

RECIDIVISM AMONG DETERMINATELY SENTENCED JUVENILE
HOMICIDE OFFENDERS IN TEXAS

Sydney J. Vaughn

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APPROVED:

Chad Trulson, Major Professor
Adam Trahan, Committee Member
Eric Fritsch, Committee Member and Chair
of the Department of Criminal
Justice
Thomas Evenson, Dean of the College of
Health and Public Service
Victor Prybutok, Vice Provost of the
Toulouse Graduate School

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Juvenile homicide offenders pose a significant risk to society considering the severity of the crime, yet this population of delinquents receives little attention in terms of recidivism research. This study examined the recidivism outcomes of a group of 256 determinately sentenced homicide offenders in Texas. Each of these juveniles had been confined to and subsequently released from the Texas Youth Commission, and were followed for three years following release. The aim of this research study was to distinguish recidivists from non-recidivists across demographic, delinquent history, and risk factor measures. These same measures were then used to predict recidivism among the entire sample. Overall, the measures of race, gender, and previous delinquent adjudications emerged significant. First, Black youth were significantly more likely to recidivate than both Hispanic and White youth. Additionally, recidivism among males was significantly greater than non-recidivism among males. In contrast, there were fewer females in the recidivist group than the non-recidivist group. Finally, youth with a greater number of previous delinquent adjudications were significantly more likely to recidivate, and the risk of recidivism increased as the number of previous adjudications increased. These findings are consistent with previous literature and indicate that these factors are prevalent in analyzing the recidivist behavior of determinately sentenced juvenile homicide offenders.

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CHAPTER 1

INTRODUCTION

The Introduction of a System of Justice for Children

The beginning of the 20th century saw major changes in the way children were viewed and treated when they engaged in wayward behavior or were determined to need the assistance and benevolence of government authorities for their welfare. This transition was perhaps best marked by the development of the nation's first juvenile court. Indeed, prior to the 1900's, wayward children (or essentially younger criminals) shared many of the same consequences for criminal behavior as adult offenders, including adult imprisonment and even the death penalty (Snyder & Sickmund, 2006). As time progressed, however, society became much more attuned to the differences between children and adults. This attention to differences was first pushed by progressive reformers historically referred to as the "Child Savers" (Platt, 1977), but also received growing attention from developing academic fields such as social work, sociology, and psychology. Over time, it simply became clear that children were different from adults, and needed to be dealt with in different ways when they engaged in wayward behavior or when they suffered at the hands of their parents or guardians.

To respond to this changing outlook on children, the first juvenile court in the nation was established in 1899 and it marked the beginning of a separate system of justice and welfare for children (Butts & Mitchell, 2000). Unlike the adult justice system, the mission of the juvenile court and juvenile justice system was less concerned with punishment, but rather, was focused on rehabilitation (Butts & Mitchell, 2000). Based on this operational philosophy, by the end of the 1950's every state in the nation had developed juvenile courts to attend to juvenile delinquents (Bilchik, 1999).

The early focus of the system was on juveniles who committed minor crimes or non-criminal offenses. It functioned similarly to social services by intervening in the lives of both lawbreaking youth as well as youth who were abandoned, neglected, and on their own (Butts & Mitchell, 2000). During this time period, youth could be sent to juvenile court for begging in the streets, loitering, fighting, stealing from the corner store, and other actions that seemed disobedient in nature (Harris, Welsh, & Butler, 2000). For this reason, the first juvenile courts saw an influx of runaways, petty thieves, and other non-serious offenders (Fox, 1970). While violent juveniles certainly had a place in the caseload, the vast majority of juveniles who came through did so for relatively minor offenses, some not even criminal in nature.

Champions of the juvenile justice cause intended to remove deprived and disobedient youth from their current environmental situations and, by way of treatment centers, therapy, and other processes and programs, supply them with strategies to ensure their future behavior would not escalate into more serious and violent criminal activity (Harris, Welsh, & Butler, 2000). Preference for treatment and reformation led to the passing of the Juvenile Justice and Delinquency Prevention Act (JJDP) by congress in 1974, which sought to limit institutionalization and emphasized treatment centers and group homes as an alternative (Juvenile Justice & Delinquency Prevention, 1974). Congressional action appeared to further establish the legitimacy of treating juveniles, rather than “punishing” them like adults for their actions.

Congressional support made it even more necessary to properly evaluate the effectiveness of these programs. Despite high expectations for reformation of youth in these non-incarceration programs, further evaluation indicated an inability to deter or reduce juvenile delinquent behavior (Welsh, Harris, & Jenkins, 1996). Thus, research had concluded that programs for

juvenile offenders were, for all intents and purposes, failures. Perhaps the most significant evaluation was that by Robert Martinson, whose 1974 article “What Works...” convinced many researchers in the field that “nothing works” to reform or otherwise rehabilitate violent juvenile offenders (Howell, 1995). Despite later claims that the phrase “nothing works” was taken out of context, the findings of the report had already started to reshape the perception of handling juvenile offenders. The reputation of rehabilitation has been tarnished and the juvenile justice system appeared to be failing.

In addition to the stain on juvenile reform, the 1980’s saw an increase of violent youth offenses which began to further change the outlook from rehabilitation to more punitive sanctions. Between 1987 and 1995, for example, the juvenile arrest rate for violent crime increased by nearly 70% (Sickmund, Snyder, & Poe-Yamagata, 1997). This dangerously high spike in violent juvenile crime coupled with the “nothing works” outlook a few decades earlier sent a clear message—the system was being too soft on juvenile crime and change needed to occur. Increases in violent behavior and the ineffective programs in place caused public confidence to waiver, in turn pushing the system to come down hard on violent juvenile “superpredators.”

A Focus on the Serious and Violent Juvenile Offender

The results of various evaluations as well as public apprehension forced the system to look more deeply at its ability to deal with serious juvenile offenders—offenders who were a far cry from the beggars and petty thieves of old. From the beginning, the juvenile justice system honed in on generally less serious juvenile crime due to the quantity of it, and generally due to the belief that less serious crimes would function as a gateway to more problematic and violent

crimes. In short, most delinquents were relatively non-serious compared with delinquents who engaged in violent offenses. Yet, while seemingly insignificant at the time, the failure to focus on the differences in violent and non-violent crime from the start resulted in a system that was inept at handling violent juvenile offenders. Massive increases in violent crime among juveniles, which peaked in the mid-1990s, brought this oversight to the surface.

Fear that the system was being too soft on serious and violent juvenile offenders prompted the system to “get tough” on juvenile offenders. Perhaps no other activity demonstrated this get-tough stance better than laws which allowed juveniles to be essentially transferred (also known as waived, bound over, remanded, and certified in different states) to adult court to face adult punishment. Beyond transfer, laws also surfaced which allowed juveniles to be directly charged in adult court (i.e., prosecutorial direct file) or simply excluded from the juvenile court altogether and hence had to be processed via adult court (i.e., legislative exclusion laws). The premise behind these schemes meant to remove juveniles from the juvenile court and justice system was “adult time” for an “adult crime”, as adult behavior should warrant adult punishment—despite the young age of some offenders (Polachek, 2009).

The most common and widespread form of transfer of juveniles into criminal court is discretionary judicial waiver, which gives a juvenile court judge full authority in determining which court, juvenile or criminal, a young offender will face an adjudication hearing. Beginning with a hearing in juvenile court, the judge will hear the case, consider all the criteria, and make the decision (Griffin, Addie, Adams, & Firestine, 2011). Like judicial waiver, prosecutorial waiver allows full discretion of court placement to one person, though this time discretion is given to the prosecutor. This form of waiver allows the prosecutor to independently determine what kind of cases merit transfer to the adult court by way of charging decisions, without an

initial hearing in juvenile court (Feld, 2004). Finally, statutory exclusion laws determine which court an offender will be tried in on the basis of their age and the crime committed. That is, certain states determine at what age a certain crime warrants criminal court. This form of transfer is the most automatic and immediate because no other input is necessary (Weston, 2016). Although not all states have adopted the same waivers, each state uses at least one of the forms of juvenile transfer.

Despite the widespread presence of waivers and other methods by which juveniles can be processed in the adult justice system, research has exposed and criticized the broken system of juvenile transfer for holding no uniformity and inappropriately sentencing low level offenders, as well as for a variety of other adverse effects that resulted from sentencing juveniles to an adult system (Caudill & Trulson, 2016). These criticisms are perhaps the primary reason leading to the significant decrease (over 50%) of adult court transfers over the last fifteen years (Sickmund & Puzzanchera, 2014). As the adult justice system began crossing the juvenile justice threshold, new sentencing guidelines were on the horizon.

Blended Sentencing

In the face of issues previously noted with the processing of juveniles in adult court, more recently states have begun to enact what are broadly known as “blended sentencing” laws. In short, blended sentencing laws function in such a way that juvenile courts (typically) first seek rehabilitation for juvenile offenders by allowing them to remain under the umbrella of the juvenile court and juvenile justice system. If progress is not made and rehabilitation does not take, most blended sentencing laws allow the juvenile offenders to be removed from the juvenile justice system to face further consequences in the adult justice system, including but not limited

to adult imprisonment (Caudill & Trulson, 2016). This third prong to the juvenile justice process serves as a last chance for juvenile offenders to redirect before being sanctioned as an adult for further criminal behavior.

Blended Sentencing in Texas

Blended sentencing in Texas is referred to as determinate sentencing and is the result of the Determinate Sentencing Act (DSA) of 1987, which married the juvenile and adult justice systems after each individually failed to properly adjudicate violent juvenile offenders. When Texas Legislature initially mandated determinate sentencing, it targeted six violent offenses: 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 (TJJD, 2011). In 1995, the DSA was renamed the Violent or Habitual Offenders Act, and was amended to include additional offenses. In the years that followed, the Legislature increased the number of determinate sentencing eligible offenses to 30. In addition, the statute specified that an offender could face a maximum sentence of 10 to 40 years based on the severity of the crime committed (TJJD, 2011).

Juveniles are eligible to be determinately sentenced at ages between 10-16, and after committing one or more of the 30 defined offenses. Unlike previously when waivers were needed to process juveniles between the two systems, prosecutors have full discretion in determining whether to proceed under the DSA, pursue adult court waiver, or proceed with a regular juvenile justice hearing. After the assigned prosecutor decides to utilize determinate sentencing, a grand jury (made up of 12 people) hears the case and must decide to indict before any sentencing proceedings can begin. Upon grand jury approval, the proceedings continue to

the courtroom where cases are heard by a juvenile court judge with a jury (made up of 12 people) selected via the same requirements as an adult criminal case (Johnson, 2014). Determinate sentencing provides the juvenile court judge the option to impose a longer sentence on more serious offenders, as well as the chance to assess the risk a juvenile offender poses to the safety of the public (Dietch, 2011).

After prosecution and sentencing, the juvenile offender begins the sentence in the Texas Youth Commission (TYC, since 2011 referred to as the Texas Juvenile Justice Department or TJJD) facility where it is expected that they be fully engaged in both educational programs and rehabilitative exercises. Under determinate sentencing, juvenile offenders are required to serve the minimum sentence in a secure facility and later have the potential to be transferred to the Texas Department of Criminal Justice (TDCJ). After serving the minimum sentence, an evaluation of the juvenile's progress takes place in order to determine whether parole is a viable option or if transfer to the adult system is more appropriate (Trulson, Haerle, Caudill, & DeLisi, 2016).

The DSA is lauded for its ability to obtain a common ground between the juvenile and adult systems. Determinate sentencing is viewed in a favorable light, particularly (though not solely) because it allows for violent and serious juvenile offenders, such as homicide offenders, to be incarcerated for longer spans of time, but in a way that offers hope for rehabilitation and retribution in the future, if needed. The power the DSA brought to the juvenile justice system has spared many of these violent, homicidal juveniles from a potentially long and damaging life in the adult justice system, while also ensuring that these dangerous juveniles are not handled so gently that the public is at an elevated risk of being victimized.

A Focus on Juvenile Homicide Offenders in Juvenile Justice

The focus of this thesis is on juvenile homicide offenders who were subject to determinate sentencing in the state of Texas. As a result of blended sentencing, both across the nation and particularly in the state of Texas, juvenile homicide offenders have become more common place within the juvenile justice system (as opposed to being waived or otherwise handled in the adult justice system). While this appears to be a great triumph for both blended sentencing and the juvenile justice system, the increasing presence of homicide offenders in the juvenile justice system has presented several unintended consequences (see, for example, Caudill and Trulson, 2016). Despite these consequences, a focus on juvenile homicide offenders is justified for several reasons. Most importantly is that juvenile homicide offenders represent a small but disproportionately problematic sub-group of juvenile offenders relative to their already serious offending and the high potential of risk they pose to society.

In short, juveniles who commit homicidal violence at such a young age represent the most extreme ends of the juvenile offending continuum. That such offenders, as a result of determinate sentencing, are more and more being dealt with via juvenile processes instead of adult processes makes a focus on these offenders even more critical. The goal of this thesis is to examine the backgrounds of a large cohort of determinately sentenced juvenile homicide offenders before their adjudication under Texas's DSA. It then examines their behavior while confined in TYC. Finally, this thesis examines the recidivism outcomes of these offenders as they exited TYC confinement. The research questions of focus in this thesis are below.

Research Questions

This thesis addresses the following research questions:

1. What are the background characteristics (e.g., demographics, delinquent record) and institutional behavior (i.e., involvement in institutional misconduct) of TYC determinately sentenced homicide offenders?
2. How do juvenile homicide offender recidivists compare to juvenile homicide offender non-recidivists three years following release from TYC?
3. What are the factors that would predict recidivism among released determinately sentenced juvenile homicide offenders?

Conclusion

The foundation of the juvenile justice system has been the treatment and rehabilitation of juvenile offenders. Because of the changing times and in response to the spike in violent crime, the juvenile justice system has shifted the focus to retribution and punishment for the most serious and violent juvenile offenders. This recent emphasis on punishment is the response to recidivism rates of violent offenders. While there are studies that focus on violent juvenile offenders, few have attempted to understand the recidivism rates of homicide offenders. Because so little is known about the most dangerous juvenile offenders, this thesis will attempt to bridge the gap in research.

Next, Chapter 2 will examine the literature surrounding what is currently known of the recidivism of juvenile homicide offenders. Chapter 3 will then discuss the methodology for this thesis. Chapter 4 presents the analysis and findings of the data, and Chapter 5 concludes with a discussion, policy implications, limitations, and suggestions for future research.

CHAPTER 2

LITERATURE REVIEW

Introduction

This literature review summarizes the research on the recidivism outcomes of juvenile offenders following release from incarceration. Juvenile offenders in general, serious and violent juvenile offenders, and juvenile homicide offenders will all be examined. This literature review consists of three goals: 1) to examine what empirical studies have observed in terms of recidivism among serious and violent institutionalized juvenile offenders, 2) to better recognize which predictors of recidivism among the institutionalized juvenile offender population are the most reliable, and 3) to lay the framework of reasonable expectations in regards to the release of juvenile offenders in the current study.

The first section examines recidivism among a variety of types of juvenile offenders. It contains mixed samples of violent and non-violent institutional delinquents. The next section examines empirical studies focused on serious and violent juvenile offenders. The third section will focus on the few studies that have highlighted recidivism specific to juvenile homicide offenders. Finally, the review will end with a summary of the research findings as they relate to the present study.

General Juvenile Offender Recidivism

Empirical Research Findings

Cottle, Lee, and Heilbrun (2001) conducted a meta-analysis to identify which risk factors were the best predictors of recidivism among juvenile offenders. This meta-analysis included 15,265 juvenile offenders and covered 23 studies. The selected studies for this meta-analysis

required juveniles aged 12 to 21 years with at least one prior arrest and available data on any additional offending. For the purposes of consistency, recidivism in this study was defined by reincarceration, re-arrest, or violation of probation or parole, any of which could be reported through official records or through self-report measures. The analyses conducted reported a mean recidivism rate of 48%.

In this study, Cottle et al. (2001) used a total of 30 different predictor variables which were divided into eight sections. The sections most associated with juvenile offender recidivism were offense history and family and social factors. Within these sections, the factors that were the strongest predictors of recidivism included a younger age at first commitment, a younger age at first contact with the criminal justice system, and a history of pathology not considered severe. Association with delinquent peers, family problems, and conduct problems were also considered to be strong predictors of recidivism in this study (Cottle et al., 2001).

A study by McMackin, Tansi, and LaFratta (2004) examined recidivism among a sample of juvenile offenders who were institutionalized in a residential treatment center in Massachusetts, and who had been released between 1976 and 1995. An analysis of existing records was performed on the files of 162 juveniles and adults. The sample was made up of person offenders (43.2%), sex offenders (9.3%), and nonperson offenders (47.5%). The analysis reported that 59% of the sample were chronic offenders, which was defined as having four or more arrests prior to commitment. The primary outcome variable was recidivism, and was defined as any juvenile or adult conviction that occurred after release from the treatment program.

The overall analysis reported that of chronic offenders (48.4%) were more likely to be convicted one year post-release than non-chronic offenders (40.3%) in the same time period,

indicating that chronic offending is a significant predictor of recidivism. In addition, the results of this study also indicated that recidivism rates were significantly higher for offenders whose length of stay did not exceed 11 months (48%) than those whose commitment lasted longer than 11 months (34.4%) (McMackin et al., 2004).

Minor, Wells, and Angel (2008) studied a sample of 580 juveniles in order to better understand the predictors of recidivism. This study analyzed a sample juvenile offenders who had been released from out-of-home placements administered by the Kentucky Department of Juvenile Justice (DJJ). There are two types of facilities in Kentucky that serve as out-of-home placements: 1) youth development centers (YDCs), which are small, mostly medium security juvenile institutions, and 2) group homes. The study analyzed recidivism, defined as any Class A misdemeanor or felony resulting in arrest and adjudication, for a follow-up period of 18 months. Data revealed that 52.2% of the sample recidivated.

Further analysis revealed that gender was a strong predictor of recidivism, as males were over two times more likely than females to recidivate. Additionally, the frequency of recidivism was revealed to be greater among youth with histories of special education needs as well as abandonment. It is also interesting to note that offenders with a history of sexual abuse were 44.6% less likely to recidivate than those without such history. Finally, the data indicated that youthful offenders were 1.3 times more likely to recidivate for each additional year of age (Minor et al., 2008).

Becker, Kerig, Lim, and Ezechukwu (2012) examined 587 youth remanded to a juvenile detention facility in the Midwest between 2006 and 2009. The goal of this study was to examine how mental health problems, posttraumatic stress disorder (PTSD), age, ethnicity, and gender impacted the recidivism rates of released juvenile offenders over a three-year period.

Demographics of the sample were similar to many other studies of this type in regard to race, age, offense, and gender of the offender. Seventy-two percent of offenders were Caucasian and 28% were African American. Age at the time of the initial assessment varied between 11 and 17 years old. The number of previous admissions to detention ranged from 1 to 9, and the offense severity for those admissions ranged from status to felony offenses. The sample was a mix of male and female offenders, with most of the sample being male (71%).

Both the Massachusetts Youth Screening Instrument- Second Version (MAYSI-2) and the Post-Traumatic Stress Disorder- Reaction Index (PTSD-RI) were used in this study to differentiate between offenders as well as to detect similarities in terms of mental health status. The MAYSI-2 is a standardized, 52-item, true-false method for screening every youth ages 12-17 entering the juvenile justice system, in order to identify potential mental health problems. The PTSD- RI is a three-section questionnaire on trauma exposure and is one of the most widely used instruments for assessing trauma in youths (Becker et al., 2012). Each of these instruments further legitimizes the study.

Data reported by Becker et al. (2012) indicated that upon admittance, males were more likely than females to have history of drug/alcohol use. Analysis also show that Caucasian offenders experienced higher rates of alcohol/drug use compared to African American offenders. Additionally, as offender's admissions to detention increased, alcohol/drug use increased for all youth regardless of gender. Female offenders reported high levels of anger/irritability, and those who were younger in age displayed higher levels of anger/irritability and depression/anxiety. Overall, data concluded that younger offenders had some of the highest rates recidivism; however, the highest rate of recidivism were found in girls and younger African American youth with PTSD.

Serious and Violent Juvenile Offender Recidivism

Empirical Research Findings

Lattimore, MacDonald, Piquero, Linster, and Visher (2004) examined two different cohorts of male juvenile offenders who had been paroled from California Youth Authority (CYA). Much like the TYC, the CYA serves as a facility for dangerous and violent juvenile offenders (Lattimore et al., 2004). The first sample, consisting of 1,928 offenders, was released from 1981 to 1982. The second sample, consisting of 1,658 offenders, was released from 1986 to 1987. The entire sample of offenders totaled 3,586, and was subjected to a three-year follow-up period beginning at the time of release for each individual offender. Risk factors such as prior antisocial behavior and family characteristics were also analyzed to predict recidivism among this sample of violent juvenile offenders.

Post-incarceration data showed that the juveniles had collectively accumulated 16,556 arrests within the follow-up period, with an average arrest rate of 1.70 arrests for each participant per year free on the street. Analysis of the data concluded that the demographic variables of both race and age were statistically significant. Specifically, the data showed that offenders who identified as Caucasian or Hispanic were less likely to reoffend than those who identified as African American. Additionally, offenders who were younger at the time of their release were less likely to recidivate than those who were older upon being released (Lattimore et al., 2004).

Lattimore et al (2004) also found that higher arrest frequencies were seen in individuals with longer arrest histories, histories of drug abuse, and institutional violence and/or gang activity, all of which fall under the umbrella of antisocial behavior. History of violence and evidence of alcohol problems were two other risk factors related to lower rates of arrest post-release, suggesting that individuals who committed property rather than violent crimes, as well

as those with a history of drug as opposed to alcohol problems, were arrested at a higher frequency. In addition, results from data analysis concluded that prior histories of physical and sexual abuse, neglect, parental alcohol use, and criminality were not insignificantly correlated with arrests.

In a study of 337 released persistent and serious offenders at CYA, Piquero, Brame and Lynam (2004) followed parolees for just over 12 years in order to discern the average length of the criminal career. Career length was defined as the time between first contact and most recent contact with the criminal justice system. Three sets of variables were used, included but not limited to: criminal history variables, risk factors such as cognitive ability and family structure, and control variables such as age of release, family crime history, and follow-up length.

Piquero et al. (2004) reported that the findings in this study were threefold: 1) the average career lengths among offenders was 17 years with a range of four to 30 years, 2) longer criminal careers were seen in offenders who were younger at the time of their first contact with the criminal justice system, as well as offenders who were older at time of release, and 3) offenders with a high cognitive ability and a short incarceration period were more likely to have a short criminal career. It is important to note that data also indicate a desistance of criminal activity by age thirty. That is, most of the offenders in this study did have lengthy (30-year) criminal careers.

A study by Loughran, Mulvey, Schubert, Fagan, Piquero, and Losoya (2009) examined a mixed sample of delinquents in order to understand whether the effects of institutionalization, compared with probation, lead to increased, decreased, or similar rates of offending in juvenile offenders with different lengths of stay. This study consisted of 921 adolescents between the ages of 14 and 17 years old who had been released from incarceration in one of two counties:

Maricopa County, Arizona or Philadelphia County, Pennsylvania. Forty-four percent of the sample was male African Americans and 29% was male Hispanics. The average number of court petitions was two. Fifty-five percent of the same was placed on probation, while those sent to either a residential or state-run facility made up the remaining 45%. The average length of stay for those committed was 11 months. This study examined recidivism, measured by official arrest records as well as self-reports, for a 48-month follow-up period (Loughran et al., 2009).

For the duration of the follow-up period, the analysis reported a mean rate of 1.20 arrests per year for the institutionalized offenders. In comparison, the offenders who received probation had a mean rate of about .63 arrests per year. Additionally, measures of self-reported offending indicated that offenders placed in a residential or state-run facility report an average of 2.5 more offenses per year than offenders who received probation. After controlling for selection, the study found that institutionally placed juveniles did not have a reduced rate re-arrest, nor did they self-reported a lower rate of offending. Additionally, those in an institutional placement did not show reduced recidivism rates for longer lengths of stay (Loughran et al., 2009). Overall, these findings suggest that there is little to no benefit from either institutional placement or longer stays in institutions as compared to probation.

Mulder, Brand, Bullens, and Marle (2011) examined serious juvenile offenders to highlight risk factors that could predict both overall recidivism as well as the severity of recidivism in serious juvenile offenders. This study is of particular interest because research is hard pressed to find data on offense severity in recidivism data. The sample followed 728 serious juvenile delinquents, who were adjudicated in the Netherlands between 1995 and 2004, for a minimum period of two years. In order to keep data consistent and concise, upon release each conviction for each offender was reported with the date and offense type. This study reported an

overall recidivism rate of nearly 80%. Additionally, Mulder et al. (2011) found when misdemeanors and other non-serious offenses were excluded from the data, the recidivism rate declined to about 63%. The average number of post-release offenses was 7.1. Consistent with data from other studies, analyses concluded that 78.4% of offenders recidivated within the first two years of release.

Thirty-seven percent of the sample did not commit a violent offense post-release, and 62.9% of the sample did recidivated with a violent offense. Analysis reported an increase in various risk factors among the violent recidivating population that were not seen as frequently in the non-serious recidivating population including: high number of past offenses, young age at first offense, unknown victim of past offenses, criminal behavior of family members, history of neglect, and alcohol abuse by parents, alcohol addiction, and a diagnosis of conduct disorder. Finally, this study reported that violent recidivists had increased frequencies of involvement in the criminal environment, lack of problem insight, lack of emotional support, lack of positive coping, escape, lack of treatment adherence, and motivation (Mulder et al., 2011). These findings clearly suggest a difference between the two populations that may better predict not only recidivism as a whole, but also violent or serious recidivism.

Juvenile Homicide Offender Recidivism

Empirical Research Findings

To expand the limited research on long-term follow-up of juvenile homicide offenders, Heide, Spencer, Thompson, and Solomon (2001) followed a sample of 59 juvenile homicide offenders who had been released from the Florida prison system. The sample of juveniles was incarcerated in the state of Florida by the Department of Correction (DOC) from 1982 through

1984 for at least one count of murder, attempted murder, or manslaughter. The follow-up data for these juveniles were collected in 1997, with further data being collected in 1999. The study measured success or failure after release by recommitment (being sent back) to the DOC. An offender was deemed a failure under two conditions: 1) The offender violated the conditions of parole which resulted in rearrest, regardless of whether he was subsequently prosecuted or convicted, and 2) the offender committed a new crime which resulted in being sent back to the DOC.

Analysis of this data concluded that of the 59 juvenile homicide offenders, 73% (N = 43) were released during the follow-up period. Of the 43 offenders released from prison, 40% (N = 18) were not returned to prison and 60% (N = 25) were sent back. Of those 25, 20 were released again. Failures occurred primarily in the first three years, during which time 20 offenders failed. There were no failures noted after ten years (Heide et al., 2001).

A study by Vries and Liem (2011) analyzed the recidivism outcomes of 137 juvenile homicide offenders in the Netherlands who had been adjudicated and later released. Results of the study indicated that 59% of the juvenile homicide offenders were reconvicted of an offense post-release. These juvenile homicide recidivists committed an average of 7.64 offenses following the original offense, with nearly 20% having committed another violent offense. Very few (3%) committed another homicide offense. The average number of offenses post-release was 7.64. Further, this study notes that history of substance abuse, relationships with delinquent friends, previous number of offenses, age at first offense, and other history of delinquency and/or criminality were significant determinants of recidivism.

A study conducted by DeLisi, Hochstetler, Jones-Johnson, Caudill, and Marquart (2011) examined 445 male homicide offenders to better understand the effects of incarceration on this

specific group of offenders. Each of the offenders in this sample was considered to be a frequent or habitual offender, meaning their record consisted of at least 30 arrest charges. Eighty-nine percent of offenders were not confined as juveniles, and 10% were juveniles at the time of their first incarceration. Of those who had been incarcerated as juveniles, 4.5% of offenders were confined once, 3.6% were confined twice, 1.6% were confined three times, one offender was confined five times, and 1 offender was confined nine times during his youth. The primary outcome variable, career murder, was measured by arrests for first-degree murder, second-degree murder, or manslaughter over the entire criminal career.

Data analysis indicated that offenders were significantly more likely to be arrested for murder if they had higher frequencies of confinement during their youth. That is, those who were confined more during adolescence were more likely to be arrested for murder than those who were not incarcerated frequently as juveniles. Furthermore, analyses revealed that career murder arrest could be reliably and significantly predicted by juvenile homicide offending. In addition, arrests for violent index crimes (e.g. rape, armed robbery, aggravated assault, kidnapping) were found to significantly predict career murder arrests (DeLisi et al., 2011).

Trulson, Caudill, Haerle, and DeLisi (2012) examined the relationship between gang affiliation and gang-related homicide confinement on recidivism. The sample consisted of 1,804 serious and violent delinquents released from the TYC. Analyses revealed that gang affiliation in combination with commitment for a gang-related homicide offense was not correlated with higher instances of re-arrest post-release. Gang murderers were more likely to be arrested post-release for both felony offenses as well as any offense than offenders who were not considered gang murderers. Additionally, homicide offenders who were not gang affiliated were more likely to be re-arrested for a felony than their non-homicide offending counterparts. Finally, this study

found that regardless of the offense for which the offender was confined, gang affiliation was a significant predictor of re-arrest.

In the most recent study of juvenile homicide offenders, Caudill and Trulson (2016) examined the data collected on 221 juvenile homicide offenders committed to the TYC under the blended sentencing law in the state of Texas. As previously noted, blended sentencing ensured that these juveniles were incarcerated in a facility for juveniles, and then either released or sent to the Texas Prison System. Data indicated that within a decade after incarceration, a majority of the juvenile homicide offenders (58%) were rearrested for a felony offense. Overall, analyses revealed that juvenile homicide offenders with a history of assaultive behavior toward staff while institutionalized, as well as higher those with a higher frequency of program disruption were among the most likely to recidivate. Finally, the data found that offenders who were incarcerated for longer periods of time were less likely to recidivate than those who serves shorter sentenced in TYC.

Summary of Literature

Much of the previous literature on juvenile delinquency focuses on mixed samples (e.g., serious, non-serious, chronic) of offenders with varying degrees of crime severity. Moreover, the majority of the previous literature fails to specify the seriousness of both the original crime as well as the recidivism offense(s). Additionally, previous studies as a whole have been unable to account for the female juvenile delinquent population. Despite these shortcomings, previous studies have been consistent in their findings to suggest that males (Minor et al., 2008; Vries and Liem, 2011; DeLisi et al., 2011), individuals who are younger at the time of the offense (Cottle et al., 2001; DeLisi et al., 2011), juveniles who are younger at the time of their first contact with

the juvenile justice system (Cottle et al., 2001; Mulder et al., 2011; Vries and Liem, 2011), those who are gang members or affiliates (Lattimore et al., 2004; Caudill, 2010; Trulson et al., 2011; Trulson et al., 2012), and delinquents who have participated in institutional violence while confined (Lattimore et al., 2004; Trulson et al., 2009) have been noted as some of the most prevalent predictors of recidivism among institutionalized juvenile delinquents.

It is clear from a review of the literature on juvenile recidivism that several trends have manifested. First, a larger part of the literature reports recidivism rates between 40 and 65 percent (Minor et al., 2008; Abrams et al., 2011; Cottle et al., 2001; Heide et al., 2001; Vries and Liem, 2011; Trulson et al., 2001). Next, the rate of recidivism among general juvenile offenders is slightly higher than the recidivism rate among serious and violent juvenile offenders. Third, studies have shown that serious and violent juvenile offenders are likely to reoffend within the first three years of being released (Heide et al., 2001; Mulder et al., 2011; Caudill, 2010). Finally, the few studies that exist on juvenile homicide recidivism report similar recidivism rates as the other two groups (Heide et al., 2001; Vries and Liem, 2011; Caudill and Trulson, 2016).

The literature on juvenile recidivism reports some consistent findings, but is not always consistent in analyses. For instance, measures of recidivism vary from study to study. DeLisi et al. (2011) defined recidivism of offenders specifically as committing another homicide offense. In comparison, many other studies define recidivism in more general terms, such as any new conviction or re-arrest of any crime after release (Cottle et al., 2001; Heide et al., 2001; McMackin et al., 2004; Mulder et al., 2011; Vries and Liem, 2011; Trulson et al., 2011; Trulson et al., 2012). These subtle changes in the definition of a primary outcome variable make a difference in data analyses. Additionally, the majority of the research does not include the severity of the additional offenses or the specific offense type when the juveniles recidivated

(Cottle et al., 2001; Heide et al., 2001; Loughran et al., 2009; Vries and Liem, 2011; Becker et al., 2012). In addition to inconsistent recidivism reporting, incarceration ranges from in-home placements to high security facilities, and follow-up periods range from a few months to more than a decade across different studies. These limitations combined with the lack of literature on juvenile homicide recidivism have left a gap in the literature that needs filling.

The present study aims to focus on state-released juvenile homicide offenders and their recidivism rates over a three-year period, as previous literature has shown that recidivism risk is greatest during that time frame (Heide et al., 2001; Mulder et al., 2011). The present study also defines recidivism as re-arrest. Thus, the present study aims to add to the literature and at the same time fill some of the existing gaps in information on the recidivism of serious and violent juvenile offenders, and in specific, juvenile homicide offenders.

Conclusion

It is a commonly held belief that juvenile offenders who commit the most egregious crimes are beyond any rehabilitation or retribution that the juvenile justice system can offer. Juvenile homicide offenders are often among those sentenced under blended sentencing in the state of Texas, but very little is known about how this specific population of violent juvenile offenders fare after returning to a free society. Because many juvenile homicide offenders who go through the channel of blended sentencing are eventually released early from juvenile as opposed to adult facilities, it is of vital importance to understand the recidivism outcomes, and the factors that would help explain recidivism outcomes, of such serious and violent offenders.

The present study attempts to contribute to the gap in literature regarding juvenile homicide offenders and, subsequently, the recidivism outcomes of juvenile homicide offenders.

The recidivism rates of determinately sentenced juvenile homicide offenders are analyzed. The backgrounds (i.e. demographic, delinquent history, risk factor measures) of recidivating homicidal juveniles are compared to the background of homicidal juveniles who did not recidivate. In total, this sample examines juvenile homicide offenders before, during, and after incarceration in TYC.

Next, Chapter 3 introduces the methodology of the present study. The examination is that of a secondary data analysis which includes data from homicide offenders who were previously incarcerated in TYC and were subsequently released. The data consists of a multitude of background variable and risk factors, each of which will be analyzed in order to better understand their individual and/or combined relationship to the recidivism rates of juvenile homicide offenders. In the chapter that follows, the methods conducted to perform this task are outlined and discussed.

CHAPTER 3

METHODS

Introduction

This thesis examines the recidivism outcomes of juvenile homicide offenders following their release from the Texas Juvenile Justice Department (TJJD) (formerly the Texas Youth Commission). This thesis references TYC as it was the guiding agency at the origin of this study. This research examines the individual differences between released juvenile homicide offenders who go on to recidivate and those released juvenile homicide offenders who do not go on to recidivate post-release. Investigation of these differences in this study requires examination of three research questions.

The first research question examines the background characteristics and institutional behavior of the entire sample. Specifically, it examines juvenile homicide offenders across several measures:

1. What are the background characteristics (e.g., demographics, delinquent record) and institutional behavior (i.e., involvement in institutional misconduct) of TYC determinately sentenced homicide offenders?

The second question examines the background characteristics and institutional behavior of juvenile homicide offenders who recidivated during a three-year period following their release from TYC compared to juvenile homicide offenders who did not recidivate following their release from TYC (each offender in this study was followed for exactly three years following his or her individual release date):

2. How do juvenile homicide offender recidivists compare to juvenile homicide offender non-recidivists three years following release from TYC?

The third question examines predictors of recidivism among the sample of juvenile homicide offenders. Specifically, it examines what factors serve to differentiate recidivists from non-recidivists on a multi-variate level—and in essence, what predicts recidivism among juvenile homicide offenders.

3. What are the factors that would predict recidivism among released determinately sentenced homicide offenders?

The first section of this chapter provides information regarding the source of data for the sample in this study. Next, the measures used in the present study are examined. The chapter then includes information on the data analysis plan. Finally, the chapter concludes with the reliability and validity of the present study.

Data and Setting

TYC Secondary Data Collection

Data for this study was originally obtained in 2011 from the Texas Youth Commission (TYC). All determinately sentenced offenders placed in TYC undergo an intake/assessment to obtain information about their delinquent, social, familial, medical, and psychological histories, as well as other pertinent background information. TYC obtained this data through a combination of official records, youth self-reports completed during intake, interviews, and direct observations of juveniles at the intake facility. Typically, offenders committed to TYC stay at intake for roughly 60 days.

In addition to the aforementioned data, arrest records were also requested in order to examine the outcome variable of recidivism. Arrest data was provided to TYC by the Texas Department of Public Safety (DPS) and then given to the researcher. TYC coordinates with the

DPS to track released offenders and any rearrests they accumulate following their release. Importantly, arrest data is tracked into adulthood once offenders reach the age of majority.

Sample

The initial pool of participants for the present study included all 3,382 determinately sentenced offenders between 1987 and 2011. The present study will focus only on those determinately sentenced homicide offenders who were released from TYC and who had at least three years of recidivism follow-up time from their release. The data for this thesis do not include those who were transferred to the Texas prison system to face the adult portion of their determinate sentence. Of the 3,382 determinately sentenced offenders, there were 256 juvenile homicide offenders who were released from TYC and had at least 3 years of recidivism follow-up time to track recidivism. Table 1 provides the coding information for each of the variables.

Measures

There are three types of measures that will be used in the analyses in Chapter Four: demographic measures, delinquent history measures, and risk factor measures. Recidivism literature has continuously pointed to these variables as factors of recidivism (Minor et al., 2008; Vries and Liem, 2011; DeLisi et al., 2011; Lattimore et al., 2004; Trulson et al., 2011).

Demographic. Three different demographic measures are used in the present study: race, sex, and age. The races include African American, Hispanic, White, and other. The final two demographic measures are gender (male and female) and age (in years).

Delinquent history. Delinquent history measures include nine measures either continuously or dichotomously coded (1= yes; 0=no). Continuously coded measures include: 1) length of determinate sentence, 2) length of stay in TYC, 3) number of previous delinquent

adjudications, 4) number of previous out of home placements, 5) number of violations while in TYC, and 6) incident rate while in TYC. The remaining delinquent history measures are dichotomously coded and include: 1) whether the youth had incidence of misconduct while in TYC, 2) gang affiliation, and 3) probation failure.

Risk factors. Risk factor measures are also continuously and dichotomously coded. In this study, the ten predictive measures include the following: 1) highest grade in school completed, 2) enrolled in school at the time of TYC commitment, 3) age at the time of release, 4) history of substance abuse, 5) history of abuse, 6) youth violent towards family, 7) characterized as mentally disabled, 8) characterized as mentally ill, 9) evidence that the youth lived in poverty, and 10) evidence that the youth lived in a chaotic home environment.

Recidivism. The dependent variable in the present study is recidivism as measured by re-arrest. Statewide re-arrest data was originally collected by DPS and then was provided to TYC for the specific study sample.

The outcome measure of focus in this study is the recidivism of determinately sentenced homicide offenders. Recidivism in this study is defined as any re-arrest within a three-year time span upon release from TYC. Because determinately sentenced offenders in the data had varying post-release time frames, each offender's follow-up period was standardized to exactly three years. Offenders registering an arrest during the first three years from release were coded as recidivists. Those not registering an arrest during the first three years after release were coded non-recidivists. For example, if an offender registered an arrest in the fourth year after release, he or she would not be considered a recidivist because it occurred outside the three-year standardized follow-up. In situations with varying post-release time frames, providing a time cut-off (e.g., arrests in three years only) allows the researcher to control post-release follow-up

differences by time. Thus, in terms of time since release, all offenders are equal. Beyond the dichotomy of re-arrested or not in the follow-up, this thesis will also examine the degree of seriousness of the subsequent arrests. This will be accomplished by examining whether the most serious arrest was a felony or misdemeanor. Unfortunately, data limitations do not allow an examination of the specific recidivism offense in this thesis.

Table 1

Independent Variable List and Coding

| Variable Category | Variable | Coding |
|------------------------------|---|----------------------|
| Demographic Variables | Race | |
| | African American | 1 = Yes; 0 = No |
| | Hispanic | 1 = Yes; 0 = No |
| | White | 1 = Yes; 0 = No |
| | Other | 1 = Yes; 0 = No |
| | Gender | 1 = Male; 0 = Female |
| | | |
| Delinquent History Variables | Length of Determinate Sentence (in years) | Continuous Coding |
| | Length of TYC commitment (in years) | Continuous Coding |
| | Previous Delinquent Adjudications | Continuous Coding |
| | Number of Previous Out-Of-Home Placements | Continuous Coding |
| | Number of Violations in TYC | Continuous Coding |

(table continues)

Table 1 (cont'd.)

| | | |
|-----------------------|---------------------------------------|-------------------|
| | Rate of Incidents in TYC | Continuous Coding |
| | Incidence of Misconduct in TYC | Continuous Coding |
| | Gang Affiliation | 1 = Yes; 0 = No |
| | Probation Failure | 1 = Yes; 0 = No |
| | | |
| Risk Factor Variables | Highest Grade Completed at Commitment | Continuous Coding |
| | Enrolled in School at Commitment | 1 = Yes; 0 = No |
| | Age at Release | Continuous Coding |
| | History of Substance Abuse | 1 = Yes; 0 = No |
| | History of Physical Abuse | 1 = Yes; 0 = No |
| | History of Sexual Abuse | 1 = Yes; 0 = No |
| | History of Emotional Abuse | 1 = Yes; 0 = No |
| | Previously Violent Towards Family | 1 = Yes; 0 = No |
| | Classified as Mentally Disabled | 1 = Yes; 0 = No |
| | Classified as Mentally Ill | 1 = Yes; 0 = No |
| | Evidence of Poverty | 1 = Yes; 0 = No |
| | Evidence of Chaotic Home Life | 1 = Yes; 0 = No |

Data Analysis Plan

The data analysis provides a descriptive examination of the offenders in this study. Chapter 4 compares released juvenile homicide offenders to one another on a variety of different variables. The analysis will focus on the recidivism outcomes among the groups. Specifically, data analysis will compare released juvenile homicide offenders who did recidivate to released juvenile homicide offenders who do not recidivate on the measures using t-tests for continuous variables and chi-square or related statistics (e.g., Mann-Whitney U) for categorical variables. Descriptive recidivism outcomes of those rearrested in the follow-up are provided. Following these descriptive analyses, the final research question will be examined with Logistic Regression. Logistic Regression is a statistical technique which accommodates a dichotomous dependent variable as utilized in this study (i.e., Rearrested or not; 1=rearrested; 0=not rearrested).

Reliability and Validity

Some limitations are present in this study, including the measurement of recidivism. Recidivism is generally measured in a formal manner—rearrests, court referrals, reconvictions, and confinement. Despite the various ways recidivism can be measured, data cannot account for those juvenile offenders who do not come attention to law enforcement authorities, but are nonetheless involved in criminal behavior post-release. This type of recidivism cannot be measured through analysis of existing records because law enforcement authorities have not detected it. The challenge is that while this recidivism may occur, it is unable to be accounted for in the data because there is no formal record of it occurring.

Another limitation is that the data could not examine reincarceration of youth during the three-year follow-up period. Thus, if a juvenile offender is released from TYC and is then

reincarcerated for a length of time, the additional time spent in incarceration should not be included as part of the three-year follow-up time frame because the opportunity to reoffend during that time did not exist (Rich, 2014). Because no information on post-release incarceration time was provided to the researchers, there is no way to discern if the actual exposure time in the follow-up period was equal for each released juvenile homicide offender, despite the standardized follow-up used in this analysis.

A further limitation in this study is the sample size of juvenile homicide offenders. Automatic limitations exist for studies on homicidal youth because the actual size of this offending population is small. Even with this limitation, this study not only adds to the small amount of existing literature on juvenile homicide offenders, but does so with an equal if not larger sample size than the current empirical studies in this area. Additionally, this study improves upon previous literature that fails to specify the degree of seriousness of the crimes committed post-release.

Despite these limitations, recidivism follow-up in this study is consistent with the existing literature on this topic. The recurring theme in recidivism literature is that most offenders who go on to reoffend do so in the first three years post-release (Heide et al., 2001; Mulder et al., 2011). Thus, studies using only one or two-year follow-up periods will likely produce lower recidivism rates than those that utilize at least a three-year follow-up time frame.

Despite some limitations, the use of official records provides an additional strength to this study. Collection and maintenance of TYC data includes a wealth of variables current literature has found to be relevant (Minor et al., 2008; Vries and Liem, 2011; DeLisi et al., 2011; Lattimore et al., 2011; Trulson et al., 2011; Trulson et al., 2012). Additionally, both delinquent history and background of the youths' social lives are provided through TYC data. While the use

of official data comes with limitations, it is of favorable use in this thesis because it is not subject to as many threats of validity as is often the case with the use of self-report data. Self-reported surveys and interviews run the risk of youth providing dishonest or exaggerated answers, as well as the risk that youth will give answers that they deem socially desirable (Haerle, 2008). Utilization of official records provides the histories of the youth in the sample in a way that is not subjective.

Conclusion

The purpose of this study is to examine recidivism outcomes among determinately sentenced juvenile homicide offenders who have been released from TYC. Despite the limitations presented, this study will provide a better understanding of the three-year post release recidivism outcomes among Texas's "worst of the worst." This study is interested in examining the individual differences between those juvenile homicide offenders who recidivate and those who do not recidivate. Finally, this study will provide more insight to the existing pool of literature on juvenile homicide offenders. The next chapter presents the research findings and analyze the results of this study.

CHAPTER 4

ANALYSIS AND FINDINGS

Introduction

Previous studies have been consistent in their findings that several characteristics influence recidivism among incarcerated and released violent juvenile offenders. It is clear from the research that males (Minor et al., 2008; Vries and Liem, 2011; DeLisi et al., 2011), individuals who are younger at the time of the offense (Cottle et al., 2001; DeLisi et al., 2011), those who are gang members or affiliates (Lattimore et al., 2004; Trulson et al., 2011; Trulson et al., 2012), and delinquents who have participated in institutional violence while confined (Lattimore et al., 2004; Trulson et al., 2011) are the most likely of the juvenile delinquent population to recidivate post-release. Additionally, studies have also shown that the majority of these offenders who go on to reoffend post-release are most likely to do so within the first three years of being released (Heide et al., 2001; Mulder et al., 2011). While this information is useful, there stills remains a lack of research that focuses specifically on juvenile homicide offender recidivism. The goal of this research is to begin to fill that gap in the literature, as well as to add to the existing literature on serious and violent juvenile offenders.

This chapter addresses the research questions presented in previous chapters, and focuses primarily on the recidivism of determinately sentenced homicide offenders three years following their release from institutions of the Texas Youth Commission (TYC). The chapter starts with an examination of demographic, delinquent history, and risk factor measures among determinately sentenced homicide offenders who were incarcerated and subsequently released from TYC.

Following this, the chapter moves into a descriptive examination of those offenders who recidivated upon release from a TYC facility, compared to those juvenile homicide offenders

who did not recidivate post-release in the three-year follow-up. Specifically, the analysis compares juvenile homicide offenders who recidivated post-release to those who did not recidivate post-release across demographic, delinquent history, and risk factor measures in order to investigate any differences between the two groups.

Descriptive and Bivariate Analyses

Descriptive Characteristics of Total Sample

The first research question examines the background characteristics and institutional behavior of the entire sample across several measures.

1. What are the background characteristics (e.g., demographics, delinquent record) and institutional behavior (i.e., involvement in institutional misconduct) of TYC determinately sentenced homicide offenders?

Table 2 provides basic descriptive information on the 256 determinately sentenced homicide offenders that make up the sample for this thesis. The age at first commitment to TYC ranged from 12 to 18 years with a mean age of roughly 15 years at the time of commitment. The average length of determinate sentence was 17.88 years and the average time committed to TYC was four years. The sample consisted primarily of Hispanic youth (42.2%) and Black youth (35.5%). Males made up over 90% of the sample. Three quarters (76.7%) of the sample had a history of substance abuse. Over 60% of the juvenile offenders in this study came from some level of poverty, and 66% reported coming from a chaotic home environment. Additionally, 28% of the sample were gang affiliated, and 22% were violent toward their families prior to their TYC commitment.

Table 2

Descriptives of Total Sample

| Measures | M/Proportion | SD | Range |
|---|--------------|-------|-------------|
| Demographic | | | |
| Race | | | |
| Black | .35 | -- | -- |
| Hispanic | .42 | -- | -- |
| White | .18 | -- | -- |
| Other | .035 | -- | -- |
| Gender | | | |
| Male | .91 | -- | -- |
| Female | .082 | -- | -- |
| Age | 15.63 | 1.08 | 12.68-18.11 |
| Delinquent History | | | |
| Length of Determinate Sentence (in years) | 17.88 | 10.35 | 0-40 |
| Length of TYC commitment | 4.01 | 1.36 | .55-8.32 |
| Previous Delinquent Adjudications | 1.35 | .71 | 0-5 |
| Number of Previous Out-Of-Home Placements | .91 | 1.98 | 0-14 |
| Total Number of Violations in TYC | 7.67 | 11.03 | 0-74 |
| Gang Affiliation | .28 | -- | -- |
| Probation Failure | .14 | -- | -- |
| Risk Factors | | | |

(table continues)

Table 2 (cont.)

| | | | |
|---------------------------------------|------|------|----------|
| Highest Grade Completed at Commitment | 8.26 | 1.58 | 4-12 |
| Enrolled in School at Commitment | .71 | -- | -- |
| Age at Release | 19.6 | 1.1 | 15.74-21 |
| History of Substance Abuse | .77 | -- | -- |
| History of Physical Abuse | .15 | -- | -- |
| History of Sexual Abuse | .05 | -- | -- |
| History of Emotional Abuse | .25 | -- | -- |
| Previously Violent Towards Family | .22 | -- | -- |
| Classified as Mentally Disabled | .12 | -- | -- |
| Classified as Mentally III | .11 | -- | -- |
| Evidence of Poverty | .61 | -- | -- |
| Evidence of Chaotic Home Life | .66 | -- | -- |

Comparison of JHO Recidivists to JHO Non-Recidivists

The second question examines the background characteristics and institutional behavior of juvenile homicide offenders who recidivated during a three-year period following their release from TYC compared to juvenile homicide offenders who did not recidivate following their release from TYC (each offender in this study was followed for exactly three years following his or her individual release date):

2. How do juvenile homicide offender recidivists compare to juvenile homicide offender non-recidivists three years following release from TYC?

Table 3 examines the demographic, delinquent history, and risk factor measures for the entire sample of 256 juvenile homicide offenders, and divides them into two groups: 1) those who recidivated within three years following release from TYC (N = 171 or roughly 67 percent), and 2) those who did not recidivate within three years following release from TYC (N = 85 or roughly 33 percent). Overall, a few significant differences emerged between those juveniles who recidivated and those who did not. The recidivist population consists of a significantly greater proportion of Black youth (45%) than the non-recidivist group (18%). In contrast, the recidivist population is composed of significantly fewer Hispanic youth (36%) than the non-recidivist population (54%). Additionally, the population of recidivists is composed of significantly more males (95%) than the population of non-recidivists (85%). Further, the recidivist population consists of significantly fewer females (5%) compared to the non-recidivist population (15%).

Based on demographic comparisons, non-significant differences were found in the both White and Other race as well as age measures between the proportion of offenders who recidivated and those who did not recidivate. The population of White youth who recidivated (16%) did not differ significantly from White youth who did not recidivate (25%). Additionally, youth classified as Other in the recidivist population (0.04%) did not differ from those in the non-recidivist population (0.04%). In terms of age, both the recidivist group and the non-recidivist group shared the same average age at the time of commitment to TYC (15.6 years old).

Of the seven delinquent history variables, only previous adjudications emerged with significance. The average number of adjudications in the recidivist group (1.42) is significantly higher than the average number of adjudications in the non-recidivist group (1.20). In terms of total violations, the average number in the recidivist group (13.39) is slightly higher than that of the non-recidivist group (9.32), but this difference is not significant. Similar averages were

reported in both the recidivist group and the non-recidivist group for the variables of sentence length, TYC commitment length, previous out of home placements, gang affiliation, and probation failure.

There were no significant differences found among the risk factor measure variables. While the poverty rate in the recidivist group (.64) differed slightly from the poverty rate in the non-recidivist group (.54) this difference did not reach significance. Each of the other risk factors were very similar between the two groups, including virtually identical percentages for highest grade completed, age at the time of release from TYC, history of substance abuse, history of sexual abuse, history of emotional abuse, classification as mentally disabled, and evidence of a chaotic home life.

Overall, a few variables emerged as significant across the demographic and delinquent history measures. Significant differences existed between the recidivist group and the non-recidivist group for Black youth, Hispanic youth, male youth, and female youth. Additionally, the number of previous delinquent adjudications are significantly higher in the recidivist group as compared to the non-recidivist group.

Table 3

Comparison of Recidivists to Non-Recidivists

| Variables | Recidivists (N = 171) | | Non-Recidivists (N = 85) | | Comparisons |
|-------------|--------------------------|----|-----------------------------|----|--------------|
| | PP/M | SD | PP/M | SD | Significance |
| Demographic | | | | | |
| Race | | | | | |
| Black | .45 | -- | .18 | -- | * |

(table continues)

Table 3 (cont.)

| | | | | | |
|---|-------|------|-------|-------|----|
| Hispanic | .36 | -- | .54 | -- | * |
| White | .16 | -- | .25 | -- | ns |
| Other | .04 | -- | .04 | -- | ns |
| Gender | | | | | |
| Male | .95 | -- | .85 | -- | * |
| Female | .05 | -- | .15 | -- | * |
| Age | 15.6 | .98 | 15.6 | 1.28 | ns |
| Delinquent History | | | | | |
| Length of Determinate Sentence (in years) | 17.8 | 9.86 | 18.05 | 11.35 | ns |
| Length of TYC Commitment | 3.94 | 1.29 | 4.15 | 1.52 | ns |
| Previous Delinquent Adjudications | 1.42 | .78 | 1.20 | .53 | * |
| Previous Out-Of-Home Placements | .84 | 2.03 | 1.07 | 1.90 | ns |
| Total Number of Violations in TYC | 13.39 | 21.2 | 9.32 | 12.85 | ns |
| Gang Affiliation | .29 | -- | .27 | -- | ns |
| Probation Failure | .15 | -- | .12 | -- | ns |
| Risk Factors | | | | | |
| Highest Grade Completed | 8.27 | 1.6 | 8.25 | 1.6 | ns |
| Enrolled in School | .73 | -- | .68 | -- | ns |
| Age at Release | 19.6 | 1.10 | 19.8 | 1.14 | ns |
| Substance Abuse | .79 | -- | .74 | -- | ns |
| Physical Abuse | .13 | -- | .20 | -- | ns |
| Sexual Abuse | .04 | -- | .06 | -- | ns |

(table continues)

Table 3 (cont.)

| | | | | | |
|----------------------------------|-----|----|-----|----|----|
| Emotional Abuse | .25 | -- | .25 | -- | ns |
| Previous Violence Towards Family | .19 | -- | .29 | -- | ns |
| Mentally Disabled | .11 | -- | .14 | -- | ns |
| Mentally Ill | .09 | -- | .14 | -- | ns |
| Poverty | .64 | -- | .55 | -- | ns |
| Chaotic Home | .66 | -- | .68 | -- | ns |

Note. Categorical variables were dichotomized and indicate proportion with 1 as coding score under the PP/M. For example, substance abuse for recidivists at .79 indicated that 79% of the recidivist group had a history of 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.

Predictors of Recidivism

The third question examines what factors serve to differentiate recidivists from non-recidivists on a multi-variate level. Thus, it aims to determine possible predictors of recidivism among the sample of juvenile homicide offenders.

3. What are the factors that would predict recidivism among released determinately sentenced homicide offenders?

Table 4 is a presentation of a logistic regression model focused on the factors that would predict recidivism among juvenile homicide offenders in the current sample. In short, the final aim of this thesis is to determine which factors, if any, are able to predict recidivism among juvenile homicide offenders. Essentially, the goal is to pinpoint what factors separate recidivists from non-recidivists and to what extent they do so. A logistic regression was performed in order to accomplish this task. A few significant findings emerged from this analysis.

First, the variable of race proved to be a significant factor. The risk of recidivating is 72% less for Hispanic youth than for Black youth (Race as Black is the reference category).

Additionally, the risk of recidivating is 64% less for White youth than for Black youth. Both of these findings are significant, which suggests that overall, Black juvenile homicide offenders are at a significantly higher risk of recidivism than both Hispanic and White juvenile homicide offenders. In the demographic measure, neither gender nor age emerged with significance.

Next, in the delinquent history measure, only the number of previous delinquent adjudications is significant. The data suggests that the risk of recidivism is significantly higher for juveniles with a greater number of previous delinquent adjudications, and that the risk increases as the number of adjudications increases. Thus, a juvenile with two previous adjudications is 101% more likely to recidivate than a juvenile with only one previous adjudication. The variables of sentence length, commitment length, number of previous out-of-home placements, total violations while confined, gang affiliation, and probation failure did not reach the level of significance.

Finally, none of the variables in the risk factor measure were found to be significant. Juvenile offenders who reported having an evidence of poverty are 97% more likely to recidivate than those who did not report poverty, but this finding only approached the level of significance. Overall, neither poverty nor highest grade at commitment, school enrollment, history of substance, physical, sexual, or emotional abuse, previous violence toward family members, classification as mentally disabled or mentally ill, or evidence of a chaotic home life emerged as significant predictors of recidivism among juvenile homicide offenders in this study.

Table 4

Logistic Regression

| Measures | B | S.E. | Significance | Percent Odds |
|---|-------|------|--------------|--------------|
| Demographic | | | | |
| Race | | | | |
| Hispanic | -1.27 | .39 | * | -72.0 |
| White | -1.03 | .48 | * | -64.4 |
| Other | -.84 | .99 | ns | -57.1 |
| Gender | .73 | .58 | ns | 108.4 |
| Age | -.06 | .19 | ns | -6.0 |
| Delinquent History | | | | |
| Length of Determinate Sentence (in years) | .006 | .02 | ns | .70 |
| Length of TYC commitment | -.24 | .16 | ns | -21.5 |
| Previous Delinquent Adjudications | .70 | .32 | * | 101.1 |
| Number of Previous Out-Of-Home Placements | -.14 | .09 | ns | -13.4 |
| Total Number of Violations in TYC | .02 | .01 | ns | 1.9 |
| Gang Affiliation | .26 | .37 | ns | 29.9 |
| Probation Failure | -.35 | .51 | ns | -29.4 |
| Risk Factors | | | | |
| Highest Grade Completed at Commitment | .03 | .11 | ns | 3.3 |
| Enrolled in School at Commitment | .21 | .35 | ns | 22.8 |

(table continues)

Table 4 (cont.)

| | | | | |
|-----------------------------------|------|-----|----|--------|
| History of Substance Abuse | .19 | .37 | ns | 20.6 |
| History of Physical Abuse | -.19 | .51 | ns | -17.0 |
| History of Sexual Abuse | -.41 | .79 | ns | -33.5 |
| History of Emotional Abuse | .41 | .41 | ns | 52.2 |
| Previously Violent Towards Family | .01 | .45 | ns | 1.2 |
| Classified as Mentally Disabled | .30 | .73 | ns | 34.7 |
| Classified as Mentally Ill | -.22 | .74 | ns | -19.8 |
| Evidence of Poverty | .68 | .35 | ns | 97.7 |
| Evidence of Chaotic Home Life | -.27 | .37 | ns | -24.0 |
| Constant | .84 | 3.2 | ns | 103.04 |
| R Square Value (In Percent) | | | | |
| Nagelkerke R Square | 21.4 | -- | -- | -- |
| Cox & Snell R Square | 15.4 | -- | -- | -- |

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.

Conclusion

This chapter examined the recidivism outcomes of determinedly sentenced homicide offenders within three years after being released from TYC. The data presented examined a number of demographic, delinquent history, and risk factor measures indicated in the literature on recidivism and serious offenders as variables relevant in an explanation of recidivism outcomes for juvenile offenders. The goal of this analysis was to help shed light on the differences that exist between those juvenile homicide offenders who recidivated compared to

those who did not following their release from TYC. Overall, 67% of the sample went on to commit at least one other offense within three years following release from TYC. The recidivist group and non-recidivist group are distinguished by the demographic variables of race (Black and Hispanic) and gender (male and female), and the delinquent history variable of the number of previous delinquent adjudications. In addition, a logistic regression analysis confirmed significance for the factors of race and previous delinquent adjudications in comparison to their respective reference categories. Beyond the demographic indicator of race, the findings suggest that prior exposure to the system of a more involved nature (e.g., higher number of previous adjudications) is a significant predictor of recidivism among juvenile homicide offenders.

The present study found few significant factors between the recidivist and non-recidivist groups. Likewise, analysis identified only a few significant predictors of recidivism for juvenile homicide offenders in general. Nevertheless, this thesis provides an additional piece of literature to the expanding pool of research on juvenile homicide offenders.

The closing chapter of this thesis will discuss the overall findings, as well as the policy implications that can be drawn from the recidivism rates of determinately sentenced juvenile homicide offenders. Further, the chapter will discuss some of the limitations of this study and provide suggestions for future research in this area. To summarize, because juvenile homicide offenders commit the most egregious crime, it is necessary to obtain a deeper understanding of this particular subset of delinquent youth in order to minimize the potential dangers caused by releasing them to the streets.

CHAPTER 5

DISCUSSION AND CONCLUSIONS

Summary of Findings

This thesis examined the recidivism outcomes of determinately sentenced homicide offenders within three years following their release from TYC. In addition, this thesis compared those determinately sentenced juvenile homicide offenders who recidivated to those determinately sentenced juvenile homicide offenders who did not recidivate across a variety of different variables. Of the 256 determinately sentenced juvenile homicide offenders in this study, 171 (about 67%) recidivated and 85 (about 33%) did not. Few significant differences were found in relation to demographic, delinquent history, and risk factor measures among the recidivist and non-recidivist groups.

The demographic variables of both race and gender emerged as significant determinants of recidivism. Data indicates that there were significantly more Black youth who recidivated than who did not. In addition, there were significantly more Hispanic youth who did not recidivate than who did. Further, Black youth in this study were significantly more likely to recidivate than Hispanic, White, or youth classified as Other. In terms of gender, there were significantly more males who recidivated than who did not. In contrast, there were significantly fewer females who recidivated than who did not. Further, males were significantly more likely to recidivate than their female counterparts. In terms of delinquent history measures, only previous delinquent adjudications emerged significant. Indeed, recidivists had significantly higher numbers of previous adjudications than non-recidivists. Further, the risk of recidivating increased when previous adjudications increased (i.e. juveniles with two previous adjudications were 101% more

likely to recidivate than juveniles who had only one previous adjudication). No significant findings were noted in the risk factor measures.

Overall, the recidivist group did not significantly differ from the non-recidivists group on most measures in this study. In particular, both recidivists and non-recidivists had nearly identical findings across the variables in the risk factor category. This thesis added to the literature on the recidivism behavior of determinately sentenced juvenile homicide offenders. To further understand this group of offenders, next is a discussion of the policy implications of this study. This discussion will aid further researchers studying similar populations of juvenile offenders.

Policy Implications

In the state of Texas, serious and violent juvenile offenders, such as juvenile homicide offenders, are given the opportunity to correct their behavior and be released back into society via determinate sentencing laws. Recidivism rates of nearly 60% and above have forced many within the justice system to reevaluate releasing these juvenile delinquents rather than transferring them to the Texas prison system. Those adjudicated for serious and violent felonies, like juvenile homicide offenders, pose a greater risk to society due to the seriousness of the crime. It is now being considered that such violent juveniles should be transferred to the adult system to serve longer sentences. This logic is flawed for several reasons.

Because these facilities are dependent on taxpayer dollars, finances are of notable concern. According to the most recent fiscal reports, the average cost of housing an adult inmate in a Texas facility is roughly \$62 per day (about \$23,000/year), while the average cost of housing a juvenile in a Texas Juvenile Justice Department (formerly TYC) facility is nearly seven times

that amount at roughly \$442 per day (about \$161,000/year) (Legislative Budget Board, 2016). The cost of sending a juvenile to an adult facility for 40 years is greater than sending them to a juvenile facility for only four years. Perhaps even more prevalent is the fact that not all offenders recidivate. In this study, 85 delinquents did not go on to recidivate post release. Using this figure, if each of these 85 juvenile homicide offenders were immediately sent to the Texas prison system for the average 40-year sentence, the total cost incurred would be over 23 million dollars more than a four-year sentence in a juvenile facility. This is 23 million dollars that would have been saved had those juveniles served their time in a TJJD facility. This is a clear example of the financial waste that can be avoided because of determinate sentencing practices for serious and violent juvenile offenders.

Currently, it seems that the only replacement for determinate sentencing is the transfer of juveniles back to the adult system where they can be sentenced to longer periods of incarceration. In essence, the next step would be taking a step back. The problem with this notion is that a longer sentence does not mean more time for rehabilitation. Some studies indicate that the average adult sentence for juvenile homicide offenders is 40 years (Carmichael, 2010). Sentencing a juvenile offender to 40 years in an adult facility eliminates the opportunity for that juvenile to be rehabilitated. Additionally, according to the National Institute of Justice (NIJ) many studies are consistent in finding that juvenile delinquents are likely to desist from criminal activity in early adulthood, and that processing juveniles through the adult system may actually exacerbate the problem (NIJ, 2014). Thus, these sentences are largely ineffective for the juvenile delinquent population.

Studies have shown that adult facilities, unlike juvenile facilities, do not offer (or at least not on a comparable scale) the same age appropriate services that aid in the juvenile's growth

and positive behavior change toward staff (Kolivoski and Shook, 2016). Juvenile facilities, such as TYC, offer juvenile offenders the opportunity to better themselves through various programs, treatments, and trainings. TYC offers both general and specialized treatment programs, family involvement, leisure skill building, job and vocational training, and other programs that serve to promote good behavior and positive choices, both while confined and after release. These various treatment programs and skill building activities are unlikely to exist at an age-appropriate level for juveniles incarcerated in adult facilities to any meaningful degree (Kolivoski and Shook, 2016). Forty years is not a life sentence for a juvenile; they will more than likely be released from prison eventually. If these serious and violent juvenile offenders are to be released anyway, it is essential that they be afforded the opportunity to be rehabilitated at an age-appropriate level.

Today, incarceration seems like the easiest option. Simply take the offenders, even the youngest ones, and lock them up for as long as it takes. Legislatures and other justice system workers are understandably worried about the safety of society, but this may be at the expense of serious and violent juveniles' futures. Punitive measures are the quick answer, but rehabilitation is likely to be far more effective in reducing recidivism and ultimately, protecting the rest of society from dangerous delinquents (Haerle, 2008). In the state of Texas, determinate sentencing laws allow for more flexibility in determining the best fit for each juvenile, and affords juvenile delinquents the opportunity for reform, rather than an initial sentence to the Texas prison system (Trulson et al., 2016). Over 30% of the juvenile homicide offenders in this study did not go on to recidivate post-release, and those juveniles are a testament to the value of determinate sentencing.

Limitations and Suggestions for Future Research

The limitations of this thesis are meant to provide future researchers with an understanding of the potential problems they might address in their own studies. The first limitation of note in this thesis was the size of the sample. While the sample size used here was comparable to, and in some instances, bigger than others on this topic, splitting the sample into two categories made each group too small to achieve much statistical power. That is, small sample sizes run the risk of finding no significance where an otherwise larger sample would find significance. Future research should focus on larger groups of delinquents.

The next limitation is that while there was a plethora of variables to examine, recent research has identified variables that were not accessible for this study. In particular, this study did not have access to variables regarding genetics outside of race and gender. Biosocial criminology, the blending of biological, genetic, sociological, and environmental factors to explain criminality, is up and coming in the field (DeLisi and Piquero, 2011). Research on biosocial criminology indicates that biological and genetic traits influence maladaptive behaviors from delinquency through adulthood (Moffitt, 2005; Barnes and Boutwell, 2012). Considering the prevalence of self-control research on juvenile delinquency, studies have attempted to explain the development of self-control through genetics. Literature on this matter indicates that roughly 50% of the variance in self-control can be explained by genetics (Connolly and Beaver, 2014). Taken together, it is reasonable to believe that genetic factors play a role in delinquency and subsequent recidivism. Future research would benefit from having access to additional variables regarding the genetic makeup of juvenile offenders.

The variables in this study were consistent with those used in other literature; however, this thesis lacked extensive focus on institutional misconduct. While this this thesis did address

total violations as a misconduct variable, it did not access the full scope of institutional misconduct. That is, it may have been beneficial to include other aspects of misconduct, such as the severity of the misconduct and the action taken by TYC staff. Youth engagement in misconduct while confined is the most recent exposure to their delinquent behavior. Research has found that juveniles who engage in misconduct while confined (essentially, those who continue to offend from inside facility walls), offer no verification that they will desist from offending once they are released from confinement (Trulson et al., 2009). As such, further research should lend greater focus to instances of youth misconduct while confined.

Finally, findings in this study may not be generalizable to other states for a few reasons. First, Texas has a large population, indicating that the populations of juvenile homicide offenders in the state of Texas is larger than that of other states. Further, facilities like TYC are unique in that they offer programs and trainings that other states do not have the means for. The general and specific treatment programs, vocational training, and other aspects of the TYC facility require high levels of staffing and money to run on a day to day basis. Because Texas has a larger population with more juvenile delinquents, there is more financial support for such programs that other states simply do not have.

Conclusion

This thesis focused on the recidivism outcomes of determinately sentenced homicide offenders. Juvenile homicide offenders are the worst of the worst in terms of juvenile delinquency, and they present a potentially high risk to society due to the severity of the crime committed. Determinate sentencing laws give these serious and violent offenders a second opportunity to correct their behavior before potentially being sentenced to do adult time in an

adult prison. The data in this thesis indicates that release of juvenile homicide offenders poses a risk, as over 65% of the youth in this study recidivated. Further, this thesis examined both youth who recidivated and youth who did not recidivate in an attempt to distinguish what factors might best explain recidivist behavior. The findings indicated very few differences existed between the two groups.

Ultimately, the goal of this research study and others like it is to determine whether those who are at highest risk of recidivism in a given population can be distinguished from those of lower risk. Determining which juveniles to transfer to adult prison and which to adjudicate within the confines of the juvenile system is no easy task, yet it is a necessary one. The findings in this thesis provide recidivism information on 256 determinately sentenced juvenile homicide offenders. While few variables here were significant, this thesis still provides evidence that should prove useful for future research on recidivism of determinately sentenced juvenile homicide offenders. It is clear that additional research is essential if juvenile homicide recidivists are ever to be distinguished from non-recidivists. Due to the serious nature of this crime, as well as the fact that juveniles who commit this crime will eventually be released, it is of vital importance that this particular population of offenders continue to be studied.

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