



Institutional misconduct among juvenile offenders serving a blended sentence

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1. Introduction

Violent crime committed by juveniles remained relatively constant from 1980 to 1987, but then climbed nearly 70% between 1987 and 1994 (Sickmund & Puzzanchera, 2014). Citizens, law enforcement, and elected officials had become increasingly alarmed at the rapid growth of violence in their communities attributed, at least in part, to a lack of significant consequences for youth adjudicated under juvenile court procedures. Consequently, legislatures across the nation began passing and expanding transfer laws making it easier to funnel more juveniles into adult criminal court (Austin, Johnson, & Gregoriou, 2000; Parent, Dunworth, McDonald, & Rhodes, 1997; Perry, 2006; Steiner, 2007). Transfer laws in some states resulted in a “blended” sentencing approach that permits juveniles to serve the first portion of their sentence for serious and violent crimes in a juvenile correctional facility prior to completing the remainder of their sentence in an adult prison (Steiner, 2007; Trulson, Haerle, Caudill, & DeLisi, 2016). Following implementation of these laws, although not directly attributed to them, the rate of violent crime arrests among juveniles plummeted by 55% between 1994 and 2010, the lowest rate since 1980, and homicides by juveniles declined by 67% (Hockenberry & Puzzanchera, 2017; Sickmund & Puzzanchera, 2014; United States Department of Justice, Federal Bureau of Investigation, 2017).

Currently, all states have procedures to transfer juveniles to adult criminal court for the most serious and violent crimes either through judicial waiver, prosecutorial discretion, or statutory exclusion laws (Griffin, Addie, & Adams, 2011; Hockenberry & Puzzanchera, 2017). In 1994, Oregon voters passed ballot Measure 11, a statute specifically targeting extremely serious and violent crimes, which resulted in juveniles committing certain crimes being automatically transferred to adult criminal court (Criminal Justice Commission, 2011).¹

While a significant number of youth, nearly 3000, bypassed typical juvenile court procedures and were transferred to adult courts nationwide for adjudication in 2014 (Hockenberry & Puzzanchera, 2017), research on this process has primarily focused on the characteristics of those transferred and variables correlated with the transfer decision. Less attention, however, has been paid to the aftermath of the transfer

decisions when these youths are incarcerated (DeLisi et al., 2010; Kolivoski & Shook, 2016; Kuanliang, Sorensen, & Cunningham, 2008; Trulson, 2007; Trulson et al., 2016; Trulson, DeLisi, Caudill, Belshaw, & Marquart, 2010; Trulson, Haerle, DeLisi, & Marquart, 2011).

The purpose of blended sentencing is to ensure that the most serious and violent juvenile offenders are incapacitated, but also offered additional rehabilitation opportunities to reduce future recidivism (Trulson et al., 2016). Youths incarcerated under a blended sentencing scheme for serious and violent crimes constitute the “deep end” of juvenile offenders with less chance at reformation and steering clear of the adult criminal justice system (Trulson et al., 2016). Although some of these incarcerated juvenile offenders avoid disciplinary violations, incarceration provides a new context for continued engagement in misconduct and persistent criminal offending, consistent with career criminal research and the developmental/life course importation perspective (DeLisi, 2003, 2016). This model focuses on continuity in offending from the streets to a custodial setting with little interruption. Such a view emphasizes rule violations and criminal behavior in custody as an extension of criminal conduct through minor and serious institutional rule violations against persons, property, institutional order and security (DeLisi, 2003; Trulson et al., 2010). DeLisi (2003, 2016) postulates a pattern of life stages with groups of criminals identified by the extent of stability in offending across contexts, especially for a subset of career criminals that show no desistance in criminal behavior during periods of incarceration. Empirical evidence supports this model in explaining adult inmate heterogeneity in prison misconduct as well as prosocial behaviors (Cihan, Davidson, & Sorensen, 2017; Cihan, Sorensen, & Chism, 2017; Cochran, 2012; Cochran & Mears, 2016; Morris, Carriaga, Diamond, Piquero, & Piquero, 2012). Emerging research on juveniles incarcerated under a blended sentencing formula, but released prior to entering adult prison, has shown pre-incarceration life history and institutional misconduct to be correlated with recidivism (Caudill & Trulson, 2016; Trulson et al., 2010; Trulson & Caudill, 2017; Trulson, Caudill, Haerle, & DeLisi, 2012). Absent from research on this population are any investigations demonstrating patterns of stability, escalation, and de-escalation that might establish the existence of unidentified and important patterns in

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¹ Measure 11 originally targeted 16 crimes, but amendments led to the inclusion of 22 crimes relating to assault, homicide, attempted homicide, robbery, and sex offenses.

the expression of youth misconduct while in custody. Studying variations in the pattern of misconduct among youths serving a blended sentence in a juvenile facility has important theoretical and practical application to understanding the developmental course of institutional adjustment and subsequent recidivism.

The current study of juvenile offenders is guided by the developmental/life course importation model and studies confirming that inmate populations are not homogeneous, but rather are comprised of distinct groups of youths that can be identified by their trajectories of misconduct observed during periods of confinement (Cochran & Mears, 2016; Trulson et al., 2016). Building on available research, this study investigates the progression and correlates of disciplinary infractions among juveniles serving the early portion of a blended sentence in the Oregon Youth Authority (OYA) prior to release or transfer to an adult prison.

1.1. Institutional behavior of juveniles incarcerated under a standard sentencing scheme

Only a small number of studies have examined the correlates of institutional misconduct by delinquent youths not subject to blended sentencing, and concluded that youth with the most serious and widespread delinquent histories were at significantly higher risk for institutional transgressions. A wide range of risk factors found to contribute to institutional misconduct include: violent crimes and gang involvement (MacDonald, 1999; Poole & Regoli, 1983; Trulson, 2007), serious, violent, and early onset chronic delinquency (Loeber & Farrington, 2012; Thornberry, Huizinga, & Loeber, 2004; Trulson, 2007), early life trauma and elevated need for mental health care (DeLisi, Drury, et al., 2010), low self-control, race, and age (DeLisi et al., 2010). DeLisi, Trulson, Marquart, Drury, and Kosloski (2011) evaluated over 2500 institutionalized male delinquents, concluding that youths with more extensive family dysfunction and pre-incarceration delinquent behaviors were at greater risk for engaging in institutional misconduct. Age was inversely predictive of four types of misconduct, which is one of the most consistent findings in studies of adult inmate misconduct (see Schenk & Fremouw, 2012), and among juveniles in adult prisons (Kuanliang et al., 2008).

Trulson (2007) conducted the most extensive empirical research study identifying factors related to rule violations among state-committed delinquents. Utilizing a sample of nearly 5000 state-committed delinquents released from custody, the findings revealed that more than half constituted an “institutional danger” by virtue of assaulting staff or other youths, or having been found in possession of a weapon at least once during incarceration. Predictors of more serious institutional misconduct included the demographic variables of male gender, non-White race, and pre-incarceration gang influence, as well as a more extensive delinquent history beginning earlier in life and consisting of more serious criminal behavior. Gender differences in offending were apparent in his study, with few variables emerging as significant or consistently informative predictors of misconduct among females.

1.2. Institutional behavior of juveniles incarcerated under a blended sentencing scheme

A series of recent studies by Trulson and colleagues investigated the effects of a blended sentencing scheme on institutional misconduct among juveniles convicted of serious and violent crimes, and housed in the Texas Youth Commission (TYC) before transfer to adult prison (or release on adult parole) at the age of 21 (Caudill & Trulson, 2016; Trulson et al., 2010; Trulson et al., 2012; Trulson et al., 2016; Trulson, DeLisi, & Marquart, 2011). These studies primarily examined demographic, delinquent, and pre-incarceration social history predictors on institutional misconduct, and related effects on recidivism rates upon release.

Consistent with the career criminal and developmental/life course

importation models, Trulson et al. (2010) found that juveniles with more extensive dysfunctional and delinquent backgrounds engaged in a greater degree of institutional misconduct, particularly assaultive acts and other offenses commensurate with a penal code violation. For example, over 70% of these youths engaged in assaults on other wards, and nearly a quarter of the most incorrigible youth assaulted staff. Delinquent history variables more often distinguished those committing major misconducts, including assaults, as opposed to social history determinants. Specifically, younger age at commitment, greater number of previous adjudications, gang affiliation, more out of home placements, and other serious person or property offenses distinguished juveniles engaged in both major and minor categories of misconduct. Only two social history variables, substance use and chaotic home environment, were associated with major misconducts. The fact that delinquents in the study had an opportunity to be paroled directly from juvenile facilities through a discretionary hearing, rather than being transferred to adult prison, did not appear to influence the behavior of the most hard-core youths among them. For many the realistic threat of adult imprisonment in the near future did not deflect their trajectory of misconduct. Such continuity in offending emphasizes both the importation model and a developmental/life course career criminal paradigm (DeLisi, 2016; DeLisi & Piquero, 2011).

Trulson et al. (2016) directed the most comprehensive empirical analysis of blended sentencing on over 3000 youth incarcerated in the TYC during 1987 through 2011. Their study examined a wide range of importation-derived risk factors, including demographic, family, social, and delinquent histories, as pre-confinement predictors of institutional misconduct. The most frequent and prevalent violation in the study (84%) involved disruption of the program. Four out of ten committed violent acts against other juveniles, while a quarter engaged in assaults resulting in injury.

The seriousness of the conviction offense in the Trulson et al. (2016) study was not clearly associated with an increased level of institutional misconduct (see Reidy, Sorensen, & Cunningham, 2012). For example, youths convicted of capital murder or murder had among the lowest mean number of incidents (17 and 21 respectively), whereas those convicted of aggravated robbery yielded the greatest mean number of events (40 incidents). Predictors of institutional misconduct were examined using two outcomes, one being the total frequency of misconduct and the other a binary outcome indicating whether offenders engaged in any misconduct. Out of 26 predictors of misconduct, 14 were significant in the model predicting the frequency of misconduct; 10 were significant in the binary model, and eight in both models. Consistent with prior studies, age was the strongest predictor, with the youngest juveniles committing more misconduct (Kuanliang et al., 2008; Schenk & Fremouw, 2012). Greater risk was also associated with mental illness, sexually deviant or suicidal behavior, and prior out of home placements. The overall findings demonstrated wide variation in rule violating behavior, with the largest number of youths “signaling” a continuation of their criminal behavior through noncompliance with institutional rules.

Prior studies have examined the seriousness, prevalence, and frequency of misconduct among incarcerated juveniles, but not the progression of developmental trajectories of misconduct unfolding over the course of time. Moreover, many of the previous studies of state-committed juveniles and those incarcerated under a blended sentence scheme were based on one large southern state juvenile correctional system (see Trulson et al., 2016). While findings from previous studies have resulted in a greater understanding of institutional misconduct among serious and violent delinquents serving a blended sentence, additional research on this group relying on trajectory analysis to illuminate trends in misconduct from another jurisdiction is warranted.

1.3. The current study

A large body of research has identified the causes and correlates of

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