Chapter 9. Prevention and Diversion of Delinquency in Texas

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Introduction

The total prevention of juvenile delinquency is impossible because of personal choice, life events, risk-factors and societal definitions. Control or reduction of juvenile delinquency is possible Juvenile delinquency prevention is at the very nucleus of the original juvenile justice system's founding and is still a part of its purpose (Cox, Conrad, Allen and Hasner 2008). Pre delinquent involvement or primary prevention can have the most significant effect because it works to prevent delinquent associations and tendencies before they occur. Thus this chapter will use as its theoretical bases social bond theory as it looks at what works and why for the Texas specific juvenile population.

Social Bonding and What Works

In an attempt to prevent juvenile delinquency a useful theoretical foundation is social control theories because it asks: "Why people obey rules" (Hirschi, 1969 p.10). This powerful question focuses on social bonding and why people follow norms and laws as oppose to the standard question of: why do people break the law or commit delinquent acts? Following rules and norms is articulated in the work of Hirschi (1969) when he stated there are four elements or dimensions governing youth's behavior: attachment, involvement, commitment and belief. Of these the most important is the attachment youth have to parents, friends, role models and positive institutions such as schools and clubs (Hirschi 1969; Williams and McShane 2004). Thus, the importance of bonding to education as will be discussed below. Social bonding has been tested repeatedly and continues to be a well supported theory. Its popularity lends support to preventive programs such as positive social clubs, 4-H Clubs, Boy and Girl Scouts, Little League baseball, YMCA and YWCA programs and mentoring. The philosophy behind such popular prevention programs is that the involvement of the youth in positive activities and around positive people will foster conventional commitments and beliefs that stress American values of hard work, tenacity, goals, deferred gratification, and playing by the rules (Williams and McShane 2004).

What Does Not Work

Through years of study in juvenile delinquency prevention it is clear there are a number of programs that do not work. Greene and Penn (2006) in their analysis of the literature found the following programs were in ineffective in reducing juvenile delinquency and crime:
- ❖ Curfew Laws
- ❖ Scared Straight Programs
- ❖ Boot Camps
- ❖ Punishment in Adult Facilities
- ❖ Out of home placement
- ❖ Drug Abuse Resistance Education (DARE)
- ❖ Confinement in large correctional Faculties
- ❖ Zero Tolerance Policies

In general ineffective programs are those that use general deterrence with a "one size fits all" approach. Often falling under a "get tough" philosophy they are based on punishment rather than identifying, addressing and correcting risk factors found in the individual, family, peer group, school, and neighborhood (Greene and Penn 2006).

What Does Work

The science of juvenile delinquency prevention involves placing more protective factors over risk-factors. Krisberg (2005) provides an understanding of this concept. He identified four major categories of risk-factors including: community, family, school, and the individual/peer group. In essence: " extreme economic deprivation, family management problems, family conflict, early and persistent antisocial behavior and early academic failure are power risk factors for virtually all types of adolescent problem behavior." (Krisberg, 2005, p.130). The positive factors to combat the risk factors fall into a social development strategy of social bonding that youth can be insulated from risk factors by holding healthy beliefs and engaging in pro-social behaviors and being around individuals, community institutions and peer groups that hold these views. The more youth are around these positive factors and influences the less chance they will be attracted to negative and antisocial groups such as gangs (Krisberg, 2005).

In areas demonstrating social disorganization these positive factors are often lacking. For those living there constant barriers exist for these positive relations. Whites as well as other groups live in socially disorganized areas. The issue is that Blacks and Latinos are disproportionately found in these areas in the state of Texas. Thus a focus will be on Blacks and Latinos educational involvement, as the lack of bonding to education is one of the strongest indications of future delinquency.

Black and Latinos and Education in Texas

As discussed earlier Blacks and Latinos are disproportionately involved in the Texas Juvenile Justice System. The lack of bonding to schools is a strong risk-factor leading to future delinquency and criminal activity. Thus reviewing issues related to Blacks and Latino academic achievement is directly related to prevention of juvenile delinquency in Texas.

Academic achievement for Black and Latino students goes far beyond the notion that they are not trying, they are unmotivated, or that they just do not care about education. They are a myriad of factors that may contribute to the widening achievement gap between Black and Latino students and White students. Furthermore, the dropout for minority students is also alarming. A 2006 report by *Quality Counts*, which examined scores on the National Assessment of Educational Progress (NAEP) from 1992 – 2005, showed that "although student achievement in general had improved, the gap between African American and Hispanic students compared to White students remains very large" (Nieto & Bode, 2008, p. 12). In other words, Black and Hispanic students are doing better in school but they still lag behind their White counterparts. In Texas the Intercultural Development Research Association estimated 40 percent of high school students drop out before graduation. That translates into more 90,000 students per year; with a disproportionate number of these students are Black and Latino (Valenzuela 2005).

Drop Out Rate Dilemma

While some may agree that the education of Black and Latino students has improved, the dropout rate for these students is still a concern. According to Nieto (2004), dropout rates are "the

most extreme manifestation of disengagement from schooling" (p. 112). Persell (2007) offers that the most prominent reason that students fail to continue their education is because of their experiences in school.

In a 2000 study by the National Center for Education Statistics (NCES), the dropout rate for "Hispanic" students age 16-24, born outside of the United States was 44.2% (Kaufman, Alt, & Chapman, 2001). Furthermore, the dropout rate for those "Hispanics" born in the United States was 30.5% (Kaufman, Alt, & Chapman, 2001). In addition, the dropout rate for Black students age 16-24 was 13.1% (Kaufman, Alt, & Chapman, 2001). The study further explains that in 2000, "the status dropout rate for Whites…remained lower than the rates for Blacks… (Kaufman, Alt, & Chapman, 2001, p. v). What is more shocking is that results of the same study revealed that young adults living in families with incomes in the lowest 20 percent were six times as likely as their counterparts from families in the top 20 percent to drop out of high school (Kaufman, Alt, & Chapman, 2001).

The Underachievement Crisis

In order to address this issue, educators must understand the key factors that affect the academic achievement of students. According to Nieto and Bode (2008), "student achievement is directly related to the conditions and contexts in which students learn"
(p. 13). These conditions and contexts can be defined by a number of structural factors that affect student achievement. While there has been a number of studies examining the lack of achievement of specific minority groups (Banks & Banks, 2007), the need to understand the influences of structural factors on the education of these students remains at the forefront of the education field. Explanations for why schools fail minority students are widely varied according to Ladson-Billing (as cited in Banks & Banks, 2007). Three such prominent structural factors that undermine the academic success of Black and Latino students are the cultural mismatch of the school and home culture or cultural discontinuities (Nieto & Bode, 2008), teacher expectations (Chisholm, 1994; Pena, 1997; Nieto, 2004), and school practices such as tracking and standardized testing (Banks & Banks, 2007).

Home and school cultures

The culture of the student plays a vital role in the education of the student. Nieto & Bode (2008) underscore this statement with the assertion that the harder that students work to resist complete assimilation into the mainstream culture, while maintaining ties to their ethnic and linguistic culture, the "more successful they will be in school"
(p. 330). However, in some classrooms environments this is not always the case because the school culture is very different than the home culture of the student. Noted researcher Nieto (2004) offers that the lack of congruence between the home and school culture of students present a plethora of problems for students of marginalized groups. In other words, when the educational system and all that it entails does not take into account the rich cultural aspects of its students, the system devalues the students and all that they bring to education. Failure to incorporate the cultural experiences of minority students into classroom curricula and activities often leads educators to label such students with learning or behavioral problems, thus setting off a chain of events and situations that lead to the academic failure for the students (Kornhaber, 2004).

Teacher expectations

The most familiar term to describe teacher expectations is self-fulfilling prophecy (Nieto, 2004). The term was first coined in 1948 by Robert Merton to mean that students will perform exactly the way in which teachers expect (Merton, 1948). Nieto (2004) also adds that "student performance is based on both overt and covert messages from teachers about students' worth, intelligence, and capability" (p. 46). Thus, the subtle "little" messages or actions of teachers influence the performances of students. It is unfortunate that sometimes these messages are negative, thereby setting the student or students up for failure. This failure could lead to lifelong struggles with unemployment, poverty, and limited educational advancement.

School practices

Two of the most prominent school practices that offer the greatest influences on student academic success are tracking (ability grouping) and standardized testing (sometimes referred to as high stakes testing). Both of these structural factors have the propensity to shape students' self-esteem and expectations regarding school performance (Persell, 2007).

The use of standardized testing has impacted the academic success of Black and Latino students. According to Persell (2007), high-stakes testing has been used to assign students to educational tracks, determine if a student is promoted to the next grade, or determine whether a student graduates or not. This statement is underscored by recent research of Texas schools. In the state of Texas "the introduction of state wide testing measures in the late 1980s was accompanied by a sharp increase in dropout rates for Black and Latino students" (Suárez-Orozco, Suárez-Orozco, & Doucet, 2004, p. 421). As teachers began to change teaching methods and curricula to "teach to the test", some students were lost along the way. Perhaps more importance was placed on assessment rather than helping students to excel in all areas.

What can be done?

To begin to address the dropout rate among Black and Latino students, as well as, decrease the achievement gap between Black and Latino students and White students, the following suggestions are offered:

- Strong teacher education programs should incorporate field-experiences in diverse settings so that pre-service teachers will gain an understanding of different cultural groups.
- School curricula should be culturally responsive as a step to bridge the gap between home and school culture (Ladson-Billings, 2007).
- Re-evaluate the use of one assessment instrument to promote educational equity. "…good tests balanced with good classroom-level assessment can contribute helpful information about students and educational systems (Kornhaber, 2004, p. 103).
- Educators must start by identifying at-risk student at an earlier age to offer a variety of services to address the at-risk behavior.
- Involve parents and community partners in the education of and activities for students so as to create a true connection among those who have a vested interest in a child's education.
- Seek and demand a commitment from state and community agencies to do their parts (Educational Benchmark Series, 1998). Therefore, policymakers will have a greater

understanding of how certain laws and or mandates affects not just the child but other stakeholders as well.

- Finally, it is very important to create a philosophy among everyone intimately connected to the education of a child that failure is not an option.

With Black students being twice as likely to drop out of school as compared to White students, and "Hispanic" students are three times as likely to drop out as Whites (Educational Benchmark Series, 1998), it is incumbent upon all of us to schools do not become the killing fields of the spirits of children. We must be held accountable to these children to ensure that they feel worthy of the rich education that they so deserve.

Female Delinquency and Prevention

Historically, juvenile female offenders have long been a small minority population and consequently underserved in the juvenile justice system. Research indicates that between 1988 and 1997 juvenile female offenders were detained during pre-trial at twice the rate of juvenile male offenders, 65% to 30% respectively (Dohrn, 2004). A growing concern is the exponential increase of offenses committed by females and the use of pre-trial detention and residential placement for these female offenders.

Doubts about the efficacy and therapeutic effects of out-of home-placement created a debate on the use of alternative dispositions in the juvenile court. Snyder (2000) of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) reported that the juvenile arrest rate for female offenders increased 35% between 1980 and 2000. In addition, 28% of all arrests in 2000 involved a female offender, compared with 19% in 1990 (Snyder, 2000), nearly a 50% increase. Redding (1999) reported that arrest rates for juvenile females accused of committing violent crimes such as robbery, arson, aggravated assault, larceny, and manslaughter increased well over 60% between 1987 and 1999. Despite these facts, little of the available knowledge and funding has been applied to developing programs and effective interventions designed to reduce or prevent female delinquency and reduce recidivism (Lipsey, 2005; Owen, Bloom, & Covington, 2004; Sondheimer, 2001).

Recent research has shown that the effects of proportionate correctional interventions for girls in the juvenile justice system can advance crime control and rehabilitation policies (Fagan, 1996; Gibbons, 1986; Lipsey, 1992). Lipsey (2005), who is considered a leading expert in the area of program evaluation for juvenile residential programs, suggests that little is known about the effectiveness of programs for female offenders, and thus, more meaningful research needs to be conducted.

The limited number of studies on female juvenile delinquency is due in part to the disproportionate amount of crime and delinquency committed by their male counterparts. Furthermore, since the literature indicates that the likelihood of female involvement in serious and violent crime is much less than that of male offenders, (Owen & Bloom, 1999) a research focus on the subject may not be a priority. Research in criminology has been more concerned with the youthful male offender, although national statistics indicate a serious rise in female arrests and delinquency (Dohrn, 2004; Poe-Yamagata & Butts, 1996). In view of this fact, the need for more empirical research to help explain this phenomenon is critical.

Concerns about collecting empirical data on juvenile female populations in probation departments exists nationwide, and statistical and demographic data collections have been adversely affected by the lack of standardized methods and terminology (Shelley, Shick, & Stein, 1997). Previous research has concluded that demographic variables and offense histories have been significant predictors of recidivism. Therefore, understanding these background factors help

to interpret the trajectories of delinquent youth (Loeber, Farrington, Stouthamer-Loeber, & Van Kammen, 1998).

There have recent been efforts to address the "black box" or lack of information in the literature concerning the effects of out-of-home placement and alternative dispositions for adjudicated female offenders in reducing their recidivism. In 2006, a study in Harris County, Texas examined the problem of placement in reducing juvenile female recidivism in Harris County, Texas from 1996 to 2001. Recidivism is defined by the Harris County Juvenile Probation Department (HCJPD) as the subsequent adjudication for another offense of equal or greater severity.

Findings from Residential Placement

Pirtle (2007) provides information on residential programs contracted by the Harris County Juvenile Probation Department for female youth adjudicated delinquent in a large urban jurisdiction (Harris County, Texas) and examined the effect of these programs on subsequent offending. The researcher discussed descriptions of the various program components, offense histories, and socio-demographic variables of adjudicated female offenders and analyzed the relationship of these factors to recidivism. Previous research has concluded that demographic variables and offense histories have been significant predictors of recidivism. Therefore, understanding these background factors help to interpret the trajectories of delinquent youth (Loeber, Farrington, Stouthamer-Loeber, & Van Kammen, 1998).

Current research describes the young female offender as: (a) being 14 to 16 years old, (b) having grown up poor and in a high crime neighborhood, (c) likely to belong to an ethnic group, (d) having a poor academic history, (e) drop out, (f) experiencing abuse or exploitation, (g) being an abuser of drugs and/or alcohol, (h) having unmet medical and mental health needs, and (i) feeling that life is oppressive, and lacking hope for the future (Mullis, Cornille, Mullis, & Huber, 2004, p. 205).

The existing literature on female juvenile offending and recidivism indicates female offending usually begins as a result of physical, mental, and sexual abuse. Furthermore, female offenders are perceived to be more in need of supervision based on the paternalistic bias of the juvenile justice system. However, the literature indicates the need for more empirical research on this controversial issue.

There is consistency in the research purporting that several critical factors predict the likelihood of re-offending among youthful female offenders. These socio-demographic offense related factors include, but are not limited to: gender, race, age of first referral, and prior referral history. In spite of this, the literature makes several suggestions on "what works" for the successful reintegration and recidivism reduction for adjudicated female offenders. These suggestions include short term placement in juvenile boot camps and other out-of-home custody programs, extended placement in treatment rehabilitative-vocational programs, and non-custodial dispositions that focus on specific female developmental and emotional issues.

Female offenders can be subjected to a number of court rulings, which are also known as outcomes or dispositions when they appear in juvenile court. These include petition dismissal, deferred prosecution, probation, parole, and in some instances removal from home and placement in a residential institution or other juvenile program (Snyder & Sickmund, 1995). However, very little information is collected regarding dispositions or relative success of the court's decision. As of 1999, only 50% of all states reported tracking basic recidivism outcomes for programs serving their juvenile population (Winokur, Tollet, & Jackson, 2002). Part of the reason for this

lack of nationwide data collection is the absence of a nationally centralized juvenile justice system.

The Harris County study concluded: (1) recidivism for female offenders varied according to placement or service type. More than half of all females placed in an out- home-facility committed a new offense of equal or greater severity than the previous offense within eighteen months of discharge from placement; (2) the majority of female offenders in this study received non-placement probation and they recidivated at a much lower rate than female offenders who received any other type of placement; and lastly, (3) predictors of recidivism varied according to service type, but a female offender was more likely to recidivate if her first referral was a misdemeanor offense, if she was African-American, and if she was placed in a secure facility.

More specifically, the researcher discovered that 54.9% of the female offenders in the sample had no new adjudications, 10.2 % received new adjudications for offenses less severe than the original adjudication, and 34.9% received a new adjudication for an offense more severe than the original adjudication. Female offenders placed in secure placements (boot camps) had significantly greater rates of recidivism than those placed in residential treatment programs. These findings are supported by the literature that report significantly higher rates of recidivism for both boot camps and therapeutic programs whereby 50% to 70% of female offenders recidivate within two years of release (Fagan, 1996; Krisberg, 1997).

Residential treatment facilities are non-secure facilities that normally require longer lengths of stay (six months or more) and more intense rehabilitation services that may include sexual abuse therapy, substance abuse treatment, and counseling. According to a report completed by the Placement Services Division of the Harris County Juvenile Probation Department (2005), the average cost per day for placing a female offender in an out-of-home facility range from $82 to $204 per day and the average length of stay ranges from four to six and a half months. In 2004, the department spent $4,440,000.00 on private placement for juvenile offenders from Harris County, and more than 75% of those funds were for female offenders.

A difference in recidivism was found between adjudicated females placed in out-of-home programs such as boot camps or residential treatment facilities and those who received non-placement probation. Those placed in either type of facility had significantly greater rates of recidivism than those who received alternative dispositions, such as probation. Wooldredge (1988) reported that shorter periods of supervision, usually less than one year and stays in detention less than two months, were closely associated with the likelihood of increased recidivism, while longer periods of community-based intervention resulted in reduced recidivism. Lecroy, Ashford, Krysik, & Milligan (1997), as cited in an Arizona (2002) study, found that appropriate community based treatment produced stronger effects on recidivism than institutionalization, thus concluding that community-based treatment is more effective than placing youth in institutions, as long as the treatment is appropriate and extensive.

There is a difference in recidivism between the two groups when compared by disposition or service type. Female offenders, who received probation and were returned to the custody of parents (69.1%), father (66.7%), mother (68.3%), and Children's Protective Services or other (70.2%) recidivated almost 70% of the time. Therefore, there is not a significant difference between these groups on recidivism rates. However, youth who received placement in boot camps had significantly higher rates of recidivism than other types of placement.

A recidivism rate of 30% or less is viewed as success in terms of recidivism reduction by most researchers (Little Hoover Commission, 1995). This study concluded that when using the Harris County definition of recidivism, 62% of female offenders adjudicated in Harris County, Texas did not recidivate, thus indicating 38% did recidivate. These findings are promising in light of the national statistics that indicate male and female recidivism is extremely high, often 75% to 80% recidivate within the first year of release from placement (Fabelo, 1995). It appears that the department has done an excellent job in screening youth for proper placement. The

evidence is clear that placing youth in out-of-home facilities is extremely expensive. Although the recidivism rate for youth placed in this county is not as high as the national average, it is imperative that more nonrestrictive measures be used to decrease re-offending among. It may be more beneficial and cost effective to offer preventive services, thus eliminating the need for costly rehabilitation, treatment and correctional programs that may or may not be successful in reducing future criminal involvement.

Being a member of an ethnic group was shown to increase the likelihood of re-offending. African-American and Hispanic female offenders are placed in programs that are often not designed to address racial and cultural issues pertaining to these groups. It is extremely important that residential programs used by the Harris County Juvenile Probation Department address these concerns by recruiting minority staff and those professionals who have academic and practical experience working with diverse populations. It is also of extreme importance that agencies contracted through the department be responsible for maintaining similar standards.

Results indicate that placement in a facility was significantly related to increased risk of re-offending. These findings support the argument made for more preventive services aimed at diverting youth from the juvenile justice system. Age of first referral was found to be a significant predictor of recidivism so there is much to be said about providing services to the adolescent age female population. If services are provided that address issues related to delinquency at an earlier age, then the system will be less inclined to use out-of-home placements as a remedy to reduce recidivism or provide supervision to youth otherwise deemed a threat to re-offend.

Summary

The science of delinquency prevention in Texas has many new findings and areas to explore. Statewide agencies and institutions of higher education are working to take national findings and implement them into the Texas youth population. The lack of bonding to school and improving educational outcomes is an area receiving wide-spread attention, especially for African American and Latino youth. Issues of culture, achievement, testing and practices are being researched in order to make programs fit the needs of youth rather than "one size fits all" fixes. As female delinquency becomes more prevalent and violent Texas agencies must be prepared for the possible influx and too must create programs female focused, especially in reference to issues such as abuse and neglect. Overall early and user appropriate intervention is an effective method of preventing delinquency and overcoming dominate risk factors.

Critical Review Questions

1. Think about your life, what were the dominant protective factors in your life? What were the risk factors?
2. With Texas being such a multicultural state what should education officials do to make sure students are ready to succeed in the job market?
3. Why should agencies such as the Texas Youth Commission and Texas Juvenile Probation Commission focus on female delinquency when they are such a smaller percentage of the over all juvenile delinquency problem as compared to males?

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