

## **Chapter 4. Theoretical Explanations for the Texas Juvenile Offender Population**

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### **Introduction**

From the data presented in Chapters 2 and 3 the typical juvenile offender in the custody of Texas Youth Commission is from a male, from a broken home, with a medium reading level of 6<sup>th</sup> grade (four years behind same age peers), consisting of a low-income household and from a minority racial/ethnic background of either Hispanic or Black. With these characteristics understanding a theoretical foundation which explains how these variables converge to create delinquency and criminal behavior is the focus of this chapter. Cox, Conrad, Allen and Hanser (2007) provide theoretical explanations for general juvenile delinquency. Because Texas juvenile justice is disproportionately minority (Hispanic and African Americans) this chapter will present theories and issues pertaining to disproportionate minority confinement.

### **Disproportionality**

Since 1994 states desiring to receive Federal Formula Grants for their juvenile justice programs have been required to address disproportionate minority confinement (DMC). In four stages states such as Texas were required to identify, assess, intervene and monitor DMC (Lieber 2006). The research findings related specifically to Texas found disproportionality in the Texas Juvenile Justice System as a whole. In order to measure the findings an understanding of how a DMC Index score is determined. The index value is determined by dividing the percentage of minority juvenile at each point by the percentage of minority juveniles in the general population (those who possibility could be in the system). An index value greater than one indicates minority overrepresentation. Thus an index value of 2.0 means that minority youth representation in the juvenile justice system is twice the percentage in the state's juvenile population of 10-17 (Lieber 2006). Overall the findings indicate minority overrepresentation was evident in every state reviewed and this overrepresentation was not limited to any specific region of the country. Additionally, states with larger minority populations such as Texas reported lower index scores than states with smaller minority populations such as Minnesota or Iowa (Lieber 2006). The Texas findings of Lieber's research is found below:

**Texas Minority Youth Representation in the Juvenile Justice System, 1997**  
**DMC Index Values**

Group	Minority Youth %	Arrest	Secure Detention	Secure Corrections	Adult Jail	Adult Lockups	Transfer, Criminal Court	Probation
African American	12.4	1.6	2.6	2.9	0.0	0.0	1.4	NA
Latino	37.2	1.2	1.0	1.2	3.0	NA	1.3	NA
Texas	50.0	NA	1.3	1.6	2.0	1.3	1.3	NA

Source: Leiber 2005

For the data found above three localities were used (they are not disclosed in the article). A high index score (above 1) exists for both Latinos and African Americans in Texas at arrest, secure detention, secure corrections and transfer to criminal court. Major differences were found when comparing the two groups' adult jail population as African Americans were found not to be disproportionate while Latinos were 3 times as disproportionate. Unfortunately comparable data did not exist for adult lockups and probation. The research results concluded the differences stemmed from prosecutor's decisions, prior referrals, localities, gender differences and overall a criminal history was the strongest variable on a case. Thus prior delinquent or criminal activity was a key indicator for how deep one goes into the juvenile or criminal justice system. Yet, the human factor of the prosecutor's discretion cannot be negated.

Blumstein (1982) explained that 80% of the actual racial disproportionately in incarceration rates is accounted for by differential offending rates. Thus the more a group is arrested for a crime or taken into custody for a delinquent act the more likely the group is to be a high number of the persons in facilities and prisons. The DMC Index score of 1.6 for African Americans, who consists of 12.4% of the Texas population means there is a higher number of African American youth coming into the system at the point of arrest than their percentage in the general population of the state. The same conclusions can be found with Latinos, as they consist of 37.2% of the state and have a DMC Index score of 1.2. Yet, even with this very profound research of Blumstein, he leaves a caveat that 20% is unexplained and could be attributable to discrimination.

Much support exists in the literature for racial differences in the justice system. Most state race explains differences in incarceration when other variables are controlled (Penn, Greene and Gabbidon, 2006; Gabbidon and Greene 2005; Walker, Spohn and DeLone, 2004; DeJong and Jackson, 1998; Bridges and Steen, 1998; Frazier and Bishop, 1995; and Mann, 1993). A specific example in Texas recently unfolded. Paris, Texas, with a population of 26,000 is known for public lynchings of Blacks in the 19<sup>th</sup> and early 20<sup>th</sup> century (Witt, 2007). Additionally, the schools in the city have been under investigation by the U.S. Department of Education stemming from complaints that school administrative officials disciplined Black students more frequently and harshly than Whites. To add to the cities racial problems recently, it found itself the focus of a national civil rights issue. Fourteen year old Shaquanda Cotton, with no prior arrests was in a dispute with a 58 year old teacher's aide who was not seriously injured in March 2006. Cotton was adjudicated on a charge of "assault on a public servant". The disposition for her case by Lamar county Judge Chuck Sueprville was confinement up to 7 years (until she would turn 21) to

the Texas Youth Commission. Three months earlier the same judge passed disposition on a 14 year old, white girl convicted of arson for burning down the family's house to probation. Due to national outcry Ms. Cotton was released after serving one year in the Texas Youth Commission ( Witt, 2007 and Dyke 2007).

In the year of 2006 the Texas Youth Commission population was 78% minority (34% African American and 44% Hispanic, respectfully) (TYC 2007). A theoretical explanation for this disparity can be found in social disorganization (Shaw and McKay 1942/1969) creating a "truly disadvantaged" (Wilson 1987) population, subscribing to a subculture of violence, specifically a "code of the streets" (Anderson 1994) way of life.

### **Theoretical Explanation**

Penn (2005) uses these three theories to explain the delinquency involvement of minority youth, specifically Black youth in delinquency. Social disorganization explains environmental limitations and neighborhood factors which affect those living in the area. Areas with low social economic status, a mixture of different ethnic groups, highly mobile residents, and broken families and homes create social disorganization (Sampson and Groves 1989). Thus no matter which ethnic group lives in a socially disorganized area there will be high amounts of crime (Shaw and McKay 1942/1969). Although focusing on urban areas in the early 20<sup>th</sup> century they noticed socially disorganized areas had high percentages of European foreign-born immigrants and newly migrated Blacks from the south.

Perhaps today in the 21<sup>st</sup> century and specifically in Texas the population is that of newly immigrated (legal or illegal) Mexican Americans and truly disadvantaged African Americans in urban and rural pockets throughout the state. The truly disadvantaged concept is related to the change from an industrial marketplace for persons with minimal education to a more skill and academic based arena due to the departure of large industry such as factories which paid middle-class wages to its employees. These jobs, now in overseas markets have left communities an economic base. Thus, those that can move do, and when they do they take their status, social networks and benefits with them. Explaining this "tipping point" in which rapid ethnic turnover occurs, Hirschman (1970) argues when people become dissatisfied with the changes in their neighborhood there are three choices available to them. The first is exit in which they move to another area in which they feel more comfortable, usually the move is to a more homogeneous neighborhood. The second is to withdraw from the neighborhood's homogeneous nature thus creating a vacuum which allows for more social disorganization to occur. Finally, voice is exercised. Hirschman defines "voice" as an attempt "to change, rather than to escape" from an undesirable situation (Hirschman 1970, p.30). The more willing a person or group or persons are to a loyalty in the neighborhood the more likely they are to express voice through changing, correcting, or preventing the racial or ethnic turnover (Wilson and Taub, 2006).

What is clear from the literature is that Whites prefer living with other whites more than Blacks preference for living with other Blacks (Clark, 1991). Bobo (1996) found when given a choice Whites were less likely to want to buy a home in an area where the presence of minorities is increasing. The decline of Whites in a neighborhood increased steepest as the Black presence increased followed by Hispanics and least decline occurred with an Asian presence. Blalock (1967) does present findings that if new minority residents bring with them attractive resources such as high income and social status Whites are more likely to stay. Even with this Emerson, Chai and Yancey (2001) conclude that above 15 percent Black residences in a neighborhood has causes Whites not to buy a house in that area, even after controlling for other variables such as crime rate, education, gender, children, and marital status. Furthermore, although the segregation between Whites and Latinos has increased, Whites prefer a moderate presence of Asian and Latinos (Chai and Yancey 2001). Wilson and Taub (2006) conclude there is a positive

relationship between the strength of a neighborhood's social organization and the length of time it takes to reach its tipping point after different racial or ethnic groups begin to move into the area. Conversely lower social organization or complete disorganization creates less voice and a faster exodus.

Often because of their financial ability to move these social buffers (no matter their racial or ethnic background) take along with them voice and leave holes in the social fabric of the town, city, or neighborhood they have left. This leaves the once stable area open for sub-culture values and role model penetration as explained in Anderson's "Code of the Streets." In sum, instead of seeing a business man leave in the morning and return in the evening after completing a day of work the presentation made to a youth in a socially disorganized areas is an undesirable element engaged in illegal activity.

Anderson (1994) deems there are two types of families in the urban areas largely affected by the departure of industry. These families are "Decent" and "Street". A decent family, although living in a socially disorganized area pushes the values and practices of middle class America (i.e. work hard, bonding to family, school, career and future). Conversely, the street family abounds to a belief of violence, fighting and killing for status or having the "juice". Life becomes about "getting over" through illegal means such as selling drugs, gambling, theft, and other delinquent, criminal or sub-culture activities. In his book *Code of the Street*, Anderson (1999) explains the mating game.

...there is a contest going on between the boy and girl... To the young man the woman becomes, in the most profound sense a sexual object... to be won for his personal aggrandizement. ... The young men describe their successful campaigns as "getting over" the young women's sexual defenses  
(Anderson, 1999 p.151)

For the young girl her dreams are framed by listening to popular love songs from a very young age. The dream of a boyfriend, fiancé, or husband living in a nice house, with children in a middle-class American lifestyle is further cemented by television programs presenting White and upper middle class heroes and heroines. The boy knowing the dreams of the young girl presents an image of wanting to "settle down" and being an "upstanding young man". He even window shops with the girl stating: " yeah, I'm going to get you this. Wouldn't you like this? Look at that nice livin' room set" (p.153). All of this to get what he wants. After which he cast offs this aspect of his presentation and reveals his true self (Anderson, 1990).

It is in this street family way of life one's status is determined by anti-societal norms rather than the more traditional criteria of school success, organizational involvement, and bonding to the community (Penn 2005). This practice can easily lead to adhering to and following a sub-culture life-style which may lead to delinquency, anti- school feelings, unwanted pregnancy and gang involvement (see Chapter 12).

Findings on Texas juveniles in the juvenile system reveals a mired of problems stemming from social disorganization, sub-culture and being a truly disadvantaged population as explained above. Coyle (2003) summarizes 74% had school problems such as failing a grade or dropping out completely; 49% had a family member with a history of criminal activity or incarceration, suspected gang activity, or know by police to be in a gang; 32% used alcohol or drugs frequently; 22% were assessed to have mental health of retardation issues; and 20% had no contact with either parent, two or more changes or residence in the prior year, and/or prior contact with a child protection agency.

### **Latino Issues**

Although Hispanic is the often used term to describe the group of people who fall into this ethnic group Latino appears to be the most preferred term in response to the government-

imposed classification Hispanic (Oquendo 1995). Recently the U.S. Census began using Hispanic and Latino interchangeably. Today there are over 42 million Latinos in the United States making them the fastest and the largest minority group (U.S. Census 2006). In August of 2007 Harris County which encompasses Houston, Texas the fourth largest city in American has more Latinos than Whites. There were 1.48 million (38.2%) Latinos in Harris County as compared to 1.44 million whites (36.9%) according to United States Census Bureau estimates (Pinkerton and Hanson 2007).

Citron provides specific justice issues related to Latinos which compound environmental and race issues. First it must be stressed that Latinos are not considered a race but rather an ethnicity composed of peoples of “Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race” (Grieco and Cassidy 2001 p. 2). In Texas Latinos consists of 35% percent of the population. The countries of origin include 88% from Mexico; 7% other Latino Countries; 3.8% Central and South American countries; .8% Puerto Rican; .3% Cuban; and .1% Dominican (National Council of La Raza 2007).

Understanding this group as a heterogeneous category is important as the needs of Mexicans in Texas differ from Puerto Ricans in New York. Since Latinos can be of any race, must often the practice, including in Texas is to include them in the “White” category. The result is an inflation of white numbers and overrepresentation of Latino numbers. When data is collected the finding around the country as in Texas according to the DMC Index presented above there is disproportionality. Finally, Cintron (2005) states the justice system must address issues related to the Latino population. These include growth in population, age of the Latino population, low educational attainment, immigration related limitations, acculturation, poverty, language adaptation, and discrimination.

### **Summary**

The make up of those committed to the Texas Youth Commission as well as other youth involved in the juvenile justice system is overwhelmingly minority. This is not to say non African Americans and Latinos do not commit delinquent acts; rather these two racial/ethnic groups are disproportionately involved according to their DMC Index Scores throughout the juvenile justice system. Research throughout the country indicates DMC is not unique to Texas but a phenomenal that has attracted the attention of Office of Juvenile Justice and Delinquency Prevention for decades. A theoretical foundation to explain African American and Latino overrepresentation in the juvenile justice system is one in which environment is considered, what way of life the environment presents in the form of morals, values, and realities and finally how the individuals in that environment adapt and cope. Perceived limitations in opportunities, lack of skills and abilities to compete in the marketplace leaves a population disadvantaged and produces a sub-cultural life-style in which violence, crime, disrespect for authority and anti-mainstream practices and beliefs become the norm for behavior and actions.

### **Critical Review Questions**

1. What part does a youth’s neighborhood have on being delinquent?
2. Why are Latinos do disproportionately involved in the Texas Juvenile Justice System?
3. Does the *Code of the Streets* theory apply to youth in suburban and rural areas of Texas?

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