RE-ARREST RATES AMONG YOUTH SENTENCED IN ADULT COURT

Evaluation Report for

JUVENILE SENTENCING ADVOCACY PROJECT

MIAMI-DADE COUNTY PUBLIC DEFENDER'S OFFICE

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RE-ARREST RATES AMONG YOUTH RECEIVING JUVENILE SANCTIONS: AN EVALUATION OF THE JUVENILE SENTENCING ADVOCACY PROJECT

Evaluation Report

Research shows that youth who enter the adult justice system are at greater risk for recidivism than are those who remain within the juvenile justice system. Unfortunately, high numbers of youth in Miami-Dade County have historically been transferred to adult court, resulting in few of these youth receiving juvenile sanctions. In response to this perceived problem, the Miami-Dade County Public Defender's Office initiated the Juvenile Sentencing Advocacy Project in 1999. The Juvenile Sentencing Advocacy Project (JSAP) served children ages 12 to 18 years who had been transferred to adult court, with the goal of increasing the number of juvenile sanctions among these youth. It was predicted that an increase in juvenile sanctions would result in lower re-offense rates among youth. To accomplish this objective, JSAP incorporated a variety of activities aimed at (1) enhancing assessments and evaluations, (2) preparing and presenting mitigation reports, and (3) educating defense lawyers, social workers, judges, prosecutors, police and other concerned individuals regarding the importance of considering developmental factors when sentencing youth or making sentencing recommendations.

As outlined in the July 2000 Evaluation Report prepared by Dr. Mason, JSAP was very effective in meeting this goal. Through education and outreach, judges,

police officers, and others involved in the justice system reported increased concern regarding youth being incarcerated with adults and greater need to consider issues such as special education or IDEA when sentencing youth. Most importantly, the number of cases receiving juvenile sanctions more than tripled following the initiation of the program, to three and a half times the pre-JSAP rate. However, it should be noted that there continued to be considerable variation between individual judges. For example, one judge administered juvenile sanctions to 77% of their JSAP cases, whereas another judge administered juvenile sanctions to only 6% of their JSAP cases.

While it was believed by the Miami-Dade County Public Defender's Office that the increase in the use of juvenile sanctions would lead to fewer re-offenses among youth in the justice system, this key question was unanswerable at that time. Therefore, the purpose of this report is to determine whether the increased use of juvenile sanctions was associated with lower re-offense rates among these youth.

EVALUATION PROCEDURES

Participants

This report specifically examines 162 youth transferred to adult court and who entered pleas during 1999. This included all youth age 12-18 whose cases had been managed by the Miami-Dade County Public Defender's Office. Of these 162 youth, 93% were male, 69.6% were Black, 30.4% were White (including Hispanic), and 28.7% were identified as having a special education exceptionality. The mean age of youth in this sample was 17 years, 1 month at the time a plea was entered, with 10.8% under the age of 16 years.

Methodology

Youth outcomes were determined through a comprehensive and extensive review of both paper and electronic client files contained at the Miami-Dade County Public Defender's Office. In addition, electronic court records for both the Criminal Justice Information System and the Public Defender's internal database system were examined. Records were reviewed under the close supervision of a lawyer from the Public Defender's Office.

First, all youth with a 1999 plea date were identified. Files for these youth were then reviewed in order to assess information regarding their initial sentence and key demographic factors (age, gender, race, special education placement, etc.). Various sources were then examined to determine whether the youth violated their initial sentence and the consequences of any violations. This information was recorded on paper data forms, which were then entered into a Microsoft Access database for analyses. All analyses were conducted using SPSS version 10.

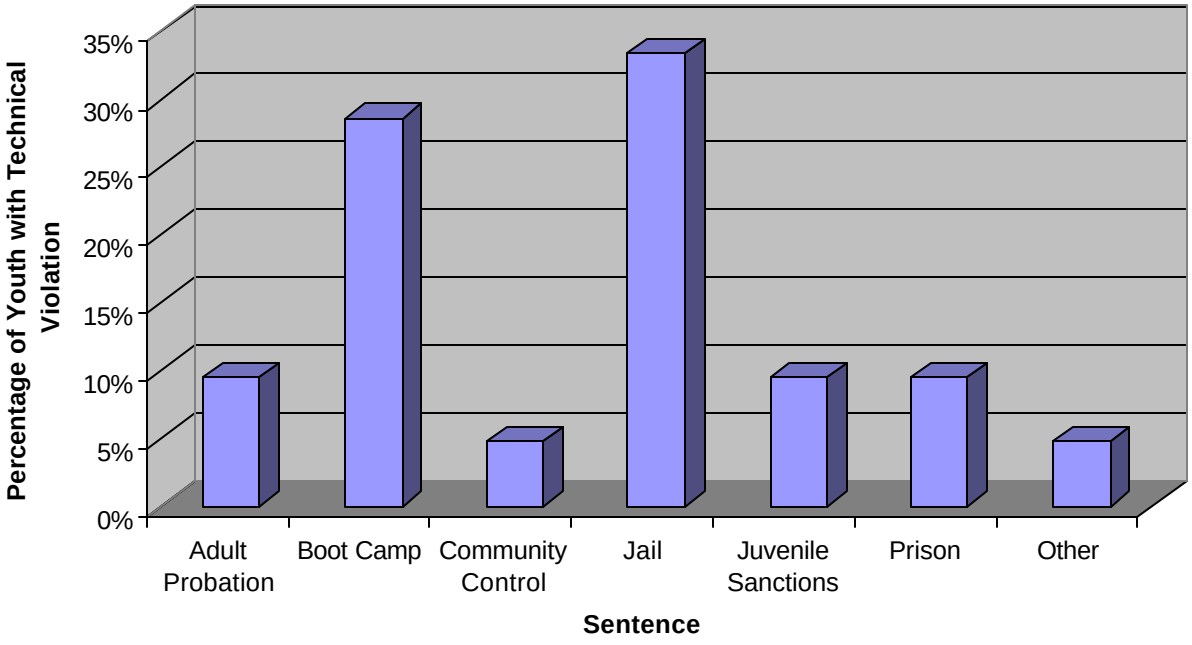
Results

Preliminary Analyses: Issues With Technical Violations

Prior to conducting the central data analyses, preliminary analyses were conducted to assess the extent and consequences of technical violations by youth. While technical violations do not necessarily reflect a new offense, they do reflect the youth not following court ordered instructions, and generally result in an increased or more severe sentence. Consequently, it was necessary to determine whether technical violations would be considered an actual violation or whether instances of technical

violations would be ignored. To do this, a set of analyses examined all youth who received only technical violations for their initial sentence. Consequences for these technical violations were tabulated and are presented in Figure One.

Figure One: Consequences of Technical Violations



A total of 21 youth had technical violations for their initial sentence and no additional new cases during the study period. Of these youth, one third were ultimately sentenced to jail, while 29% were sentenced to boot camp. Slightly less than 10% were consequently sentenced to prison, while the same number received adult probation and

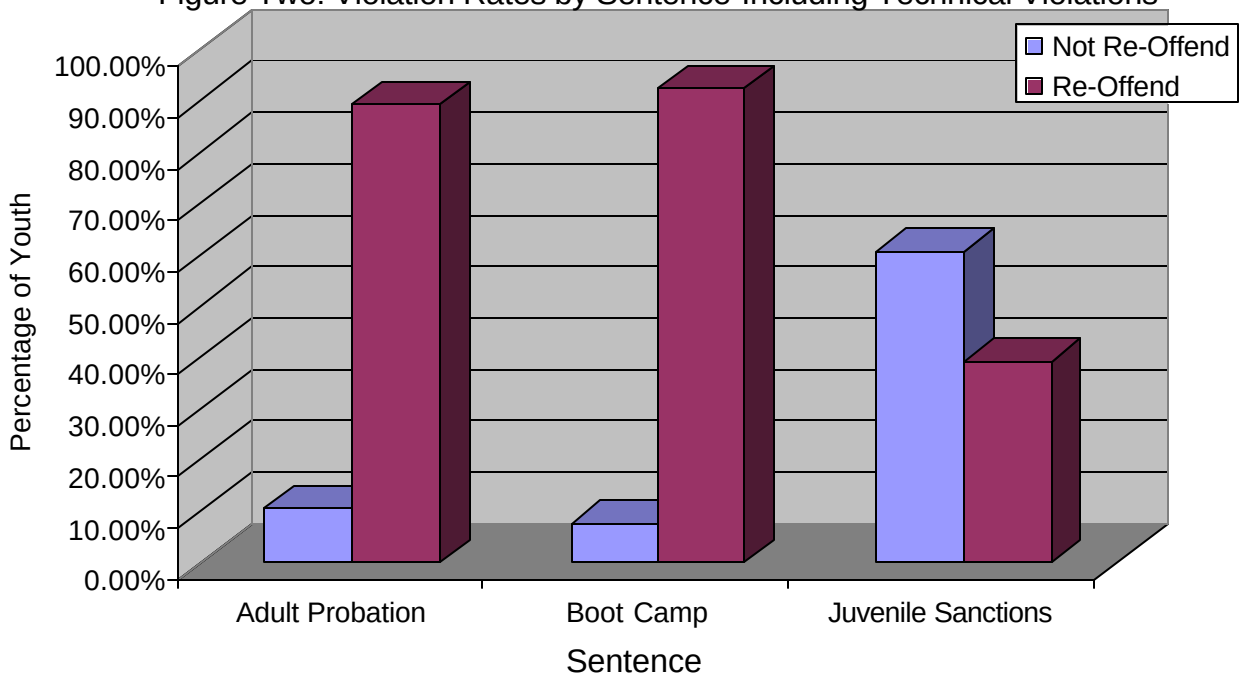
juvenile sanctions. Given the serious consequences of technical violations, both for the youth involved and for the justice system, it was decided to run all key analyses twice—once including technical violations and a second time only considering new cases.

Outcome Analyses: Violation Patterns Based on Initial Sentence

Two sets of analyses were conducted. The first set examined re-offending patterns among youth. The second set examined consequences for those youth who violated their initial sentence.

Including Technical Violations. Given the evidence that the JSAP program resulted in a significant increase in the use of juvenile sanctions, the goal of this report was to examine re-offense rates among youth receiving juvenile sanctions, relative to the re-offense rates among youth receiving adult sentences. As presented in Figures Two and Three, analyses found dramatic differences in re-offense rates. These analyses focused on three initial sentences: juvenile sanctions, adult probation, and boot camp. The number of youth receiving other sentences was either too small to analyze alone, or as with youth sentenced to prison, there had been inadequate opportunity for re-offending. The first set of analyses examining re-offense rates included technical violations as a re-offense. Results of these analyses are presented in Figure Two

Figure Two: Violation Rates by Sentence-Including Technical Violations



As shown in Figure Two, re-offense rates (when including technical violations) among youth receiving juvenile sanctions were dramatically different than those receiving either boot camp or adult probation ($X^2(N=116,2)=30.72$, $p<.001$). Among youth receiving juvenile sanctions, 39.4% had either a technical violation or a new case during the study period. In contrast, 89.2% of youth receiving adult probation had either a technical violation or a new case, as did 92.3% of youth sentenced to boot camp. In other words, youth who received adult probation or boot camp were approximately 2.28

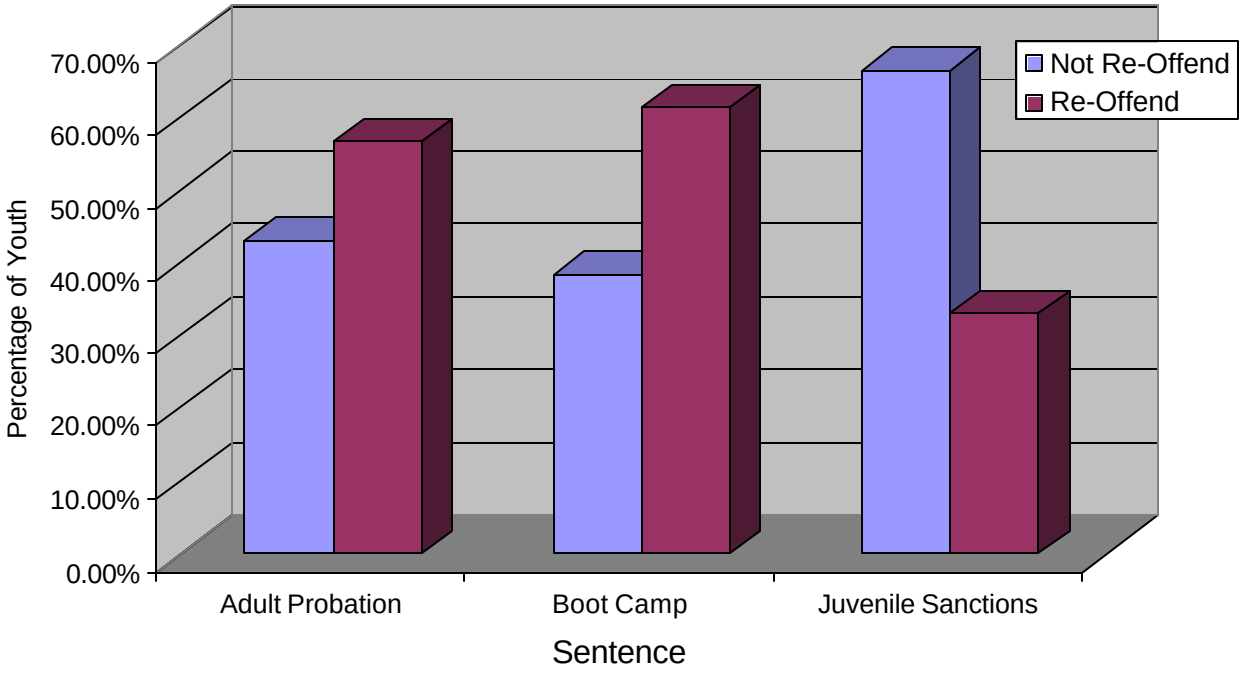
times more likely to have a technical violation or a new case than were youth who received juvenile sanctions (RR=2.26, 2.34, respectively).

In fact, if youth receiving juvenile sanctions were compared to all youth not receiving juvenile sanctions—including those in jail and in prison—those receiving adult sanctions were 81% more likely to have a technical violation or a new case than were youth receiving juvenile sanctions. To translate this into public policy terms, this reflects a potential 20.2% reduction in the number of transferred youth who re-offended with a technical violation or a new case. In other words, the current re-offense rate is 20.2% lower than what it would have been had youth receiving juvenile sanctions re-offended at the same rate as other youth.

Excluding Technical Violations. If these same analyses are repeated excluding technical violations, a similar, although less dramatic pattern is observed. It should be noted that in this analysis, a youth who is initially sentenced to adult probation, but who goes on to receive a technical violation and is subsequently sentenced to prison, would be considered a probation "success story", as he or she did not have a new case. As shown in Figure Three, when ignoring technical violations, re-offense rates were lower, although youth receiving juvenile sanctions continued to have lower rates than those receiving either boot camp or adult probation ($X^2(N=116,2)=7.115$, $p<.05$). Among youth receiving juvenile sanctions, 33.3% had a new case during the study period. In contrast, 56.8% of youth receiving adult probation had a new case, as did 61.5% of youth sentenced to boot camp. In other words, youth who received adult probation or boot camp were approximately 74% more likely to

have a new case than were youth who received juvenile sanctions (RR=1.70, 1.85 respectively). When compared to all youth, including those in jail and in prison, those receiving adult sanctions were 50% more likely to have a new case than were youth receiving juvenile sanctions. This reflects a potential 15.1% reduction in the number of transferred youth who re-offended with a new case. This, combined with Figures Two and Three, represents the key finding of this evaluation report.

Figure Three: Violation Rates by Sentence-Excluding Technical Violations



Factors That May Influence Sentencing

While the above analyses suggest that youth receiving juvenile sanctions are at considerably lower risk for re-offending relative to youth receiving adult sentences, several alternative explanations and/or confounding factors should be considered. However, as described below, none of these alternative explanations appear adequate to explain this effect.

Nature of Charge. First, one possible explanation for this difference is that youth receiving adult sentences, such as adult probation, may have been identified as more serious cases that were more likely to re-offend regardless of the sentence given. A series of preliminary analyses did suggest that the nature of the charge was related to the sentence a youth received. Therefore a logistic regression was performed in which the effect of juvenile sanctions on re-offenses was tested after controlling for initial charges. Charges were grouped into 9 categories, juvenile sanctions was a simple dichotomous variable indicating whether or not a youth received juvenile sanctions, and the outcome was a simple dichotomous variable indicating whether a youth re-offended during the study period. This analysis found that initial charges were not related to re-offenses (X^2(N=144, 8)=12.606, p>.10 when excluding technical violations, X^2(N=144, 8)=12.559, p>.10 when including technical violations).

It should be noted that given the variety of charges involved in this study, statistical analyses directly examining differences in detail are not possible. Nevertheless, several differences warrant mention. For example, while 22.8% of youth in this sample received adult probation, only 13.8% of robbery-related charges

received adult probation while 37.5% of theft-related charges resulted in adult probation. Furthermore, while 40.7% of youth received juvenile sanctions, juvenile sanctions were administered in connection with 64.3% of battery-related charges, but only 26.3% of drug-related charges.

When examined on this level, the number of youth in a given charge-sentence combination is too small to examine statistically (e.g., only two youth receiving adult probation faced battery-related charges). However, there were sufficient numbers of youth charged with drug-related offenses who also received juvenile sanctions and adult probation, that re-arrest rates among youth with drug-related charges could be examined. Specifically, ten youth charged with drug-related offenses received juvenile sanctions. Of these ten youth, four (40%) re-offended during the study period—regardless of whether technical violations are included or excluded. In contrast, 10 youth charged with drug-related offenses received adult probation. Eight of these ten had new cases during the study period and the remaining two youth had technical violations. These differences are essentially identical to the overall pattern presented in Figures Two and Three.

Prior History. Second, it could be hypothesized that an increased propensity to re-offend may have been evidenced by a prior criminal history. Consequently, a prior criminal history may have played a role in influencing judges to impose adult sentences on those youth who were more likely to re-offend regardless of the sentence given. Therefore, additional analyses were performed to determine whether a youth's prior history (no record, misdemeanor record, felony record) was related to the sentence

given. No difference was found whether analyses examined all possible sentences (X^2 (N=155,14)=13.445, p>.10), or just the more frequent sentences (X^2 (N=113,4)=1.246, p>.10).

Age. A pair of logistic regression analyses were conducted to determine whether age was related to re-offending. No age effect was found whether technical violations were included (X^2(N=145,1)=1.634, p>.10) or excluded (X^2(N=145,1)=2.662, p>.10).

Final Logistic Regression. A final logistic regression was performed in which the effect of juvenile sanctions was tested after controlling for race, initial charge and age. Race was a dichotomous variable indicating whether a youth was Black (African American, Caribbean Black) or White (including Hispanic). Charges were grouped into 9 categories as in the earlier analyses. Age in years was entered as a continuous variable and juvenile sanctions was a dichotomous variable indicating whether or not a youth received juvenile sanctions. The outcome was a dichotomous variable indicating whether a youth re-offended during the study period.

These analyses found race to be unrelated to re-offending whether technical violations were considered a re-offense (X^2(N=141, 1)=0.039, p>.10) or whether re-offenses only included new cases (X^2(N=141, 8)=2.113, p>.10). After controlling for race, initial charges were also unrelated to re-offending (X^2(N=141, 8)=12.252, p>.10 including technical violations, X^2(N=141, 8)=12.021, p>.10 excluding technical violations). After controlling for race and initial charges, age did have a significant relationship with re-offending. This was true whether technical violations were

considered a re-offense (X^2(N=141, 1)=4.862, p<.05) or whether re-offending was limited to new cases (X^2(N=141, 1)=4.300, p<.05). Specifically, after statistically controlling for race and initial charge, an increase in age of one year was associated with a 42 to 44% reduction in the odds that a youth would re-offend. In other words, older youth were less likely to re-offend. Closer examination of the data suggested that this was at least partly due to older youth receiving sentences, such as prison, that resulted in their being in custody for a longer period of time, thus decreasing the opportunity for a re-offense.

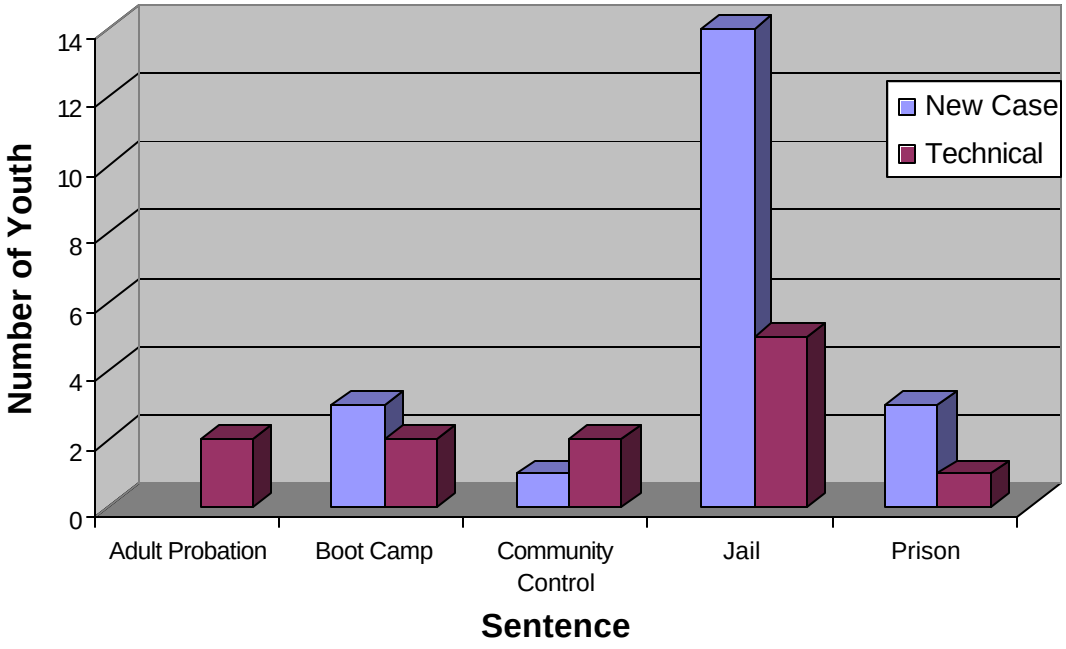
Finally, after controlling for all of these effects, juvenile sanctions continued to have a significant relationship with re-offending whether technical violations were considered a re-offense (X^2(N=141, 1)=16.247, p<.001) or whether re-offenses were limited to new cases (X^2(N=141, 1)=4.473, p<.05). Specifically, even after controlling for race, initial charges, and age, the odds that a youth who received adult sanctions would have a new case was 2.26 times that of a youth who received juvenile sanctions. When technical violations were included as a re-offense, this increased to 4.90 times that of youth receiving juvenile sanctions. Together, these results further support the validity of the dramatic differences noted in Figures Two and Three.

Outcomes for Youth Who Violate Initial Sentence

A final series of analyses was conducted to examine consequences for those youth who violated their initial sentence. The first set of analyses examined the 33 youth who violated an initial sentence of adult probation. Of these 33 youth, 12 committed technical violations, while 21 were involved in a new case. Regardless of whether the

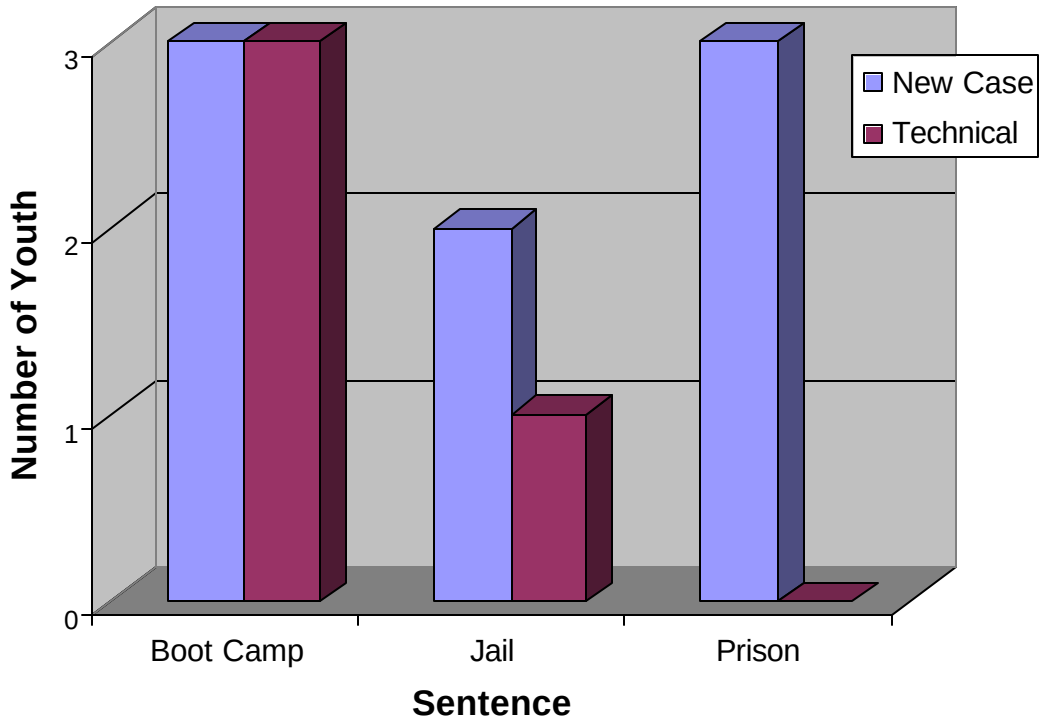
issue was a technical violation or a new case, youth were most likely to be subsequently sentenced to jail, although the relative proportion of cases being sentenced to jail was somewhat higher among youth with a new case than youth with a technical violation. Specifically, of the 12 youth committing technical violations, 5 (41.7%) were subsequently sentenced to jail. In contrast, of the 21 youth charged with a new case, 14 (66.7%) were subsequently sentenced to jail. Sentences for youth who violated adult probation are presented in Figure Four.

Figure Four: Consequences for Youth Violating Adult Probation



Additional analyses examined the 10 youth who violated an initial sentence to boot camp. Of these 10 youth, 4 committed technical violations, while 6 were involved in a new case. Among youth with a technical violation, 3 were recycled into boot camp. Among youth with a new case, subsequent sentences were divided across jail, prison, and a recycling into boot camp. Sentences for youth who violated boot camp are presented in Figure Five.

Figure Five: Consequences for Youth Violating Boot Camp



Finally, of the 26 youth who violated juvenile sanctions, 22 involved a new case and 4 involved technical violations. A detailed examination of the consequences of these violations was not practical as it was not possible to determine the subsequent sentences for 11 of these youth. This was due to their cases still awaiting sentence and/or an inability to easily determine the subsequent sentence.

CONCLUSIONS

The Miami-Dade County Public Defender's Office initiated the Juvenile Sentencing Advocacy Project with the goal of reducing re-offense rates by increasing the use of juvenile sanctions among youth transferred to adult court. The belief underlying the JSAP program was that youth who received juvenile sanctions would be less likely to re-offend than youth receiving adult sentences. As detailed in the July 2000 Evaluation Report, JSAP was highly effective in increasing the number and percentage of youth receiving juvenile sanctions. Specifically, following implementation of the program, the number of youth receiving juvenile sanctions more than tripled. However, when that initial report was prepared, insufficient time had elapsed for testing whether this increase in juvenile sanctions resulted in lower re-offense rates among youth. The goal of this report was to directly answer that question.

As evident in the analyses presented above, youth who received juvenile sanctions through the JSAP program had dramatically lower re-offense rates than youth who did not receive juvenile sanctions. Follow-up analyses examining a variety of potential confounds did not find viable alternative explanations for the dramatic differences observed. For example, even after controlling for race, initial charges, and

age, those receiving juvenile sanctions were at significantly lower risk of re-offending than were youth receiving other sentences. While a variety of analyses were performed in order to examine potential subtle differences or limitations in the results, in balance, the overall findings are surprisingly simple and robust.

If there is a downside to this report, it is seen in the consequences for those youth who violate their initial sentences. Of those youth who violated their initial sentence with either a new case or a technical violation, approximately 54.1% were ultimately sentenced to jail and 18.0% were ultimately sentenced to prison. It should be noted that these high rates are based solely on data during the limited time frame of this study. With additional time, these rates will likely increase. Consequently, it is imperative that sentences be based upon minimizing re-offense rates among youth. This report clearly shows the importance of juvenile sanctions in achieving this goal.

In sum, the findings of this report suggest a very strong and positive effect for the Juvenile Sentencing Advocacy Project. This project led to a dramatic increase in the use of juvenile sanctions among youth transferred to adult court, with lower re-offense rates among youth receiving juvenile sanctions. From a policy-perspective, the current rate of new cases among these youth is 15% lower than what it would have been had youth receiving juvenile sanctions re-offended at the same rate as other youth. This is particularly important given evidence reported both here and in the July 2000 Evaluation Report that there is no clear evidence of other determining factors differentiating youth receiving juvenile sanctions from youth receiving adult sentences. In fact, as noted in the July 2000 Evaluation Report, the decision often seems to reflect idiosyncrasies and

differences between individual judges and prosecutors. These findings clearly point out that arbitrary use of sentences other than juvenile sanctions has a negative impact on children by increasing their risk for re-offending, on the justice system by increasing the demand of potentially preventable cases, and on society as a whole by increasing crime rates.