

RECIDIVISM OUTCOMES AMONG A COHORT OF VIOLENT
INSTITUTIONALIZED JUVENILE OFFENDERS

Darin R. Haerle

Thesis Prepared for the Degree of
MASTER OF SCIENCE

UNIVERSITY OF NORTH TEXAS

August 2008

APPROVED:

Chad R. Trulson, Major Professor
Eric J. Fritsch, Committee Member
Ashley Blackburn, Committee Member
Peggy Tobolowsky, Chair of the Department
of Criminal Justice
Thomas L. Evenson, Dean of the College of
Public Affairs and Community Service
Sandra L. Terrell, Dean of the Robert B.
Toulouse School of Graduate Studies

Haerle, Darin R. *Recidivism Outcomes among a Cohort of Violent Institutionalized Juvenile Offenders*. Master of Science (Criminal Justice), August 2008, 96 pp., 7 tables, references, 35 titles.

Serious and violent juvenile offenders cause a disproportionate amount of harm to society, yet this population receives very little attention within the realm of empirical research. This research study examined the recidivism outcomes of 296 serious and violent offenders previously exposed to rehabilitative treatment in the Capital and Serious Violent Offender Program provided by the Texas Youth Commission. This group of juveniles was followed for three years following their release from institutionalization.

This analysis revealed that 52% of those released were rearrested at least once during the follow-up period for any offense, while 48% of those released desisted from crime altogether. Of those 296 released, 34% were rearrested for at least one new felony offense. The analyses indicate that those involved in various forms of institutional misconduct during institutionalization were significantly more likely to recidivate. African-American race and institutional misconduct in the form of rule infractions emerged as the most consistent predictors of recidivism for this sample. This study concludes with a discussion of policy implications and risk assessment related to the decisions that are made to release this population of violent juvenile offenders.

Copyright 2008

By

Darin R. Haerle

ACKNOWLEDGMENTS

First and foremost, my deepest thanks go to my family and closest friends for providing an incredible network of support to me during the completion of this thesis. Their encouragement, understanding, and unconditional love gave me the confidence I needed to complete a project of this magnitude.

I also wish to express gratitude to my thesis committee members. Thank you to Dr. Eric Fritsch and Dr. Ashley Blackburn for not only spending their valuable time reading my often verbose chapters, but for also offering invaluable insight that significantly improved the final product.

Finally, I must extend the greatest level of appreciation imaginable to my thesis committee chair, Dr. Chad Trulson, who has always set the highest of standards for me throughout the pursuit of this degree. His brilliant direction, infinite wisdom, and unwavering support kept me focused and motivated throughout this process. I am eternally grateful for his guidance and mentorship, which made it possible for me to take an impromptu discussion during policy class and turn it into a thesis.

TABLE OF CONTENTS

	PAGE
ACKNOWLEDGMENTS.....	iii
LIST OF TABLES.....	vi
Chapter	
1. INTRODUCTION	1
The Evolution of Juvenile Justice.....	1
Portrait of Juveniles Currently Incarcerated.....	3
The “Worst of the Worst”.....	7
Determinate Sentencing in Texas.....	8
Punitive v. Rehabilitative Treatment Modalities	12
The Setting	13
Research Questions of the Present Study.....	20
Conclusion.....	20
2. LITERATURE REVIEW	22
Introduction.....	22
General Juvenile Offender Recidivism.....	22
Serious and Violent Offender Treatment Programs.....	33
Strengths and Weaknesses of Previous Research.....	40
Summary	43
3. METHODOLOGY	45
Introduction.....	45
Data and Setting.....	47

Variables.....	49
Data Analysis Plan.....	51
Limitations – Reliability and Validity.....	53
Conclusion.....	56
4. ANALYSIS AND FINDINGS	58
Introduction.....	58
Descriptive and Bivariate Analyses.....	59
Multivariate Analyses.....	75
Conclusion.....	79
5. DISCUSSION AND CONCLUSIONS	81
Summary of Findings.....	81
Policy Implications	81
The Risk of Release v. Prison Transfer	83
Defining Success and Failure in this Study.....	85
Suggestions for Future Research	88
Conclusion.....	91
REFERENCES.....	94

LIST OF TABLES

1. Independent Variable List and Coding	52
2. Commitment Offense Profile for Released CSVOP Offenders and Adult Prison Transfers	61
3. Comparison of Released CSVOP Offenders to Adult Prison Transfers	63
4. Recidivism Outcomes of Released CSVOP Offenders	67
5. Most Serious Rearrest by Offense Category for Released Offender Recidivists.....	71
6. Comparison of Released Offender Recidivists to Non-recidivists	74
7. Relationship of Variables to Rearrest for Any Offense and Felony Offense	77

CHAPTER 1

INTRODUCTION

The Evolution of Juvenile Justice

The juvenile justice system is one of the most diverse components of the entire American justice system. Structurally, the juvenile justice process is similar to that of the adult criminal process. Much like adult justice, juveniles may be taken into custody by law enforcement, petitioned to face an adjudication hearing, found to have engaged in delinquent conduct, and ultimately sanctioned. Such sanctioning typically results in probation or institutionalization, much like the adult justice system (Connolly, 2005). Despite the more innocuous terms used in the juvenile justice process (e.g., taken into custody, versus arrested and adjudicated versus convicted), there is much procedural similarity between juvenile and adult justice (Connolly, 2005).

Notwithstanding procedural similarities, there are a number of important differences between juvenile and adult justice. Unlike adult criminal courts, juvenile courts are charged with holding juveniles accountable for a wider range of behavioral problems. Although dealing with juvenile delinquency is the main function, juvenile courts also have jurisdiction in matters involving status offenders and children who are considered dependent and neglected. The juvenile justice system is also much smaller, handling only a fraction of the numbers dealt with by adult justice. In fact, an examination of each stage of juvenile justice, from initial contact through disposition of a case, would reveal numerous important differences compared to the adult justice system, despite their procedural similarity (Connolly, 2005).

Among all differences between juvenile and adult justice, perhaps the greatest revolves around the operating philosophy of the juvenile justice system that is utilized when dealing with delinquent youth. While the adult system is arguably more focused on punishment and incapacitation, the first tier goal of juvenile justice has traditionally been to rehabilitate its charges. Indeed, since the creation of the first juvenile court in 1899, the primary goal of juvenile justice has focused on changing the trajectory of those youth on a seemingly inevitable path to adult criminality. This philosophy was driven by the notion that delinquency is not always in the total control of these youthful offenders, and that even the most serious and persistent can change and improve.

Over time, however, the rehabilitative intentions of the juvenile court have eroded. Rehabilitation still functions as the primary goal for most delinquents who face the juvenile court. However, the rehabilitation principle only goes so far for some delinquents. The decay of rehabilitation is perhaps best demonstrated by a relatively recent transformation that spans more than two decades. During this evolution of juvenile justice, courts and legislatures have recognized that some delinquents may not be amenable to change, are rational actors, and thus, require punishment fit for an adult despite their young age.

The erosion of rehabilitation in juvenile justice became most apparent in the 1990s through efforts to simplify and broaden methods of transfer or waiver to the adult court. There has always been the option to handle juveniles in adult court, but prior to the changes of the 1990s, such waivers were relatively few and far between. Although waiver provisions are numerous and vary in important ways, their expansion and simplification in the 1990s was a recognition by the rehabilitative juvenile court and

justice system that some juveniles are simply not amendable to change and therefore resources should be saved for those with hope.

More recent changes further signify the deterioration of rehabilitative efforts in juvenile justice for some offenders. As an alternative to adult court waiver provisions, legislators in the mid to late 1980s began developing new schemes whereby juvenile delinquents could face adult punishment, bypassing the transfer process altogether. This new method by which juveniles may be treated like adults is broadly known as blended sentencing. Under blended sentencing schemes, certain categories of juvenile offenders may face juvenile and adult sanctioning consecutively without ever being “waived” or “transferred” to the adult court.

The advent of blended sentencing illustrates the current recognition that some juveniles may be inappropriate for the predominantly rehabilitative juvenile court. Unlike transfer to adult court, however, blended sentencing sanctions in some states are allowing serious, violent, and chronic juvenile delinquents one last chance at change before they face the full extent of the adult criminal process. Clinging to the rehabilitative foundations of the juvenile court, some blended sentencing schemes, such as that found in Texas, allow juveniles one final opportunity at redemption before they become the next generation of adult prisoners. These last chance delinquents are the focus of this study.

Portrait of Juveniles Currently Incarcerated

Those juvenile delinquents who qualify for blended sentencing are those who have reached the “end of the line” in juvenile justice—state juvenile incarceration. Such

juveniles are arguably the most serious, violent, and chronic offenders in the system. However, not all youth who reach the deepest ends of juvenile justice are the same. This section first examines figures on the number of incarcerated delinquents based on national statistics to situate the number of juveniles nationwide who reach the end of the line in the juvenile justice system. It then examines juveniles incarcerated in Texas juvenile facilities at the state level. Finally, this section examines populations in the Texas Youth Commission (TYC), the end of the line for delinquents in Texas and the setting for this study.

State of Texas

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) initiates many efforts to gauge the number of juvenile offenders that are housed in correctional facilities. These efforts include the Juvenile Residential Facility Census (JRFC), which is perhaps the most well known and most comprehensive data collection effort by OJJDP. The most recent JRFC data available, released in 2002, revealed that 102,388 juveniles (defined as those under the age of 21) were housed in 2,964 facilities nationwide at the local and state levels (Snyder & Sickmund, 2006).

According to the same JRFC data, at that time Texas housed 8,371 juvenile offenders in 129 juvenile facilities (78 of which are public institutions and 51 of which are private institutions) at the local, county, and state levels (Snyder & Sickmund, 2006). The majority of these juveniles (6,726) were housed in public facilities, while the remainder (1,645) was housed within private facilities (Snyder & Sickmund, 2006). In 2002, Texas was one of only 15 states that reported an increase in the number of

juvenile offenders placed in public facilities. Otherwise put, more juveniles were committed to public facilities in Texas than in 35 other states. The 2002 JRFC displays Texas as having the 3rd highest juvenile commitment rate in the country, falling in line closely behind Florida, and housing approximately half as many as California (Snyder & Sickmund, 2006).

Texas Youth Commission (TYC)

The TYC is the juvenile correctional agency for the state of Texas. Prior to the formal creation of the TYC, juvenile training and rehabilitation was facilitated by the Gatesville State School for Boys, established by the Texas legislature in 1887. It originally housed 68 boys, but by 1940 it housed 767 males who were under the age of 17 when adjudicated. In 1949, The State Youth Development Council became the administrative body to oversee Gatesville State School's functioning. Just eight years later, in 1957, the State Youth Development Council was replaced by the Texas Youth Council, which was renamed the Texas Youth Commission (TYC) in 1983 (TYC, 2007).

A significant turning point in Texas juvenile justice occurred in 1971, when a class-action lawsuit was filed against the Texas Youth Council. According to Markham and Field (2001), this suit resulted in federal judge William Wayne Justice ordering the transfer of two Texas juvenile institutions in operation (Gatesville School for Boys and Mountain View) to the Texas Department of Corrections (TDC) because they were found to employ cruel and unusual punishment in the course of their treatment. When Gatesville was transferred to TDC operation in 1979, juvenile offenders were placed in

locations such as Gainesville, Giddings, and Pyote, marking the true beginning of the current network of TYC facilities.

Today, TYC facilities receive the most serious, violent, and chronic juvenile offenders sanctioned by Texas judges for felony and misdemeanor offenses committed between the ages of 10 and 17. With regard to the data examined in the present study, TYC's jurisdiction over these juvenile offenders extends until they turn 21 years of age.¹

As of year-end 2006, the TYC held a total of 4,800 juveniles (TYC, 2006). During 2006, the TYC received 2,738 commitments. The majority of these youth (2,190) were committed as a result of a felony offense and the remaining 548 were committed for misdemeanors (TYC, 2006). To summarize, roughly 80% of all state juvenile commitments during fiscal year 2006 were incarcerated as a result of felony offenses.

Most juveniles committed to the TYC are not first-time offenders. The TYC typically receives those offenders who have multiple prior adjudications, and who have failed to successfully complete other less intrusive juvenile justice sanctions at the local and county levels. For example, 2,063 of the 2,738 commitments in 2006 were on probation at the time of their commitment (TYC, 2006). This statistic illustrates the fact that the majority of those juveniles committed to TYC facilities during fiscal year 2006 had already come into contact with the juvenile justice system. In other words, the majority of these juveniles were already recidivists at the time of their commitment.

¹ TYC underwent numerous administrative changes during 2007 as a result of an investigation into alleged mistreatment of juveniles in custody. Many juveniles were released as a result of this investigation, and the operation of the TYC has undergone extensive procedural modifications. For example, TYC no longer receives juveniles charged with misdemeanors, and retains jurisdiction of juveniles only to age 19, instead of 21. For more information, see the Blue Ribbon Task Force Report released September of 2007: www.dallasnews.com/s/dws/img/09-07/0913tycreport.pdf.

In the late 1990s, the average residential length of stay for TYC commitments was 15.4 months as compared to 2006, when the average length of stay was 20.5 months. The length of stay increased from 18.7 months in 2000 to 21.1 months in 2001. From 2001 through 2006, the average length of stay has been consistently higher than 20 months, ranging anywhere from 20.5 to 22.7 months (TYC, 2007). This comparison shows that while the numbers of juveniles committed to TYC may have decreased since 1998, lengths of stay have increased. The increasing lengths of stay can be partially attributed to the number of youth facing long determinate sentences as a result of Texas's blended sentencing statutes (Wheeler-Cox, 1997). It may also indicate that it has become increasingly difficult for TYC to successfully rehabilitate its juveniles, resulting in longer lengths of stay.

With the majority of delinquent juveniles in Texas committed to TYC for more serious felony offenses, a focus on serious and violent juvenile offenders is justified. Indeed, 80% of juveniles committed during fiscal year 2006 were felony offenders, and of those, 33% had committed violent offenses (TYC, 2007). Violent offenders are certainly not the only offenders in Texas who reach state incarceration. National level data also show that not all incarcerated juvenile offenders are necessarily violent person offenders. A focus on this subpopulation, however, is warranted by the disproportionate share of harm their crimes exert upon society.

The "Worst of the Worst"

The previous discussion suggests that not all delinquents committed to state incarceration in Texas are the same. Delinquents committed to state juvenile facilities

include a wide range of offenders, from nonviolent drug and alcohol offenders, to misdemeanor commitments, to those committed for violent crimes against persons. The latter group not only represents the greatest threat to public safety, but also poses perhaps the greatest challenge with regard to successful rehabilitation. Although state commitments in Texas may be considered the worst of the worst in an overall fashion, such violent offenders are those who push this characterization to the limit. It is this small yet disproportionately serious and violent group of offenders that has had a major impact on juvenile justice in Texas.

Determinate Sentencing in Texas

During the last few decades, there have been a variety of noteworthy Supreme Court decisions and legislation that have directly affected the way in which juveniles are now charged, prosecuted, and sanctioned for serious and violent crimes, including capital felonies, in Texas. Most recently, the advent of determinate sentencing has provided a viable alternative solution to the all or nothing option of either keeping juveniles exclusively under the jurisdiction of the juvenile court, or waiving them to the adult criminal court. At the same time, determinate sentencing preserved the option of punishing juveniles like adults if the situation warranted such treatment. The Determinate Sentencing Act (DSA) was enacted by the Texas legislature in 1987 and originally focused on the following six offenses, all of which were included because each constitutes a capital or first degree felony crime: 1) murder, 2) capital murder, 3) attempted capital murder, 4) aggravated kidnapping, 5) aggravated sexual assault, and

6) deadly assault on a law enforcement officer (Dawson, 2000; Mears, 1998; TYC, 2007; Texas Family Code, §53.045).

In 1995 and 2001 the DSA was expanded by the Texas Legislature and this expansion brought the list of eligible offenses to a total of 22 crimes (Dawson, 2000; TYC, 2007; Texas Family Code, §53.045). These modifications to the law also provided a wider range of sentence lengths, from a minimum of 10 years for a third degree felony to a maximum of 40 years for capital crimes and first degree felonies (Dawson, 2000). Currently, the following 22 offenses can qualify a youth for determinate sentencing in Texas:

- Murder
- Attempted Murder
- Capital Murder
- Attempted Capital Murder
- Manslaughter
- Intoxication Manslaughter
- Aggravated Kidnapping
- Attempted Aggravated Kidnapping
- Aggravated Sexual Assault
- Sexual Assault
- Attempted Sexual Assault
- Aggravated Assault
- Aggravated Robbery
- Attempted Aggravated Robbery
- Felony Injury to a Child, Elderly, or Disabled Person
- Felony Deadly Conduct
- Aggravated for First-Degree Controlled Substance Felony
- Criminal Solicitation of a Capital or First-Degree Felony
- Second-Degree Felony Indecency with a Child
- Criminal Solicitation of a Minor
- First Degree Arson
- Habitual Felony Conduct (Three Consecutive Felony Adjudications)

According to Dawson (2000), the determinate sentencing process begins when a juvenile as young as the age of 10 commits one of the 22 aforementioned serious and

violent offenses. Proceedings are initiated when the prosecutor decides, within his or her sole discretion, to pursue a determinate sentencing case, rather than to follow the normal course of action for an ordinary delinquency case or to file a waiver petition to adult court. The determinate sentencing petition for the delinquency in question must have been previously filed in juvenile court and must allege that one of the 22 covered offenses was committed. The prosecutor must present the petition to the grand jury, the approval of whom is necessary for determinate sentence proceedings to officially begin. Grand jury approval or rejection follows its investigation into the case, which includes optional subpoena of witnesses to testify, permission of the accused to testify, and permission of other witnesses and evidence to be presented on behalf of the accused. These proceedings are conducted in secret and an affirmative vote of nine members of this grand jury is required in order for a petition to be approved.

Provided a petition is approved and is entered into the record of the case, adjudication proceedings begin—the requirements of which are very similar in determinate sentencing cases to that of ordinary delinquency cases. One difference worth noting is that while a county court may employ a six person jury for ordinary delinquency cases, determinate sentencing cases require a twelve person jury. Additionally, the jury must be selected in accordance with the conditions required in adult criminal cases.

Once the juvenile prosecuted under the DSA is convicted, the youth is initially committed to the custody of the TYC facing a 10 to 40 year determinate sentence, depending on the severity of the crime. Although slight changes have occurred in the

process, two options are in place concerning the future of the youth with such a determinate sentence.

The first option is a decision made prior to the youth's 18th birthday determining if the youth should be released to parole. If released to parole, the youth would continue under TYC parole supervision and jurisdiction until age 21 and then be discharged from agency supervision. The second option is that the youth would be transferred to the jurisdiction of the Texas Department of Criminal Justice-Institutional Division (TDCJ-ID), typically at age 17 or 18, to serve the remainder of his or her determinate sentence in the Texas adult prison system.

Not surprisingly, the use of determinate sentencing has caused the number of juveniles waived to adult court to decrease substantially. For example, there were 596 juveniles certified as adults in the state of Texas in 1994, compared to only 167 ten years later in 2004 (TYC, 2007). Otherwise put, there was a 72% decrease in the number of juveniles waived to adult court during the decade of 1994 to 2004. Some of this 72% decrease has arguably been absorbed by an increase in the number of youth who received a sentence in accordance with the DSA. The increase in number of offenses eligible for a determinate sentence has also increased the overall number of sentenced offenders committed to TYC. Indeed, juveniles committed to TYC with determinate sentences more than quadrupled from 1990 to 1996, increasing from 48 to 207 (Wheeler-Cox, 1997). Since 1996, sentenced offenders comprise approximately 7-8% of those committed to TYC each year (Wheeler-Cox, 1997; TYC, 2007). While 7% may not seem like a significantly large percentage, it is important to remember that this

equals approximately 170 of the 2700 juveniles committed to TYC facilities each year. This further defines the scope of the “violent few” to be examined in the present study.

Punitive v. Rehabilitative Treatment Modalities

The ability of the juvenile justice system to successfully rehabilitate the most serious and violent juvenile offenders has been questioned for decades (Mears 1998; Mikhail, 2006). As certain forms of juvenile crime became more serious and frequent in the late 1980s and 1990s, society has strayed toward more punitive means as a way to address and sanction such juvenile offenders (Mears, 1998). Rehabilitative means, such as specialized treatment programs, have been largely cast to the wayside for such serious offenders because these methods fail to fall under the “get tough on crime” umbrella, which includes both determinate sentencing and waiver of juveniles to adult court. Much evidence suggests a continuing trend of incarcerating serious and violent juveniles for longer periods of time and treating them like adults whenever possible, whether this means waiving them to adult criminal court or handing down the most severe determinate sentence allowed, given the circumstances (Mears, 1998).

Unlike the more rehabilitative focus of the juvenile system, this “get tough” approach typically only provides standard treatment modalities. In many states, serious and violent juveniles will serve their time with little more than voluntary treatment programs as a means of rehabilitation. In such areas, juvenile correctional institutions provide little more than an adolescent version of prison and, while this may be the right fit for some juveniles less amenable to treatment, a vast majority of the juveniles housed within these facilities could very possibly become more productive members of society if

provided with the necessary options by which to rehabilitate, such as therapeutic treatment programs.

One compilation of 200 studies found that such treatment programs yield an average 12% reduction in recidivism, with the best success being found among more serious institutionalized juveniles (Lipsey & Wilson, 1998). The most successful programs in this analysis yielded reductions in recidivism as high as 40%. While 40% may not seem too impressive, it is important to remember that this rate of reduction is significantly higher than that found among populations of juveniles that are transferred to adult criminal court, or those that are transferred from a juvenile institution to the adult system (Lipsey & Wilson, 1998). This comparison alone speaks volumes for the potential malleability of juveniles—even among the most serious and persistent. The specific aspects of these more effective intervention efforts, and the participants rehabilitated in such studies, will be further detailed in the literature review to follow. For now, such findings suggest that intervention can and does make a difference among even the most violent and unstable juveniles in American society. It is this type of intervention in the form of therapeutic treatment that is the focus of this study.

The Setting

Giddings State School

One of TYC's earliest established residential treatment facilities, the Giddings State School was opened in 1972 and originally treated adolescent boys exclusively. In 1980, Giddings was selected as the maximum restriction facility within the TYC network of residential treatment facilities. Along with other garden-variety male and female state

commitments (e.g., general offenders), Giddings holds a subpopulation of the most serious juvenile offenders in the state of Texas—the determinate sentenced offenders (TYC, 2006; Hubner, 2005). Among this group of sentenced offenders, some receive treatment in the Capital and Serious Violent Offender Program (CSVOP). Originally titled the Capital Offender Treatment Program, this program initially treated only those youth who had committed a capital offense, such as capital murder. However, it was renamed CSVOP in 1999 and expanded to cover other serious and violent offenses, in addition to capital crimes (TYC, 2002).

TYC Capital, Serious and Violent Offenders

Upon commitment to the TYC, a youth is classified based on the most severe criminal offense, even if that youth was charged for more than one offense at the time of his or her commitment. The TYC defines the most serious offense as that which yields the most serious, extensive, and significant consequences.

Offenders are generally classified as sentenced offenders or as non-sentenced offenders. Sentenced offenders include those juveniles who have been given a determinate sentence pursuant to sections 54.04(d)(3) or 54.05(f) of the Texas Family Code. As previously discussed, determinate sentencing proceedings are initiated at the sole discretion of the attorney who is prosecuting the case. When sentenced for one of these offenses, juveniles begin their sentence in a TYC facility but are later eligible for one of two options, as determined by a hearing that occurs prior to the youth's 18th birthday: 1) release and parole supervision under TYC custody until age 21, or 2)

transfer to an adult prison to complete the duration of the determinate sentence (TYC, 2007).

Non-sentenced offenders include the following seven categories, which are not mutually exclusive: Type A violent offender, Type B violent offender, chronic serious offender, controlled substance dealer, firearms offender, violator of CINS (conduct indication a need for supervision) probation, and general offender. TYC uses these classifications primarily to denote less serious offenders who committed a crime that falls under one of these more specific categories, such as drug offenses or firearms-related offenses. For the purposes of this discussion, a focus will be given to Type A violent offenders, as they constitute the population under study here in combination with sentenced offenders.

Type A violent offenders are classified based on the commission of murder, capital murder, sexual assault, and aggravated sexual assault but who were not sentenced under the DSA. This category is just as serious as the sentenced offender category and prior to the inception of determinate sentencing, the most serious TYC juveniles were classified as Type A violent offenders. This class persists even today for similar criminal offenses as those that fall under determinate sentencing. The only difference is that those prosecutors of Type A violent offenders' cases decided against the pursuit of a determinate sentence. In short, because of the serious nature of the crimes by which they are classified, sentenced offenders and Type A violent offenders constitute the most serious delinquents in the state of Texas. According to the data available, such delinquents are the only offenders eligible for CSVOP.

This discussion of the offenses used to classify TYC youth paints a vivid picture of the violent and dangerous population under study. As the number of sentenced offenders committed to TYC continued to increase as a result of modifications to determinate sentencing laws, the need for a way to treat this population became a higher priority for the State of Texas. CSVOP exemplifies one of those treatment efforts. CSVOP stands alone, however, as the only program in TYC – and, for that matter, one of very few in the nation – that attempts to treat and rehabilitate the worst of the worst violent juvenile offenders, including capital offenders, outside of an exclusive adult criminal process. The following section will describe in detail CSVOP, the treatment program to be examined in the present study.

Capital and Serious Violent Offender Program (CSVOP)

The Capital and Serious Violent Offender Program (CSVOP) was implemented by the TYC in 1987 (TYC, 2007). This program aims to rehabilitate capital and serious violent juvenile offenders through an intensive therapeutic treatment program. The population to receive treatment from CSVOP is without any doubt comprised of the most serious juvenile offenders adjudicated in the state of Texas, and perhaps the nation.

According to the TYC data available, only sentenced and Type A violent offenders are eligible for CSVOP. Sentenced and Type A violent offenders determined to have a “high need” for capital offender treatment must function productively in the general population at Giddings for an average of two to four years prior to being granted a chance to participate in a CSVOP treatment group (Hubner, 2005). Specialized

treatment in the CSVOP is not guaranteed, however, for all sentenced and Type A violent offenders. In reality, the TYC's lone CSVOP program has space limitations and other obstacles that preclude such specialized treatment for all offenders. As a result, only mere fractions of all sentenced and Type A violent offenders who may need CSVOP treatment actually receive it.

During the period of time between commitment and potential admittance into the CSVOP treatment program, offenders must learn about and put into practice TYC's primary foundation of treatment: resocialization. Four cornerstones represent the resocialization program: correctional therapy, disciplinary training, education, and work (TYC, 2007). TYC maintains the perspective that children are not inherently born delinquent, but are instead socialized within a certain developmental context that encourages them to meet their own needs at the expense of others.

By participating in and completing individual and group work in these four areas of resocialization, juveniles can learn and implement a new set of norms and values that emphasizes the need to consider the rights of others when making decisions about how to behave throughout the course of their daily lives. The individual work requires each juvenile to identify thinking errors, increase personal accountability, develop empathy toward victims, and to detail his/her life story, among other tasks that will aid in his/her successful rehabilitation. The juveniles, or students as they are referred to on the grounds of Giddings, must prove that they have made a valid effort to integrate this new resocialized perspective into their daily life prior to even being eligible for participation in CSVOP.

TYC's resocialization program uses a four-phase system of behavioral progress within its facilities. These phases consist of certain objectives that fall under the following three categories: academic/workforce development, behavior, and correctional therapy (ABC). Youth begin on Phase ABC and are evaluated monthly in these areas. They become eligible for release when they reach the fourth phase, or A4B4C4, and have completed their mandatory minimum length of stay (TYC, 2004).

Phases are granted monthly by facility staff based on the extent to which a given juvenile is implementing the positive behavioral tools given to him/her, such as using words to communicate rather than violence. To even be eligible for CSVOP, a juvenile must not only reach the minimum requirement of phase two, but must also maintain this phase consistently for six months without any rule infractions, violent or otherwise, that would warrant a drop in phase (Hubner, 2005).

It is necessary for juveniles to display consistent positive behavior in the general population at Giddings prior to participating in CSVOP, as this treatment program will significantly test their emotional and behavioral limits beyond anything they have ever experienced. On average, 30-36 of the 380 juvenile males and females housed at Giddings during any given year will participate in CSVOP. Typically, youth in CSVOP will be divided into small groups of 8-9 delinquents as they progress through the program.

The juvenile offenders in these groups live together in cottages kept separate from the general population, formerly known as the Capital Offenders Cottages. They participate in lengthy group therapy sessions every week during CSVOP, a program which averages five to six months in length (Hubner, 2005; TYC, 2007). Each treatment

group meets an average of twice or three times weekly, and each session is up to four hours in length (TYC, 2007).

Each student in CSVOP is responsible for telling his/her "life story" at some point during the treatment program. This life story portion usually requires 2 to 3 three and a half-hour sessions for each student (Hubner, 2005). During the students' life story accounts, they relay what has been done *to them* during the course of their lives. Following their life stories, CSVOP students are then forced to delve into their "crime stories," which causes them to recount what they have done *to others* that may have led to their current circumstance (Hubner, 2005). While much support and empathy is shown toward the students as they tell their life stories, more of a tough love element comes into play during their crime stories because the therapists must force these offenders to truly face the horrors and injustices that they have inflicted upon others (Hubner, 2005).

Another very innovative and somewhat controversial element of this program is the role playing portion that occurs after each life story and following each crime story. The treatment group participants and therapists role play a significant traumatic scene that may have unfolded in the juvenile's past, but they also help him or her reenact the crime that led to his or her commitment to TYC. Not only does each youth play the role of delinquent, but he or she also assumes the role of the victim so as to connect to the victim's perspective. This tactic attempts to generate intense levels of empathy from within the offender.

Provided a youth completes the rigorous CSVOP, the therapists make a recommendation as to the successful graduate's outcome: eligible for immediate

release, continued commitment until age 21, or transfer to the Texas prison system to serve the remainder of his or her determinate sentence. It remains to be seen whether or not innovative treatment programs such as CSVOP have the ability to thwart persistent criminal trajectories. The present study will examine this program's effectiveness by answering the following research questions.

Research Questions of the Present Study

To date, there has been no systematic empirical study conducted on the outcomes of state committed youth who have received CSVOP treatment either in part or full capacity, and have since been released to the streets. This research aims to fill this void by examining juveniles who have participated in CSVOP and who have since been released back into society. In doing so, this study attempts to answer the following research questions:

- 1) How do CSVOP releases compare to CSVOP non-releases in terms of demographic, delinquent history, and risk factor variables?
- 2) What are the recidivism outcomes (frequency and seriousness) of CSVOP releases during the three years following their release from TYC to parole supervision?
- 3) In terms of recidivism, how do CSVOP releases who did not recidivate compare to CSVOP releases who did recidivate?
- 4) What are the predictors of recidivism among CSVOP releases?

Conclusion

Killers and rapists represent some of the most heinous offenders. Increasingly, when these offenders are found among juveniles there are calls for harsh punishment,

incapacitation, and adult court treatment. Claims are made that no hope for change exists—that such young and serious offenders are lost causes and not even time stands in the way of them becoming the next generation of adult prisoners. In Texas, however, delinquents convicted of these violent offenses have one last chance at redemption in the TYC’s innovative CSVOP. Although such serious offenders are relatively few and far between at such young ages, there is no doubt that they cause a disproportionate share of harm.

In general, little systematic empirical evidence exists as to the potential for changing the behavioral trajectory of the most serious, violent, and chronic juvenile offenders. Indeed, CSVOP, a program that serves perhaps the most serious and violent delinquents in the nation, has never been the subject of extensive empirical review. Beyond the debate as to whether these offenders deserve another chance, this study seeks to determine what their outcomes will be if they are given one. Although anecdotes abound as to whether such offenders possess the ability to change, or even deserve a chance to try, this study seeks an empirical answer to this question among a subpopulation of the worst of the worst in Texas.

CHAPTER 2

LITERATURE REVIEW

Introduction

This literature review summarizes the research on the post-release behavior of institutionalized juvenile offenders in general, and serious and violent offenders in specific. In doing so, the goal of this literature review is threefold: 1) to reveal the most robust and reliable predictors of recidivism among the institutionalized juvenile offender population, 2) to highlight the few empirical studies that have examined recidivism among serious and violent institutionalized juvenile offenders, and 3) to help frame and guide the present study in terms of what to expect with the release of the delinquents examined in this study.

The first section summarizes the literature on recidivism among mixed samples of institutionalized delinquents. This section also examines findings of the only meta-analysis focused on components of rehabilitative programs that target institutionalized delinquents, similar to those examined here. This review then examines three programs that have been implemented for serious and violent offenders. Finally, it ends with a discussion of the strengths and weaknesses of prior research.

General Juvenile Offender Recidivism

Empirical Research Findings

Ryan, Davis, and Yang (2001) tested the effect of reintegration services on the likelihood of adult imprisonment (e.g., recidivism) among a cohort of 397 adjudicated delinquent males during the five years following their release from residential treatment

in Michigan. Overall results of the analysis revealed 28% of the sample was later reincarcerated in the adult correctional system. Specific to offenders who received reintegration services and those who did not, 24% of the 291 graduates of reintegration services were later imprisoned compared to 39% of the nongraduates. The most frequent committing offenses for those incarcerated as adults were assault, breaking and entering, robbery, weapon violations, and controlled substance offenses.

The average age of the sample at time of release was 16.61 years of age. The average length of residential stay for the sample was 9.87 months, and 73.3% of the sample was deemed successful graduates of the residential care as evidenced by completion of goals set forth in each juvenile's individual treatment plan. Those independent variables found to be the strongest predictors of adult incarceration were ethnicity, number of prior adjudications, and number of prior out-of-home placements. Concerning time to first offense following release, the highest risk periods for reoffending were found to be between 12 and 24 months. By the end of 4.5 years (54 months), 72% of the sample had survived in the community without being incarcerated as an adult.

A study by McMackin, Tansi, and LaFratta (2004) examined recidivism among a sample of juvenile offenders who were institutionalized within a residential treatment center in Massachusetts. This sample was discharged between 1976 and 1995. An analysis of existing records was performed on the criminal history files of 162 juveniles and adults, 59% of which ($n = 95$) were defined as chronic offenders because they had four or more arrests prior to their residential commitment. Recidivism was the primary

outcome variable and was defined as any juvenile or adult conviction to occur following discharge from this treatment program.

The overall analysis revealed that 40.3% of non-chronic offenders were convicted within one year following their discharge from treatment, while 48.4% of those defined as chronic offenders were convicted during the same period of time. Consequently, chronic offending proved to be a significant predictor of recidivism. Length of stay was also significantly associated with reconviction rates across the entire sample. Those individuals whose length of stay was less than 11 months recidivated at a significantly higher rate (48% of the sample) than those committed to residential treatment for 11 months or longer (34.3% of the sample).

Lattimore, MacDonald, Piquero, Linster, and Visher (2004) examined two separate cohorts of male juvenile offenders who had been incarcerated and subsequently paroled from California Youth Authority (CYA). One sample of 1,928 was released from 1981 to 1982. The second sample of 1,658 was released from 1986 to 1987. The total sample of 3,586 was examined during a three-year follow-up period that began at the time of each offender's release. Researchers extracted data on a variety of risk factors previously established to predict criminality, such as prior antisocial behavior. Individual characteristics as well as family characteristics were also examined as possible risk factors.

Analysis of data revealed that the state delinquents accumulated a total of 16,556 arrests during the post-release follow-up period. These arrests occurred during 9,728.2 net years of street exposure time, which translated into an average arrest rate of 1.70 arrests for each participant per year free on the streets. Compared to African-

American parolees, Caucasian and Hispanic paroled youth displayed a decrease in likelihood of post-release arrests by 28% and 17%, respectively. This study also found those participants who were older at the time of their release were more likely to recidivate compared to those who were younger at the time of release.

Measures of antisocial behavior such as extensive arrest histories, institutional violence, institutional gang activity, and drug abuse each proved to be associated with greater arrest frequencies, when controlling for other variables. A modest yet statistically significant relationship was also found between dropping out of high school and risk for rearrest after release from CYA. Lower post-release arrest rates were also found to be associated with two other risk factors related to antisocial behavior: evidence of prior violence and evidence of an alcohol problem. This would suggest a higher propensity toward subsequent arrests for those who 1) previously engaged in property rather than violent crimes, and 2) engaged in abuse of illicit drugs rather than alcohol.

Piquero, Brame and Lynam (2004) also examined parolees of CYA by conducting research on a sample of 377 male persistent and serious offenders released at a minimum age of 18. Researchers aimed to determine criminal career length and followed these individuals for an average of 150 months (or just over 12 years). The dependent variable of career length was measured as the time between first contact with police and the most recent criminal justice contact. Three sets of independent variables were used, including criminal history variables such as age at first arrest and length of stay in prison or jail. Other risk factors associated with serious and persistent offending were examined, such as cognitive ability and whether or not the offenders

have intact families. The third set of variables used were control variables such as age at release from prison or jail, length of follow-up time following release, and familial criminal behavior.

This study produced three key findings. First of all, career lengths among offenders ranged from 4 to 30 years, with an average of 17 years. Consistent with other research, offenders with an earlier age of initial criminal justice contact as well as those who were older at time of release from CYA displayed longer criminal careers (Lattimore et al., 2004). Additionally, offenders who experienced longer stays in prison or jail and scored higher in cognitive ability displayed shorter criminal careers. The researchers state that possibly the most noteworthy finding is that the majority of offenders who were followed for an average of 150 months (or 13 years, into their thirties) do not display 30-year criminal careers. Rather, the majority desist from crime by the time they reach their thirties.

Weibush, Wagner, McNulty, Wang, & Le (2005) examined another mixed sample in an attempt to identify predictors of recidivism. This study analyzed a sample of 435 juvenile offenders following their release to parole in the following three cities: Denver, Colorado; Norfolk, Virginia; Clark County, Nevada. An Intensive Aftercare Program (IAP) provided services to 230 of these youth following their release, while the other 205 were randomly assigned to the control group who were also released but received no IAP services. Recidivism was analyzed during a 12-month follow-up period, and was measured using technical parole violations, officially reported arrests, and any convictions and dispositions that resulted from such behavior. One of the few to examine the nature of the most serious subsequent offense, Weibush and colleagues

found 78 – 87% were arrested at least once for any arrest, while 43 – 63% were arrested for at least one felony arrest.

This research also detailed categories of commitment offenses by specifying those committed for violent/person offenses, property offenses, and probation/parole violations. Analyses revealed that commitment for a violent/person offense was not a significant predictor of any kind of recidivism, including subsequent violent offenses. For example, 38% of the Colorado youth were originally committed for a violent offense, but only 4% of the experimental group and 10% of the control group recidivated by committing subsequent violent felony offenses. Regression analyses revealed only four variables to be significantly related to recidivism, including commitment for a property offense, number of prior referrals, gang membership, and African-American race. For the Nevada site only, African-American race was a positive and significant predictor of recidivism.

One of the more recent studies to look at recidivism among institutionalized juveniles was conducted by Trulson, Marquart, Mullings, and Caeti in 2005. Their study examined a large cohort of 2,436 males and females who had been released from a juvenile correctional facility. This study examined these juveniles during a five-year follow-up period following their release from state commitment. The results of this study showed 85% of this sample to be rearrested for any offense during the follow-up period. More specifically, 79% were rearrested for at least one felony during the five years following release. There were 12,960 rearrests recorded for this sample, which equals an average of just over five post-release arrests for each of the delinquents in question. Similar to the present study, recidivism was measured using records of official rearrests.

Findings showed younger age at first contact with the juvenile justice system, gang membership, and a higher number of previous adjudications for felony offenses to emerge as predictors of recidivism. Additionally, male delinquents and those who had engaged in institutional misconduct during their state commitment were also more likely to recidivate.

In one of the most recent studies, Haapanen, Britton, & Croisdale (2007) examined persistent criminality and career length among juveniles released from the California Youth Authority (CYA). This longitudinal study examined rearrests for offenders released from CYA during a 15-year period, from 1987-2001. Data used in this analysis included all arrest charges recorded within the California Department of Justice (DOJ) for the 30,229 youth released from CYA during that time.

Although the authors did not conduct multivariate analyses, they found the rate of arrest for the released delinquents to be over eight times greater than the rate of arrest recorded in 2003 for individuals of a similar age range. The Bureau of Justice Statistics indicated that the arrest rate for individuals from 21 to 24 years of age was 12,566 arrests per 100,000 people. However, the arrest rate for the sample under study was approximately 105,600 arrests per 100,000 people. Another noteworthy finding was that, rather than a peak of arrest rate at the normally observed age of 18 or 19, this sample displayed an arrest rate that peaked at age 21. This study also found an inverse relationship between seriousness of the commitment offense and subsequent arrests. Otherwise put, those originally committed to CYA for more serious and violent offenses displayed the lowest arrests rates following release. Finally, this study provided support for crime reduction occurring as a direct effect of criminal justice

interventions, such as parole supervision. During the follow-up period of this study, those juvenile offenders under parole supervision of the CYA were arrested less than those discharged without supervision.

The majority of the studies previously discussed focus on mixed samples, which include a wide range of offenders from those committed for status offenses to those committed for violent offenses. The common theme throughout the previous research is a lack of specificity with regard to the seriousness of offense type, including commitment and recidivism offenses (Archwamety & Katsiyannis, 2000; Heide, Spencer, Thompson, & Solomon, 2001; Ryan et al., 2001; Lattimore et al., 2004; Weibush et al., 2005; Huebner, Varano, & Bynum, 2007). However, these studies of mixed samples and others have produced somewhat consistent findings to suggest that age at first commitment (Archwamety & Katsiyannis, 2000; Cottle, Lee, & Heilbrun, 2001; Piquero et al., 2004; Trulson et al., 2005), race/ethnicity (Archwamety & Katsiyannis, 2000; Ryan et al., 2001; Weibush et al., 2005), number of prior adjudications (Ryan et al., 2001, McMackin et al., 2004; Lattimore et al., 2004; Trulson et al., 2005; Weibush et al., 2005), gang activity (Lattimore et al., 2004; Trulson et al., 2005; Weibush et al., 2005; Huebner et al., 2007), drug use (Simourd & Andrews, 1994; Cottle et al., 2001; Lattimore et al., 2004; Huebner et al., 2007), and institutional violence (Lattimore et al., 2004; Trulson et al., 2005; Huebner et al., 2007) have emerged as some of the most consistent predictors of recidivism among institutionalized juvenile offenders.

It is worth noting that various methods were used to produce the recidivism findings of each study. One glaring methodological difference is the definition of

“recidivism” used for each study. Some studies define recidivism to be behavior displayed exclusively during adolescence (Schwalbe, Fraser, Day, & Cooley, 2006), while others measure recidivism as behavior displayed exclusively during adulthood (Ryan et al., 2001; Haapanen et al., 2007). Not only do studies differ in the time during which recidivism is captured, they also differ in the way this recidivism is captured. The majority of research measure recidivism by rearrests (Trulson et al., 2005; Haapanen et al., 2007), but one study discussed here defined recidivism as “reconviction,” which no doubt failed to capture a fair amount of recidivism displayed rearrests and other recidivism behavior that fell short of conviction (McMackin et al., 2004; Huebner et al., 2007).

Another methodology that varies greatly among studies is that of the follow-up period of time employed during which any given measure of recidivism is captured. The follow-up times of these studies range from 1 year to 15 years (Haapanen et al., 2007), with the most common follow-up time being a one-year (or 12-month) follow-up period (Fagan, 1990; OJJDP, 1996; Benda, Corwyn, & Toombs, 2001; McMackin et al., 2004; Piquero et al., 2004; Weibush et al., 2005). The information gleaned from this review of empirical findings provides a general starting point from which to determine the best methods to employ during the present study.

Meta-Analysis Findings

The findings presented thus far seem to mesh with a more general body of literature reviewed by Lipsey and Wilson (1998). In addition to individual studies of released institutionalized delinquents, this noteworthy meta-analysis examined

components of effective treatment programs for institutionalized and non-institutionalized juvenile offenders, and the factors related to recidivism among these offenders. The goal here is to identify components of those programs that have been most successful with institutionalized offenders in an attempt to frame the hypotheses related to the program under study here.

This extensive meta-analysis examined 200 studies and aimed to distinguish similarities among not only effective intervention programs, but also among the populations targeted by such studies. These programs were analyzed in two groups: 1) programs for institutionalized juveniles, and 2) programs for noninstitutionalized juveniles. Because the present study focuses on a group of institutionalized serious and violent offenders, the review will discuss only those programs that targeted institutionalized juveniles.

Among 83 studies out of 200 that examined institutionalized youth, four groups of variables were examined: 1) program characteristics, 2) types of treatment, 3) dose of treatment delivered, and 4) juvenile offender characteristics. Only 9 of these studies examined residential treatment facilities under private or psychiatric administration, while 74 of the studies evaluated programs within juvenile justice institutions.

The amount of treatment provided, pertaining to both integrity and duration of treatment, was found to be an important predictor of treatment effectiveness in regards to recidivism. Treatment programs of longer duration in weeks were found to yield larger recidivism reductions (e.g., effect sizes). Additionally, larger recidivism reductions were seen for those programs with a high level of monitoring to ensure that each juvenile received the intended dose of treatment. Administration of treatment by

mental health professionals (rather than by juvenile justice personnel) was the variable most strongly related to effect size. No strong conclusions could be drawn regarding effectiveness of treatment types (e.g., behavioral treatment, individual counseling, group therapy, shock incarceration, or skill-oriented programs), as very few studies fell under each category for institutionalized offenders. For example, positive evidence was found for the two behavioral programs, but these results could not be generalized because the effect sizes of only two programs of this type failed to reach statistical significance.

With regard to recidivism, the most successful intervention for institutionalized offenders reduced recidivism by 10-15%, which is noteworthy considering the fact that these interventions target the worst of the worst among serious and violent offenders. Across all 200 studies examined, this meta-analysis revealed an average 12% reduction in recidivism as a result of these interventions. The bottom line of this extensive meta-analysis is that even the most serious delinquents can be positively responsive to treatment, provided that treatment is delivered in the proper dose and via the correct modality within an institutionalized setting.

The review of intervention programs by Lipsey & Wilson (1998) is extremely relevant to the present study in that it provides insight as to the more effective rehabilitative efforts for institutionalized offenders. This meta-analysis implied that if a treatment program is delivered within an institutionalized setting and for a longer duration (meaning over the course of months rather than a few weeks), treatment can effectively reduce recidivism. The findings presented provide support to the hypothesis that the program under study here could very well reduce recidivism among the most violent of institutionalized juvenile offenders. Reviews such as this meta-analysis

provide us with even more information to use in order to establish the parameters for the present focus on an innovative rehabilitative treatment program.

Serious and Violent Offender Treatment Programs

The following discussion will highlight three innovative programs to rehabilitate the worst of the worst juvenile offenders. This section will also examine what is known about the outcomes of such violent youth once they are released from incarceration. This section is important because the programs detailed below are perhaps most similar to the program and offenders examined in this study.

Violent Juvenile Offender Program Experiment

The Violent Juvenile Offender Program (VJOP) began in 1980 and was implemented as an experiment that would test the ability of a correctional environment to ensure public safety while also providing rehabilitative services to serious juvenile offenders. Fagan (1990) evaluated the four different program sites across the country (Memphis, Newark, Boston, and Detroit) where this three-year experiment was implemented. The VJOP experimental treatment was delivered in three phases to all participants: 1) placement in small, secure facilities, 2) provision of transitional residential programs to facilitate reintegration into the community, and 3) intensive supervision during transition back into their neighborhoods. Each program site focused on the elements of reintegration, social learning, case management, and a step-down program of reentry from secure facilities back into society. For final sample inclusion, participants had to have at least two prior felony adjudications. This criterion for

inclusion sufficiently classifies this sample as “serious and violent.” A large advantage of Fagan’s research is that juveniles were randomly assigned to either stay within mainstream juvenile corrections or to participate in the experimental programs. This random assignment provided a control group not often found in serious and violent offender research because of the necessity of discretion when sanctioning such offenders.

A comprehensive definition of recidivism was used that included measures such as self-reported delinquency, reincarceration, and arrest records to examine the frequency, severity, and timing of recidivism. The sample examined included 227 male juvenile offenders who had been adjudicated for a felony. The median age of the sample was 16.5 years of age, and 90% of the sample was African-American, while the majority of the remaining 10% were Caucasian. Their committing offenses included homicide, attempted murder, forcible rape or sodomy, attempted rape, aggravated assault, armed robbery, or kidnapping.

Results show that those assigned to the VJOP displayed lower rates of failure, determined by rearrest rates. Post-release outcomes of this study revealed that, for any offense, 32% of the experimental group were rearrested compared to 35% of the control group. Additionally, for both experimental and control groups, 27% of each were rearrested for a repeat violent offense. Without controlling for exposure time at risk in the community, those who participated in the experimental treatment avoided rearrest for any offense for approximately one year following release. The experimental group also avoided rearrest for a violent offense 1.5 months beyond that compared to those in the control group. This finding suggests that well-implemented programs such as the

VJOP can effectively encourage juvenile offenders to desist from crime during the first critical year of exposure time, during which much recidivism has been shown to occur in this population.

Limited analyses were used in this study and, as a result, it included little discussion about potential predictors of the recidivism that this sample displayed. However, it is important to include this study here because it is the only one to examine a sample of violent institutionalized juvenile offenders upon their release from state confinement. This study implies that transitional strategies to be implemented during reintegration back into society deserve focus over the current and long-standing punitive emphasis that is place on lengthy confinement within correctional facilities.

Florida Environmental Institute – Last Chance Ranch

Located in the Florida Everglades, the Florida Environmental Institute (FEI) has the capacity to treat 40 of Florida's most serious juvenile offenders, half of which are housed within the residential part of the program, and half of which are participants in the non-residential aftercare component of the program. These chronic and violent juvenile offenders are males between the ages of 15 and 18 years of age. Nearly two thirds of the youth (approximately 63%) are referred to FEI by the state for crimes committed against persons, while the remainder is primarily committed for drug and property offenses (OJJDP, 1996). Although FEI is not a locked facility, its remote location and low client to staff ratio both encourage program compliance and ensure safety of the public.

The residential program requires a minimum nine-month commitment, while most stay for an average of 18 months. This program aims to focus on education, hard work, and improved vocational skills as ways by which to decrease recidivism. Juveniles work through three different phases of treatment by gaining points toward the next, less restrictive phase.

Three analyses exist that attempted to examine this program, all of which employ quasi-experimental designs that consist of posttest only conducted on one sample group. One follow-up study examined 21 graduates of FEI to gauge program effectiveness. This study found that one third of these graduates were rearrested and convicted of crimes during a three-year follow-up period of time (Weaver, 1989).

In 1992, the Florida Department of Health and Rehabilitative Services (DHRS) conducted a study that evaluated the effectiveness of FEI in reducing recidivism. This report evaluated seven similar treatment programs and found that only 36% of youths in FEI were referred back to juvenile court, compared to anywhere from 47% to 73% of youth from the other programs. Additionally, the other six programs experienced 20 to 50% recommitment rates, while none of the 11 FEI juveniles were recommitted during the study's follow-up period.

The Florida Department of Juvenile Justice conducted a study during which they discovered that, from 1997 through 2000, only 9 of 57 offenders released from FEI were found guilty of a new offense during a 12-month follow-up period. While only 16% of FEI graduates reoffended, the average reconviction rate for all other Florida institutions that house juvenile offenders was more than twice that at 40%.

Arkansas Serious & Violent Offender Program

The Arkansas Division of Youth Services (DYS) contains the Serious Offender Program (SOP), which is one of the only state-run programs in the nation that targets this population of serious offenders. Created in 1993, SOP targets only those juveniles committed to DYS for serious, violent or persistent offending—much like the population under study here. Arkansas DYS defines “serious offender” to include those who have committed egregious crimes such as rape or arson, terroristic threatening, and burglary.

The SOP is similar to that examined in the present study in the way that it aims to intervene behaviorally by using the technique of cognitive restructuring to encourage these offenders to reexamine the thoughts and attitudes that have encouraged their past delinquent behavior. Individual therapy and daily group therapy sessions are utilized to facilitate the restructuring of adolescents’ perspectives concerning the way in which they should behave and how they can become productive members of society.

Tollett and Benda (1999) set out to determine not only the number of days adolescents survive after release from SOP prior to being recommitted, but also to identify risk factors predictive of a return to DYS. The offenders studied were 244 male and female adolescents, between the ages of 10 and 17, who had been released from SOP a minimum of one year prior to the study. In addition to the data acquired from each youth’s computer file maintained within DYS, other data such as that indicating parental neglect and/or abuse was collected from Arkansas Department of Children and Family Services.

Their study revealed that 148 of the 244 offenders (or 60.7%) returned to DYS during the 12-month follow-up period. The number of prior commitments and gender

were found to be the most robust predictors of recidivism. Results showed that for each additional prior commitment, a given juvenile survived in the community 41.3 fewer days before returning to DYS. Additionally, during the 12-month follow-up period, females survived in the community for an average of one month (29.1 days) longer than males prior to recidivating.

Benda, Corwyn, and Toombs (2001) conducted further research on SOP to evaluate recidivism among a larger sample of graduates of this program during a minimum two-year follow-up period. The convenience sample of 414 adolescents in this study makes up approximately 90% of offenders to complete the program from 1993 through 1996. This research used logistic regression procedures to determine that age at first arrest, age of first illicit drug use, and abuse/neglect all ranked as relatively high predictors of recidivism (Benda et al., 2001).

Using two-tailed *t* tests, the age at which juveniles first committed a crime and first used illicit drugs significantly differed between recidivists and nonrecidivists. According to this analysis, recidivists were younger both at age of first illicit drug use and at age of first criminal offense. Additionally, females were found to atypically recidivate more likely than males. However, due to the fact that a limited number of females were included in this study compared to males ($n = 75$ females), no blanket generalizations should be made with regard to this gender comparison of recidivism.

The bottom line is that according to the comprehensive analysis of this program offered by these two studies, more than 60% of each sample recidivated during the one- and two-year follow-up periods. The research on SOP offers two of very few studies in existence to examine the entry of adolescents into the adult correctional system upon

graduation from a serious and violent offender treatment program. The empirical findings presented by this research lend further evidence to suggest that this population of serious offenders is difficult to treat, as evidenced by the 60.7% and 65.2% rates of recidivism among these samples. However, it is worth noting that 39.3% and 34.8% of these samples did not recidivate, which implies that more than one third of these adolescents *were* successfully rehabilitated during their commitment to DYS and participation in SOP.

Some common predictors of recidivism have emerged from this review of literature, which has included empirical studies, the meta-analysis of treatment programs, as well as research on two other serious offender treatment programs. The most prevalent of these predictors include, but are not limited to, a higher number of prior adjudications, a younger age at first arrest, and gang activity.

Also important to this analysis is the percentage of recidivism displayed by the samples of the studies reviewed here. Some of the larger samples yielded recidivism rates for any subsequent arrests that range from 45 – 65% of the entire sample, which implies that roughly half of juvenile offenders typically recidivate upon release back into the community (Tollett & Benda, 1999; Benda et al., 2001; McMackin et al., 2004). However, some studies revealed recidivism rates of greater than 70% (Trulson et al., 2005; Weibush et al., 2005), while others revealed more promising rates of 27% (Fagan, 1990) and 28% (Ryan et al., 2001). The bottom line here is that with recidivism rates that range from 27% – 87%, recognizing varying follow-up times in previous research, it is clear that the ability for juvenile offenders to be successfully rehabilitated is still very much up for debate.

Strengths and Weaknesses of Previous Research

It is clear from the previous literature review that much of the research on recidivism among institutionalized delinquents is limited in certain ways. The four largest weaknesses revealed by this literature review are as follows: 1) few that target truly severe and violent juvenile offenders, 2) lack of inclusion of female offenders, 3) methods that employ various follow-up times, 4) lack of general specificity with regard to both commitment and recidivism offenses, and 5) limited definition of recidivism.

To begin with, the majority of the available research examines mixed samples of juvenile offenders. Although some studies claim to analyze samples that are serious and/or violent, their failure to specify commitment offenses leaves this subject up for debate. The omission of such details in previous research implies that most juvenile offender samples under study are institutionalized for the commission of various offenses, violent and otherwise.

Much of the research is also limited by the fact that the majority of these studies have completely excluded females from the analysis altogether (Fagan, 1990; Archwamety & Katsiyannis, 2000; Heide et al., 2001; Ryan et al., 2001; Lattimore et al., 2004; Piquero et al., 2004; Huebner et al., 2007). Not only are females often excluded from analysis, but there is also an even greater lack of empirical research that analyzes serious and violent female juvenile offenders, such as those under study here. The present study will improve upon this by examining a sample that includes both male and female serious and violent offenders.

The methods of existing research use various follow-up times during which they attempt to capture recidivism of juvenile offenders. The majority of these studies use

either a 12-month (Fagan, 1990; OJJDP, 1996; Benda et al., 2001; McMackin et al., 2004; Piquero et al., 2004; Weibush et al., 2005), two-year (Benda et al., 2001), or three-year (Lattimore et al., 2004) follow-up period. Two of the studies reviewed here used a five-year follow-up period (Ryan et al., 2001; Trulson et al., 2005), while two studies followed their samples for longer than 10 years (Piquero et al., 2004; Haapanen et al., 2007). The follow-up times used in the existing research on juvenile offenders range from 12 months all the way up to 15 years. The present study selects a three-year follow-up period because these studies and other research have shown that a large amount of recidivism occurs during the first three years following release from institutionalization.

Regardless of which length of follow-up time is used, the studies reviewed here lack general specificity with regard to the kind of offenses captured during any given follow-up time. Otherwise put, this shortcoming of research on serious and violent offender recidivism involves a lack of detail with regard to the specific ways that these offenders recidivate. Some research defines recidivism as “any crime” (Huebner et al., 2007), while others count all rearrests equally without distinguishing between types of crime (Lattimore et al., 2004). Whether recidivism is defined as rearrest, reconviction, or both, much of the research here fails to include categories of offenses or any specific information on the type of crime committed when these juveniles reoffend (Heide et al., 2001; Lattimore et al., 2004; Huebner et al., 2007). Only one study reviewed provides a list of the 12 most frequent recidivism offenses, but fails to provide a description of how these recidivism offenses were distributed as violent and non-violent/property offenses across the given sample (Ryan et al., 2001). Other studies provide some information on

commitment and/or recidivism offenses, but fail to detail these offenses beyond general categories such as property, violent, and weapons felonies (Archwamety & Katsiyannis, 2000; Weibush et al., 2005).

Additionally, the definitions of recidivism used are often limited simply by the amount of data that is available to researchers. The absence of data from adult corrections has in the past forced researchers to employ a more conservative measure of recidivism that only captures subsequent rearrests, adjudications, and commitments as juveniles (Schwalbe et al., 2006). Contrarily, other research defines recidivism to include only subsequent adult arrests (Haapanen et al., 2007) or adult incarceration (Ryan et al., 2001). The most comprehensive studies capture delinquent and criminal behavior displayed by both juveniles and by adults.

It is also worth noting that defining the outcome variable of recidivism as “reconviction” fails to capture recidivism such as rearrests (Huebner et al., 2007). However, this has also been emphasized as being beneficial in the way that “the reconviction measure eliminated some bias of arrest measures by filtering out arrest incidents that are not substantiated in the courts” (Huebner et al., 2007 p. 196). While various measures of recidivism have been used, rearrest proves to be a good measure of behavior, regardless of whether or not the arrest results in a subsequent conviction or reincarceration.

The present study will attempt to fill in gaps found in other research by not only defining recidivism as rearrests among juveniles and adults alike, but also by providing a detailed description of the crimes committed when these offenders recidivate. It is important to know not only the details of each offender’s delinquent history, but to also

understand the specific ways in which each offender recidivates, violent or otherwise. These improvements upon previous research will not only capture more recidivism across the board, but will also monitor those released at a younger age from juvenile institutions who have ample time to reoffend prior to becoming adults at the age of 17 in the state of Texas. In short, the methodology employed here aims to capture the greatest amount of recidivism possible by measuring rearrests of the CSVOP juvenile and adult releases, depending on their age at release from Texas Youth Commission (TYC) commitment.

Summary

Research of the last three decades has empirically shown that the majority of serious and violent crime committed by juveniles can be attributed to a “violent few” (Fagan, 1990). This proportionately small group of juveniles has posed enough of a threat to society to demand evaluation of, as well as potential modification to the juvenile justice system.

A perpetual tug-of-war has existed for decades between those who advocate for the rehabilitative ideals of juvenile justice, and those who see a need for implementation of more punitive measures in the hopes that this will result in deterrence among juvenile offenders—much like the current get-tough philosophy utilized by our country’s adult criminal justice system. Because of the disproportionate share of harm that they cause, this relatively small group of serious and violent juvenile offenders has been thrust into the crux of this ideological debate, and provides a necessary starting point for analysis and discussion concerning modifications of juvenile justice policy. While the

widespread conclusion that nothing works to treat this population may be valid when examining the available research, it is worth considering that this conclusion is based on merely an absence of positive empirical evidence rather than a presence of negative evidence. This review of literature reveals the minimal amount of research to date on this population of violent offenders, as well as highlights limitations that exist within the previous research. Both serve to illustrate the need for further empirical research on not only recidivism among serious and violent offenders, but also on recidivism among those who participate in an innovative treatment program prior to being released from correctional supervision.

The present study will improve upon the current literature by further investigating the following: 1) the extent to which serious and violent offenders who receive the CSVOP recidivate, 2) the way in which the prevalence of certain demographic, delinquent history, and risk factor variables may contribute to a juvenile's recidivism, and 3) the specific ways in which serious and violent offenders recidivate, be it by committing felony offenses or otherwise. This investigation will be accomplished through a secondary data analysis that examines the participants of a very innovative, yet very controversial treatment program put in place to treat the most violent juvenile offenders in the state of Texas. This treatment program is the only such program in the state of Texas, and one of very few in the nation, that aims to treat serious and violent offenders. The research methods to be used during this analysis will be detailed further in the following methodology chapter.

CHAPTER 3

METHODOLOGY

Introduction

As previously discussed in Chapter 2, the current juvenile recidivism literature reveals that juveniles younger at their age of first contact with the juvenile justice system, those with a higher number of prior commitments, those who engage in illicit drug use, those involved in gang activity, and those who engage in institutional misconduct are more likely to recidivate upon release from juvenile correctional authorities. In short, delinquent history variables are found to be some of the most consistent predictors of recidivism among institutionalized delinquents.

While these predictors show strength in studies that examine mixed samples of juvenile offenders, it remains to be seen whether or not these predictors will remain consistent for a sub-population of serious and violent juveniles. This study examines the recidivism outcomes of a group of serious and violent juvenile offenders following their exit from correctional supervision and their treatment in one of the most innovative programs in the nation for violent institutionalized delinquents. This research also investigates the individual differences between those who recidivated following their release and those who did not recidivate upon their release from state commitment.

To explore recidivism outcomes and predictors of recidivism among this sample of serious and violent juveniles, a total of four research questions are examined in this study. The first question explores the background characteristics of the entire sample, and explores how those released following their participation in the Capital and Serious

Violent Offender Program (CSVOP) differ from those who were not released but were rather transferred to adult prison to continue their determinate sentence:

- 1) How do CSVOP releases compare to CSVOP non-releases in terms of demographic, delinquent history, and risk factor variables?

The second and third questions explore the recidivism outcomes of released CSVOP youth three years from each youth's individual release date. These questions also investigate any individual differences between those who recidivated and those who did not. These questions are as follows:

- 2) What are the recidivism outcomes (frequency and seriousness) of CSVOP releases during the three years following their release from TYC to parole supervision?
- 3) In terms of recidivism, how do CSVOP releases who did not recidivate compare to CSVOP releases who did recidivate?

The final question examines factors that predict recidivism (e.g., binary outcome of any rearrest and rearrest for a felony) for those serious and violent juvenile offenders released from TYC following participation in CSVOP:

- 4) What are the predictors of recidivism among CSVOP releases?

The first section of this methodology chapter provides information regarding the source of data for this study, method of sample selection, and briefly discusses the treatment setting from where this sample is selected. A detailed presentation of the independent and dependent variables is also included. Following that, the data analysis plan for this study is discussed. Finally, this chapter acknowledges certain limitations of the data and methods, specifically how such limitations may influence reliability and validity of the present study's results.

Data and Setting

TYC Data Collection Protocol

Data analyzed in the present study was provided by the Texas Youth Commission (TYC). All youth referred to the TYC are initially evaluated at an intake/assessment unit prior to being assigned to one of the TYC's state school facilities. During intake, information is collected on each youth about their delinquent, medical, psychological, and familial histories. Data on youth commitments are compiled by the TYC through a combination of the following methods: consultation of official records at the state and county levels, collection of youth self-reports at intake, and direct observation of youth (e.g., to capture both their previous institutional behavior at intake and the youth's long-term behavior within a TYC facility).

Statewide arrest data is also used in this study to measure the outcome variable of recidivism. This second type of data is provided to the TYC by the Texas Department of Public Safety (DPS) in the form of arrest records. This data was then provided directly to the author by the TYC. The TYC coordinates with the DPS to track any rearrests that released state commitments accumulate upon release. Among other reasons, rearrest information is tracked so that the TYC may gauge the rehabilitative impact of each juvenile's term of commitment within a TYC facility. The author approached TYC and a request was made to use their official agency data with regard to the entire population of youth served in the CSVOP program. Permission was granted for that data to be utilized in the present study. IRB approval was sought and granted under App # 07-016 on February 1st, 2007.

Capital and Serious Violent Offender Program (CSVOP)

As discussed in the first chapter, the CSVOP treats only a select few of those juveniles committed to TYC. Although this program has been in existence since 1987, to date only 484 juveniles have participated in the program. It is important to keep in mind that approximately 170 sentenced offenders and 100 to 140 Type A violent offenders are committed to TYC facilities every year. The small proportion treated in this program relative to all TYC commitments is primarily due to the fact that for a youth to be eligible for CSVOP, he or she must demonstrate a high need for such treatment as indicated by the seriousness of his or her commitment offense, which serves to classify each of these youth as either a “Type A violent offender” or a “sentenced offender.”

It is also the case that logistical issues (e.g., space in the program, number of available counselors, housing availability within the cottage for this group) restrict the number of otherwise eligible offenders that would receive this treatment. Given the need for more empirical research that targets the most violent of juvenile offenders, those juveniles selected to participate in CSVOP are well suited for this study.

Sample

The initial pool of participants for the present study included all 484 juvenile offenders (males and females) that have received CSVOP treatment since its inception in 1987. Certain data limitations and methodology requirements made it necessary to eliminate some of the 484 juveniles. For final sample inclusion, each youth is required to be: 1) a former participant in CSVOP, and if applicable, 2) released to the streets with

at least three years of recidivism follow-up time, a standard follow-up time in research on recidivism (Lattimore, MacDonald, Piquero, Linster, & Visher, 2004). Of the 484 CSVOP participants, 65 youth are removed from the final sample because they lack the necessary three years of follow-up time. The remaining sample of 419 is divided into two groups: those who were transferred from TYC to prison to serve the remainder of their determinate sentence ($n = 123$), and those who were released to the streets ($n = 296$).

The entire sample of 419 is used to explore individual differences between those who were released and those who were not, as this speaks to the degree to which these youth were successful participants of CSVOP. Such a comparison also provides an opportunity to compare adult prison transfers to those released to the street. In short, it allows an examination of whether the adult prison transfers are in any way more serious or considered higher risk offenders than CSVOP participants eventually released to the streets by TYC. Following this comparison, the remainder of the analyses focus on the sample of 296 releases.

Variables

Independent Variables

There are three sets of independent variables used in the analyses. These include demographic variables, delinquent history variables, and risk factor variables. Variables are listed below (see Table 1 for full coding).

Only two demographic variables are available in the data: race (defined as African-American, Hispanic, Causasian, and other) and gender. The delinquent history

variables include seven continuous and seven categorical variables. The continuous variables include 1) age at state commitment to TYC, 2) age at release from TYC institutionalization, 3) length of TYC commitment in days, 4) number of previous felony adjudications, 5) number of total previous delinquent adjudications, 6) number of previous out-of-home placements, and 7) total number of TYC behavioral infractions. The first four categorical variables are related to the degree of commitment offense for each juvenile as falling into one of the following categories: 1) homicide related, 2) sexual related, 3) serious person/property, or 4) other. The remaining three categorical variables are detailed as follows: 1) evidence of gang affiliation, 2) evidence of gang related activity during TYC commitment and 3) evidence of violent assaultive institutional misconduct during TYC commitment.

Risk factor variables include 11 categorical variables. The categorical risk factors include the following: 1) evidence that youth was physically abused, 2) evidence that youth was sexually abused 3) evidence that the youth was emotionally abused, 4) evidence that the youth lived in poverty, 5) evidence of a chaotic home environment, 6) evidence that the youth's family is gang-related, 7) evidence of previous violence toward family, 8) evidence that the youth is or has been suicidal, 9) evidence of substance abuse, 10) characterized as mentally retarded, and 11) characterized as mentally ill.

Dependent Variables

The TYC, in conjunction with the DPS, collects recidivism data on those youth released from state confinement as juveniles and continues to collect data on youth as they enter adulthood. The primary outcome variable of this study is recidivism and is

measured using the rearrest data provided by TYC, which includes both arrests that these youth accumulate during adolescence and during adulthood. Recidivism is defined in two ways for the purposes of this research: 1) Binary indicator of rearrest for any offense in the three-year follow-up, 2) Binary indicator of the most serious arrest being a felony in the follow-up period. In addition to frequency and seriousness of subsequent arrests, the analyses also specify the number of days until each recidivating juvenile's first rearrest occurs during the three-year follow-up period.

Data Analysis Plan

Descriptive and Bivariate Analyses

There are generally two stages of analyses presented in Chapter 4. The first stage provides a descriptive examination of the offenders in this study. Specific commitment offenses for the sample of released CSVOP youth are compared to those for the CSVOP youth transferred to adult prison. Second, it compares released youth to adult prison transfers on the independent variables using the Mann-Whitney *U* test. It then focuses specifically on CSVOP youth released from the TYC and, again using the Mann-Whitney *U* test, compares those who were rearrested in the follow-up to those who were not rearrested in the follow-up. Finally, descriptive recidivism outcomes of those rearrested in the follow-up are provided, including the seriousness and frequency of offending. The primary goal of this descriptive analysis is to paint a clear picture of the offenders in this study. More specifically, this portion of the data analyses reveals the specifics of the offenders' backgrounds, as well as the extent to which they recidivate during the follow-up period.

Table 1

Independent Variable List and Coding

<i>Variable Category</i>	<i>Variable</i>	<i>Coding</i>
Demographic Variables	Race	
	African-American	1 = yes; 0 = no
	Hispanic	1 = yes; 0 = no
	Caucasian	1 = yes; 0 = no
	Other	1 = yes; 0 = no
	Gender	1 = male; 0 = female
Delinquent History Variables	Age at state commitment to TYC	Continuous coding
	Age at release from TYC institutionalization	Continuous coding
	Length of TYC commitment in days	Continuous coding
	Number of felony adjudications	Continuous coding
	Number of total delinquent adjudications	Continuous coding
	Number of TYC behavioral infractions	Continuous coding
	Degree of commitment offense	
	Homicide related	1 = yes; 0 = no
	Sexual related	1 = yes; 0 = no
	Serious person/property	1 = yes; 0 = no
	Other	1 = yes; 0 = no
	Gang affiliation	1 = yes; 0 = no
	Institutional misconduct	
	Assaultive activity in TYC	1 = yes; 0 = no
	Gang related activity in TYC	1 = yes; 0 = no
Total number of TYC infractions	Continuous coding	
Risk Factor Variables	Evidence of physical abuse	1 = yes; 0 = no
	Evidence of sexual abuse	1 = yes; 0 = no
	Evidence of emotional abuse	1 = yes; 0 = no
	Evidence of poverty	1 = yes; 0 = no
	Evidence of chaotic home environment	1 = yes; 0 = no
	Family gang affiliation	1 = yes; 0 = no
	Previous violence toward family members	1 = yes; 0 = no
	Classified as suicidal	1 = yes; 0 = no
	Evidence of substance abuse	1 = yes; 0 = no
	Classified as mentally retarded	1 = yes; 0 = no
Classified as mentally ill	1 = yes; 0 = no	

In addition to displaying frequencies and seriousness of their recidivism outcomes, this analysis also provides detailed information as to the original commitment offense compared to the most serious rearrest category for the released youth in this study. In short, this part of the analysis examines what the offenders were committed for, and compares this to their most serious rearrest in the follow-up to determine if they have continued their severely criminal behavior post-release.

Multivariate Analyses

In the second stage of the analyses in Chapter 4, logistic regression is used to examine the influence of the independent variables on the dichotomous outcomes of rearrest for any offense and rearrest for a felony. These two dependent variables are regressed for the entire sample of juveniles for each of the two multivariate models. Because the dependent variables are dichotomous in nature, logistic regression is the best statistical tool to use in this situation. Additionally, logistic regression is used to examine the relative merits of each possible predictor because this technique has been previously established as a reliable way to measure the way in which delinquent history variables and other variables relate to recidivism among juvenile offenders (Benda, Corwyn, & Toombs, 2001; Trulson, Marquart, Mullings, & Caeti, 2005).

Limitations – Reliability and Validity

Some limitations exist in the present study, including the way in which recidivism is measured. An obvious challenge in any recidivism study is created by those who are not actually rearrested but are still involved in criminal behavior. Those adolescents

who commit criminal offenses during the follow-up period but who fail to be detected display a level of recidivism that cannot be measured by an analysis of existing official records. Related, the data provided by the TYC do not allow an examination of whether any of the youth were actually reincarcerated post-release. Thus, we do not know if during the three-year follow-up some youth spent periods of time in jail, or were sentenced to adult prison. This limitation means that actual exposure time in the follow-up may be shorter for some than others due to unknown incarceration time. The strength of using a binary coding of the dependent variable, rather than a count of total arrests, is that if an arrest triggered a subsequent incarceration, then at least that arrest would be revealed by the data.

Another limitation is that this study uses the analysis of existing records exclusively as the method of data collection. Record keeping is obviously subject to human error, and this should be taken into account when determining the accuracy of such records. Additionally, the data related to the delinquent history variables in question is limited because of the largely dichotomous nature in which it was recorded by TYC. This will require many of the variables to be reported as a presence or absence of the variable in the juvenile's past, but it will be unclear to what extent this variable was present or absent.

While drawbacks to the analysis of existing records hold merit, this is the best method for the purposes of this research. The TYC data available contains a multitude of information recorded during each youth's intake and during the course of each youth's entire TYC institutionalization, and the dichotomous measures such as the presence or absence of certain delinquent history variables are consistent with previous

research on the subject (Lattimore et al., 2004; Trulson et al., 2005). While a qualitative study using self-reports would be beneficial to further investigate predictors of recidivism, this study aims to first identify such predictors by way of analyzing the existing records of data maintained by the TYC.

It is worth noting that the method employed here is also advantageous because it is not subject to certain threats of validity that are always a risk when collecting self-report data. When self-report surveys and interviews are administered, youth may be dishonest about their behavior by lying about something they have or have not done or by exaggerating their behavior. Additionally, respondents might truly forget behavior they have displayed in the past, depending on how much time passes between the measured behavior and the time of self-report data collection. The use of official records removes this threat to validity by relying on the objective measurement of the youth's history, rather than the subjective response a juvenile may provide.

In research, a challenge always exists regarding whether or not results can be generalized to the overall population. For example, it is important to determine whether or not the methodology of this study is sound enough so that any findings can be successfully generalized back to a larger population of similar serious and violent juvenile offenders. Any research conducted on a seriously violent population is automatically limited by the fact that this population truly consists of a violent few, which means the sample size of such studies tends to be smaller and more specialized than that of research on a more general population of offenders. The smaller sample size examined here limits this study and makes it difficult to generalize results to a larger population of general juvenile offenders. Nonetheless, this study contributes to the

scarce amount of research that has been conducted on such a serious and violent population – a population that although small, perpetrates a disproportionately serious amount of crime.

Rather than using conviction or reincarceration as the measure of recidivism, this study exclusively uses rearrests as recorded by the TYC in conjunction with the DPS as the primary outcome measure. The primary reason for this methodology is that reconviction and reincarceration data were not available to obtain from the TYC. However, as previously discussed, rearrest has been used in other studies (Archwamety & Katsiyannis, 2000; Ryan, Davis, & Yang, 2001; Lattimore et al., 2004; Trulson et al., 2005; Weibush, Wagner, McNulty, Wang, & Le, 2005; Huebner et al., 2007) and is perhaps a more comprehensive and reliable measure of behavior. As indicators of recidivism behavior, reconviction and reincarceration are heavily influenced by court processes, whereas rearrest provides a more liberal indicator of recidivism that captures a wider range of delinquent and criminal behavior displayed by these offenders during the three-year follow-up period.

Conclusion

The methods and statistical analyses outlined here attempt to identify those variables that display the strongest association with recidivism among the sample of CSVOP youth. Any and all limitations aside, this study successfully provides a clear picture of the recidivism displayed by participants of CSVOP for three years following their release from state commitment. It also effectively investigates potential predictors

of recidivism, and provides further knowledge on which of these factors carry the most weight in predicting recidivism among serious and violent juveniles.

Finally, analysis of these predictors provides information about the ways in which those who recidivated are different from those who did not recidivate during the follow-up period. The bottom line is that this study expands on the existing recidivism literature by not only examining a sample that is truly serious and violent, but by also adding the focus of a very innovative treatment program as potentially influencing the recidivism that is revealed among this sample of offenders. The following chapter presents the findings and analyzes the results of this study.

CHAPTER 4

ANALYSIS AND FINDINGS

Introduction

Previous research reveals numerous characteristics which influence recidivism among institutionalized and released juvenile offenders. Those juveniles who are younger at first contact with the juvenile justice system, those with a higher number of prior commitments, a history of illicit drug use, gang affiliations, and those who engage in institutional misconduct while confined are predicted to most likely reoffend following release from confinement. For the most part, however, such findings emerge from studies focused on mixed samples of juvenile offenders. Very few studies focus exclusively on a group of the most serious and violent delinquent offenders. This study begins to fill that gap in the literature.

This chapter proceeds in order of the research questions posed in previous chapters. It begins by evaluating demographic, delinquent history, and other risk factor variables among juveniles treated by the Capital and Serious Violent Offender Program (CSVOP) and released from the Texas Youth Commission (TYC), compared to those not released and subsequently transferred to adult prison. This descriptive analysis then investigates the frequency and seriousness of recidivism among those 296 juveniles released to the streets from the TYC. The descriptive analysis portion of this study concludes with a comparison of characteristics among those who recidivated to those who did not recidivate, following release from the TYC.

Following descriptive and bivariate analyses, a multivariate analysis of logistic regression is used to assess the impact of the many independent variables on the

dependent variable of recidivism, defined first as any rearrest and then as any felony rearrest. This technique is used to identify any predictors of recidivism that might emerge from this sample of violent offenders.

Descriptive and Bivariate Analyses

Commitment Offense Profile for Released and Non-Released Offenders

While this study primarily focuses on recidivism of those 296 released from the TYC, the entire sample of 419 juveniles is examined to determine the differences and similarities that may exist between those released and those transferred to prison. It is important to compare these two groups to determine if those transferred to prison from TYC are somehow different than those eventually released to the streets. TYC uses discretion to release those who fare better in CSVOP and other institutional programming, although the juveniles they choose to release are typically committed for similarly violent offenses as those transferred to prison.

Table 2 provides a picture of each juvenile's commitment offense, regardless of whether that juvenile was released back into society or transferred to prison. By detailing the offenses for which a juvenile was originally committed to TYC, a clear and comprehensive portrait of the true severity of this sample emerges. As seen in the columns of Table 2, the entire sample of 419 CSVOP offenders is divided into two groups: Street Releases ($n = 296$), and Adult Prison Transfers ($n = 123$). By combining these two groups, it is evident that the original 419 offenders were most frequently committed for the following offenses: murder ($n = 183$), capital murder ($n = 49$),

attempted capital murder ($n = 32$), attempted murder ($n = 32$), aggravated robbery ($n = 54$), and aggravated assault ($n = 34$).

Additionally, Table 2 reflects the overall categories of offenses that led to the commitment of CSVOP offenders: homicide related offenses, sexual related offenses, serious person/property offenses, and other offenses not captured by the previous three categories. The overwhelming majority (73.5%) of the entire sample of 419 juveniles were originally committed for homicide related offenses. For those offenders released to the streets, 68.9% were committed for homicide related offenses, while 84.5% of those transferred to prison were committed for the same category of offenses. Surprisingly, less than 1% of the entire sample (1 of the releases and 1 of the prison transfers) was committed for sexual related offenses (aggravated sexual assault), 13.8% were committed for a serious property/person offense, and 12.2% for an “other” offense including deadly conduct and aggravated assault, among others.

The seriousness of the CSVOP youth who were released by the TYC is also evident in Table 2. Although 51 (or 17.2%) of those released by the TYC originally committed serious property or person offenses, and 40 (or 13.6%) of those released by the TYC committed other offenses such as kidnapping or aggravated assault, the majority of those 296 offenders released to the streets were originally committed for homicide related offenses. Based on the commitment offenses listed in Table 2, it is clear that the offenders treated in CSVOP and released by the TYC constitute without a doubt one of the most serious and violent samples of juveniles to ever be released from juvenile institutionalization.

Table 2

Commitment Offense Profile for Released CSVOP Offenders and Adult Prison Transfers

Commitment Offense	Released CSVOP Offenders (n = 296)		Adult Prison Transfers (n = 123)	
	Frequency	%	Frequency	%
<i>Homicide Related Offenses</i>				
Capital Murder	20	6.8	29	23.6
Attempted Capital Murder	23	7.8	9	7.3
Murder	119	40.2	64	52
Attempted Murder	30	10.1	2	1.6
Manslaughter	1	0.3	--	--
Voluntary Manslaughter	9	3.0	--	--
Involuntary Manslaughter	2	0.7	--	--
Category Total	204	68.9	104	84.5
<i>Sexual Related Offenses</i>				
Aggravated Sexual Assault	1	0.3	1	0.8
Category Total	1	0.3	1	0.8
<i>Serious Property/ Person Offenses</i>				
Robbery	1	0.3	--	--
Aggravated Robbery	47	15.9	7	5.7
Attempted Aggravated Robbery	2	0.7	--	--
Category Total	51	17.2	7	5.7
<i>Other Offenses</i>				
Felony Injury Child/Elderly Individual	2	0.7	--	--
Deadly Conduct	7	2.4	1	0.8
Aggravated Kidnapping	4	1.4	1	0.8
Aggravated Assault	25	8.4	9	7.3
Burglary	1	0.3	--	--
Unlawful Carrying of Weapons	2	0.7	--	--
Category Total	40	13.6	11	8.9
Total	296	100	123	100

Note. Percentages are column percentages. Due to rounding, percentages within each category may not equal category total percentages. Commitment offense groupings by offense differ slightly from offenses used for dummy code groupings used in multivariate analyses.

Comparison of Released CSVOP Offenders to Adult Prison Transfers

The first research question investigates the differences between those CSVOP youth released by the TYC and those transferred to prison:

- 1) How do CSVOP releases compare to CSVOP non-releases in terms of demographic, delinquent history, and risk factor variables?

Table 3 examines the demographic, delinquent history, and risk factor variables for the entire sample of 419 juveniles, and divides them into two groups: 1) those released from TYC to the streets ($n = 296$), and 2) those transferred to prison ($n = 123$). In general, few significant differences emerge between releases and adult prison transfers. Based on demographic comparisons, the only significant difference to emerge is related to “other” race offenders and this is due to the small number of “other” prison transfers relative to those released to the streets. There is no significant gender difference between the proportion of youth released by the TYC and those transferred to prison.

As with demographics, there are few significant differences between TYC releases and adult prison transfers for the independent variables related to delinquent history. One age-related variable is found to be significantly different for CSVOP releases versus those CSVOP offenders transferred to prison. Those released to the street were significantly older at their commitment to TYC (an average of 15.28 years of age) than those transferred to prison (an average of 14.82 years of age). A significantly higher number of those 123 youth transferred to prison were committed for a homicide offense. Alternatively, a significantly greater proportion of releases were originally committed for a serious person/property offense than were adult prison transfers.

Table 3

Comparison of Released CSVOP Offenders to Adult Prison Transfers

Variables	Released CSVOP Offenders (<i>n</i> = 296)		Adult Prison Transfers (<i>n</i> = 123)		Comparisons
	<i>PP/M</i>	<i>SD</i>	<i>PP/M</i>	<i>SD</i>	<i>z</i> -value
<i>Demographic Characteristics</i>					
Race					
African-American	0.40	0.49	0.41	0.49	<i>ns</i>
Hispanic	0.38	0.49	0.44	0.50	<i>ns</i>
Caucasian	0.17	0.37	0.15	0.35	<i>ns</i>
Other	0.05	0.23	0.00	0.09	-2.17*
Gender					
Male	0.94	0.25	0.94	0.23	<i>ns</i>
Female	0.06	0.25	0.06	0.23	<i>ns</i>
<i>Delinquent History</i>					
Age at TYC commitment	15.28	0.99	14.82	0.96	-4.46*
Age at TYC release	19.15	1.03	--	--	--
Days served in TYC	1419.30	430.93	--	--	--
Previous felony adjudications	1.22	0.58	1.28	0.50	<i>ns</i>
Total delinquent adjudications	1.41	0.81	1.46	0.73	<i>ns</i>
Previous out-of-home placements	0.26	0.73	0.23	0.60	<i>ns</i>
Commitment offense					
Homicide related	0.69	0.46	0.84	0.36	-3.30*
Sexual related	0.00	0.06	0.01	0.09	<i>ns</i>
Serious person/property	0.17	0.37	0.06	0.23	-3.04*
Other	0.14	0.35	0.09	0.29	<i>ns</i>
Gang affiliated	0.42	0.49	0.45	0.50	<i>ns</i>
<i>Risk Factors</i>					
Suicidal	0.03	0.18	0.03	0.18	<i>ns</i>
Substance abuser	0.42	0.49	0.42	0.50	<i>ns</i>
Mentally retarded	0.04	0.19	0.03	0.18	<i>ns</i>
Mentally ill	0.06	0.24	0.06	0.23	<i>ns</i>
Physical abuse	0.14	0.35	0.13	0.34	<i>ns</i>
Sexual abuse	0.04	0.21	0.04	0.20	<i>ns</i>
Emotional abuse	0.26	0.44	0.16	0.37	-2.09*
Poverty	0.55	0.50	0.50	0.50	<i>ns</i>
Chaos	0.67	0.47	0.67	0.47	<i>ns</i>
Family gang related	0.13	0.34	0.11	0.32	<i>ns</i>
Previous violence toward family	0.25	0.43	0.21	0.41	<i>ns</i>
<i>Institutional Misconduct</i>					
Assaultive activity in YCS	0.59	0.49	0.74	0.44	-2.87*
Gang related activity in YCS	0.01	0.10	0.10	0.30	-4.38*
Total number of YCS infractions	26.73	27.74	39.10	43.47	-2.61*

Note. Categorical variables were dichotomized and indicate proportion with 1 as coding score under the *PP/M* column. For example, substance abuser for the street releases and prison transfers at 0.42 indicates that 42% of each group previously engaged in substance abuse. Values are rounded to the nearest one hundredth of a percent and using actual proportions to obtain *n* may be slightly inaccurate because of rounding.

* $p < .05$. *ns* means not significant.

Concerning risk factor variables, only one variable proves to be significantly different for these two groups. A significantly greater proportion of those released to the streets were exposed to emotional abuse at some point during their upbringing than those transferred to prison (26% compared to 16%, respectively). Nearly all of the other risk factors are very similar for these two groups, including nearly identical percentages of those who were once suicidal, substance abusers, and mentally ill for both releases and prison transfers.

The variables that serve to best distinguish between TYC releases and adult prison transfers are institutional misconduct variables, all three of which prove to be significantly different for these two groups. While 59% of those released engaged in assaultive activity on at least one occasion while at TYC, 74% of those transferred to prison engaged in this type of behavior. Additionally, a significantly greater proportion of prison transfers participated in gang related activity while at TYC (10%) compared to those released by the TYC (1%). Lastly, the total number of TYC rule infractions was, on average, 26.73 for those released from TYC. However, those transferred to prison accrued an average of 39.10 rule infractions while institutionalized.

These findings speak to the fact that while some of those released misbehaved during the course of their institutionalization at TYC, those transferred to prison likely posed significantly more of a risk to other offenders and to staff while committed to TYC. These aspects of institutional misconduct were evidently taken into account when TYC administrators decided which offenders to release and who to transfer to prison to serve the remainder of their sentences.

Overall, few differences emerge relative to demographic, delinquent history, or risk factor variables among releases and prison transfers, with the exception of their institutional misconduct. Prison transfers were significantly more disruptive during their commitment to TYC, which probably served as at least one reason why they were transferred to prison rather than released following their exposure to CSVOP. This suggests that, aside from institutional misconduct, adult prison transfers are roughly equivalent to those eventually released to the streets by the TYC with regard to commitment offenses and several demographic, delinquent history, and risk factor variables.

Recidivism Outcomes of Released CSVOP Offenders

The second research question explores recidivism outcomes within the sample of CSVOP offenders who were released to the streets:

- 2) What are the recidivism outcomes (frequency and seriousness) of CSVOP releases during the three years following their release from TYC to parole supervision?

Answering this research question is the fundamental goal of the present study, which aims to evaluate the way in which serious and violent juvenile offenders behave when they are released from juvenile incarceration. The recidivism outcomes are investigated to determine whether these juveniles persist or desist from criminal behavior three years from their release and as they transition into adulthood.

Table 4 reveals that of the 296 offenders released to the streets, 155 (or 52%) were rearrested for any offense, and 100 (or 34%) were rearrested for at least one new felony offense during the three year follow-up period. This is consistent with previous

literature that found roughly half of the samples to recidivate upon release by committing at least one new offense (Tollett & Benda, 1999; Benda et al., 2001; McMackin, Tansi, & LaFratta 2004). Considering their exposure time of three years during which recidivism was measured, releases remained in the community for an average of 394.37 days, or approximately 13 months, before being rearrested for a new criminal offense. The 155 releases who recidivated in any fashion accumulated an average of roughly 5.3 arrests per person during the follow-up time. Not shown in tabular form is that the 155 recidivists accumulated a total of 818 new arrests during the three years following their release. These arrests average out to approximately five arrests per offender. Concerning severity of recidivism, the average rank of offense for which recidivists were rearrested is 6.18 on a 10 point scale, with 1 being the least serious category of offense as unclassified misdemeanor, and 10 being capital murder.

Table 5 further explores recidivism outcomes and examines whether or not recidivists offended in a manner that was consistent with their violent histories. Otherwise put, compared to their original commitment offenses, were recidivists rearrested for new violent offenses or for less serious offenses such as non-violent misdemeanors?

The first column of Table 5 (Original Commitment Offense) lists the original commitment offense for the 296 offenders released by the TYC. Column 2 (Total Released) then presents the total number released in each commitment offense category. Column 3 (Number Rearrested) provides information of the number of releases rearrested, sorted by different commitment offense categories. The right half of Table 5 (Category of Most Serious Rearrest) examines the specific offense category

Table 4

Recidivism Outcomes of Released CSVOP Offenders (n = 296)

Outcome	<i>PP/M</i>	<i>SD</i>
Rearrested for any offense	0.52	0.50
Rearrested for felony offense	0.34	0.47
Days until first rearrest	394.37	273.86
Number of all post-release rearrests	5.28	4.70
Rank order of most serious rearrest†	6.18	2.25

Note. Categorical variables were dichotomized and indicate proportion with 1 as coding score under the *PP/M* column. For example, Rearrested for any offense at *PP/M* 0.52 means 52% of the 296 released CSVOP offenders were rearrested at least one time in the follow-up. Values are rounded to the nearest one hundredth of a percent and using actual proportions to obtain *n* may be slightly off due to rounding.

† This variable includes 10 ordered codes, with 1 being the lowest level offense in the State of Texas (Unclassified Misdemeanor) and 10 being the highest level offense (Capital Murder). The *PP/M* is the average rank, thus ordinal ranks are treated as interval data for this category.

of rearrests (e.g., Felony 1) that occurred for each group during the three year follow-up period. For example, a total of 20 capital murderers were released and 8 of those were rearrested. Of those eight rearrested, one was rearrested for a capital felony, one for a Felony 1, one for a Felony 2, one for a Felony 3, two for a State Jail Felony, one for a Misdemeanor A, and one for a Misdemeanor B.

Of the 155 juveniles rearrested after release from TYC, 100 (or 64.5%) were rearrested for at least one additional felony as their most serious offense during the follow-up period. Alternatively, 53 (or approximately 35%) of those rearrested during the follow-up period were rearrested for at least one additional misdemeanor as their most serious offense. The total number of recidivists in Table 5 equals 153, rather than 155 overall because of the fact that there are 2 missing cases in the data available for offense category.

More specifically, Table 5 provides detailed information on how the original commitment offenses are similar to or different from the ways in which each juvenile recidivated. For example, of the 296 juveniles released to the streets, 204 of them were originally committed for a homicide-related offense. The fact that over two thirds (or 68.9%) of those released were originally homicidal further emphasizes the significant risk taken in deciding to release these juvenile offenders early – in many cases, prior to their serving the duration of a determinate sentence.

During three years following their release from TYC, 105 of these 204 homicidal offenders were rearrested. Felonies ranging from unclassified felonies to capital felonies were committed by 69 of the 105 who were subsequently rearrested. However, 34 of those 105 rearrested committed misdemeanors as their most serious subsequent offense. These findings imply that while many of the homicidal offenders in this study did not reoffend by committing a future homicide, the majority of them recidivated by committing at least one new felony.

Additionally, the one and only released offender who was originally committed for a sexual related offense of aggravated sexual assault was not rearrested. Of those 50 releases originally committed for a serious property/person offense, 26 were rearrested. A total of 15 were rearrested for a felony, while the other 11 were rearrested for a Misdemeanor A ($n = 3$) or Misdemeanor B ($n = 8$) as their most serious single rearrest.

In an overall summary, 52% of all releases were rearrested. Of those recidivists, 65% were rearrested for a felony with regard to their most serious single rearrest. Although the specific rearrest offense is unknown, a substantial portion of the recidivists continued to offend in relatively serious offense categories, despite the fact that many

may not have engaged in repeat violence as serious as their original commitment offense. Alternatively, 35% of the 155 recidivists committed a misdemeanor as their most serious single rearrest, and 48% of all releases ($n = 141$) did not recidivate. Taken as a whole, 100 or 34% of all 296 releases appeared to continue their violent ways, while 196 or 66% were either not rearrested ($n = 143$) or were rearrested only for a misdemeanor ($n = 53$).

Comparison of Released Offender Recidivists to Non-Recidivists

The final research question to be answered using descriptive analysis deals with the differences between those who recidivated when released to the streets and those who did not recidivate:

- 3) In terms of recidivism, how do CSVOP releases who did not recidivate compare to CSVOP releases who did recidivate?

Table 6 indicates that 52%, or 155 of the released CSVOP offenders were rearrested at least once during the first three years following their release for any offense, while 48%, ($n = 141$) of them did not recidivate. There are many noteworthy differences displayed between those who recidivated and those who did not recidivate during the follow-up period. In terms of demographic variables, recidivists were more likely to be African-American (53% for recidivists versus 25% for non-recidivists) than any other racial group compared to non-recidivists. This finding may be partially attributed to the fact that 40% of the 296 released offenders are African-American. Otherwise put, there is a higher probability that someone of that race will recidivate when compared to other groups. Moreover, a statistically greater proportion of recidivists were male when compared to non-recidivists. While 98% of recidivists were male, 89% of non-recidivists

were male. Additionally, statistically fewer females were recidivists than non-recidivists. Only 2% of recidivists were female and 11% of non-recidivists were female, which indicates that more than five times more females desisted from crime (at least during the three year follow-up) than those who recidivated in some manner.

Concerning delinquent history, total previous delinquent adjudications is the only variable that serves to distinguish recidivists from non-recidivists. Recidivists incurred an average of 1.50 total delinquent adjudications prior to their state commitment, which was significantly higher than non-recidivists, who had an average of 1.32 previous adjudications. With regard to age at TYC commitment, recidivists and non-recidivists were exactly the same age at an average of 15.28 years old. At release from juvenile commitment, recidivists were slightly younger on average (19.05 years of age) than non-recidivists (19.26 years of age), although this failed to be a significant difference.

As with delinquent history variables, no risk factor variables serve to distinguished recidivists from non-recidivists. The lack of significance in variables for these two groups is somewhat surprising, considering that certain variables used here (e.g., gang affiliation and exposure to abuse) have been found to differentiate recidivists from non-recidivists in previous literature. However, as previously mentioned, the majority of the previous research includes highly mixed samples of offenders, unlike the relatively homogenous group of violent delinquents examined in this study. As a result, it is difficult to speculate about expectations from previous literature since this study provides a starting point for research on severely violent juvenile populations.

Table 5

Most Serious Rearrest by Offense Category for Released Offender Recidivists

Original Commitment Offense	Total Released	Number Rearrested	Category of Most Serious Rearrest (n = 153)									
			CF	F1	F2	F3	SJF	UF	MA	MB	MC	UM
<i>Homicide Related Offenses</i>												
Capital Murder	20	8	1	1	1	1	2	--	1	1	--	--
Attempted Capital Murder	23	10	--	--	3	2	4	--	1	--	--	--
Murder	119	67	--	14	9	9	8	1	12	12	--	--
Attempted Murder	30	14	--	3	4	--	1	1	1	4	--	--
Manslaughter	1	1	--	--	--	--	--	--	1	--	--	--
Voluntary Manslaughter	9	4	--	3	--	--	--	--	--	1	--	--
Involuntary Manslaughter	2	1	--	1	--	--	--	--	--	--	--	--
<i>Sexual Related Offenses</i>												
Aggravated Sexual Assault	1	0	--	--	--	--	--	--	--	--	--	--
<i>Serious Property/Person Offenses</i>												
Robbery	1	1	--	--	1	--	--	--	--	--	--	--
Aggravated Robbery	47	25	--	3	5	1	5	--	3	8	--	--
Attempted Aggravated Robbery	2	0	--	--	--	--	--	--	--	--	--	--
Burglary	1	1	--	--	1	--	--	--	--	--	--	--
<i>Other Offenses</i>												
Felony Injury Child/Elderly Individual	2	1	--	--	--	1	--	--	--	--	--	--
Deadly Conduct	7	2	--	1	--	--	1	--	--	--	--	--
Aggravated Kidnapping	4	4	--	--	1	1	--	--	1	1	--	--
Aggravated Assault	25	14	--	3	3	3	1	--	3	1	--	--
Unlawful Carrying of Weapons	2	2	--	--	--	--	--	--	--	2	--	--
Total	296	155	1	29	28	18	22	2	23	30	0	0
	100%	52%	1%	19%	18%	12%	14%	1%	15%	20%	0	0

Note. Total not equal to 155 overall, or in each rearrested category, is a result of 2 missing cases in the offense category. Percent values are rounded to the nearest percent (%). Commitment offense groupings by offense differ slightly from offenses used for dummy code groupings used in multivariate analyses. CF=Capital Felony; F1=Felony 1; F2=Felony 2; F3=Felony 3; SJF=State Jail Felony; UF=Unclassified Felony; MA=Misdemeanor A; MB=Misdemeanor B; MC=Misdemeanor C; UM=Unclassified Misdemeanor

It is possible, however, to speculate about reasons for a lack of significance across the majority of the independent variables. One reason for the lack of significance among these variable categories may relate to the relatively small sample size in each group. This fact could have affected statistical power to detect significant differences between groups. Related, the lack of significant differences may be explained by the fact that recidivists and non-recidivists were closely comparable on most delinquent history and risk factor variables. Thus, there is simply little variance between these two groups of youth on many of the variables. In short, they are not statistically different because they are, in fact, quite comparable on many factors.

The exception of the above discussion concerns the three institutional misconduct variables. While prison transfers were significantly more likely to be involved in TYC gang activity than those released, this variable was not significant for recidivists and non-recidivists. However, the other two variables related to institutional misconduct did prove to be significant. Recidivists were significantly more likely to be assaultive during their TYC commitment than non-recidivists. Recidivists also had a significantly higher number of total rule infractions while in TYC (30.8 compared to 22.2 for non-recidivists). To summarize, the findings here indicate that more recidivists were African-American, had a higher number of total delinquent adjudications, engaged in assaultive activity while committed to TYC, and accrued a higher number of TYC rule infractions when compared to non-recidivists.

The previous descriptive analysis conveys a staggering picture of the severity of behavior found within this population's delinquent history. These findings also provide a clear understanding of the offenders' behavior post-release. As indicated by the lack of

significance found, most of the independent variables fail to distinguish recidivists from non-recidivists. The few variables found to be significant during this analysis are related to delinquent history and institutional misconduct. Above all else, different forms of institutional misconduct distinguish groups best, first between releases and prison transfers and then between recidivists and non-recidivists. Institutional misconduct exerts such a powerful influence on these juveniles that not only is it indicative of the need for prison transfer rather than release, but it is also indicative of recidivism more than desistance from criminal behavior.

With regard to recidivism outcomes, slightly less than half of those released (48%) remained arrest free as evidenced by a lack of recidivism. Approximately 52% of those released recidivated in some way, and 34% of those released went on to commit new felony offenses. From this, it is obvious that a portion of this sample's criminal behavior persisted during the three years following release by committing felony level offenses.

The following section moves beyond describing this sample and examines the variables predictive of recidivism. The multivariate analysis determines whether or not those variables found to differ between recidivists and non-recidivists are powerful enough to actually predict recidivism among these violent juvenile offenders. This discussion seeks to bridge the gap between these juveniles' delinquent histories and their subsequent post-release behavior.

Table 6

Comparison of Released Offender Recidivists to Non-Recidivists

Variables		Released Recidivists (<i>n</i> = 155)		Released Non-Recidivists (<i>n</i> = 141)		Comparisons	
		<i>PP/M</i>	<i>SD</i>	<i>PP/M</i>	<i>SD</i>	<i>z</i> -value	
<i>Demographic Characteristics</i>	Race						
	African-American	0.53	0.50	0.25	0.43	-5.03*	
	Hispanic	0.30	0.46	0.47	0.50	-2.91*	
	Caucasian	0.14	0.35	0.19	0.39	<i>ns</i>	
	Other	0.02	0.14	0.09	0.29	-2.76*	
	Gender						
Male	0.98	0.14	0.89	0.32	-3.29*		
Female	0.02	0.14	0.11	0.32	-3.29*		
<i>Delinquent History</i>	Age at TYC commitment	15.28	0.92	15.28	1.07	<i>ns</i>	
	Age at TYC release	19.05	1.10	19.26	0.94	<i>ns</i>	
	Days served in TYC	1377.95	444.88	1464.76	411.85	<i>ns</i>	
	Previous felony adjudications	1.26	0.62	1.17	.55	<i>ns</i>	
	Total delinquent adjudications	1.50	0.91	1.32	.69	-1.97*	
	Previous out-of-home placements	0.30	0.68	0.22	0.79	<i>ns</i>	
	Commitment offense					<i>ns</i>	
	Homicide related	0.68	0.47	0.70	0.46	<i>ns</i>	
	Sexual related	0.00	0.00	0.01	0.08	<i>ns</i>	
	Serious person/property	0.17	0.37	0.17	0.38	<i>ns</i>	
	Other	0.15	0.36	0.12	0.37	<i>ns</i>	
	Gang affiliated	0.41	0.49	0.43	0.50	<i>ns</i>	
	<i>Risk Factors</i>	Suicidal	0.04	0.19	0.03	0.17	<i>ns</i>
		Substance abuser	0.45	0.50	0.38	0.49	<i>ns</i>
Mentally retarded		0.04	0.19	0.04	0.19	<i>ns</i>	
Mentally ill		0.06	0.25	0.06	0.23	<i>ns</i>	
Physical abuse		0.15	0.36	0.13	0.34	<i>ns</i>	
Sexual abuse		0.05	0.22	0.04	0.19	<i>ns</i>	
Emotional abuse		0.26	0.44	0.26	0.44	<i>ns</i>	
Poverty		0.57	0.50	0.52	0.50	<i>ns</i>	
Chaos		0.68	0.47	0.65	0.48	<i>ns</i>	
Family gang related		0.12	0.33	0.14	0.35	<i>ns</i>	
Previous violence toward family		0.26	0.44	0.24	0.43	<i>ns</i>	
<i>Institutional Misconduct</i>	Assaultive activity in YCS	0.65	0.48	0.53	0.50	-1.98*	
	Gang related activity in YCS	0.01	0.08	0.01	0.12	<i>ns</i>	
	Total number of YCS infractions	30.80	29.99	22.22	24.33	-2.70*	

Note. Recidivist categorized as any rearrest. Categorical variables were dichotomized and indicate proportion with 1 as coding score under the PP/M column. For example, gang affiliated for released recidivists at 0.41 indicates that 41% of the recidivists for any offense were gang related. Values are rounded to the nearest one hundredth of a percent and using actual proportions to obtain N may be slightly off because of rounding.

* $p < .05$. *ns* means not significant.

Multivariate Analyses

Logistic regression analysis is used next to investigate any variables that may emerge to predict recidivism among this serious and violent sample of offenders. As previously discussed, the dependent variables of rearrest for any offense and rearrest for a felony are regressed in two separate models for the entire sample to answer the following research question:

4) What are the predictors of recidivism among CSVOP releases?

The two models in Table 7 examine the determinants of recidivism for the full sample of 296 juveniles who were released by the TYC.

Relationship of Independent Variables to Rearrest for Any Offense

As shown in Table 7, the first logistic regression model finds the following two variables to be predictive of a rearrests for any offense during the three-year follow-up period among the 296 offenders released from TYC: 1) African-American race, and 2) rate of TYC rule infractions acquired each year. Here, African-Americans are significantly more likely to be rearrested than other racial groups, holding other variables constant. Similarly, those with a higher rate of TYC rule infractions are significantly more likely to be rearrested in the follow-up independent of the effect of other variables. None of the other variables included in this analysis emerge as being predictive of recidivism for this sample. Finally, the moderate amount of variance explained by this regression model ranges from 21.6 – 28.9% for recidivism in the form of any offense.

The lack of significance among variables is surprising when taking into account not only previous research, but also when considering the descriptive analysis. Even

fewer variables emerge to be predictive of recidivism in the form of any offense than those to previously differentiate recidivists from non-recidivists in the descriptive and bivariate analyses. Further discussion regarding this lack of significance is provided following the findings of the second regression model.

Relationship of Independent Variables to Rearrest for Any Felony Offense

The second regression model in Table 7 presents the extent to which the independent variables predict a rearrest for any felony offense committed by the offenders following their release. This model yields identical results to the first model, with regard to statistical significance. Similar to the previous model, African-American offenders display a significantly higher probability of rearrest for a felony offense compared to other offenders. Additionally, the rate of TYC rule infractions incurred by each offender during each year of institutionalization was positively and significantly predictive of a post-release felony arrest. The moderate amount of variance explained by this regression model ranges from 18.7 – 25.9% for recidivism in the form of any new felony offense.

The similarity in predictors of recidivism for any offense compared to recidivism for a new felony offense may be the result of several factors. For example, a sample of juveniles released that includes less than 300 individuals is not ideal when attempting to achieve statistical significance considering the number of variables used. That being said, the nature of the violent crimes committed by this sample provides us with a relative violent few who cause a disproportionate share of harm.

Table 7

Relationship of Variables to Rearrest for Any Offense and Felony Offense

Variables	Any Rearrest			Felony Rearrest		
	<i>B</i>	<i>SE(B)</i>	Odds Ratio	<i>B</i>	<i>SE(B)</i>	Odds Ratio
<i>Demographic Characteristics</i>						
Race						
African-American	2.41	0.76	1.15*	1.69	0.86	5.42*
Hispanic	1.18	0.75	3.25	0.40	0.86	1.46
Caucasian	1.33	0.81	3.77	1.16	0.91	3.18
Other	--	--	--	--	--	--
<i>Delinquent History</i>						
Age at YCS commitment	-0.43	0.31	0.65	-0.42	0.32	1.72
Age at YCS release	0.10	0.31	1.11	0.27	0.33	1.31
Days served in YCS	-0.00	0.00	1.00	-0.00	0.00	0.10
Previous felony adjudications	-0.17	0.30	0.85	0.02	0.28	1.03
Total delinquent adjudications	0.28	0.23	1.32	-0.02	0.20	0.98
Previous out-of-home placements	0.04	0.19	1.04	0.03	0.21	1.03
Commitment offense						
Homicide related	-0.35	0.46	0.71	-0.30	0.46	0.74
Sexual related	-23.18	40192.97	0.00	-21.91	40192.97	0.00
Serious person/property	-0.16	0.52	0.85	-0.41	0.53	0.66
Other	--	--	--	--	--	--
Gang affiliated	0.21	0.34	1.24	0.36	0.35	1.43
<i>Risk Factors</i>						
Suicidal	0.13	0.80	1.14	0.78	0.80	2.18
Substance abuser	0.38	0.31	1.46	0.58	0.32	1.78
Mentally retarded	-0.36	0.77	0.70	-2.138	1.17	0.12
Mentally ill	0.72	0.64	2.06	0.17	0.70	1.19
Physical abuse	0.25	0.49	1.29	-0.23	0.51	0.80
Sexual abuse	1.29	0.90	3.62	0.41	0.94	0.67
Emotional abuse	-0.16	0.36	0.85	0.43	0.36	1.53
Poverty	0.11	0.33	1.12	0.19	0.34	1.21
Chaos	0.05	0.36	1.05	0.46	0.38	1.58
Family gang related	-0.15	0.44	0.86	0.08	0.47	1.08
Previous violence toward family	-0.19	0.40	0.83	-0.43	0.43	0.65
<i>Institutional Misconduct</i>						
Assaultive activity in YCS	0.09	0.34	1.09	-0.05	0.36	0.95
Gang related activity in YCS	-0.98	1.60	0.38	-21.11	20950.58	0.00
Infraction rate/year	0.08	0.03	1.08*	0.06	0.03	1.07*
- 2 - log - likelihood		329.400			307.826	
Nagelkerke R ²		.289			.259	
Cox & Snell R ²		.216			.187	

* $p < .05$

Few of the independent variables emerged to be predictive of recidivism in either of the regression models. As previously stated, the following variables were predictive of recidivism in both models for the sample under study: African-American race and a higher rate of TYC rule infractions per year. Similar to the descriptive analyses, this is somewhat surprising because some of the independent variables used here have proven to predict recidivism in previous studies. Additionally, the variance explained in the two logistic regression models ranges from 18.9 – 28.9%. As indicated by these findings, there is still quite a bit of variance to be explained regarding the determinants of recidivism among serious and violent juvenile offenders.

It is possible that certain important variables that could provide a more complete understanding of this sample's post-release recidivism outcomes are missing from this analysis. Some of the variables used in the present study focus on the experiences of these violent offenders that occurred many years prior to their release to the streets. For example, many delinquent history and risk factor variables refer to information collected at a delinquent's state commitment. In some cases, this information may be divorced six or more years from the current circumstances of the offender, considering their time confined and the three-year follow-up. Changes in the life circumstances of these offenders could potentially provide more relevance in explaining recidivism upon release from institutionalization than information on characteristics years ago.

The fact that institutional misconduct variables prove to be the most consistently significant throughout the analyses speaks to this theory. The information on institutional misconduct indicates the most proximal behavior displayed by these offenders, which may be why these variables emerge as more statistically significant

than, for example, exposure to different kinds of abuse that these offenders may have endured earlier in life. This is a conclusion that seems at least tacitly supported by previous literature (Lattimore, MacDonald, Piquero, Linster, & Visher, 2004). To summarize, variations of institutional misconduct appear to be good indicators of post-release recidivism outcomes when compared to other demographic, delinquent history, and risk factor variables.

Conclusion

This chapter examines the recidivism outcomes among CSVOP juvenile offenders and explains the extent to which this group of violent juvenile offenders reoffended during the three years following their release from confinement. It also examines whether or not their subsequent arrests are more serious or less serious than their original commitment offenses. The bottom line is that roughly 52% of all released offenders went on to commit another offense of any kind, and 34% of them committed a new felony offense. The most consistent and significant predictors of recidivism for this sample are African-American race and the rate per year of TYC rule infractions that these juveniles acquired during their institutionalization.

Those variables related to age such as age at TYC commitment and age at release from TYC do not predict rearrest. The findings of this study are somewhat inconsistent with previous research in the way that a history of substance abuse and gang affiliation failed to be significantly related to rearrest in either of the regression models. One might question why some influential variables from the existing body of literature fail to display significance in the present study. This might be at least partially

attributed to lack of significance as a function of the smaller sample size studied here. However, it is important to remember that very few studies have examined as serious and violent a group of offenders as is examined here. The existing research serves to frame and guide the present study to some extent, but this study now provides a starting point from which to examine samples of violent juvenile offenders (including capital offenders) who have been released from juvenile institutionalization. That being said, the present study does find recidivism to be predicted by race and institutional misconduct, which is consistent with previous literature. This research uses unique data to evaluate the risk of releasing such serious and violent juvenile offenders from institutionalization.

The following chapter discusses possible advantages and disadvantages of taking such a risk by releasing such violent offenders back into society prematurely if they are deemed successfully rehabilitated. Additionally, the empirical findings herein are used to discuss the more philosophical debate of whether or not it is possible to measure risk by predicting future dangerousness. This element of risk deserves significant attention because the release decisions made by correctional administrators are especially important when evaluating a group of extremely serious and violent juvenile offenders.

CHAPTER 5

DISCUSSION AND CONCLUSIONS

Summary of Findings

This study examines the recidivism outcomes of 296 serious and violent juvenile offenders released to the streets after participating in an innovative and somewhat controversial therapeutic treatment program. Of the 296 released violent offenders, 52% are shown to recidivate by committing at least one new offense of any kind, while 34% recidivated by committing at least one new felony offense. Recidivists do not significantly differ from non-recidivists on most independent variables in this study. In the descriptive comparisons between recidivists and non-recidivists, only race, gender, total previous delinquent adjudications, and institutional misconduct distinguish these two groups. In the multivariate analyses, African-Americans and those with a higher rate of TYC rule infractions during their juvenile commitment are significantly more likely to be rearrested. There are no other variables predictive of rearrest.

In light of these findings, this research is only a starting point for the investigation of serious and violent juvenile offenders released from juvenile incarceration. Therefore, it is important to discuss the implications of this study in philosophical and practical contexts so that other researchers can move forward in a clear direction as they investigate similar populations of violent offenders.

Policy Implications

The implications of this study are drawn from the consequences found to occur when administrators take the risk of releasing severely violent offenders from state

juvenile incarceration. According to the results of this study, the continued institutionalization of the 296 released offenders, through prison transfer, may have spared 1 victim of a capital felony offense and prevented 99 other felony victimizations. Those released were given one final chance to change for the better, but 155 of those juveniles used this chance as an opportunity to commit new crimes – in many cases to commit at least one new felony offense. However, if all 296 had been transferred to the adult prison system, then 141 juveniles identified as non-recidivists, and 55 recidivists who committed only a misdemeanor as their most serious post-release arrest, would have been incarcerated, provided with an opportunity to learn additional criminal behavior, and robbed of the opportunity to become productive, law-abiding members of society.

Concerning capital punishment, some believe that it is better to let many guilty offenders go free rather than mistakenly sentence one innocent citizen to death (Marquart, Ekland-Olson, & Sorenson, 1989). Should this belief also apply to juveniles, such as those in this study, who were convicted of capital murder and other violent crimes? Otherwise put, is it worth the risk to release 296 previously serious and violent offenders if roughly half of them are going to recidivate, some for very serious crimes? This debate is ongoing and requires decision-makers to calculate risk in order to determine which offenders should be released. One approach here is not to delve into whether or not it is worth the risk of releasing this type of offender. Questions of worth are heavily value-laden. Instead, this chapter examines the extent of the risk taken in releasing such serious and violent juvenile offenders to the streets from juvenile incarceration.

The Risk of Release v. Prison Transfer

The simplest way to avoid the risk presented by the released offenders in this study is to transfer all such future juvenile offenders to adult prison and incarcerate them for the next several decades. Why, then, are such serious and violent offenders released from juvenile incarceration directly to the streets after a period of roughly four years – particularly when state law allows them to continue their lengthy determinate sentences in adult prisons? There are numerous perspectives to this question, but the main argument centers on the malleability of adolescents and their potential for redemption despite the most dismal of circumstances. Another argument focuses on the practical aspects of long-term incarceration.

Advocates of rehabilitation contend that even the most serious juvenile offenders are eventually more likely to become productive members of society than are serious adult criminals. This argument is based on the idea that juveniles are more malleable and, as a result, more likely to reform and leave their criminal pasts behind them. For example, research has focused on the fact that as a result of developmental immaturity, juveniles have diminished culpability compared to similarly serious adult offenders (Steinberg & Scott, 2003). In short, juveniles have room to mature whereas adults do not. In theory, juveniles should not be held as accountable as adults because their immaturity causes heightened impulsivity as evidenced by their diminished decision-making capacity.

One practical argument for releasing such serious, but young, juvenile offenders is that of cost-effectiveness. Cost-benefit analyses have been conducted to ascertain the benefit of releasing offenders compared to the cost required to house them for the

entirety of their sentences (Caldwell et al., 2006; Hubner, 2006). For example, in a book written about the treatment program of focus in this study, Hubner (2006) examines the cost-benefit analysis of release versus further imprisonment specific to violent juvenile offenders. He explains that it is much more cost effective to successfully treat and release juvenile offenders, rather than pay to house them in prison for the duration of their sentence.

According to recent figures, it would cost approximately \$59,000 per year to house a youth within a TYC institution, while it would cost roughly \$18,250 per year to incarcerate an adult within an adult prison facility in the State of Texas (TDCJ, 2007; TYC, 2007). Based on these amounts, the State of Texas would incur a total approximate cost of \$670,140 to incarcerate a juvenile for his or her entire 30-year determinate sentence (\$177,390 for three years in TYC, combined with \$492,750 for the following 27 years in TDCJ). Alternatively, if a juvenile can be successfully rehabilitated within three years at TYC and released into society with a low chance of recidivism, the State of Texas would only incur the three-year cost of \$177,390. This example clearly illustrates that if the Capital and Serious Violent Offender Program (CSVOP) can successfully rehabilitate serious and violent juvenile offenders, then significant monetary incarceration savings could be channeled into a variety of other crime control efforts, including community prevention programs for adolescents.

While long-term incarceration may be the safest option to prevent recidivism, less punitive means of rehabilitative treatment could serve to benefit society. Not only are juveniles considered to be more receptive to treatment than adults, but the reduction of their time served can produce significant monetary savings that would otherwise go

toward incarceration for lengthy determinate sentences. Transfer to prison may be the safest way to deal with violent juvenile offenders, but these other options suggest that release can also be beneficial to both the juvenile offenders and to society. If juveniles can be successfully rehabilitated, then it may be worth the risk to release some rather than transfer them all to the adult prison system.

Defining Success and Failure in this Study

Regardless of the reason why such offenders are released from incarceration (e.g., malleability or cost-effectiveness), it is imperative that “success” and “failure” be considered when examining the consequences of releasing the 296 violent juveniles of this study back into society. In short, what should be considered a success among this group of serious and violent offenders? Is anything other than complete desistance in the follow-up period a failure? When viewed in the context of the offenders in this study, those offenders who did not recidivate can be considered a success. Those offenders who recidivated by committing only a misdemeanor as their most serious offense might also be considered a success. Indeed, a large majority of these juveniles were originally committed to TYC for homicide related offenses such as capital murder or murder, in addition to a number of other troubling offenses. Yet, many did not reoffend, and some who recidivated did so by committing relatively non-serious misdemeanor offenses.

Taking a broader view, the 141 non-recidivists and those 55 recidivists who committed a misdemeanor as their most serious new offense might collectively be considered “successes” in the context of the population under study. Using this

standard, 196 (or 66%) proved to be successful during the first three years they were reintroduced to society. Even though approximately one-half of the releases reoffended, only 100 of those 296 (or 34%) released were actually failures in the way that they committed at least one new felony offense. Considering the severity of this sample, a 34% felony recidivism rate is quite impressive. Both definitions of recidivism, including 52% for any offense and 34% for a new felony offense, can be considered impressive findings when compared to other studies that found recidivism rates ranging from 60 – 90% for substantially less serious juvenile offenders (Tollet & Benda, 1999; Benda, Corwyn, & Toombs, 2001; Trulson, Marquart, Mullings, & Caeti, 2005; Weibush, Wagner, McNulty, Wang, & Le, 2005).

If we consider the results of this study a success more than a failure, then what negative consequences resulted from the release of these juveniles? We know that 1 of those 296 released committed a capital felony and 29 committed Felony 1 offenses. While we do not know the specific crime for every recidivism offense, we also know that the Felony 1 category includes murder and other violent offenses. The point here is that while this severely violent group of offenders only yielded 34% of felony level recidivism, some of those to commit subsequent felonies recidivated in very serious ways.

These serious crimes could have been prevented – at least for the time being – if these juveniles had been transferred to prison to serve the balance of their determinate sentences. If the entire group had been transferred to prison, then at least some violent victimizations would have been prevented for roughly 10 to 30 years, depending on each juvenile's determinate sentence. Yet, we can only speculate about whether or not these offenders would have been further rehabilitated in prison or transformed into

predators far worse than they were at the time of their original commitment to TYC, had they been transferred rather than released. The bottom line here is this: There is a dilemma with regard to the extent of the risk taken to release such violent juveniles, but this study provides empirical findings to reflect what happens when this risk is taken. The results of this study suggest the risk is that 34% will go on to commit future crimes of violence.

Regardless of these findings, CSVOP and other similar programs are likely to continue operation. That being said, TYC administrators and others must pay much more careful attention to who should be released and who should instead be transferred to prison. The comparison of releases to transfers in this study reveals that various measures of institutional misconduct play a significant role in determining who is released and who is transferred following treatment in CSVOP. The multivariate analyses further reveals that institutional misconduct also has the ability to predict recidivism, especially when taking into account the total number of times juveniles break the rules during the course of their TYC institutionalization. To summarize, prison transfers display higher levels of institutional misconduct than recidivists, who in turn display more institutional misconduct than non-recidivists. In other words, all three variables of institutional misconduct prove to be indicators of necessity for prison transfer and of recidivism among those released. Taking these findings and implications of CSVOP into consideration, researchers and administrators must then consider the most effective ways to study this population in the future.

Suggestions for Future Research

Future studies can build on this research in many ways. For example, other research should expand the number and type of independent variables that are examined. The present study focuses on the kinds of independent variables that tap those experiences of offenders which reach back many years into the earlier part of these juveniles' lives. Future research should investigate more recent behavior of offenders so that any prediction of recidivism can be based on more proximal behavior. Some more recent variables would include measures of employment, marriage, or adult incarceration following release from juvenile institutionalization. Rather than focus on information collected well into a juvenile's past, these more recent forms of information might provide more insight about the subsequent offending behavior of formerly institutionalized serious and violent juvenile offenders. Ultimately, data related to more current life circumstances might shed light on who may pose too large of a risk, and which serious and violent juvenile offenders may be the best risks for release.

In order to increase validity of recidivism studies, a combination of quantitative and qualitative methods would be advantageous for future research. Research could potentially interview juvenile offenders about their delinquent and criminal behavior following juvenile institutionalization. The self-report information collected during these interviews could be used in conjunction with the recidivism data provided by the state. This broadened methodology would increase the scope and accuracy of the recidivism captured in any examination of this violent population.

Additionally, the findings of this study are difficult to generalize because the sample only consists of juveniles released from state commitment in Texas. Different

locations need to examine any similar programs that target violent juveniles in an attempt to investigate recidivism outcomes in those areas. As previously mentioned in the literature review, Arkansas is one of very few states in the nation that has implemented a serious offender program similar to CSVOP. Although the juveniles treated in the Arkansas program are not as serious as those in Texas, researchers should delve into the release decisions made by Arkansas and other states concerning violent juveniles. For CSVOP, Arkansas, and other programs, it is important to understand which variables are weighed most heavily when these decisions are made.

For Texas, specifically, this study's data implies that a juvenile's background and original commitment offense are not predictive of recidivism in the way that more recent variables of institutional misconduct appear to be. Our data lack any variables related to juveniles' transition back into society, but other states may be able to provide information on more current life circumstances such as acquisition of employment, social support network, and other aftercare services that might be relevant to recidivism outcomes.

The point here is that more information on recidivism outcomes and predictors of such recidivism needs to be gathered from similar populations of juveniles across the nation so that this issue can be further investigated. Other states might also look at research findings and program components of those serious and violent offender programs already in existence in an attempt to design and implement a similar pilot program in their own locations. Simply put, more programs need to exist so that researchers can continue to figure out whether or not programs similar to CSVOP have the ability to curb the recidivism of serious and violent juvenile offenders.

With regard to the CSVOP specifically, a program evaluation needs to be conducted to explore the true efficacy of this treatment program for serious and violent offenders. For example, future research could ascertain whether the length of exposure time to treatment has any influence on recidivism, as well as other variables such as time between end of treatment and release from institutionalization – variables not available for the present study.

The use of a comparison group would also shed more light on the extent to which this program prevented recidivism. Some juveniles committed to TYC are indicated as having a “high need” for CSVOP treatment, but may never receive such treatment because they fail to function appropriately in the general population of institutionalized juveniles. It is also possible that because CSVOP is a very specialized program that only targets 9 to 10 juveniles at a time, there simply may not be enough room for some juveniles to make it into one of these groups, regardless of their need for treatment. Either way, the group that never receives treatment provides a convenient comparison group that, if used against those under study here, would allow for further examination of the CSVOP influence. The use of this comparison group would also determine whether recidivism outcomes of similarly violent offenders were more or less frequent than the outcomes of those studied here.

Still further, any component of a program evaluation of this sort should also focus on the decisions made by correctional officials to release or transfer serious and violent juveniles to the adult system. The results of this study suggest that institutional misconduct may perhaps be the most important indicator of release decisions. For example, adult prison transfers in this study were significantly more likely to be involved

in each form of institutional misconduct. It should be noted, however, that those released were also involved in institutional misconduct, but more so for future recidivists than non-recidivists. Future research could focus on the frequency, seriousness, and particularly the timing of misconduct relative to release or transfer decisions.

The findings of this study shed light on the total number of rule infractions accrued during institutionalization, but fail to specify the timing of these infractions. Arguably, rule infractions that occur during the last year of institutionalization should carry more weight than those which occur shortly after commitment to TYC. A period of adjustment following commitment inevitably occurs for many youth, but those who continue to regularly break the rules years into their TYC commitment should potentially be better candidates for prison transfer rather than release. Related, future research should explore other factors, such as completion of treatment and education goals, that determine whether a serious and violent youthful offender is released directly to the streets from juvenile incarceration. Highlighting the serious and violent nature of the offenders under study, such release decisions should be informed by the best available information, and should be buttressed with research that can help identify the factors most associated with recidivism. The consequences of haphazard decision-making are simply too high to neglect such emerging evidence.

Conclusion

How do we decide which offenders pose the least criminal risk to society? Taking a group of offenders and gauging the true risk of their release is the best way to approach this dilemma. This study takes a step in the right direction by providing some

of the first empirical evidence that aims to determine which offenders are more likely to recidivate when released. Yet, while we may be closer to determining who is more or less likely to reoffend, the fact still remains that we are far from knowing what serious and violent offenders will do if released from incarceration.

Regardless of how these offenders may behave once released, the State of Texas allows a process of determinate sentencing through which very serious offenders can avoid adult incarceration for extremely violent crimes. In the context of this determinate sentencing process, this study suggests that the risk of allowing these juveniles to avoid adult incarceration is that roughly half of them will continue their criminal behavior following release. A smaller portion of those recidivists will continue to perpetrate felony-level offenses.

Is it possible to measure risk in a way that will predict future dangerousness? A more realistic question to approach empirically is the following: If serious and violent juvenile offenders are released from institutionalization, what are the consequences of taking this risk? The present study provides at least some evidence that can be used to answer this question.

If we are unable to prevent or predict delinquency and criminal behavior before it happens, we must find more constructive ways to treat – not simply incarcerate, but treat – juveniles who have already delved into crime and delinquency. While the entire population of juvenile offenders deserves attention, it can be argued that serious and violent offenders deserve more immediate attention because they present a more detrimental ongoing threat to society.

Correctional administrators bear a heavy burden of responsibility in the way that they are charged with the duty of determining who should remain incarcerated and which offenders are “safe” enough to release back into society. For the sake of public safety, these decisions should be as informed as possible. Decision-makers should have any and all tools at their disposal as they decide to release juveniles who were once violent gang members, rapists, and murderers. Considering the way that the juvenile justice system is currently structured, the release of such violent offenders is sure to continue. Needless to say, this is a frightening inevitability. This study and others to follow should be viewed as moral imperatives if correctional administrators are to be well equipped as they make these life-altering decisions. The findings here provide recidivism outcomes on 296 releases, which constitute a small portion of serious and violent juveniles nationwide. How many victims will either be spared or perpetrated on at the hands of the next round of violent offender releases? Only time will tell, but one thing is definitely clear: future decisions to release serious and violent juvenile offenders need to be well informed and need to be made very carefully.

REFERENCES

- Archwamety, T., & Katsiyannis, A. (2000). Academic remediation, parole violations, and recidivism rates among delinquent youths. *Remedial and Special Education, 21*, 161-170.
- Benda, B.B., Corwyn, R.F., & Toombs, N.J. (2001). Recidivism among adolescent serious offenders: Prediction of entry into the correctional system for adults. *Criminal Justice and Behavior, 28*(5), 588-613.
- Caldwell, M.F. (2006). Are violent delinquents worth treating? A cost-benefit analysis. *Journal of Research in Crime and Delinquency, 43*(2), 148-168.
- Connolly, W.B. (2005). Nuts & bolts of juvenile law: Determinate sentencing. Texas Juvenile Probation Commission & Juvenile Law Section. Retrieved February 8, 2007, from <http://www.juvenilelaw.org/Articles/2005/NB/Connolly.pdf>
- Cottle, C.C., Lee, R.J., & Heilbrun, K. (2001). The prediction of criminal recidivism in juveniles: A meta-analysis. *Criminal Justice and Behavior, 28*(3), 367-394.
- Dawson, R.O. (2000). Determinate sentencing proceedings for the violent or habitual offender. In *Texas Juvenile Law* (5th ed., pp. 347-371). Austin, TX: Texas Juvenile Probation Commission.
- Fagan, J.A. (1990). Treatment and reintegration of violent juvenile offenders: Experimental results. *Justice Quarterly, 7*(2), 233-263.
- Haapanen, R., Britton, L., & Croisdale, T. (2007). Persistent criminality and career length. *Crime & Delinquency, 53*(1), 133-155.
- Heide, K.M., Spencer, E., Thompson, A., & Solomon, E.P. (2001). Who's in, who's out, and who's back: Follow-up data on 59 juveniles incarcerated in adult prison for murder or attempted murder in the early 1980s. *Behavioral Sciences and the Law, 19*, 97-108.
- Hubner, J. (2005). *Last chance in Texas: The redemption of criminal youth*. New York: Random House, Inc.
- Huebner, B.M., Varano, S.P., & Bynum, T.S. (2007). Gangs, guns, and drugs: Recidivism among serious, young offenders. *Criminology & Public Policy, 6*(2), 187-222.
- Lattimore, P.K., MacDonald, J.M., Piquero, A.R., Linster, R.L., and Visher, C.A. (2004). Studying the characteristics of arrest frequency among paroled youthful offenders. *Journal of Research in Crime and Delinquency, 41*(1), 37-57.

- Lipsey, M., & Wilson, D. (1998). Effective intervention for serious juvenile offenders: A synthesis of research. In R. Loeber & D. Farrington (Eds.), *Serious and violent juvenile offenders* (pp. 313-345). Thousand Oaks, CA: Sage.
- Markham, J.W., & Field, W.T. Gatesville state school for boys. The handbook of Texas online. Retrieved October 28, 2007, from <http://www.tsha.utexas.edu/handbook/online/articles/GG/jig2.html>
- Marquart, J.M., Ekland-Olson, S., & Sorenson, J.R. (1989). Gazing in the crystal ball: Can jurors accurately predict dangerousness in capital cases? *Law & Society Review*, 23(3), 449-468.
- McMackin, R.A., Tansi, R., & LaFratta, J. (2004). Recidivism among juvenile offenders over periods ranging from one to twenty years following residential treatment. *Journal of Offender Rehabilitation*, 38(3), 1-15.
- Mears, D.P. (1998). Juvenile justice sentencing reforms: Case study of Texas. *Crime & Delinquency*, 44(3), 443-463.
- Mikhail, D. (2006). Refining and resolving the blur of Gault for juvenile capital offenders in Texas: A world without the juvenile death penalty. *Victims and Offenders*, 1, 99-121.
- Office of Juvenile Justice and Delinquency Prevention (1996). *Participant's resource packet for the effective programs for serious, violent, and chronic juvenile offenders: An examination of three model interventions and intensive aftercare initiatives*. Retrieved December 4, 2006, from <http://www.ncjrs.gov/txtfiles/effectiv.txt>
- Piquero, A.R., Brame, R., & Lynam, D. (2004). Studying criminal career length through early adulthood among serious offenders. *Crime & Delinquency*, 50(3), 412-435.
- Ryan, J.P., Davis, R.K., & Yang, H. (2001). Reintegration services and the likelihood of adult imprisonment: A longitudinal study of adjudicated delinquents. *Research on Social Work Practice*, 11(3), 321-337.
- Schwalbe, C.S., Fraser, M.W., Day, S.H., & Cooley, V. (2006). Classifying juvenile offenders according to risk of recidivism: Predictive validity, race/ethnicity, and gender. *Criminal Justice and Behavior*, 33(3), 305-324.
- Simourd, L., & Andrews, D. (1994). Correlates of delinquency: A look at gender differences. *Forum on Corrections Research*, 6, 26-31.
- Snyder, H.N., & Sickmund, M. (2006). *Juvenile offenders and victims: 2006 national report*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

- Steinberg, L., & Scott, E.S. (2003). Less guilty by reason of adolescence: Developmental immaturity, diminished responsibility, and the juvenile death penalty. *American Psychologist*, 58 (12), 1009-1018.
- Texas Youth Commission (TYC). (2002). *2002 Review of agency treatment effectiveness*. Retrieved November 2, 2007, from <http://www.tyc.state.tx.us/archive/Research/TxmtEffect02/introduction.html>.
- Texas Youth Commission (TYC). (2004). *Basic treatment and resocialization*. Retrieved October 28, 2007, from www.tyc.state.tx.us/archive/programs/basic_treat.html.
- Texas Youth Commission (TYC). (2006). *Commitment profile for new commitments: Fiscal years 2002-2006*. Retrieved November 22, 2006, from <http://www.tyc.state.tx.us.html>.
- Texas Youth Commission (TYC). (2007). *Sentenced offenders*. Retrieved November 5, 2007, from http://www.tyc.state.tx.us/about/sentenced_offenders.html.
- Tollett, C.L., & Benda, B.B. (1999). Predicting "survival" in the community among persistent and serious juvenile offenders: A 12-month follow-up study. *Journal of Offender Rehabilitation*, 28(3/4), 49-76.
- Trulson, C.R., Marquart, J.W., Mullings, J.L., & Caeti, T.J. (2005). In between adolescence and adulthood: Recidivism outcomes of a cohort of state delinquents. *Youth Violence and Juvenile Justice*, 3(4), 355-387.
- Violent or Habitual Offenders Act, Texas Family Code Ann. §§ 53.045 (1987 & Supp. 1995).
- Weaver, R. (1989). The last chance ranch: The Florida Environmental Institute program for chronic and violent juvenile offenders. In Williams Barton, Barton, W.H.; Butts, J.; Stromberg, C.; & Weaver, R. *Programs for serious and violent juvenile offenders*. Ann Arbor, MI: Center for the Study of Youth Policy.
- Weibush, R.G., Wagner, D., McNulty, B., Wang, Y., & Le, T.N. (2005). *Implementation and outcome evaluation of the intensive aftercare program: Final report*. Washington, D.C.: National Council on Crime and Delinquency.
- Wheeler-Cox, T. (1997). *Overview of the Texas Youth Commission's specialized treatment programs*. Austin, TX: Criminal Justice Policy Council.