

THE EFFECTS OF POLICYMAKERS' PERCEPTIONS OF  
JUVENILE DELINQUENCY: HOW HARD ON CRIME  
POLICIES IMPACT RECIDIVISM OF  
JUVENILE DELINQUENTS

by

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## ABSTRACT

Since the 1990's, the Juvenile Justice System has changed in many significant ways and has shifted toward a trend of the implementation of more punitive sanctions against juvenile perpetrators. In an attempt to counteract and suppress the rise in juvenile delinquency, policymakers have enacted numerous hard on crime policies. In actuality, these policies do not adequately solve the problem and, instead, exacerbate it. There has been substantial research that indicates that hard on crime sanctions do not appeal to a juvenile's true needs and, correspondingly, can increase the rate at which a juvenile is likely to reoffend. Broadly, in this study, I explore the effects of policymakers' perceptions of juvenile delinquency in an attempt to understand in what ways hard on crime policies impact recidivism of juvenile delinquents. It is invariably important that a solution is found. This study is developed in order to shed light on an excessively under researched topic and attempts to uncover effective ways of combating juvenile crime by discovering policy initiatives that will aid in successfully reintegrating a juvenile back into society.

## ACKNOWLEDGEMENTS

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TABLE OF CONTENTS

INTRODUCTION.....	1
THE EVOLUTION OF THE JUVENILE JUSTICE SYSTEM.....	3
The Juvenile Justice and Delinquency Prevention Act of 1974.....	3
The Counterrevolution to the JJDPA.....	5
Contemporary Research.....	6
POLICY ASSESSMENT.....	7
Punitive Approaches to Juvenile Delinquency.....	7
Rehabilitative Approaches to Juvenile Delinquency.....	9
THE THEORY.....	11
RESEARCH DESIGN.....	13
RESULTS.....	16
Discussion of 11 States as a Whole.....	16
Qualitative Examination of Each Individual State.....	20
States with Comparable Recidivism Data.....	20
Texas.....	20
New Jersey.....	22
Virginia.....	23
Maryland.....	25
Ohio.....	26
States Without Comparable Recidivism Data.....	28
DISCUSSION.....	28
CONCLUSION.....	30

APPENDIX .....31

    Policy Breakdown of Each State.....31

WORKS CITED.....47

## INTRODUCTION

Crime and punishment seem like two terms that fit together with ease, but when exploring the implications of these two terms more comprehensively, complications quickly arise. The difficulty, I believe, begins to arise when one must decipher which punishment adequately fits the crime and which punishment, in turn, will act as an effective deterrent for future offenses. Should one impose harsher prison and/or detention sentences for a crime or should one utilize a more holistic rehabilitative approach? With careful consideration, it becomes apparent that this question is in fact abundantly complex. This issue is further complicated when one acknowledges that some policies may become counter-intuitive and actually increase the rate at which the perpetrator is likely to reoffend.

This matter is particularly important when it comes to juvenile crime and rehabilitation. The sentencing of juveniles often requires a different perspective and method than those primarily used in criminal courts when dealing with adults. The process of reintegrating juveniles into society after they have been convicted and detained becomes extensively more complicated than the reintegration process of adult offenders. Ultimately, punitive policies may hinder a juvenile's ability to reintegrate into society successfully. Therefore, juveniles may need more resources while detained or in place of detention. Hard on crime policies are those that restrict the rehabilitation of a juvenile and employ strict punishments rather than attend to the juveniles' true needs. In this thesis, I look at what effects these hard on crime policies have on increasing juvenile recidivism rates. Broadly, by conducting this research, I am exploring the implications of juvenile criminal policies, particularly as they relate to juvenile recidivism. In this paper, I ask, in

what ways do “hard on crime” policies in the juvenile justice system effect recidivism of juvenile delinquents?

The catalyst of research regarding the juvenile justice system is the Juvenile Justice and Delinquency Prevention Act of 1974. The act heavily influenced the overall perception and treatment of juveniles. Moreover, it is crucial to explore why it was enacted and what it encompasses. Following this act, there was an emerging trend toward punitive approaches in response to the rising rates of juvenile delinquency. This counterrevolution has persisted and hard on crime policies have become prevalent since the 1990’s. The overarching purpose of this study is to discover what factors reduce recidivism of juvenile delinquents. A critical question then remains, should policymakers employ various punitive approaches or should they implement more rehabilitative policies? Furthermore, this literature review will first focus on what research says about how punitive policies impact recidivism of juveniles by exploring the implementation of hard on crime policies regarding status offenses and transfer. Secondly, it will highlight how rehabilitative approaches impact recidivism by looking at the effects of rehabilitation programs and educational services on recidivism. Ultimately, this policy analysis will create four varying policies sectors (status offenses, transfer of juveniles, rehabilitation programs, and academic services) that will serve as the foundation to my theory that a hard on crime approach to juvenile justice increases recidivism. After conducting this literature review, I will analyze the recidivism rates of various states and compare them with the types of policies they have implemented. After doing so, I am able to consider the broader implications in order to sufficiently uncover how hard on crime policies impact recidivism of juvenile delinquents. Surprisingly, my findings

suggest that this issue is immensely complex and may involve the consideration of the influence of additional, outside factors.

### THE EVOLUTION OF THE JUVENILE JUSTICE SYSTEM

#### 1. The Juvenile Justice and Delinquency Prevention Act of 1974

The catalyst and underlying link for research on the juvenile justice system involves the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. This act is central to the formulation of both past and present policies involving juvenile delinquents. This act was spurred by “the President’s Commission on Law Enforcement and Administration of Justice (1967) [recommendation] that...juvenile delinquency should be prevented through early intervention and services *outside* the juvenile justice system” (Farrington 2015).

The Juvenile Justice and Delinquency Prevention Act (JJDP A) represented a rehabilitative approach to delinquency that is characterized by deinstitutionalization of juvenile offenders. The JJDP A paved a way for rehabilitation services and community-based treatment programs to replace formal sentencing of juveniles because it was centered around the idea that the “juvenile court should be the agency of last resort” (Farrington 2015). In this way, the JJDP A is founded upon an ideology completely counter to those who believe punitive and severe punishments are effective deterrents. This act “severely restricted the ability of the juvenile court to handle status offenders, nonoffenders, child delinquents, and dependent and neglected children” (Farrington 2015). The underlying philosophy of this act is that, for most juveniles, rehabilitative approaches adequately address the problem, while strict legal proceedings and judgements do not.

In 2002, the JJDP A was reauthorized. Since its enactment in 1974, currently, 55 out of 56 U.S. states and territories voluntarily uphold its various statutes (Williams 2013). One feature of the relatively recent reauthorization is the amendment inserted in Section 251, which, with the addition of the new subsection “h”, mandates a national recidivism measure (Noreus 2011). This amendment specifically requires the establishment of a data protocol instrument for states to use in order to report recidivism on an annual basis, the establishment of a uniform recidivism measurement system, and cumulative juvenile recidivism data that is collected from states and made available to the public. This mandate will make it possible to compare policies with recidivism data.

Currently, there is a reauthorization of the JJDP A that is outstanding in both the House and the Senate. It has been reported that the “reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A) is progressing well in the Senate” (Marion 2015). The reauthorization is attached to Senate Bill 1169 and was voted out of committee on July 23, 2015 under the leadership of Judiciary Committee Chair Chuck Grassley and Crime and Terrorism Subcommittee Ranking Member Sheldon Whitehouse (Marion 2015). It is projected to be reauthorized during this session of Congress. Unfortunately, the momentum within the House is less positive. The reauthorization in the House has been titled “the Youth Justice Act of 2015” and has been introduced by Bobby Scott (Marion 2015). It is encouraging to see that juvenile justice policies are gaining headway and are at the top of many Congress members’ agendas. Moreover, the findings of this thesis become even more pertinent.

## 2. The Counterrevolution to the JJDPA

In actuality after the initial enactment of the JJDPA, states did not provide sufficient resources for such programs to proliferate and as juvenile crime rates began to rise, policymakers seized the opportunity to incarcerate youths in order to suppress this increase in crime (Steinhart 1996). During this particular time, there were numerous “political shifts resulting in new state-house majorities committed to tough anti-crime and youth control agendas” (Steinhart 1996). States began to challenge and reject the JJDPA because it was perceived that deinstitutionalization was hindering law enforcement’s ability to control juvenile delinquency. The rehabilitative approach to juvenile delinquency was waning and opinions regarding the punishment of juvenile delinquents became divided. For example, many critics argued that “the juvenile court is essentially unable to take effective action in status offender cases and that it should be stripped of jurisdiction over these noncriminal youths” (Steinhart 1996). A thunder of hard on crime policies had erupted among policymakers. One can argue, therefore, that this increasingly evokes the need for one to consider what impact such policies have on juvenile recidivism.

*The Normative Erosion Hypothesis: The Latent Consequences of Juvenile Justice Practices* by Erickson, Stafford, and Galliher exemplifies the underlying reasoning used by proponents of the hard on crime approach to juvenile justice (Erickson 1984). This research encapsulates the Normative Erosion Hypothesis. Their hypothesis states that if an offender is referred to a court that uses minuscule legal punishments, this can in turn erode the offenders’ normative evaluation of delinquency. By administering surveys to Arizona high school students, this study concluded that severe legal punishments lead

juvenile offenders to perceive committing delinquent acts as more serious. If juveniles were to understand that their actions could potentially cause harsh legal repercussions, the juvenile would perceive that act as more serious and be potentially less likely to engage in it.

The motivation behind punitive punishments and policymakers' misconstrued perception of crime becomes clear. Because these punishments may serve as a deterrent for future crimes, it is easy to understand why support for such policies became rampant. These ideas signify the "counterrevolution" to the JJDPA and the rehabilitative approach it encourages.

### 3. Contemporary Research

Today, policymakers are still conflicted on what approach should be endorsed – hard on crime, rehabilitative or somewhere else along that continuum. Due to this confliction, since the 1990s, research has focused on ways to effectively reduce juvenile crime. Contemporary research has uncovered a need for proper rehabilitative systems to be implemented. The pervading idea among scholars is that juvenile delinquents are inherently different than adult criminals. Juveniles are constrained by various factors that either do not affect adult offenders or do not affect them in the same way. Some of these factors include an underdeveloped brain, surges of hormones, familial and home difficulties, as well as the expectation to maintain the skills and knowledge needed to keep up with their education. Research regarding the juvenile justice system has therefore been characterized by the widespread changing of ideas in how we treat juveniles, in comparison to adult criminals.

Due to an increase in the detention rates in the juvenile justice system, many policymakers since the 1990s have continued to implement various “hard on crime” sanctions in attempt to reduce the rate at which juveniles reoffend despite these advances in contemporary research. When these punitive policies are examined, one may find that they may be doing more harm than good. In order to understand what factors reduce recidivism of juvenile delinquents, I am going to first look at research regarding a hard on crime approach to juvenile delinquency.

### POLICY ASSESSMENT

#### 1. Punitive Approaches to Juvenile Delinquency

There are two policy areas in which the “get tough” movement is exemplified – policies regarding status offenders and policies regarding the transfer of juveniles to the adult criminal court. I will begin with exploring the effect of hard on crime policies that pertain to status offenders.

Status offenses are less serious crimes that can only be committed by a juvenile. Examples of a status offense include running away, truancy, and violating curfew (Steinhart 1996). In order to reduce such offenses, lobbyists established a valid court order (VCO) amendment to the JJDPA. This amendment allowed a state to adjudicate and incarcerate juveniles convicted of a status offense. The logic behind this revision was that through detention, the legal system would be able to obstruct delinquency rates from rising more than they already had (Steinhart 1996). In this time period, “policymakers began to hear calls for a reassertion of public control over these noncriminal youths [and] the federal policy against secure detention...became increasingly vulnerable (Steinhart 1996). Therefore, this amendment is characterized by the widespread enactment of hard

on crime sanctions. By 1988, the VCO was adopted by 38 states and in 1988 alone, 5,345 status offenders were taken into custody and detained. The VCO encouraged a multitude of states to take measures in order to repeal the JJDPA because these states believed its statutes were effectively combating the increase in delinquency.

In his article, *Status Offenses*, David Steinhart found fault in administering harsh legal sanctions on status offenders by highlighting the miniscule resources states devoted to youths who were deemed status offenders (Steinhart 1996). Though states were pushing hard on crime policies, the National Council of Juvenile and Family Court Judges disagreed with this emerging trend. The judges saw status offenders as mere victims to a variety of extraneous factors and by punishing these victims and not providing them necessary community interventions and resources, society was not responding to the juvenile's true needs (Steinhart 1996).

Steinhart's article brings to the forefront an extremely underlying, vital point to my argument. By implementing harsh punishments to delinquents, especially status offenders, states are not reaching the heart of the problem. These policies may seem like a quick and easy solution to an increase in crime, but when the state refuses to provide sufficient resources for offenders, this may exacerbate the problem. Steinhart unveiled "a troubling and related finding [that] some minors no longer subject to detention as status offenders were being committed involuntarily and inappropriately to in-patient drug treatment facilities and psychiatric hospitals" (Steinhart 1996). Moreover, it may not be that rehabilitation programs are ineffectual; they are simply employed erroneously. This further uncovers what factors might reduce the recidivism of juvenile delinquents – rehabilitation programs that are properly funded and executed.

States did not only implement hard on crime policies for status offenders, but they additionally created more inclusive transfer policies. This “get tough” movement created policies that mandate that a state can waive jurisdiction and transfer a juvenile to a criminal court with criminal, adult sentencing. The tough on crime perceptions that guided the policies for status offenders applies in these instances as well. States and policymakers perceive such policies to act as a deterrent and retribution.

Recent studies show that transfer policies can actually increase recidivism (Bishop 2000, Loughran 2010). Examples of more stringent policies regarding transfer include an expanded set of crimes that qualify an offender to be transferred, lifted age restrictions, and added statutory exclusion and prosecution discretion. Not only can transfer policies increase the probability that a juvenile will reoffend, but also if a state allows transfer for a less serious and even minor crime, labeling can occur which allocates the criminal stigma to a juvenile and also such policies can create various developmental barriers. Additionally, these transfer policies may be flawed because there is no research to suggest that transfer acts as a sufficient deterrent. Moreover, hard on crime policies are not properly fulfilling their intended purpose which I argue solidifies the need for rehabilitation systems to be integrated within the juvenile justice system.

After exploring the research regarding punitive approaches to juvenile delinquency, it is clear that hard on crime approaches are impacting recidivism rates negatively.

## 2. Rehabilitative Approaches to Juvenile Delinquency

In order to understand what programs effectively promote successful rehabilitation and treatment of juveniles, one needs to explore what can cause delinquent

behavior. There are multiple risk factors widely known that link juveniles to delinquency. Poverty, lack of family stability, antisocial peer influences, low interest in school, and substance abuse all increase the likelihood that a juvenile will engage in delinquent acts (Jensen 1998). Jensen and Howard believe that these risk factors further promote the idea that the juvenile justice system needs to implement community-based, risk-focused prevention programs. When these preventive programs are used, there are improvements in school performance, increases in parent involvement, and reductions in delinquent behavior. If these findings are true, this helps further provide a factually solid and effective alternative to harsh policies.

Furthermore, some evidence suggests that community-based programs can comprehensively reach the heart of the goals juvenile corrections try to achieve. In a study of job and skills training programs for delinquents, investigators concluded that these programs not only help reintegrate juvenile delinquents into society, but do it successfully (Lee 2007). In this study, delinquents participated in an archeology project. At the end of their project, these youth were able to attain educational, work and social skills. This project also provided an outlet for them to stay out of trouble. These juveniles obtained the tools necessary to be effective members of society and not further participate in delinquent activities. If reducing recidivism is at the forefront of policymakers' agendas, rehabilitation and treatment programs should be invoked.

Additionally, programs that focus on academic achievement have been proven to be extremely successful at reducing recidivism of juveniles and allowing them to reintegrate into society with more ease. For example, one analysis asserts that an indicator of recidivism is attendance and success at school (Katsiyannis 1999). In this

study the authors examined academic scores of incarcerated males who were recidivists and non-recidivists. They found that non-recidivists were brighter, older at the time of their first commitment, and had higher levels of educational performance. These findings suggest that successful rehabilitation of delinquents is closely tied to academic remediation during incarceration. If the detention center is able to promote academic improvement, the juveniles will be less likely to reoffend.

Drakeford found that illiteracy is prevalent and a common denominator among juveniles incarcerated (Drakeford 2002). There is a correlation between low education attainment, literacy levels, and high levels of adjudication and recidivism. In his study Drakeford implemented a literacy program in a Maryland detention center. After the juveniles participated in this program, he found that educational services in juvenile corrections provides youths with a chance to increase their academic skills as well as develop emotional confidence needed to achieve personal goals. I then suggest that reduction in crime rates is related to juvenile justice systems that incorporate programs with an emphasis on skill development and academic attainment and achievement more than programs that employ strict, adult-like punitive punishments.

All of these studies have one thing in common- the utilization of properly funded programs that are attentive to the young person's true needs. This further sheds light on the idea that, unlike punitive approaches, rehabilitative approaches to juvenile delinquency impact recidivism of juveniles in an overwhelmingly positive way.

### THE THEORY

After conducting the policy assessment, it is evident that hard on crime policies are related to the recidivism of juvenile delinquents because they may be hindering

juveniles from being able to successfully reintegrate into society by constraining their educational attainment, hurting their self confidence, and keeping them from ascertaining necessary skills needed to function in society. My theory ultimately consists of four parts. I theorize that state policies that, allow the adjudication of status offenders, have more inclusive transfer policies, fail to provide rehabilitation services, and lastly, fail to promote academic achievement all lead to an increase in recidivism. Therefore, I argue that hard on crime policies may not be sufficient for reducing crime rates and may actually add to the proliferation of juvenile delinquents.

Because of this, I hypothesize that if less punitive policies are implemented in the juvenile justice system, the more likely there will be a decrease in recidivism. I also hypothesize that if less punitive measures are not implemented, recidivism rates will correspondingly increase due to the current proliferation of hard on crime policies. I define less punitive policies as those that do not adjudicate status offenders, those that reduce the number of potential offenders that could be transferred to adult facilities, policies that employ treatment and rehabilitation programs as well as educational services for juvenile offenders both while in detention facilities and as a part of reentry into society. I define hard on crime policies as those that employ restrictive, punitive punishments for juveniles that constrain their ability to be effectively rehabilitated in order to reintegrate into society successfully.

After conducting this investigation, I will be able to show the following things. First, I hope to find a similarity between the numbers of hard on crime policies in each of the four policy sets and the rate at which juveniles reoffend. Second, I hope to find a similarity between the number of hands off, rehabilitative policies in each of the four sets

and the rate at which juveniles reoffend. If my hypothesis is correct, there should be similarities between the types of hard on crime policies in a state and the rate at which juveniles reoffend and a similarity between the number of hands off policies in a state and the rate at which juveniles reoffend. Therefore, as the number of hard on crime policies in each state rises, so will the recidivism rate and, correspondingly, as the number of hands off and rehabilitative policies rise, the recidivism rate should fall.

### RESEARCH DESIGN

To examine in what ways hard on crime policies impact the recidivism of juveniles, I compare recidivism rates with policies enacted regarding four different sets based on my theory. The first group of policies I examine are policies regarding status offenses. The second policy set will be policies regarding transfer. The third group of policies will be those regarding treatment and rehabilitation services. Lastly, the fourth set is policies regarding educational services. The purpose of measuring recidivism rates based on policies enacted regarding these four variable groups is to help me formulate a relationship between policies implemented and the rates at which juveniles reoffend.

The sample of states I am researching was developed in order to control for varying state data collection. I chose a sample of 11 states: Arizona, California, Indiana, Louisiana, Maryland, Missouri, New Jersey, New York, Ohio, Texas, and Virginia. I chose these specific 11 states because, despite the widespread disparity of data collection methods found in the United States, these states each share five important factors used in collecting juvenile recidivism data (Zurla 2014). All of these states allegedly use commitment (to juvenile or adult corrections facility) as the measure of reoffending, the length of follow up is 36 months, they all follow the offenders into the criminal justice

system, in order to measure performance, each state compares their data to the previous year release cohorts, and lastly they release a report at least annually.

In order to comprehensively develop data to test my hypothesis, I conduct an analysis of all 11 states in my sample from 2002-2011. The first aspect of my investigation is collecting recidivism data from these states during that time period. The source of this recidivism data I use comes from each states' juvenile justice systems' Annual Data Report, Legislative Budget Report, Juvenile Justice Recidivism Reports, and Fiscal Year Release Reports. Though this data may seem easy to find and access, this will be the most strenuous part of my study. Many of these reports take considerable time to locate and it must be thoroughly investigated which report each of the 11 states choose to publish recidivism data in. Also, there are significantly few, if any, resources that have cross-state recidivism data. Though this adds to the complication of my investigation, it is invariably beneficial to conduct the first cross-state analysis at this magnitude. One source I found useful as a starting point was the Juvenile Justice, Geography, Policy, Practice and Statistics organization (Juvenile Justice Services 2015). The reliability of this study is derived from a measure of consistency manifested by extensively investigating the trends of the recidivism rate in each state that are associated with each of the four policy groups as well as comparing this data to the other states.

The second aspect of my investigation is gathering juvenile justice policies in all 11 states from 2001-2011. I chose to include 2001 policies so I can take into account the influence of previous year's enacted policies. I then have a more comprehensive picture of the 2002 recidivism rate and can compare the policies to the previous year, just as I will be able to for the rest of the years. For policies in each of these states regarding

status offenses and youth transfer, I am examining specifically how many policies each state has implemented since 2001 that both promote a hard on crime approach and those that do not. In each of these states for the policies regarding educational services and rehabilitation programs, I quantified how many policies each state has that allocate such services as well as those that do not. In each of the four sections, I developed a trajectory for how these policies have impacted recidivism rates in each of these states by examining how the rates have fallen or risen from 2002-2011. The results from this study help me to measure specifically in what ways hard on crime as well as rehabilitative policies impact recidivism of juvenile delinquents.

Ultimately, I believe this research method provides me with the best, most comprehensive study of the ways in which policies affect the recidivism of juvenile delinquents. By exploring a large-scale study, I am able to work toward the possibility of generalizing my results to other states. Additionally, because no cross-state studies have been conducted at this scale regarding recidivism rates, I hope my study will highlight trends that may be emerging within the United States as a more unified entity.

Noreus and Stoodley, members of the American Correctional Association, have found that despite the recent mandate found in the reauthorization of the JJDP, and the large numbers of states who support the JJDP, states have yet to implement uniform juvenile recidivism measuring systems. Therefore, it is pertinent to my study that I control for the varying data collection used by states. The 2002 reauthorization of the JJDP constrains the scope of my study to examining recidivism data since 2001 and the varying data collection serves as a foundation for choosing the sample of the 11 states I

gather data from. The standard I use for each state in collecting recidivism data is re-incarceration within 36 months of release.

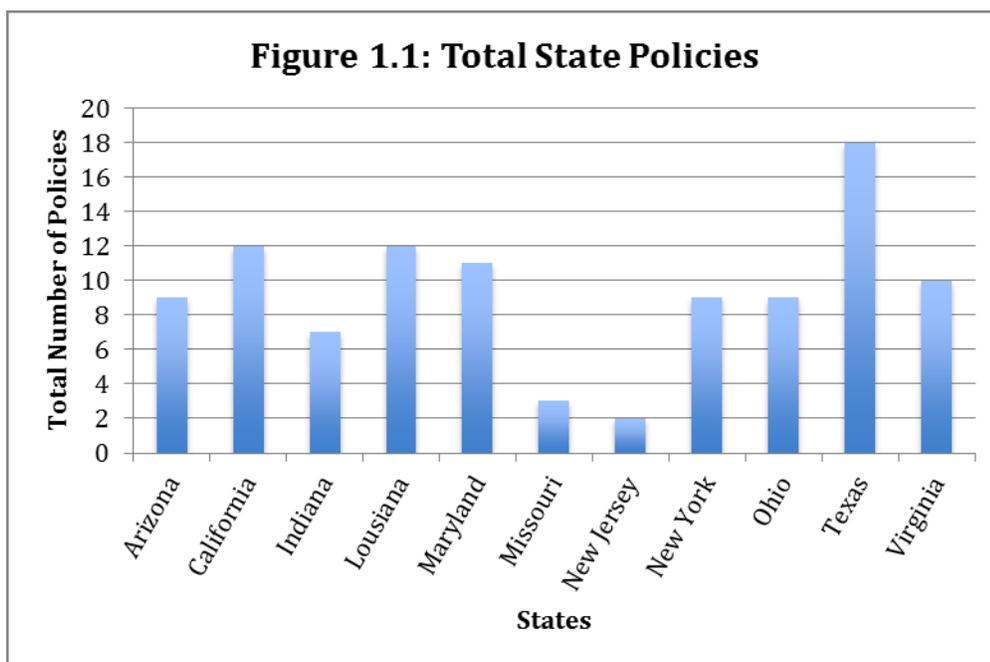
## RESULTS

I divided the results of my study into two major sections. The first section is a discussion of the 11 states as a whole. In this section, I compare the total number of Juvenile Justice policies, legislation, and court decisions among all of the states. Then, I explain how many of the total policies from the 11 states match my four policy groups and whether they were hard on crime or hands off. The second section is an examination of each individual state that has sufficient recidivism data. At the end of the section I briefly discuss the states as a whole that did not have comparable recidivism data. Despite research stating that each of these 11 states produces recidivism data annually in a uniform manner, once I explored the various state reports, data reports, and other avenues, I found that this was not necessarily true. By breaking up my data in this way, I am further able to compare these 11 states by recognizing which states adhere most closely to the instructions of the JJDP, which states have a more advanced juvenile justice system, and which states are seemingly behind.

### I. Discussion of the 11 States as a Whole

After compiling the policies, legislation, and court decisions from each state from 2001-2011, various significant findings became apparent. Out of the 11 states, there was a total of 102 statutes which included legislation enacted, policies implemented, and court decisions held. The policies I found for each state can be located in the appendix. Surprisingly, out of these 102 statutes, only two were hard on crime. One was in Missouri and it dealt with expanding jurisdiction to include status offenders at age 18 and younger

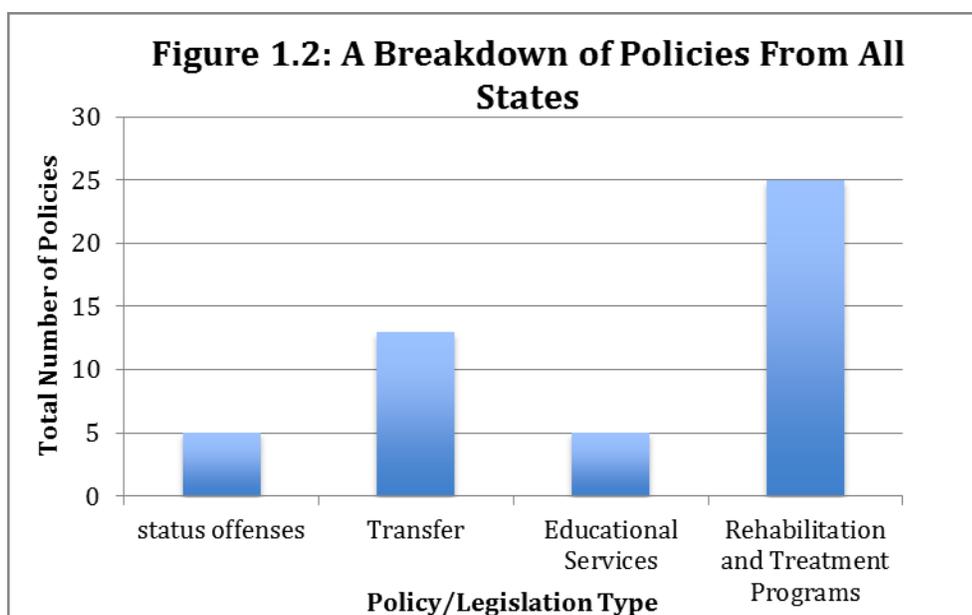
when considering transfer. The other hard on crime policy enacted in this time period was in California and it eliminated the “once waived, always waived” law for misdemeanors. This particular hard on crime policy does not fit within any of my four policy groups, so it was described as “other” and not included in Figure 1.2. Moreover, an overwhelming majority of the total policies enacted in 2001-2011, whether they corresponded to my four policy groups or not, were hands off.



Each states’ total policy number has been displayed in Figure 1.1. Texas clearly has been the most active in employing statutes to enhance and improve their juvenile justice system with 18 total policies. All of these 18 policies were rehabilitation-oriented. Tied at second was Louisiana and California with 12 and at a close third was Maryland with 11. Some potential reasons for some states having more policies than others could include more attentive juvenile justice employees, more unified opinions of constituents regarding juvenile justice policies, as well as a proliferation of highly publicized mistreatment of juveniles within those states (many states enacted policies regarding less

punitive transfer policies because of deaths by youth who were held in adult penitentiaries). This is definitely an area in which future research could be conducted.

After recording all of the policies from each state, I then categorized them into my four policy groups – status offenses, transfer, educational services, and treatment and rehabilitation programs. Those that did not fit any of these groups were defined as “other” and were not included in Figure 1.2. Out of the 102 total policies, 48 could be categorized into my four policy sets. These included, for example, implementing mental health treatment programs within detention centers, formulating educational plans and assessments, and making it more difficult to waive jurisdiction to an adult court. Within those 48 policies, 5 were rehabilitative policies regarding status offenses, 13 were policies regarding transfer with only one hard on crime policy from Missouri, 5 policies included enhancing educational services, and a staggering 25 policies included implementing various rehabilitation and treatment programs. Figure 1.2 displays these numbers.



When analyzing the data from Figure 1.2, there were a couple findings that surprised me. First, I was astounded at the miniscule number of policies regarding educational services. Education in a child's life, specifically, is crucial for success later in his or her life. Middle school and high school are central aspects of an adolescent's life. If one falls behind in their education while detained, it can make middle school and high school even more difficult as well as isolate them further in school. Therefore, a lack of educational services will make it exponentially harder for a child to want to go to school as well as be successful in school. Moreover, it is deeply troubling that policies are not more focused on education. To me, this will act as an immense constraint on a juvenile's ability to reenter into society successfully.

I hypothesize that states are not focusing on education because of the influence of various social factors on the agendas of congressional members and policymakers. Among scholars, it is widely known that there is immense disproportion between ethnic minorities and the Caucasian community in regards to academic achievement. I do not believe that it is merely coincidental that minorities are also disproportionately represented in the juvenile justice system. The majority of policymakers do not consider these to be major issues, or may even deny their existence. If education is to be pushed to the top of a policymaker's agenda, there needs to be more substantial recognition and support of education initiatives that attend to minority adolescents.

The second finding that surprised me was how numerous policies regarding rehabilitation and treatment programs were. I expected that there would be a large number, but I did not expect it to be notably significant and more profound in number than all of the other policies. Mental health is an increasingly prevalent topic among

society and the criminal justice system. I believe the influence of a policymaker's constituents have a lot to do with this pervasive trend.

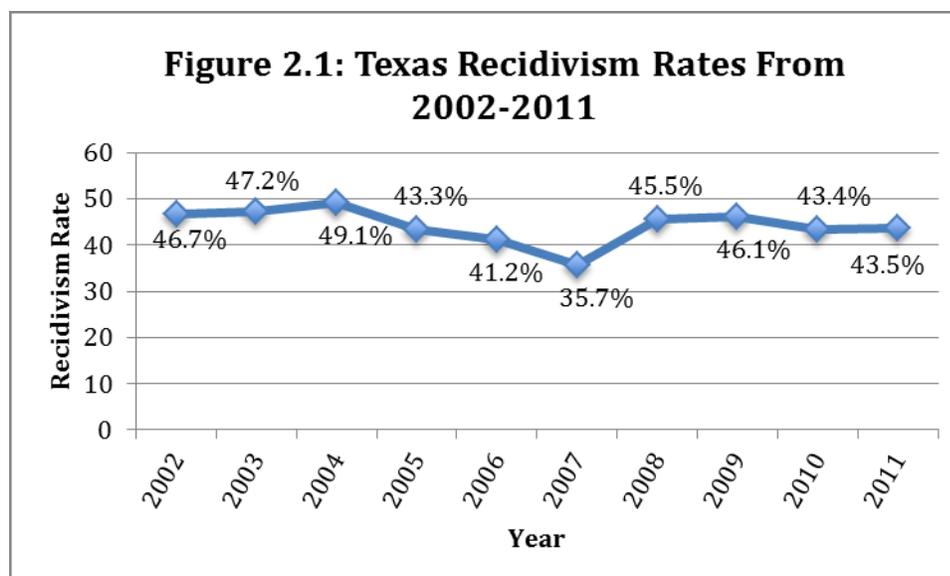
Additionally, I thought it was valuable to investigate which state had the most policies in each group. Texas had the most policies regarding status offenses with two. When examining transfer policies, both Arizona and Virginia were tied for the most with four each. The state that implemented the most educational services was Maryland with two. Lastly, the state that enacted the most policies that allocated rehabilitation and treatment services was Texas with five. Not only is Texas leading in total policies, but it is also the leader of two of my policy groups.

## II. Qualitative Examination of Each Individual State

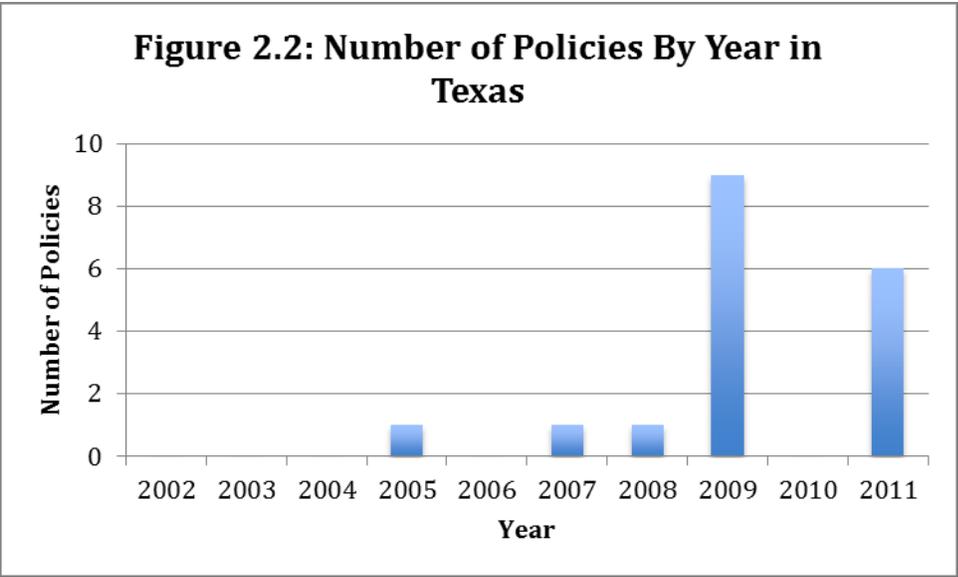
### States with Comparable Recidivism Data

#### 1. Texas

Texas was the only state I was able to find recidivism data from 2002-2011. Recidivism data in Texas for these years can be found in the *Statewide Criminal Justice Recidivism and Revocation Rates Reports* given to the Legislative Budget Board in the beginning of every year. Because Texas is the only state with recidivism data from 2002-



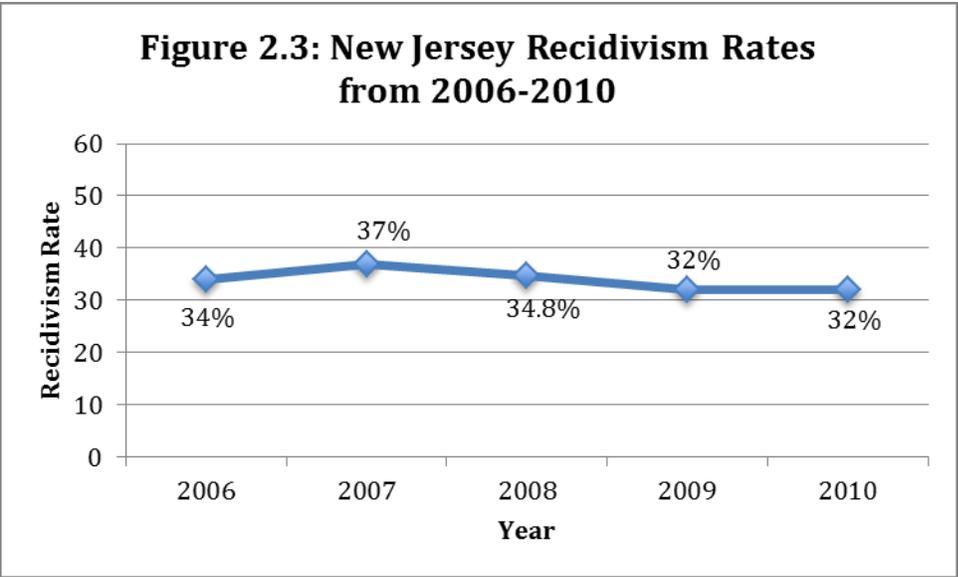
2011, this further confirms my belief that Texas has adhered to the JJDP A reauthorization most consistently and is the most advanced state in my sample. The recidivism data for Texas can be found on Figure 2.1. It is apparent from this graph that the recidivism rates of juveniles in Texas has been generally consistent from 2002-2011. The highest rate was in 2003 with 47.2% and the lowest rate was in 2007 with 35.7%. If my theory is correct, once a rehabilitative policy is instituted, the recidivism rate should be reduced. In Figure 2.2, one can see that my theory is partially incorrect. The year in which the most policies were enacted was 2009 with 9 policies, with only four regarding my four policy groups. In 2007, only one policy was enacted and it was classified as “other.” Although, there was in fact the least amount of policies enacted in 2003. But, there were also no policies



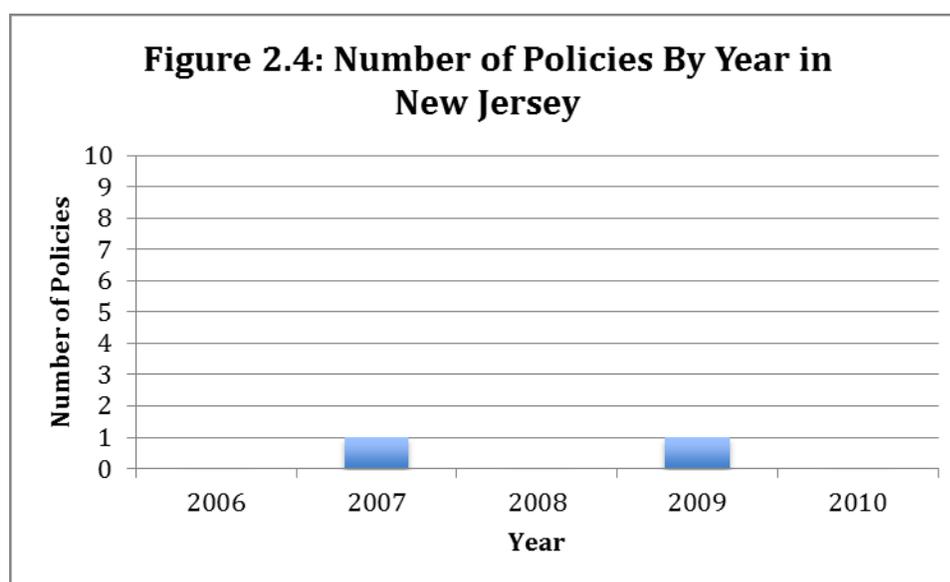
enacted in 2002, 2004, 2006, and 2010. Therefore, it seems that policies may not have a notable impact on recidivism to the extent I believed they would.

2. New Jersey

New Jersey had comparable recidivism data from 2006-2010. All of the recidivism data for these years can be found in the *State of New Jersey Department of Corrections State Parole Board Juvenile Justice Commission: Release Outcome Reports*.



The recidivism data for New Jersey can be found in Figure 2.3. After examining this data, one can see that the recidivism rates in New Jersey are fairly consistent. The highest rate was 37% in 2007 and the lowest rates were 32% in 2009 and 2010. If my theory is correct, once a rehabilitative policy is employed, the recidivism rate should correspondingly decrease. Figure 2.4 portrays the total policies enacted in Jersey from 2006-2010. Figure 2.4 shows that there were only a total of two policies implemented in this time period. Only one of them was in my policy group. The one policy in 2007 implemented rehabilitation and treatment services within detention centers.

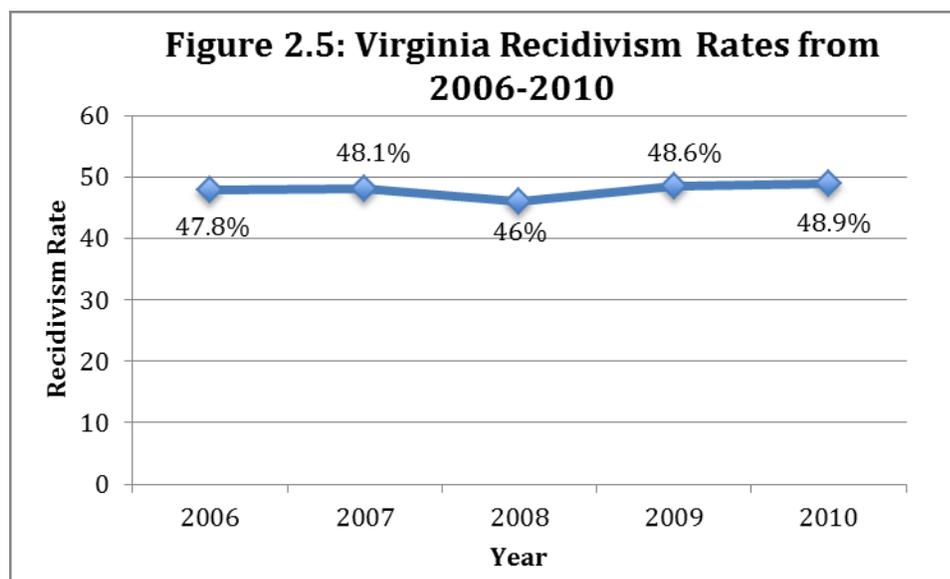


This is totally contrary to my theory because 2007 contained the highest recidivism rate. Also, 2009 and 2010 had the lowest recidivism rates yet those years did not contain policies regarding my four policy groups. After qualitatively examining New Jersey, my theory is further discounted that policies directly impact recidivism rates.

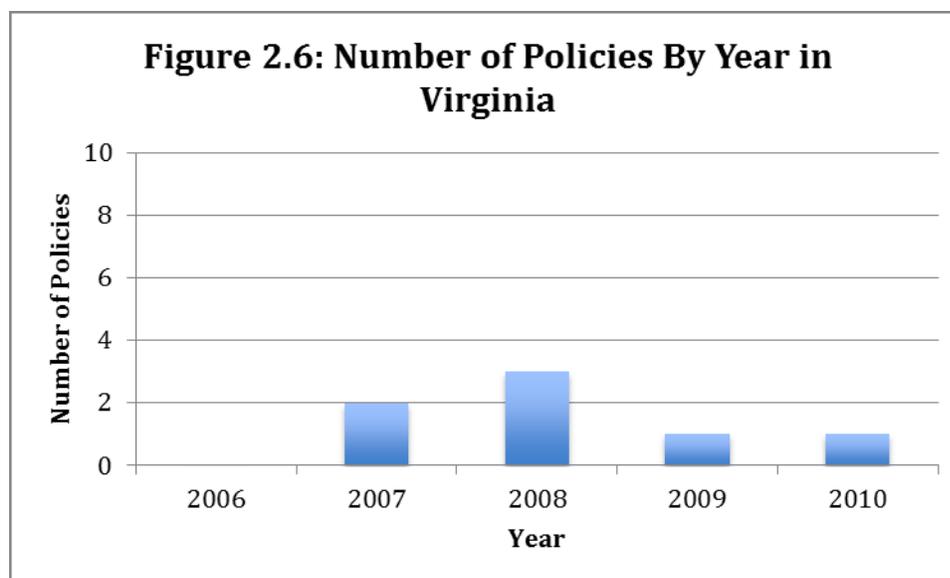
### 3. Virginia

Virginia had comparable recidivism rates from 2006-2010. The Virginia recidivism data can be found in their Annual Fiscal Year *Data Resource Guide* published

by the Virginia Department of Juvenile Justice. After looking at Figure 2.5, these rates were overall pretty consistent; there are no dramatic increases or decreases. The highest rate was in 2009 with 48.6% and the lowest rate was in 2008 with 46%. If my theory is

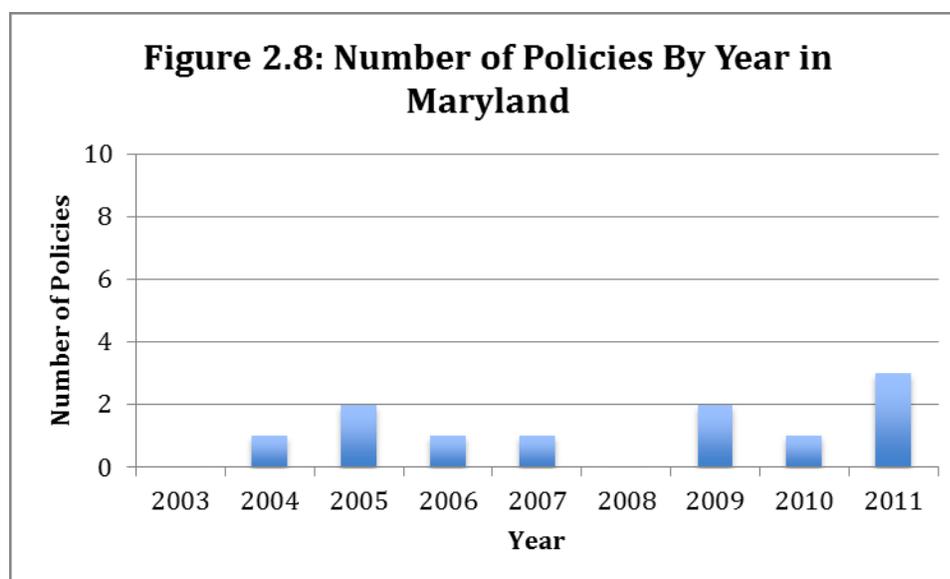
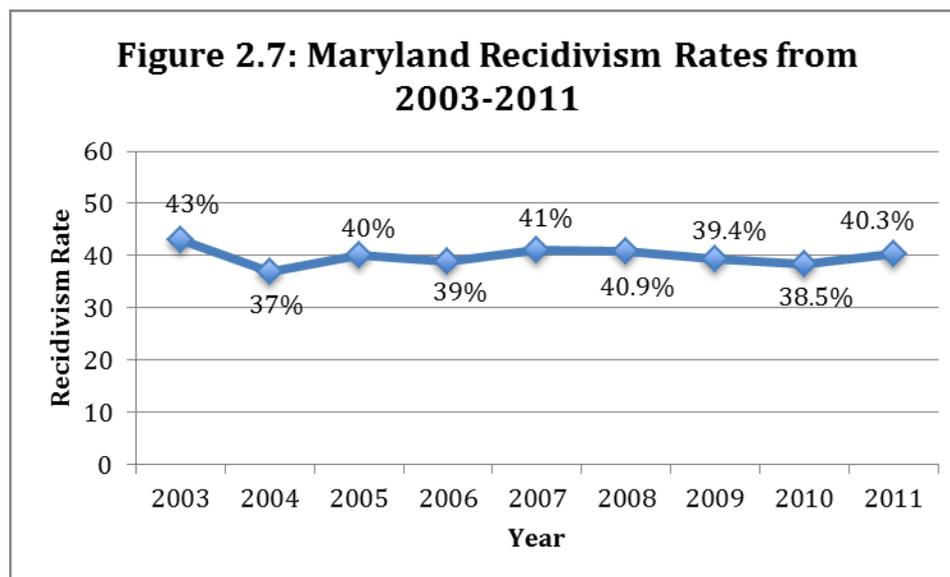


correct, where there are rehabilitative policies, there should also be a reduction in recidivism. Figure 2.6 displays the total number of policies enacted in Virginia in this particular period. Out of the 10 total policies, one was related to status offenses, four were related to transfer and one was related to rehabilitation and treatment programs. This data does not follow my theory. 2008 had the most policies with three, but only one corresponded with my four policy groups, transfer. The year with the most policies regarding my policy sectors was 2007 with two policies related to transfer. 2009 had one policy and it could in fact be categorized into one of my policy groups, status offenses. So, 2008 and 2009 are, in actuality, equal in policies enacted, each with one regarding my four policy groups, yet the recidivism rates did not reflect this.



#### 4. Maryland

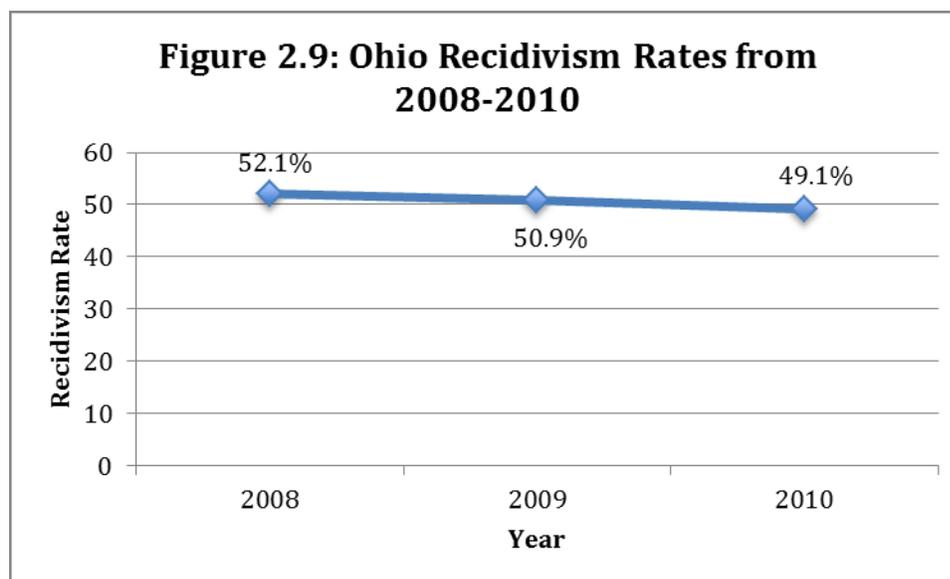
Maryland had comparable recidivism rates from 2003-2011. This makes Maryland the second most adherent to the JJDPa reauthorization behind Texas. The Maryland recidivism data can be found in the *Maryland Department of Juvenile Services Fiscal Year Data Resource Guide*. Figure 2.7 shows that the recidivism rates of juveniles in Maryland are fairly consistent. The highest rate was 43% in 2003 and the lowest rate was 37% in 2004. If my theory is correct, there should be the lowest rate of recidivism where there are also rehabilitative policies. Figure 2.8 shows the number of policies enacted in Maryland from 2003-2011. The lowest number of policies was in fact in 2003 with zero. In 2004, there was one policy enacted and it implemented rehabilitation and treatment programs to youths returning to their communities. This is in fact tied with 2011 as the highest year because only one policy out of the three in 2011 was categorized in my policy groups. Moreover, Maryland has been the first state with data that somewhat aligns with my theory that rehabilitative policies regarding my four policy groups do in fact impact recidivism of juveniles within three years after release.



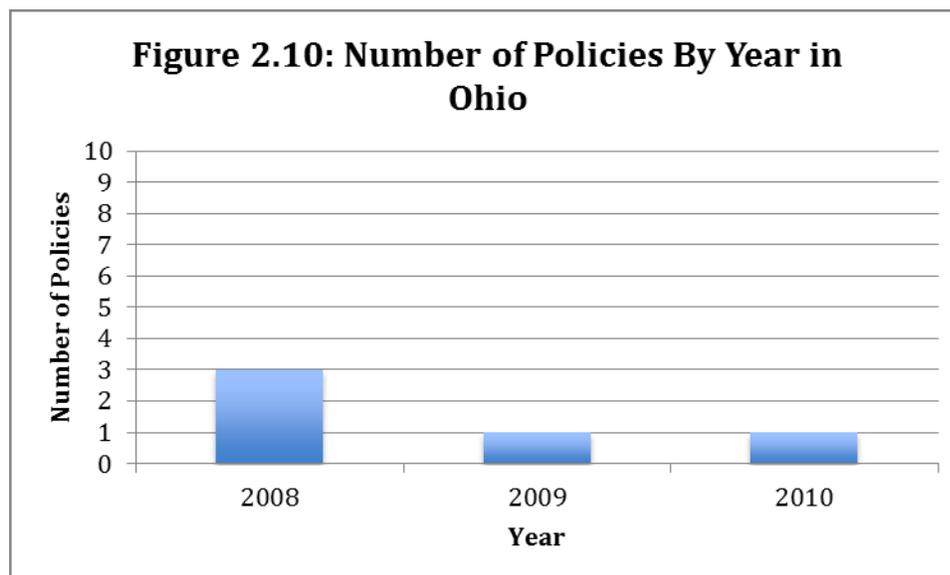
## 5. Ohio

Ohio had comparable recidivism rates from 2008-2010. The Ohio recidivism data can be found in the Ohio's Department of Youth Services' 2015 *Recidivism Report* and *Recidivism Fact Sheet* published in April 2014. Just like the other four states, Figure 2.9 portrays that the recidivism rates do not vary greatly from each year. 2008 had the highest recidivism rate of Ohio juveniles at 52.1% and 2010 had the lowest rate at 49.1%. If my

theory is correct, rehabilitative policies in Ohio should be enacted in 2010 and more hard on crime policies should be enacted in 2008. Figure 2.10 quantifies the number of policies implemented in Ohio from 2008-2010.



This data shows almost the complete opposite of what my theory predicts. Out of the three policies enacted in 2008, one of them included the allocation of rehabilitation and



treatment services upon reentry. 2010 only had one policy and it was classified as “other.” Therefore, these findings are also contrary to my original theory.

### States Without Comparable Recidivism Data

There were 6 states that did not have comparable recidivism data: Arizona, California, Louisiana, Missouri, New York, and Indiana. I cannot compare their policies to their states' recidivism data for various reasons. For example, they did not use a 36 month re-incarceration measure, the data was inconsistent and unreliable, and/or these states did not start publishing reports until the end of my timeline. Though there is no comparable data, the policies for each of these 6 states is referenced in the appendix.

### DISCUSSION

After carefully examining the various data I have collected, it is apparent that my theory and hypotheses are not confirmed. There is not enough conclusive data to show that rehabilitative policies regarding status offenses, transfer of juveniles to adult facilities, educational services, and treatment and rehabilitation programs during detention and upon reentry into society have a noteworthy impact on reducing recidivism rates. Although I cannot draw a correlation between these types of hands off policies and recidivism rates, due to the immense research backing the foundations of these policies, I still believe they are effective. Therefore, I theorize that there are other mitigating factors that have a larger influence on the success of these policies. Leadership within county juvenile detention facilities, the legal system, and states may have the ability to influence the effectiveness of these policies because they control the way in which the policies are implemented. It also may not be leadership, but it could also be the interpretations and approach that the faculty of the Juvenile Justice System utilizes. Either way, I believe there is something larger going on underneath the surface. Therefore, this study further requires interviews, surveys and actual interaction with those involved in the Juvenile

Justice System to ascertain a grasp on what is truly going on within these states and counties that might constrain the ability of these policies to prosper and help juveniles as they should.

An additional reason that my hypothesis was not validated could be that various policies and initiatives take time to have a noticeable impact. It is not that rehabilitative approaches do not work; it simply may be that their effectiveness takes substantial time to recognize or become apparent.

Further, one should not discount this study as being inconclusive. The data I have collected has spurred various potential avenues of further research. One topic that must be further investigated is the issue of inattentiveness to education within the juvenile justice system. Education is vitally important to an adolescent's life, not only because it conducive to their current success within society but also it holds immense power over their future success. One should examine how education initiatives can be brought to the forefront of policymakers' agendas and reasons why these initiatives are being constrained. In conjunction with this topic, it could be valuable to have research that explores why policymakers have chosen to, instead, focus substantially more on rehabilitation and treatment programs. What societal factors might influence this trend?

A second topic that requires further investigation includes a cross-state comparison. Why are some states churning out more juvenile justice policies than others? And, why do some states have significantly lower recidivism rates than others? For example, New Jersey's recidivism rates all ranged from 32-37% while all of Virginia's rates ranged from 46-48.9%. Moreover, New Jersey's rates were all around 10% lower, which deems this a topic that deserves attention.

## CONCLUSION

Since its inception, the juvenile justice system has been modified multiple times because as years progress, the government is attempting to shape the system around which policies policymakers believe are most effective at punishing juvenile offenders and reducing juvenile crime rates. I argue that there is an immense misperception that policymakers still currently hold of juvenile delinquency. By exploring my research question, “In what ways do hard on crime policies in the juvenile justice system effect recidivism of juvenile delinquents?”, I hope to have developed various implications for existing policies. With this research project, I have been able to highlight numerous changes that need to be implemented within policies, which can consequentially help reduce rates at which juveniles will reoffend. My findings will help to further promote a juvenile’s wellbeing and success in society and, furthermore, aid in the stance to reshape the misguided policies that govern the juvenile justice system today as well as in the future. The juvenile justice system is excessively under researched. I hope my study will spark an interest in academia and serve as an additional catalyst for future research.

APPENDIX

Policy Breakdown for Each State:

In these tables, I use various acronyms that warrant an explanation:

- 1) Hard: a hard on crime policy.
- 2) Soft: a rehabilitative policy.
- 3) SO: a status offense policy.
- 4) T: a transfer policy.
- 5) E: a policy regarding educational services.
- 6) RT: a policy regarding rehabilitation and treatment programs.
- 7) N/A: indicates that this particular policy does not pertain to either of my four policy groups and is consequentially categorized as “other.”

1. Arizona

<b>Number</b>	<b>Year</b>	<b>Description</b>	<b>SO/T/E/ RT</b>	<b>Hard/ Soft</b>
1.	2001	Legislation: Requires residential treatment if the court finds that the juvenile has psychological and mental health needs and requires the court to periodically review the progress of the treatment given.	RT	Soft
2.	2005	Legislation: Made changes to probation programs to enable successful reentry.	RT	Soft
3.	2007	S.B. 1628: Improves treatment of juvenile sex offenders- health treatment program for adjudicated sex offenders-improves the treatment and adjudication of juvenile sex offenders.	RT	Soft
4.	2009	S.C.: Enacts juvenile detention standards – educational program structure, educational assessments, educational plan, and transfer of education records.	E	Soft
5.	2010	S.B. 1009: Restrict transfer below statutory age at time of the offense – juvenile has to be 15, 16, or 17 years old at the time the alleged	T	Soft

		offense is committed.		
6.	2010	S.B. 1009: Restricts prosecutorial authority to transfer youths – clarifies the age at which a youth can be tried in adult court without the benefit of a judicial transfer hearing.	T	Soft
7.	2011	S.B. 1191: Allows for reverse remand hearings – allows for reverse remand hearings to determine whether youth should be moved from adult court to juvenile court in cases where the prosecutor has the sole discretion to charge youth in adult court.	T	Soft
8.	2011	S.B. 1191: Judges gain more discretion regarding transfer – gives judges more discretion in certain cases to decide whether prosecution of youth in adult or juvenile court will best protect public safety and promote rehabilitation.	T	Soft
9.	2011	S.B. 1130: Criminalizes unlawful sexual conduct of juvenile court employees – extends to all incarcerated youths the protections of an existing law that makes it a felony to sexually exploit an individual involved in correctional custody	N/A	Soft

#### Arizona Findings:

Status Offense Policies	0
Transfer Policies	4
Policies Regarding Educational Services	1
Policies Regarding Rehabilitation and Treatment Programs	3
Other	1
Total Policies	9

#### 2. California

Number	Year	Description	SO/T/E/RT	Hard/Soft
1.	2006	S.B. 1469: requires detention facilities to	N/A	Soft

		provide information to welfare departments who are scheduled to be released.		
2.	2007	S.B. 999: Bill to end Life Without Parole – for offender under 18 – passed by California Public Safety Committee.	N/A	Soft
3.	2007	S.B. 81/Chapter 175: Closes juvenile facilities and reduces incarcerated population – closed 3 facilities.	N/A	Soft
4.	2007	S.B. 518: passes Bill of Rights for Youth – requires all juvenile facilities to provide care, placement and services to youth without discrimination on the basis of race, ethnicity, religion, sexual orientation, gender identity, disability, or HIV status.	RT	Soft
5.	2008	S.B. 1250/Chapter 522: Family Communication and Youth Rehabilitation Act – allows for greater family communication and gives them a written description of rights while in custody.	RT	Soft
6.	2009	<i>In Re: Nunez</i> : Appellate court rules juvenile life without parole sentences are unconstitutional.	N/A	Soft
7.	2009	Ordinance 228-09: San Francisco Board of Supervisors overrides mayor’s veto on immigrant Juvenile Justice Policy – referral of youth to ICE only after an adjudication of guilt instead of upon arrest for a felony.	N/A	Soft
8.	2010	Santa Clara County limits detention of young children – discourages detention of children under 13 – encourages judges to send these children to alternative programs.	RT	Soft
9.	2010	S.C.R. 40: Acknowledges the rights of youth and importance of treatment – rights to rehabilitation, treatment, education, family and social services, least restrictive alternatives, reintegration, counsel, safety and security, speedy review, evidence-based practice, protection from self-incrimination.	RT, E	Soft
10.	2010	A.B. 2212: Juveniles with questionable mental competency receive right to hearing – requires court to suspend proceedings if doubt is expressed as to a youth’s sufficient present ability to rationally and factually understand the nature of the proceedings or assist his or her attorney.	N/A	Soft
11.	2010	S.B. 945: Foster youth aging out of juvenile	N/A	Soft

		court's jurisdiction gain notice of services – requires probation/parole officers to provide youth with a written notice stating that they are a foster youth and that they may be eligible for services and benefits to former foster children.		
12.	2010	S.B. 1447: Corrections Standards Authority must inspect facilities where juveniles are held for more than 24 hours.	N/A	Soft

California Findings:

Status Offense Policies	0
Transfer Policies	0
Policies Regarding Educational Services	1
Policies Regarding Rehabilitation and Treatment Programs	4
Other	8
Total Policies	12

3. Indiana

<b>Number</b>	<b>Year</b>	<b>Description</b>	<b>SO/T/E/RT</b>	<b>Hard/Soft</b>
1.	2006	S.B. 84: Coordinates reentry services – establishes a juvenile reentry court which will offer reintegration services that may be required of any juvenile upon release.	RT	Soft
2.	2007	H.B. 1386: Limits definition of sex offender to protect youth through “Romeo and Juliet” Law – protects consenting teenagers.	N/A	Soft
3.	2008	H.B. 1112: Eliminates “once waived, always waived” law for misdemeanors.	N/A	Hard
4.	2009	H.B. 1536: Provides for suspension, rather than termination of Medicaid for incarcerated youth – allows for quicker and easier reenrollment after release.	N/A	Soft
5.	2009	H.B. 1289: Oversees measures to reduce DMC.	N/A	Soft
6.	2010	H.B. 1193: Must submit an annual report regarding school policing.	N/A	Soft
7.	2010	H.B. 1193: Establishes law enforcement,	N/A	Soft

		school policing, and youth work group.		
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Indiana Findings:

Status Offense Policies	0
Transfer Policies	0
Policies Regarding Educational Services	0
Policies Regarding Rehabilitation and Treatment Programs	1
Other	6
Total Policies	7

4. Louisiana

Number	Year	Description	SO/T/E/ RT	Hard/ Soft
1.	2007	H.B. 436 /Act 307: Mandates standards for public defenders.	N/A	Soft
2.	2007	S.B. 265/Act 385: Improves school expulsion process – can't expel without providing alternative education.	N/A	Soft
3.	2008	S.B. 749/Act 565: Closed abusive Jetson Correctional Center for Youth due to widespread violence and tragic death of a youth.	N/A	Soft
4.	2009	H.B. 701: Encourages establishment of evidence-based programs – authorizes commissioners and districts to enter into agreements to establish and maintain evidence-based programs for youth.	RT	Soft
5.	2009	S.B. 302: Converts a juvenile institution into a regional treatment facility.	RT	Soft
6.	2010	H.B. 663: Restricts use of youth confessions – need a knowing and voluntary waiver.	N/A	Soft
7.	2010	H.B. 663: Provides for counsel for children – permits appointment of counsel for all youth immediately upon arrest and detention.	N/A	Soft
8.	2010	S.B. 527: Commits to improved behavior and discipline plans in schools – training of school personnel.	N/A	Soft

9.	2010	H.C.R. 245: House passes resolution to move state closer to Missouri Model of Juvenile Justice – establishes a task force.	N/A	Soft
10.	2010	H.B. 1477: Creates a task force on juvenile detention center standards – ends use of restraint chairs and chemical restraints, mandates staff training, addresses access to education and other services.	RT, E	Soft
11.	2011	H.C.R. 120: Resolves to assess Juvenile Justice System and develop recommendations for reform.	N/A	Soft
12.	2011	S.C.R 44: Families in need of services commission to make recommendations for reform of status offense policies and practices – recommends limited use of detention for youths who commit status offenses.	SO	Soft

## Louisiana Findings:

Status Offense Policies	1
Transfer Policies	0
Policies Regarding Educational Services	1
Policies Regarding Rehabilitation and Treatment Programs	3
Other	8
Total Policies	12

## 5. Maryland

<b>Number</b>	<b>Year</b>	<b>Description</b>	<b>SO/T/E/ RT</b>	<b>Hard/ Soft</b>
1.	2004	Legislation: “Step-down” aftercare”- provides individualized rehabilitation and treatment services to youths returning to their communities.	RT	Soft
2.	2005	S.B. 502: Maryland improves conditions of confinement – requires private residential facilities serving youth to have an educational program that is subject to approval by the	E	Soft

		Maryland State Department of Education.		
3.	2005	S.B. 616: Maryland creates protection for Juvenile competency – sets out standards for how to determine competency and for how to treat youth in the case he/she is determined to be incompetent.	N/A	Soft
4.	2006	S.B. 882: Improves prevention and diversion programs – mandates that the at risk youth prevention and diversion programs provide \$12.4 million for at-risk youth.	RT	Soft
5.	2007	S.B. 360: Expands monitoring of residential facilities – expands responsibilities of Juvenile Justice Monitoring Unit to include monitoring of any facility licensed by the Department of Juvenile Services.	N/A	Soft
6.	2009	H.B. 660: Schools may no longer suspend or expel students solely because of attendance-related offenses – aims to keep youth in school and to promote educational opportunities by addressing the underlying reason for multiple absences.	SO	Soft
7.	2009	H.B. 1227: Youth gain opportunity for record expungement – youth in Maryland may petition for the expungement from the criminal court system of an adult charge upon transfer of the case back to the jurisdiction of the juvenile court.	T	Soft
8.	2010	H.B. 983: Requires cultural competency training for police in schools – goal of training is to provide officers with resources and tools to reduce school arrests.	N/A	Soft
9.	2011	S.B. 787: Maryland Department of Juvenile Services develops a plan for equitable services for girls – report in 2012 contained statewide and regional information on prevention and diversion services, alternatives to detention, and educational and vocational training services.	RT, E	Soft
10.	2011	S.B. 200: Commits to gathering data on outcomes of Juvenile Justice Services – the secretary on DJS must report to the General Assembly on January 1 of each year on recidivism rates of children committed to the DJS for placement in any residential facility – law now requires a breakdown by each program and placement.	N/A	Soft

11.	2011	H.B. 79: Creates school safety task force – make recommendations on school safety training programs; creation of a positive school environment; safety courses for school police officers, etc.	N/A	Soft
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Maryland Findings:

Status Offense Policies	1
Transfer Policies	1
Policies Regarding Educational Services	2
Policies Regarding Rehabilitation and Treatment Programs	3
Other	5
Total Polices	11

6. Missouri

<b>Number</b>	<b>Year</b>	<b>Description</b>	<b>SO/T/E/RT</b>	<b>Hard/Soft</b>
1.	2005	Court Decision: <i>Roper V. Simmons</i> – U.S. Supreme Court decision outlawing the death penalty for crimes committed while under the age of 18.	N/A	Soft
2.	2007	Legislation: Expanded jurisdiction to include status offenders at age 18 and younger.	T	Hard
3.	2011	Court Decision: Missouri Supreme Court mandates use of Juvenile Detention Assessment Instrument, Court Operating Rule 28 – all youth facing detention must receive a risk core in order to determine their pre-adjudication placement.	N/A	Soft

## Missouri Findings:

Status Offense Policies	0
Transfer Policies	1
Policies Regarding Educational Services	0
Policies Regarding Rehabilitation and Treatment Programs	0
Other	2
Total Polices	3

## 7. New Jersey

<b>Number</b>	<b>Year</b>	<b>Description</b>	<b>SO/T/E/ RT</b>	<b>Hard/ Soft</b>
1.	2007	Legislation: Requires suicide and mental health screening for juveniles in detention centers in order to assess their needs.	RT	Soft
2.	2009	Court Decision: NJ Supreme Court holds right to counsel for Juveniles attaches early – right to counsel attaches at the time of the filing of a delinquency complaint and obtainment of a judicially approved arrest warrant – now considered critical stages.	N/A	Soft

## New Jersey Findings:

Status Offense Policies	0
Transfer Policies	0
Policies Regarding Educational Services	0
Policies Regarding Rehabilitation and Treatment Programs	1
Other	1
Total Polices	2

## 8. New York

<b>Number</b>	<b>Year</b>	<b>Description</b>	<b>SO/T/E/ RT</b>	<b>Hard/ Soft</b>
1.	2005	A. 6502: Combats discrimination and harassment of youth by employees in a facility.	N/A	Soft
2.	2007	Policy: NYC anti-discrimination policy for LGBTQ youth.	N/A	Soft
3.	2008	Policy: New York Office of Children and Family Services policy and guidelines to better serve LGBTQ youth – prohibits discrimination based on sexual orientation and gender identity.	N/A	Soft
4.	2008	S. 3175: Creates safe harbor for exploited children – the Safe Harbor Act treats girls under 15 as victims, rather than criminals the first time they are arrested for prostitution.	RT	Soft
5.	2009	Legislation: Requires the Department of Corrections to collect data on adolescents in city jails in response to the beating of a youth on Rikers Island.	N/A	Soft
6.	2010	Court Decision: <i>John F. v. Gladys Carrion-Manhattan</i> judge finds shackling of juveniles illegal - only can shackle as a last resort if youth is dangerous and only for up to ½ hour.	N/A	Soft
7.	2010	Intro 37-A Legislation: NYC council passes incident reporting law – must collect and make public data on injuries to youth in non-secure and secure detention, demographic of youth and child abuse reports.	N/A	Soft
8.	2010	Court Decision: <i>U.S. v. New York</i> – Office of Children and Family Services and the U.S. Department of Justice settlement on facility conditions – use of restraints, force, reporting and investigating incidents, the use of psychotropic medications, treatment planning, transition planning, monitoring.	RT	Soft
9.	2011	SFY 11-12 Budget: Legislation – funds detention alternatives and requires the use of pre-trial risk assessment instrument – alternatives such as community-based supervision and treatment programs.	RT	Soft

## New York Findings:

Status Offense Policies	0
Transfer Policies	0
Policies Regarding Educational Services	0
Policies Regarding Rehabilitation and Treatment Programs	3
Other	6
Total Policies	9

## 9. Ohio

Number	Year	Description	SO/T/E/RT	Hard/Soft
1.	2007	Court Decision: <i>In Re C.S.</i> – Ohio Supreme Court decision requiring a juvenile to be counseled by a parent, guardian, or custodian and an attorney before waiving the right to counsel.	N/A	Soft
2.	2008	Court Decision: <i>S.H. v. Stickrath</i> – Settlement agreement to improve conditions in juvenile prisons.	N/A	Soft
3.	2008	Policy: Allows representatives of faith-based organizations to provide reentry services to youths.	RT	Soft
4.	2008	Court Decision: <i>Tremaine Evans v. State of Ohio</i> – Trial Court opinion finding that Ohio's Adam Walsh Act is unconstitutional.	N/A	Soft
5.	2009	Court Decision: <i>State v. Spangler</i> – Ohio Appellate Court holds that the Adam Walsh Act is unconstitutional.	N/A	Soft
6.	2010	Court Decision: <i>State v. Bodyke</i> - Ohio Supreme Court finds state's implementation of the Adam Walsh Act is unconstitutional.	N/A	Soft
7.	2011	Court Decision: Ohio Supreme Court protects young children charged with certain sex offenses – statutory rape cannot be applied to children under 13 who engage in sexual conduct with others under 13.	N/A	Soft
8.	2011	H.B. 86: Ohio passes juvenile sentencing	RT, T	Soft

		reform bill – supports research-based outcome-based programs and services, early release opportunities, uniform competency standards, reverse waiver provision for transferred youth, addresses needs of youth with mental illnesses.		
9.	2011	Court Decision: <i>State v. Williams</i> – Ohio Supreme Court rules State’s implementation of Adam Walsh Act cannot be applied retroactively.	N/A	Soft

## Ohio Findings:

Status Offense Policies	0
Transfer Policies	1
Policies Regarding Educational Services	0
Policies Regarding Rehabilitation and Treatment Programs	2
Other	7
Total Policies	9

## 10. Texas

Number	Year	Description	SO/T/E/ RT	Hard/ Soft
1.	2005	Legislation: Requires juvenile probation departments to have youth complete the MAY-SI-2 screening instrument that identified potential mental health and substance abuse needs.	RT	Soft
2.	2007	S.B. 103: Texas creates ombudsman’s office for incarcerated youth – mandates creation of an ombudsman’s office to oversee conditions of confinement and treatment of incarcerated youth.	N/A	Soft
3.	2008	Court Decision: <i>K.C. v. NedelKoff</i> – complaint of ACLU on behalf of Texas girl inmates – stop abuses at detention centers for female offenders.	N/A	Soft
4.	2009	H.B. 2386: Texas youth may have records sealed immediately after successful	N/A	Soft

		completion of the Drug Court program.		
5.	2009	H.B. 4451: Texas youth with mental illness or mental retardation to receive continuity of care – these youth must be discharged if completed minimum length of stay and continue of care services even when discharged.	RT	Soft
6.	2009	S.B. 839: Texas youth convicted of capital felonies given the opportunity for parole – can't be sentenced to life without parole.	N/A	Soft
7.	2009	H.B. 171: Texas schools must consider mitigating factors before severely disciplining youth – must consider self-defense, intent, discipline history, or disability before suspending, expelling or alternative education program regardless of whether the disciplinary action was mandatory in the code of conduct.	N/A	Soft
8.	2009	S.B. 1824: Texas creates a task force for children with special needs in order to address service delivery in the Juvenile Justice System – improves the coordination and quality of services for children and youth with special needs within the system and upon reentry.	RT	Soft
9.	2009	H.B. 1688: Texas clarifies motions procedure for new juvenile court trials – juvenile court attorneys will have greater clarity and process will be more efficient.	N/A	Soft
10.	2009	S.B. 518: Texas allows for more in-depth review by attorneys prior to transfer hearings – went from 1 day to 5 days that the court has to provide the attorneys all written matter the court will consider in making the transfer decision.	T	Soft
11.	2009	S.B. 1374: Local Texas juvenile probation departments must report annually to Governor and legislature – must report on operation and conditions of juvenile probation services, must evaluate effectiveness of community-based programs and compare costs of probation service program vs. detention.	RT	Soft
12.	2009	H.B. 1630: Committed youth are to be assessed for health care eligibility before released.	N/A	Soft

13.	2011	S.B. 653: Youth commission merges with Texas Juvenile Probation Commission – forms new Texas Juvenile Justice Department (TJJD) – prioritizes community and family-based programs over commitment and emphasizes rehabilitation.	RT	Soft
14.	2011	S.B. 501: Establishes the disproportionality council – examines levels of disproportionality involvement of youth who are members of a racial or ethnic minority group at each stage.	N/A	Soft
15.	2011	H.B. 961: Restricts access to youth records- all records/files related to a youth convicted of a fine-only misdemeanor is confidential.	N/A	Soft
16.	2011	S.B. 1489: Texas limits school ticketing – schools are prohibited from ticketing students ages 10-11 and 18-21 for failing to attend school and schools should adopt truancy prevention measures and can expunge a truancy record if the youth complies and receives a diploma or equivocal certificate.	SO	Soft
17.	2011	H.B. 359: Limits school ticketing of youth in grades 6 and below. [same regulations as those listed above]	SO	Soft
18.	2011	S.B. 1209: Increases protections for youth transferred to the adult system – youth under 17 must be separated by sight and sound from adults in the same facility and counties must develop policies specifying whether certain youth transferred under 17 may be held pre-trial in a detention facility and not a jail.	T	Soft

## Texas Findings:

Status Offense Policies	2
Transfer Policies	2
Policies Regarding Educational Services	0
Policies Regarding Rehabilitation and Treatment Programs	5
Other	9
Total Polices	18

## 11. Virginia

Number	Year	Description	SO/T/E/ RT	Hard/ Soft
1.	2004	H.B. 600: Improves juvenile defense – requires that youth receive counsel prior to initial detention hearing and makes it more difficult for youth to waive control.	N/A	Soft
2.	2005	H.2245: Creates transition plan for incarcerated juveniles – mental health and substance abuse services for youth returning from corrections/detention.	RT	Soft
3.	2005	H.B. 2670, Chapter 427: Creates restrictions on juvenile defense waiver – can only waive counsel if they consult with an attorney and court determines if was voluntary and in writing that the child and parent consent and it is consistent with interests of the child.	N/A	Soft
4.	2007	H.B. 3007: Ends “once and adult, always an adult” – requires that youth are convicted in the first offense to be tried as an adult in future offenses.	T	Soft
5.	2007	H.B. 2053, Chapter 460: Permits blended sentences for juveniles convicted of capital murder – can only be sentenced by the court and court may impose blended sentences.	T	Soft
6.	2008	H.B. 1207, Chapter 517: Allows juveniles given blended sentences to earn sentence credits – juveniles convicted as adults and given blended sentences are eligible to earn sentence credits while at juvenile facility.	T	Soft

7.	2008	S.B. 610, Chapter 760: Improves compensation for court-appointed counsel for juveniles.	N/A	Soft
8.	2008	S.B. 590, Chapter 877: Creates “Romeo and Juliet” exception in sex offender law – makes carnal knowledge and sexually violent offense only when perpetrator is 5 years older than the victim and convicted of any 2+ sexually violent offenses.	N/A	Soft
9.	2009	H.B. 1794: Schools may not suspend students for truancy.	SO	Soft
10.	2010	S.B. 259: Youth transferred may be detained in Juvenile facilities – must be placed in a juvenile facility pending trial rather than an adult jail.	T	Soft

## Virginia Findings:

Status Offense Policies	1
Transfer Policies	4
Policies Regarding Educational Services	0
Policies Regarding Rehabilitation and Treatment Programs	1
Other	4
Total Policies	10

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