criminal Justice Coalition, 2012). Recent research has shown that the longer a youth is held in detention, the more likely the youth will become an adult offender, moving further into both the juvenile and adult criminal justice systems (Karger & Stoesz, 2014).

Referral process. DCJD operates on a referral process for juvenile justice youth. This process is similar to that in the adult criminal justice system wherein an adult suspected of committing a criminal offense is arrested and taken to jail for intake and court processing. However, in the juvenile justice system, and specifically in Dallas County, youth who are suspected of committing an offense are referred to DCJD. These referrals are able to be made by law enforcement, schools, juvenile courts, parents, and others. Upon a referral, and subsequent intake process, the youth awaits the outcome of their pending court case. Once the outcome of the case has been determined, the youth is considered adjudicated. All processes and/or procedures prior to this determination, but subsequent to the referral, are referred to as pre-adjudication.

Potential study benefits. There is currently a gap in research concerning the recidivism rates of youth awaiting adjudication. This study seeks to determine what factors correlate with recidivism for youth who receive detention or a detention alternative while awaiting adjudication.

Reduction of recidivism. According to the Center for Juvenile Justice (2014), re-arrest rates for juvenile delinquents are as high as 80% within three years of release from facilities. The Justice Policy Institute (2009) further noted that 70% of youth held in secure detention centers were arrested or returned to secure detention within one year of release. Identifying factors related to recidivism can help lead to reducing the amount of contact a juvenile has with the juvenile justice system, decreasing the probability that they will become an adult offender. If these factors are able to be identified, it is possible that intervention strategies can be tailored to reduce the risk of recidivism of juvenile delinquents in Dallas County as well as reduce any future harm to the youth and the community. Programing targeted at reducing, and potentially

eliminating, the effects of certain recidivism factors can set the youth up for future success and decrease their risk of committing a future crime.

Economic. It is estimated that the average cost of detaining a youth at Henry Wade Juvenile Justice Center is approximately \$115.00 per day with an average youth stay of 23 days in detention (Texas Criminal Justice Coalition, 2012). Identifying any factors related to recidivism could decrease spending by DCJD as well as staff-to-youth ratios.

CHAPTER II

Literature Review

There has been extensive literature written on juvenile justice youth. Much of this research has been centered around youth who are in confinement, with little research conducted on pre-adjudication detention. A highlight of some of the literature on this subject is presented below with current research trends related to recidivism discussed.

Confinement and Recidivism

The first two major studies concerning recidivism and juvenile justice youth were longitudinal studies conducted in the Midwestern and Northeastern United States. In 1945, Wolfgang, Figlio, and Sellin sought to study the evolution of delinquency from age of onset of delinquent behavior through its progression and eventual cessation. Data for the study were collected from a cohort of 9,945 males, between the ages of 10 to 18, born in 1945 and living in Philadelphia, Pennsylvania (Wolfgang et al., 1972). Upon first analysis of the data, the results indicated that only a small group of 627 men were considered to be chronic offenders, committing the majority of the crimes for the group (Wolfgang et al., 1972). Further analysis indicated three major findings: 1) the earlier an individual committed his first offense, the more offenses the individual committed by the time they turned 17; 2) repeat offending was correlated to socioeconomic status – the lower the individual’s socioeconomic status, the more likely the individual was to commit a crime, regardless of race; and, 3) chronic offending was correlated with intelligence and educational performance – chronic offenders had below-average school achievement and mean IQ scores and higher rates of intellectual disabilities (Wolfgang et al., 1972). The researchers followed up numerous times on the study participants. Results from later analyses showed that the men living in the urban areas were 50% more likely to have been

arrested by age 30 for committing a crime than those living in the rural areas (Wolfgang et al., 1972). Additionally, it was found that race was correlated with adult criminality: African American males were four times more likely to have an arrest after turning 18 than white males and minority males were more likely to have been juvenile offenders before transitioning to adult offenders.

A similar study was being conducted around the same time in Racine, Wisconsin. Shannon (1964) conducted a longitudinal study on 6,127 juvenile participants in an attempt to identify which individuals fell into three categories: 1) individuals who were most likely to engage in criminal activity, 2) individuals who stopped engaging in criminal activity upon adulthood, and 3) individuals who continued to engage in criminal activity throughout adulthood (Shannon, 1964). The results of the study indicated that youth aged 6 to 17 who engaged in criminal activity reported double the amount of serious felonies between 1942 to 1955, while youth ages 18 to 20 reported triple the amount of serious felonies. The highest crime rates were found in the inner-city areas where high unemployment and underemployment rates were prevalent (Shannon, 1964). Additionally, the individuals who had engaged in criminal activity as juveniles were the most likely to engage in criminal activity as adults (Shannon, 1964). However, the author reported that he was unable to determine which juvenile participants would become adult offenders. The studies by Wolfgang et al. (1974) and Shannon (1964) laid the groundwork for future research concerning juvenile justice youth and researchers have continued to build on their findings.

In a study conducted in 1997, researchers investigated what factors may be related to recidivism for youth in a state correctional facility (Katsiyannis & Archwamety, 1997). Data for 294 male youths between the ages of 12 and 18 were collected through examination of records

from a midwestern correctional facility for youth who had recidivated and those who had not. Each group contained 147 participants with a youth's offense receiving a corresponding score for severity (Katsiyannis & Archwamety, 1997). The results of the study supported previous research findings that the age of a youth's first offense and first commitment, as well as the severity of the offense committed, is associated with recidivism. Additionally, it was found that youth who recidivated spent significantly more time in the detention facility than those who did not, building on previous findings and laying the groundwork for future research and policies advocating for decreased contact with the juvenile justice system, and, in particular, detention and confinement (Katsiyannis & Archwamety, 1997).

In a subsequent study, Mallett (2013) sought to identify factors related to recidivism for youthful offenders. The study consisted of a two-county juvenile justice population, one rural and one urban setting, with a primary focus on the effects of detention on recidivism. Specifically, the researcher was concerned with which demographic, mental health, educational, court-related, and substance dependence variables would predict detention placement recidivism for court-involved youth (Mallett, 2013). A random sample of court-involved youth was taken from both counties in proportion to the county size, which resulted in a total of 433 youth participants. De-identified secondary data was utilized with recidivism serving as the dependent variable (Mallett, 2013). The results indicated that seven variables significantly predict secure detention placement recidivism. The variables related to an increase in likelihood of recidivism were: 1) previous conduct disorder diagnoses (10 times more likely), 2) a self-reported suicide attempt (3 times more likely), 3) age (a likely increase of 1.3 times for every additional year), and 4) number of court offenses (a likely increase of 1.5 times for each additional offense) (Mallett, 2013). The variables associated with a decrease in recidivism include: 1) race (with

Caucasians less than twice as likely to recidivate compared with minorities), 2) previous ADHD diagnoses (less than twice as likely to recidivate compared with those who did not have a diagnosis), and 3) conviction of a misdemeanor (less than 3.4 times as likely to recidivate compared with those without a misdemeanor conviction). Based on the findings of the study, the researcher noted the need for further research regarding different mental health disorders and/or diagnoses that impact recidivism (Mallet, 2013). This was supported by the data indicating a strong increase in likelihood for recidivism if a youth had previously attempted suicide. Additionally, the researcher noted that a juvenile justice youth may experience multiple placements as he/she makes their way through the juvenile system (Mallet, 2013).

A study also published in 2013 by Thompson and Morris examined the risk factors associated with recidivism related to demographics, education, and offense patterns. This particular study contributed heavily to the body of literature on recidivism by expanding the sample size to include appropriate representation of female juvenile justice youth. The data used in the study consisted of a diverse sample of 3,287 juvenile justice youth (2,134 male and 1,153 female) between the ages of 8 and 17 obtained from a public school district in Arizona (Thompson & Morris, 2013). The study sought to determine whether gender differences in recidivism existed between the male and female youths and, if differences were present, which factors correlated with each gender. Contrary to other studies on recidivism factors, offense severity was not a significant predictor of recidivism for either males or females in this study (Thompson & Morris, 2013). The results of the study overall indicated significant differences in risk factors for male and female youths with regards to the factors predictive of recidivism (Thompson & Morris, 2013). One of the primary differences in recidivism rates between the groups corresponded to education. Specifically, female juveniles performed better in math,

reading and writing than the male juveniles with “no educational variables ... predictive of recidivism among female delinquents”¹; however, females were more likely to commit status offenses, offenses that if committed by an adult would not be considered a crime (e.g. truancy, breaking curfew) (Thompson & Morris, 2013, p. 42). Although not a significant factor for female juveniles, education scores was a significant factor in recidivism for males: low education scores correlated with an increase in recidivism (Thompson & Morris, 2013). For both genders, emotional disabilities were found to be a factor of increased recidivism, with juveniles with emotional disabilities reporting increases in their number of arrests and decreases in their academic achievements (Thompson & Morris, 2013).

Recent research regarding confinement and recidivism for juvenile justice youth has centered around homicide offenders. In a 2017 landmark study, researchers sought to determine the outcome of recidivism for juvenile justice youth who were convicted of homicide (Trulson & Caudill, 2017). Retrospective data was used to examine the background, demographic and institutional behavior and its relationship with recidivism for 247 juvenile homicide offenders. The youth were split into two groups for analysis, capital and non-capital homicide offenders, making this the first known academic study to compare the two groups. The results indicated that there was no substantial difference between the recidivism for the two groups, however, a general recidivism rate of 50% was found for all juvenile homicide offenders (Trulson & Caudill, 2017). Further analyses detailed that youth who had been neglected prior to institutionalization were significantly more likely to recidivate. Interestingly, the results also indicated that youth who had completed longer lengths of stay for their offense had a decreased

¹ The term “juvenile justice youth” is used throughout this document to reference youth who have had contact with the juvenile justice system. Other terms for these youths may be applied occasionally when referencing studies that utilized differing verbiage and/or terminology.

risk of recidivating, a result not often found when comparing lengths of stay with recidivism rates (Trulson & Caudill, 2017). However, it was found that youth who engaged in assaultive behaviors against their peers while confined increased their odds of recidivism post-release (Trulson & Caudill, 2017).

Alternatives to Detention

In 2006, researchers conducted a study on the effectiveness of diversion, a leading alternative to detention (Hamilton, Sullivan, Veysey & Grillo, 2006). For the purposes of this study, diversion was defined as “an alternative to formal sanctions and out-of-community placement that can alleviate some of the negative effects of youth involvement in the justice system” (Hamilton et al, 2006, p.138). Researchers examined ten county diversion programs, ranging from rural to urban settings, from the Mental Health/Juvenile Justice Diversion Project (MH/JJ) administered by the New York State Office of Children and Family Services (OCFS). MH/JJ’s primary objectives are: 1) the reduction of out-of-community placement, 2) prevention of recidivism, and 3) increasing general functioning of juvenile justice youth and their families (Hamilton et al, 2006). The study consisted of the recidivism data for 2,177 youth placed on probation and who received a subsequent placement. The data was analyzed on an individual and county level and utilized hierarchical linear modeling to examine placements and recidivism (Hamilton et al, 2006). The results indicated that mental health and substance abuse problems for juveniles, along with age, prior placements and the use of wraparound funds, were the best predictors of youth placements for treatment. Additionally, it was found that youth with significant substance abuse problems were more likely to recidivate (Hamilton et al, 2006).

Trauma

Exposure to trauma and posttraumatic stress at an early age are known risk factors for criminogenic behavior (Evans-Chase, 2014). This is particularly relevant to youth in the juvenile justice system as research has shown that 75%-93% of youth entering the juvenile justice system have experienced some form of trauma in their lives, compared to 25%-34% of the general population (Evans-Chase, 2014).

Between 1995 and 1998 a monumental study was conducted that looked at the relationship between youth in detention and posttraumatic stress disorder (PTSD) (Abram et al, 2004). The study consisted of 898 interviews that were conducted at the Cook County Juvenile Detention Center in Chicago, Illinois. Each interview was approximately 2-3 hours in duration and was conducted within the first 48 hours of intake processing (Abram et al., 2004). Participants were prompted questions surrounding eight areas of trauma and asked to indicate which of the traumas they experienced was the “most difficult for you in your entire life” (Abram et al., 2004, p.405). The results showed that 92.5% of the surveyed youth had experienced at least one trauma, with 84% reporting that they had experienced more than one trauma (Abram et al., 2004). The most commonly reported trauma was “seen or heard someone get hurt very badly or be killed” followed by “threatened with a weapon” and reporting being in a situation where “you thought you or someone close to you was going to be hurt very badly or die” (Abram et al., 2004, p. 405-406). The study also found that more than half of the participants (56.8%) had experienced six or more traumas and that there were little to no racial or ethnic differences in rates of trauma (Abram et al, 2004). The authors emphasized a need for continued research regarding PTSD with high-risk youth and chronic community violence as well as a need for streamlining the definition and detection process of PTSD in juvenile justice

youth. They further cautioned that the process of entering the juvenile justice system can re-traumatize youth, including aggravating PTSD and other mental health disorders, through confinement conditions and intake processes (e.g., handcuffs, restraints, placement in isolation, searches), potentially triggering and/or escalating symptoms (Abram et al, 2004).

These warnings of caution were corroborated in a 2014 study based on answers reported in a national study (Evans-Chase, 2014). Evans-Chase (2014) found that approximately 56% of youth reported at least one violent victimization while in detention. An additional 23% also reported being victims of sexual assault while detained, indicating that it “is clear that many youth suffer traumatic events while under the care of the state” (Evans-Chase, 2014).

Furthermore, in 2016, Dierkhising and Brandon noted:

The juvenile justice system has historically used coercive practices to ensure youth compliance with the law and court mandates, including the threat of incarceration for probation violations among youth in the community and the use of seclusion or restraint in secure facilities. Such practices may trigger or reactivate PTSD symptoms for youth with prior exposure to traumatic stressors. (p.18-19)

And in a 2013 study conducted by Ford, Grasso, Hawke and Chapman, researchers noted juvenile justice youth had not only the prevalence of trauma, but that some of these youth, roughly five percent in both detention and residential facilities, were so highly victimized by trauma that they were classified as “poly-victims” (Ford et al., 2013). Poly-victims are defined as youth who have experienced several types of traumatic victimization including family and community violence, assault, and physical or sexual abuse. These poly-victims suffered from extreme emotional and behavioral problems and/or psychiatric disorders (Ford et al., 2013).

Brain Development

Recent research has built on previous biological and scientific studies regarding the cognitive development of youth. Anthonsen (2010) and Sowell, Thompson, Holmes, et al. (1999) note that youth are not as competent as adults and that it is more difficult for adolescents to resist peer pressure, understand the consequences of their actions and control their impulses. Additionally, youth often focus on the present situation and fail to comprehend the long-term effects of their behavior and decisions (Anthonesen, 2010).

In a study conducted by Modecki (2007), the researcher utilized hypothetical vignettes as well as standardized measures of maturity of judgement, including temperance, responsibility, and perspective, in an attempt to examine gaps in previous literature related to maturity of judgement findings. The study consisted of five population samples, general adolescents (ages 14-17), college students (ages 18-21), young adults (ages 22-27), adults (ages 28-40) and delinquent individuals, and the data were gathered from different sources, including a state university, community sample, and state juvenile delinquent facility (Modecki, 2007). Additionally, the data was diverse economically and educationally and included both females and males (Modecki, 2007). The results of the study indicated that “adolescents are less mature on the judgment factors of responsibility and perspective relative to college-students, young-adults, and adults” (Modecki, 2007, p. 88). They further indicated that maturity of judgment did predict the rate of total delinquency beyond the contributions of gender, race, age, socioeconomic status, education level, and antisocial decision making, and that the participant group most likely to underestimate consequences, fail to consider negative consequences, and over-emphasize positive consequences was the adolescent group, the age bracket for the majority of juvenile justice youth (Modecki, 2007).

Understanding adolescent and youth cognitive development is important in order to ensure that youth understand the consequences for their actions, which ideally prevent them from committing future crime. Additionally, it is important that the juvenile justice system as a whole, including staff, parole and probation officers, lawyers, and judges, understand the cognitive development of these youth in order to respond appropriately and put in place policies and procedures that are both appropriate and effective.

CHAPTER III

Theory

Attempts to theoretically explain why individuals behave a certain way and engage in criminal behavior, or not, have been written about extensively in disciplines such as sociology, psychology, social work, criminology and others. Many differing theories have been postulated to try and explain why individuals engage in criminal activity and delinquent behavior. This section examines some of the theories from these disciplines as they relate to juvenile justice youth.

Social Learning Theory

Social learning theory is cross-disciplinary in nature and has its roots primarily in psychology and criminology. From the social behavioral perspective, social learning theory originated through the works of B.F. Skinner and his studies on operant and classical conditioning. Bandura (1969) built on B. F. Skinner's work and theorized that individuals are naturally motivated to seek to experience pleasure and to avoid pain (Bandura, 1969; Hutchison, 2011). An argument can be made that juvenile justice youth are motivated to seek pleasure through delinquent behavior and criminal activity in order to satisfy their need for gratification (e.g., increase social status, acquire a good they didn't already have). Around the same time period that Albert Bandura began publishing his theory, criminologist Ronald Akers was building on Edwin Sutherland's differential theory. Akers' (2010) theory is based on the premise that the primary groups of family and friends, and the secondary groups of religion, education and media, serve as models to imitate as well as differential reinforcements. Differential reinforcements are defined as the balance of actual or anticipated punishments or rewards that follow, or are consequences of, a specific behavior (Akers, 2010; Vasquez, n.d.). The effect of

the reinforcements on behavior is based upon the frequency, priority, duration, and intensity of the reinforcement (Akers, 2010; Vasquez, n.d.). The differential reinforcements can be positive (presenting positive stimuli) or negative (removal of an aversive stimuli) and the punishments can be direct (presenting aversive stimuli) or indirect (removal of positive stimuli) (Akers, 2010; Vasquez, n.d.). Additionally, reinforcers and punishers can also be non-social (e.g., a youth feels the physical effects of alcohol after consumption) and social (e.g., praise and increased social status from primary and secondary groups). Imitation of the models through behavioral engagement occurs after the observation of similar behaviors in others (Akers, 2010).

According to both Akers (2010) and Bandura (1969), human behavior is learned as an individual interacts with their environment. Social behavior relies heavily on conditioning, both operant and classical, and extends into vicarious learning through others, also known as modeling (Bandura, 1977). Bandura (1977) noted that for positive behavior modification to take place, an appropriate role model is necessary. This can extend the perception of role models from an individual and personal level into a larger, community-based level, and from both inside and outside the juvenile detention facility. The reinforcement is most effective when the youth view the role model as: more powerful than them, someone with shared and/or similar values, someone who is warm and loving and someone who is liked and respected (Bandura, 1977). Additionally, youth who are rewarded when positive behavior occurs satisfy their inherent need for gratification and avoidance of pain, and are more likely to copy positive behaviors (Bandura, 1977). It is possible that juvenile justice youth may engage in delinquent activity if they receive a reward and/or watch others receive one, learning that a particular behavior may elicit an expected response.

Negative behaviors can also be modeled. An example of this was noted in a 2008 study wherein researchers found that adult offenders who had experienced family stressors, such as childhood physical abuse and other forms of childhood maltreatment, reported higher rates of property offending, violent offending and self-reported offending (Teague, Mazerolle, Logosz, & Sanderson, 2008). It is possible that these adult offenders learned various forms of offending from their childhood experiences, modeling this learned behavior in their adult lives through criminal activity. Although the researchers in the study did not identify the role models in the offenders' lives, nor the exact behaviors that were learned, it is possible that their role models, whether positive or negative, played a role in the offenders learning deviant behavior.

Based on the work by both theorists, connecting a juvenile to a positive role model and rewarding positive behavior could potentially lead to positive behavior modifications. Likewise, this information can be passed from rehabilitation and social service providers to the youths' families in hopes of positive behavior modifications. Additionally, using this theoretical learning framework, and knowing the effects of social learning and modeling, could aid juvenile justice professionals in multiple situations when working to prevent further negative behaviors from being learned and practiced. For example, if a juvenile justice detention staff were seeking to place a younger, more vulnerable youth, it could be beneficial to consider who they are placing the youth next to as whoever the younger youth is placed next to may become that youth's role model. Research findings have substantiated the theory when it was found that youth receiving treatment in secure facilities in group settings had higher recidivism rates and poorer outcomes than youth who received treatment on an individual basis (Holman & Ziedenberg, 2006).

Labeling theory

Labeling theory has its roots in sociology beginning with the writings of Émile Durkheim the late 1800s when Durkheim was seeking to understand and explain reasons behind suicide. Criminologists and other social theorists, such as Dr. Howard Becker, Dr. Frank Tannenbaum, and Dr. Edwin Lemert, later built on these writings in the twentieth century and theorized that crime and deviant behavior could also possibly be explained by this theory. In its simplest form, labeling theory posits that

once the government or its agents label a person as a criminal, society then views this person a criminal. Once the person is labeled as a criminal, their opportunities become limited, which leads to low self-esteem and the person begins to view himself or herself as a criminal. (Bond, 2017)

Through this societal labeling of deviance, an individual's resources and opportunities are limited, creating a self-fulfilling, cyclical prophecy in which an individual continues criminal and/or deviant behavior which then validates the label attached to them (Bond, 2017).

According to the Center for Juvenile Justice (2014), re-arrest rates for juvenile justice youth are as high as eighty 80% within three years of release from detention facilities. Additional research from the Justice Policy Institute (2009) found that approximately seventy 70% of youth detained in secure detention facilities were arrested and returning to a secure detention facility within one year of release. It is possible that through the use of labeling youth as "juvenile justice youth", the cyclical, self-fulfilling prophecy of living up to the label given to them upon contact with the juvenile justice system has contributed to these high recidivism rates.

Conflict Theory and Perspective

Conflict theory and conflict perspective are typically traced to the sociological and philosophical works of Karl Marx and Friedrich Engels in the late 1800s on the capitalist economic system and to Max Weber's multidimensional perspective on social class in the early 1900s (Hutchins, 2011, p.43). The conflict perspective is based on three main concepts. First, the theory postulates that individuals attempt to advance their own self-interests over others as they seek to secure scarce resources (Hutchins, 2011). An argument can be made that juvenile justice youth engage in criminal activity in order to secure resources they do not already possess (e.g., stealing a vehicle because they do not own or have access to one). Second, the theory postulates that power is unequally divided with some social groups dominating others. This can be seen in the juvenile justice system by the disproportionate amount of minority youth represented in the population, many of whom come from lower socioeconomic statuses and neighborhoods of crime and violence (Rovner, 2014). Additionally, the juvenile justice system is one of power and control, wherein the juvenile is powerless and vulnerable to the authoritative courts, corrections, and law enforcement subsystems that surround and govern them. Lastly, the theory postulates that members of nondominant groups become ostracized from society (Hutchins, 2011; Rovner, 2014). Like labeling theory posits, juvenile justice youth who receive a label can be ostracized from their schools, religious affiliations, communities, families and friends. This can be compounded for juvenile justice youth who are also a minority, potentially increasing the likelihood a youth will commit a future crime.

Rational Choice

Rational choice theory and perspective, both sociological and criminological in nature, is based on an individual's self-interest and the rational choices made in order to accomplish one's

goals, maximizing rewards and minimizing costs in the process (Hutchison, 2011). This is similar to social learning theory with regards to self-gratification and pain reduction; however, rational choice theory is based on the premise that humans make rational decisions inherently, not through social learning and modeling. Rational choice theory further delineates that “human interaction involves trade of social resources, such as love, approval, information, money, and physical labor” (Hutchison, 2011, p.46). Juvenile justice youth may engage in delinquent activity because they believe it helps them accomplish their goals. The American criminal and juvenile justice systems are based upon the premise that people are rational and therefore are not only capable of making their own choices, but choose to make specific rational choices over others, including engaging in delinquent behavior and criminal activity. The systems then punish the offenders for their actions through the legal and correctional systems in an attempt to deter and prevent future crime. There is still current scholarly debate as to whether or not juveniles are capable of making rational choices (Hutchison, 2011).

Control Theory

Control theory argues that it is human nature for people to break the law and that humans are all motivated to commit crime. This is furthered by an individual’s need for gratification which can be achieved through delinquent activity (Vasquez, n.d.). The theory is based on the question “What prevents people from acting out on their impulses?”, or, more simply, “Why don’t they do it?” (Vasquez, n.d.). Additionally, theorists of this perspective argue that the control society exerts over everyone is the reason why individuals do not commit crime and that variations in the degree of societal control is the basis for why some individuals engage in criminal activity more than others (Vasquez, n.d.).

According to Sykes and Matza's (1957) theory of techniques and neutralization, social controls are present over individuals the majority of the time. A subsequent group of individuals drift, meaning they easily move between normal and delinquent groups with no strong commitment to a delinquent value system (Vazquez, n.d.). However, the theory posits that these delinquent youths may feel shame and guilt after engaging in delinquent activity and may seek the approval of law-abiding citizens (e.g., parents, teachers, church leaders) (Sykes & Matza, 1957; Vazquez, n.d.). This neutralization of negative feelings can be done by freeing themselves internally, to protect self-image and reduce guilt, and externally, wherein a youth recognizes feelings of guilt but decides to create a positive, outward self-image to neutralize these feelings (Vasquez, n.d.). These youths may: deny responsibility for their actions, deny the level of injury and harm they are causing, deny the victim, condemn others' wrong-doings, and/or appeal to higher loyalties, thus rationalizing and justifying their delinquent actions and potentially furthering their criminal activity (Vasquez, n.d.). Theorists such as Hirschi (1969) and Gottfredson and Hirschi (1990) built on control theory and Sykes and Matza's (1957) theory of techniques and neutralization. All three theorists postulated that the presence of some form of control is what can prevent people from engaging in criminal activity, whether societally, through parental oversight, or self-control (Gottfredson & Hirschi, 1990; Hirschi, 1969; Sykes & Matza, 1957; Vasquez, n.d.). According to control theory, juvenile justice youth may be engaging in delinquent behavior and criminal activity due to a lack of some form of control.

CHAPTER IV

Methodology

Data Source

The present research seeks to utilize secondary data from the Dallas County Juvenile Department (DCJD) in Dallas, Texas, to determine what, if any, affect pre-adjudication detention has on recidivism. These data have been requested and secured from DCJD and contains variables for all youth who were referred to DCJD from January 1, 2015, through December 31, 2015. Additionally, the data contains variables for the youth identified for the follow-up time period of January 1, 2016, through December 31, 2016. This subsequent data serves for comparison to determine if a youth recidivated during the identified two-year time period.

Detention Processing

Risk assessment instrument (RAI). After a juvenile is referred to DCJD, he/she is taken to the Henry Wade Juvenile Justice Center, a detention facility, and begins the intake process. The juvenile meets with a probation officer upon entry into the facility to complete the Risk Assessment Instrument (RAI) utilized by DCJD. This assessment is administered by the probation officer to the juvenile and contains five main components for scoring: 1) the class or category of offense for which the juvenile has been referred (e.g., felony, misdemeanor, probation violation, etc.), 2) any additional charges for the current referral, 3) prior adjudications and/or pending offenses, 4) mitigating factors (e.g., positive family and school support and employment), and 5) aggravating factors (e.g., verified drug involvement, runaway history, verified gang involvement, etc.). Each category delineates specific scores for every item that corresponds to the youth at the time of the assessment and a cumulative score is given. The

actions taken next by the probation officer and other DCJD staff are primarily dictated by the juvenile's RAI score.

Score of low-risk. A youth who scores an RAI score between the ranges of one and six is determined to be of low-risk to themselves and the community and is typically placed on a detention alternative. Common examples of detention alternatives include having the juvenile released to their guardian while they await their initial court hearing and placing the juvenile on pre-adjudication probation and an electronic monitoring system for supervision by a probation officer while they await their hearing. The goal of DCJD is to process these youth in and out of Henry Wade Juvenile Justice Center as quickly as possible, reducing their time in the detention facility and returning the youth back to their community while they await adjudication.

Score of medium-risk. Youth who score between the range of 7 and 11 are considered to be of medium-risk to themselves and the community. These youths can receive an alternative to detention or be held in detention until their court date. This initial decision is made by the probation officer who is processing the youth and administering the assessment. There are no specific guidelines for this group as to whether or not to release them on a detention alternative or keep the youth in detention while they await adjudication and the decision is primarily at the discretion of the probation officer. If a juvenile is initially held at intake, a juvenile court judge makes a detention decision within 48 hours of being admitted to detention.

Score of high-risk. . A youth whose RAI score is 12 or above is considered to be high-risk and is typically detained at intake without the option of detention alternatives. These youths are also evaluated by a juvenile court judge within 48 hours to determine their detention status. Any youth who is detained completes the intake process, receives an orientation to detention, and is held inside Henry Wade Juvenile Justice Center. Ongoing detention determinations are made

by a juvenile court judge every seven to ten days until release from detention or an adjudication hearing by the district or associate juvenile court judge takes place.

Length of stay. DCJD currently has three main policies in place that govern the detention process with regards to the length of time a juvenile can spend in detention while awaiting adjudication. The first policy requires that all youth complete the intake process and be assessed with proper determination of outcome based on RAI score within 24 hours of entry into the facility. For youth who receive detention alternatives, youth must be processed in and then out of the facility within 48 hours of detainment according to state law; however, DCJD typically utilizes a 24-hours policy. The second policy states that all youth who do not receive detention alternatives and are subsequently detained must be seen by a judge for their initial court hearing within 48 hours of detention, excluding holidays and weekends. For example, if a youth is detained on a Friday, he/she must be seen by a judge no later than the following Monday for their initial hearing, unless it is a holiday. Lastly, each youth must be re-evaluated every seven days they are in detention awaiting adjudication to determine whether they are still a risk to the community and need to continue to be detained.

Overrides. Although a youth may receive a low score of less than seven or a high score of greater than 11 on the RAI, it is possible that a determination is made contradictory to the RAI score. It is estimated by DCJD that roughly one in every five youth receive an override to their RAI score. For youth who are low risk that stay in detention, this results in the youth staying in detention longer than usual and is typically due to two primary reasons: 1) the juvenile and/or their family has a case with Child Protective Services (CPS), and/or 2) the youth's guardian is unable to pick them up from detention.

Juveniles in detention at Henry Wade Juvenile Detention Center

DCJD has three main groups of youth who are held and/or placed in Henry Wade Juvenile Justice Center.

Group 1 – contract detentions and CINS. The first group of juveniles in Henry Wade Juvenile Justice Center consists of contract detentions and children in need of supervision (CINS). Contract detentions are juveniles who have been referred for an offense in a different city or county but are held at Henry Wade Juvenile Justice Center because the city or county they were referred from does not have the appropriate facilities to keep them. CINS refers to youth who are in need of supervision. These youths are primarily status offenders who are being held in detention as they await further processing and release. Although the youths in this group all receive the risk assessment, the probation officer assessing the youth cannot make the determination of detention or a detention alternative because there are additional requirements for their release.

Group 2 – mandatory holds. The second group of juveniles held in detention are those who have been determined to have a mandatory hold, requiring them to remain in detention without the possibility of a detention alternative. A youth typically receives a mandatory hold status because of the degree of their offense and risk they present to the community and/or a violation of a court order resulting in a judge issuing a Referee Order or a Warrant. Although the youth is assessed using the risk assessment, he/she is not eligible to receive an alternative to detention by the intake staff and is held in detention regardless of their RAI score.

Group 3 – general population. The last group is the general population of juvenile justice youth who are referred to DCJD and assessed using the standard risk assessment. The

youths are assigned an RAI score which determines the likelihood that they will either receive an alternative to detention or be held in detention at the facility.

For the purpose of this study, only youth in Group 3 who are assessed as medium-risk will be considered participants. Since this study aims to determine what, if any, affect pre-adjudication detention has on recidivism rates, only youth who have the possibility of receiving both detention and a detention alternative will be studied.

Research Question and Hypothesis

This study seeks to determine what, if any, affect pre-adjudication detention has on recidivism rates for youth. Specifically, I hypothesize that youth of medium-risk who receive detention instead of an alternative to detention are more likely to recidivate. This hypothesis is based upon previous research findings that youth who spend time in detention are more likely to recidivate than youth who remain in their communities (Justice Policy Institute, 2009; Katsiyannis & Archwamety, 1997).

This study consists of two groups for comparison: group one is comprised of medium-risk juvenile justice youth who received a detention alternative while awaiting adjudication and group two is comprised of medium-risk juvenile justice youth who received pre-adjudication detention. For both groups, only youth who are first-time offenders will be considered.

Variables

The secondary data set used for this study contains the following variables for each youth for the initial and subsequent year: alphanumeric identifier, sex, ethnicity, race, age at the time of detention, date admitted to detention, date released from detention, the offense type, category and description for the detaining offense, the RAI score, previous detention and placement length

of stays, zip codes, and family information, including who the child lives with and the number of siblings he/she has. These variables can be broken down as follows:

Independent variable. The primary independent variable in this study is the length of time a juvenile justice youth spends in detention at Henry Wade Juvenile Justice Center.

Dependent variables. The dependent variable in this study is recidivism; specifically, whether a juvenile recidivates and is referred back to Henry Wade Juvenile Justice Center. This variable is a binary measure and will be coded as: 0 = did not recidivate, 1 = recidivated.

Control variables. The RAI score, previous detentions, and descriptive variables (e.g., zip code, gender, race, ethnicity, etc.) will be used as control variables, or variables that are held constant, in an effort to clarify what relationship, if any, exists between the independent and dependent variables (Rubin & Babbie, 2014).

Measures

In an attempt to answer the research question posed, this study seeks to utilize logistic regression analyses at a significance level of .05. This test will be used to predict the likelihood that a juvenile will recidivate or not, as this is a binary outcome variable, making this test an appropriate measure for analysis. The data provided by DCJD includes information for all youth detained from January 1, 2015, through December 31, 2015, a total of 2,952 youths. This data set includes youth who previously had contact with DCJD as well as youth who were new to the juvenile justice system. In order to control for previous placements, lengths of stay, and experiences in DCJD, the total number of youths was reduced to look at only the youth who made first-time contact with DCJD with no previous placements or detentions. This brought the sample down to 1,311 youths. This group was narrowed further to youths of medium risk who were first-time offenders, a total of 220 youths, in order to answer the research hypothesis.

Additionally, to determine if the youth received an alternative to detention or detention, youth were categorized by their length of stay in hours. Since DCJD's policy regarding alternatives to detention requires the youth be released before 24 hours of detention is completed, the youth were able to be sorted into two sample groups: one group for those who received detention compared with the group who received a detention alternative.

CHAPTER V

Analysis and Results

A logistic regression was run concerning the recidivism rates of juvenile justice youth in the medium risk group, a total of 220 youths. The results indicated that youth who were first-time offenders of medium risk were 91.7% likely to recidivate with no statistically significant difference between youth assigned to detention or an alternative to. The research hypothesis was incorrect. Since this recidivism rate was high, an additional logistic regression was conducted on all first-time offenders, a total of 1,311 youths, to determine the general recidivism rates of first-time offending youth. The results indicated that DCJD youth are 85.4% likely to recidivate as 1,120 youth of the 1,311-sample recidivated detention.

First-Time Offenders		Percentage
No Subsequent Referral	191	14.6
Subsequent Referral	1,120	85.4
	Total: 1,311 youths	Total Recidivism Rate: 85.4%

For comparison, a logistic regression for all youth, both first-time and repeat youth, was conducted to determine the general recidivism rate of DCJD during the time of this study. The results of this test indicate a general recidivism rate of 90.1%.

All DCJD Youth from Study		Percentage
No Subsequent Referral	292	9.9
Subsequent Referral	2,660	90.1
	Total: 2,952 youths	Total Recidivism Rate: 90.1%

Of the 1,311 first-time offending youth, 1,120 recidivated. The following table details the breakdown of these youth by their risk assessment score:

RAI Score	Number of Youths	Percentage
Low-Risk	333	29.7
Medium-Risk	239	21.3
High-Risk	548	49
	Total Youths: 1,120	100

Of the recidivated youth, 49% were high risk while the remaining 51% were a mix of low- and medium-risk youth. High-risk youth were approximately 1.5 times, 153%, more likely to recidivate than youth of low- or medium-risk. Since no statistical difference was found surrounding the 24-hour detention mark, additional regression analyses were conducted to determine if there was a significant difference at other hour marks. The results indicated that the median amount of time a first-time offending youth spends in detention at DCJD is 6 hours; meaning, 50% of these youths spend six hours or less in detention and the other 50% spend six hours or more. The table below shows the recidivism rates for all first-time offenders based on the median time spent in detention, regardless of risk assessment scores.

Length of Stay	No Subsequent Referral	Subsequent Referral	Total
6 hours or less	106	594	700 youths
More than 6 hours	85	526	611 youths
	191	1120	1,311 youths

No statistical difference was found regarding length of stay and recidivism due to the high recidivism rates. The tables below show the descriptive statistics for all first-time offenders.

Race	Percentage	Total
American Indian or Alaskan Native	.2%	2 youths
Asian or Pacific Islander	.5%	6 youths
African American	51.1%	670 youths
White	48.3%	633 youths
		1,311 youths

Ethnicity	Percentage	Total
Hispanic	41%	538 youths
Non-Hispanic	58.9%	772 youths
Unknown	.1%	1 youths
		1,311 youths

Gender	Percentage	Total
Male	75.1%	985 youths
Female	24.9%	326 youths
		1,311 youths

Additionally, the average age of first-time offending youth was 14.56 with the minimum age of youth being 10 years of age and the maximum age of youth being 24 years of age.

Discussion

The results of the study indicate a very high recidivism rate of juvenile justice youth in DCJD. According to the National Criminal Justice Reference Service Office of Justice Programs, there is no current national recidivism rate for juveniles because of the differences in juvenile justice systems across each state, making it very difficult to measure, define and report recidivism rates for comparison (National Criminal Justice Reference Service, 2016). However, in a report produced for the Legislative Budget Board for the State of Texas entitled “Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates” recidivism rates for youth in four different categories were provided: deferred prosecution supervision at 41.3%, adjudicated probation supervision at 62.2%, local secure residential facility at 71.1%, and state residential facility at 72.9% (Legislative Budget Board, 2015). And according to a report published by the Center for Juvenile Justice (2014), re-arrest rates for juvenile justice youth are as high as 80% within three years of release from detention facilities. Additional research from the Justice Policy

Institute (2009) found that approximately 70% percent of youth detained in secure detention facilities were arrested and returned to a secure detention facility within one year of release. Youth of all risk levels and offense histories at DCJD had higher recidivism rates than any of the previous studies.

The high recidivism rates at DCJD made it difficult to determine what factors are contributory. In fact, the rates are so high that no statistical significance was found when comparing factors, including length of stay in detention as well as receiving a detention alternative versus detention time. These results suggest that merely making contact with the juvenile justice system at DCJD through the referral process significantly predicts a likelihood of future contact with DCJD. These findings may be explained through labeling and social learning theories. Through making contact with DCJD, youth are societally labeled as juvenile justice youth and/or juvenile delinquents, both of which currently have a negative undertone and stigma. The youth maintain this societal label long after their case is processed and regardless of outcome and it follows them into their communities. This label can make it harder for the youths to reintegrate and reinforces the youths' prior behavioral infractions creating a cyclical, self-fulfilling prophecy of living up to the label, potentially increasing the likelihood that they will recidivate. It is also possible that youth socially learn from other youth through DCJD: they meet other juvenile justice youth from different backgrounds, many with more severe cases and experience at DCJD, who model negative behavior that is then copied. The youth may also make connections and develop relationships that continue outside of DCJD, building a network that they did not have prior to entering the juvenile justice system. This could lead to increased recidivism rates.

According to studies such as Evans-Chase (2014), Abram et al. (2004), and Dierkhising and Brandon (2016), the juvenile justice system can be traumatic for juvenile justice youth, affecting their mental health and exposing them to additional trauma. Making contact with DCJD and going through the intake process may re-traumatize the youth and increase the likelihood that they will be victimized by other youth, staff, or the system as a whole. Further research is necessary to study the affects of trauma on DCJD youth to determine if a relationship exists between trauma and the high recidivism rates found.

Based on the results of the study, youth in the low-risk group have a slightly higher recidivism rate than youth in the medium-risk group, 29.7% to 21.3% comparatively. This could be due to multiple factors including a problem with the risk assessment instrument in correctly identifying the risk level of a youth, the discretion of the probation officer, youths' individual factors (such as mental health, involvement with other government systems, lack of guardian supervision), and more. Although the risk assessment instrument is aiding in the identification of high-risk offenders, and therefore those with the highest risk of recidivating, further research and analysis on the instrument is necessary to determine if modifications, or a new instrument, are necessary to more accurately identify low- and medium-risk youth.

All DCJD youth go through a similar intake and general court process. Research and theories by Anthonsen (2010), Arnett (2000), Modecki (2008) and Sukyirun (2016), indicate that the cognitive brain functioning of juveniles is not fully developed until the youth reach young adulthood, believed to primarily be in the early- to mid-twenties. This development deficiency may affect youths' full understanding of their actions, including the consequences. It is currently unknown how long the case and court processing takes for each youth at DCJD. More research is necessary to determine if a relationship exists between DCJD's case and court processing, the

cognitive levels of the youths and their high recidivism rates as currently the connection between offense and outcome is unable to be evaluated.

DCJD does have youth who did not recidivate after contact with the system. Future research is needed with these non-reoffending youths to determine what factors correlate with decreases in recidivism. Identifying these factors could lead to the development of strengths-based processes, policies, and procedures to help keep current, and future, youths out of the juvenile justice system.

Limitations and Recommendations

This study has limitations. First, it is possible that this study is biased towards youth who reoffend more quickly than others since the follow-up time period in this study is relatively short. Additionally, youth who were referred towards the end of the initial collection cycle may not be given the same amount of time for collection of additional referral information as a youth who is referred early in the data collection. The results of this study may also be skewed as youth who are at the age of 16 for their first offense, should they reoffend and be referred back to DCJD, may be 17 at the time of their subsequent offense and therefore no longer in the database as they will have been transferred to the adult system. This could make it challenging to have accurate results for this group as there is currently no means with which to access the adult databases to determine if the youth recidivated. These limitations are likely to increase recidivism rates further, rather than reduce them, as they are likely underreported instead of overreported. However, the results of this study likely include violations of probation, which could inflate the recidivism rates slightly.

Despite these limitations, the study's results regarding the high recidivism rates of DCJD youth are a very important find and more research is necessary to determine which factors

specifically are contributing to these high rates. Additionally, some information about the youths in this study were not able to be given for consideration or research, including: information regarding the youths' mental health status prior to, or post, detention; any behavioral infractions received by the youths inside detention; any CPS involvement the youths may have had prior to detention; and, any information about the families of the youths with regards to history of involvement in the adult criminal justice system. Studies such as Evans-Chase (2014), Abram et al. (2004), and Dierkhising and Brandon (2016) have identified a correlation between some of the missing factors from DCJD's data with recidivism rates of juvenile justice youth. Because of these findings, it is recommended that future research be conducted in order to determine if any of these factors are present, and possibly contributing, to DCJD's high recidivism rates.

CHAPTER VI

Conclusion

Juvenile justice youth are at a high risk of recidivating, especially in DCJD. The high recidivism rates found in this study make it challenging to determine what specific factors are contributory. Based on the most recent crime rates published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), juvenile crime rates are at some of their lowest points in history, however, this is not currently reflected by DCJD youth (OJJDP, 2017). Future research is necessary to identify the contributory factors for recidivism in order to protect the youth from entering and furthering into the juvenile justice system and protect society from future crime. Identifying what factors are specifically contributing to DCJD's high recidivism rates can lead to stronger, more beneficial policies and procedures for the youths and their families as well as the general community.

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