



The hazards of premature release: Recidivism outcomes of blended-sentenced juvenile homicide offenders



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ABSTRACT

Purpose: This study explored the deep-end juvenile sentencing structure of blended sentencing by examining correlates – pre-incarceration social and delinquent backgrounds and institutional behavior outcomes – of serious recidivism among a large sample of juvenile homicide offenders.

Methods: This study reports on the ten-year survival analysis of 221 juvenile homicide offenders committed to juvenile incarceration under Texas' blended sentencing structure. Serious recidivism was operationalized as a felony arrest and the Royston–Parmar model clustered the resulting coefficients by subjects' race classifications.

Results: The majority of juvenile homicide offenders were rearrested for a felony offense within 10 years post-incarceration. Net a number of control variables, three institutional metrics significantly increased the risk of felony recidivism among the cohort of juvenile homicide offenders. A history of assaultive behavior toward correctional staff and elevated observed program disruption scores correlated with greater recidivism risk, while longer time incarcerated was correlated with lower risks of recidivism.

Conclusions: Findings reported here suggest a degree of continuity between institutional behavior and recidivism outcomes among these young adult offenders. The insulating effects of longer incarceration periods against serious recidivism and diminished recidivism risk during the final years of the study provide the basis for theoretical and policy implications.

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1. Introduction

Roughly two-decades ago, state legislatures across the nation were in fire-sale mode when it came to serious and violent delinquent offenders. Indeed, a wide variety of judicial and legislative schemes were adopted to purge the juvenile justice system of certain serious and violent delinquents. As a result of myriad changes and shifting priorities over the last several years, however, these same types of offenders are now becoming more and more prevalent in juvenile justice systems across the county. The result has been an increasing concentration of seriousness among juvenile justice populations. The concentration of seriousness is perhaps no more evident than in deep-end juvenile placements, such as state level juvenile correctional facilities.

The perspective of concentrated seriousness in juvenile correctional facilities is not to suggest that sheer increases or qualitative changes in the nature of juvenile offending have fueled the concentration. Indeed, juvenile arrests for serious and violent crimes have plummeted since their peak in 1994 (with a temporary increase in 2004–2006). Moreover, there are thousands fewer delinquents incarcerated in state level

public and private facilities today than just a decade ago. Yet despite large declines in arrests and juvenile offenders incarcerated, serious and violent juvenile offenders account for a greater proportion of offenders in residential juvenile placements today than they did in the previous two decades, at the height of the juvenile crime and incarceration boom. Serious and violent delinquents also make up the largest group found in deep-end juvenile justice system placements (see, for example, Puzanchera, 2013; Sickmund & Puzanchera, 2014).

While there is a lack of systematic empirical data to fully unpack and quantify changes in the concentration of seriousness in juvenile justice systems, there are changes signaling its occurrence beyond the broad national level findings (previously noted). Indeed, recent efforts have modified *who* or *who does not* become subject to correctional facility placements in the juvenile justice system and these efforts have naturally concentrated seriousness. These have included efforts at reducing disproportionate minority confinement, alleviating budgetary challenges by reducing the number of juvenile correctional facilities, and more deliberate efforts to thin out lesser offenders from deep-end placements to reduce delinquent victimization, stigmatization, and other potential long-term consequences from juvenile correctional system placement (Sickmund & Puzanchera, 2014). Because of these changes, juvenile correctional facility populations today are becoming more concentrated with more serious delinquents.

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Another change that appears particularly salient as a factor leading to higher concentrations of serious offender populations in juvenile facility placements has been alternatives to the use of adult court transfer. Following an increase in serious and violent juvenile crime in the 1970s, reaching a zenith in 1994, states passed new laws or expanded existing laws which enabled certain delinquents to be transferred or otherwise excluded from juvenile justice jurisdiction altogether. As a result, thousands of delinquents were removed from juvenile courts each year via adult court transfer, prosecutorial discretion via direct file, and legislative exclusion laws, the greatest proportion of which were person-offense cases (Hockenberry & Puzanhera, 2014; Sickmund & Puzanhera, 2014).

Despite the prevalence of juvenile justice system exclusion mechanisms by the mid-1990s, research attention generally revealed the fragmented nature of adult court transfer. This attention led to broad criticisms of the use of adult system mechanisms in the handling of juvenile offenders—lack of uniformity in the application of transfers, sentencing disparity, the use of transfer on inappropriate or low level offenders, and the potential wide variety of deleterious effects of placing juveniles in the adult system, including adult prisons (see, for example, Cauffman, 2012; Farrington, Loeber, & Howell, 2012; Griffin, 2008; Males, 2008; Mulvey & Schubert, 2012; Myers, 2003). Perhaps all of these perspectives help to explain why waivers have dropped more than 50% in the last fifteen years (Sickmund & Puzanhera, 2014). The result has been evidence of an increasing reversion back toward juvenile justice intervention for even the most serious and violent juvenile offenders, and a relating concentration of seriousness in the juvenile justice system.

2. Blended sentencing and the redeployment of juvenile justice for serious offenders

To be sure, states have not altogether abandoned adult court transfer laws of the past although evidence exists of jurisdictions reducing their use and states constricting their breadth (Griffin, 2008). Despite the overall retention of waiver laws, a number of states have more recently enacted what are broadly known as “blended sentencing” statutes as a sort of alternative to removing serious delinquents from the juvenile justice system through adult court transfer or other exclusionary schemes. In simple form, blended sentencing laws intertwine juvenile and adult system sanctioning by providing juvenile offenders with juvenile based sanctions first, with the potential for adult punishment if the more protective and rehabilitation centered juvenile justice system intervention fails. Although variation in blended sentencing statutes abound – eligible offender types, potential sanctions, length of sanctions, location of sanctions, the potential for deferment of certain sanctions, and the controlling court – the bottom line is that most blended sentencing schemes have provided certain juvenile offenders, and particularly serious and violent offenders, a chance at juvenile justice system intervention before facing adult justice system consequences via transfer or related juvenile system removal mechanisms (Griffin, 2008).

The advent of blended sentencing laws provide perhaps the best evidence of a redeployment of juvenile justice resources and a slowing of the juvenile justice system purge of serious and violent delinquent offenders. As a natural consequence of blended sentencing laws, state juvenile justice systems are now retaining serious and violent offenders who might have otherwise been removed from the juvenile justice system. Blended sentencing is perhaps the most consequential and wide-reaching change that has come to juvenile justice in the past one-half of a century. But while blended sentencing laws are nearly as prevalent as any adult court transfer/exclusion mechanism and are found in two-thirds of all states, our knowledge about blended sentencing is limited. For example, we know little on a procedural level about how blended sentencing works or about the targets of blended sentencing. We know little about why some serious juvenile offenders are still processed via adult court transfer, and others receive blended sentencing in states which retain both options. We still do not fully understand

the concentrating impact blended sentencing has had on juvenile justice systems, for example, the impact it has had on concentrating seriousness in juvenile correctional facilities and how that has impacted levels of juvenile offender misconduct and violence while incarcerated.

Despite these and other important gaps in knowledge, perhaps the most important gap is that we know very little about the consequences of blended sentencing from the standpoint of the recidivism outcomes of offenders who have been released from juvenile correctional environments following the juvenile portion of their blended sentence. This gap in knowledge has raised broad questions about the ability of juvenile justice systems to effectively handle such serious and violent “adult-like” offenders, questions related to the continuity of delinquent and later criminal behavior upon juvenile correctional system release, and ultimately, questions about public safety.

3. The current study

As a step to help close some of the gap in understanding the consequences of blended sentencing and the retention of serious and violent delinquents in juvenile justice, the current study examines the social and delinquent backgrounds, institutional experiences, and post-incarceration recidivism outcomes of a large sample of juvenile homicide offenders who were processed via a blended sentencing process in Texas. The offenders of focus in this study were adjudicated in juvenile court, then incarcerated in juvenile state schools of the Texas Youth Commission (TYC), and then released to the community without facing the adult prison portion of their blended sentence.

An advantage of focusing on juvenile homicide offenders, as opposed to lesser but still serious and violent offenders, is that absent blended sentencing in the state under study, it is a virtual certainty that the homicide offenders of focus herein would have been processed through adult court transfer proceedings and would have received adult prison system sentences. Thus, examining this offender population provides a better estimation on the consequences of blended sentencing as opposed to examining another offender population which may have been less likely to be transferred in the state under study.

Before we provide the results of our study, we first provide a brief overview of what is known about the recidivism outcomes of serious and violent juvenile offenders following release from state juvenile incarceration to help inform and guide expectations of time to recidivism. We then discuss our data, sample, and measures. Next, we describe our analytical approach. We then provide our results, followed by a discussion of the findings, limitations, future directions, and conclusions related to blended sentencing, concentrated seriousness, and recidivism of serious and violent juvenile offenders.

4. Prior research

Systematic empirical knowledge on the recidivism outcomes and predictors of recidivism among juvenile offenders of any sort was few and far between just two decades ago (see, e.g., Cottle, Lee, & Heilbrun, 2001; Trulson, Marquart, Mullings, & Caeti, 2005). Since then, research on juvenile offender recidivism has blossomed into a diverse field of inquiry. Recent research on juvenile recidivism has examined re-offending outcomes of nearly every imaginable group and subgroup of juvenile offenders including sex offenders (Beaudry-Cyr, Jennings, Zgoba, & Tewksbury, 2015; Christiansen & Vincent, 2013; Piquero, Farrington, Jennings, Diamond, & Craig, 2012), homicide offenders (DeLisi, Hochstetler, Jones-Johnson, Caudill, & Marquart, 2011; Khachatryan, Heide, Hummel, & Chan, 2016; Liem, 2013; Trulson, Caudill, Haerle, & DeLisi, 2012), drug offenders (DeLisi, Angton, Behnken, & Kusow, 2013), gang members (Caudill, 2010; Trulson et al., 2012) and even so far as to examine the recidivism of truants (Dembo et al., 2014). This research base has assessed the impact of community based treatment attrition on later recidivism of juvenile offenders (Lockwood & Harris, 2015), and has extended across numerous research contexts, involving recidivism outcomes of juvenile

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