

THE RELATIONSHIP OF JUVENILE ARRESTS TO TEXAS JUVENILE
PROBATION COMMISSION REFERRALS AND TEXAS
YOUTH COMMISSION CONFINEMENTS

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ABSTRACT

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Although much research has been done to examine juvenile delinquency in terms of the characteristics of juveniles, very little has been undertaken to study the connection between juvenile arrests, referrals, and confinements. This study examines the relationships between juvenile arrests, referrals, and confinements in Texas to determine if there are significant correlations based on the juvenile's age and offense committed. Using records from the Texas Department of Public Safety juvenile arrests, Texas Juvenile Probation Commission referrals, and Texas Youth Commission confinements for the years 1995 to 2003, this study compares aggregated and individual year data from each of the agencies to ascertain relationships through the correlation of the data. Significant relationships were discovered between certain age and offense categories, and were found more often between aggregated rather than individual year data. When the relationship between the general juvenile population, arrests, TJPC referrals and TYC commitments are analyzed, the findings may be used as the basis to forecast future arrests, referrals and commitments.

CHAPTER 1

INTRODUCTION

There have been numerous studies on the rate of juvenile arrests in the state of Texas. Most of these have examined the relationship between the characteristics of the juvenile (i.e. sex, race, age) and either the offense or the arrest rate (Snyder & Sickmund, 2006; Scheffensmeier, Allan, Harer & Streifel, 1989). No studies have been found that investigate the relationship between the number of arrests, the number of referrals to TJPC, and the number of confinements in TYC in the context of these characteristics. This paper attempts to determine, through various statistical measures, if there is a correlation between the number of juveniles in Texas who are arrested, referred to probation, and possibly confined in a TYC facility, in relationship to that juvenile's age and offense.

This thesis examines arrests, referrals, and confinements of juvenile offenders; all three topics must be studied to determine the relationships that exist between these stages of juvenile justice. Research that specifically observes the relationship between the number of arrests and the number of referrals and confinements in the juvenile justice system is extremely underrepresented in the literature. Instead, the focus is typically on a particular characteristic of the juvenile, such as age or race.

CHAPTER 2

LITERATURE REVIEW

When examining the literature, one must first distinguish between the arrests of juveniles and adults. As previously mentioned, there is a different process for the age groups, and thus the crimes are reported under different classifications. For example, statutory offenses can be committed by juveniles but not adults. Therefore, studies that examine adult arrests rates and confinements may not necessarily apply to the juvenile justice system and might not be appropriate for this paper's literature review.

Early Juvenile Courts

Juvenile crime and delinquency has been a problem for our nation almost since its inception. For many years, juveniles were handled, and subsequently penalized, in the same manner as adults. The first United States juvenile court officially began in Chicago, Illinois, in 1899 (Harris, Welsh, & Butler, 2000). Before this time, children and juveniles were handled inconsistently, and were treated as adults in court. Punishments were often harsh and unsuitable.

Prior to 1899, the treatment of children who committed crimes was severe. Infants and children under the age of seven were not deemed capable of criminal intent, and not held responsible in court for their actions. This immunity from prosecution was because they were considered to be lacking moral responsibility, also known as the infancy defense (Shepherd, 1999). Children aged seven and older, however, were considered to

be of “the age of reason,” and, therefore could be tried in adult criminal court. Those “between ages 7 and 14 were presumed not to be criminally responsible, and prosecutors had to prove that an individual juvenile was culpable. Youth age 14 and older were deemed as responsible for their criminal acts as adults” (Shepherd, 1999, p.13). If found guilty of a crime, possible punishments included imprisonment or even death (Bilchik, 1999). If found guilty of murder, the sentence was more often death. At least 10 children were executed before the age of 14 under this system; many others died in adult prisons before reaching adulthood themselves. These stories shocked the American public, and in the 19th century, many began to call for reforms that specifically targeted juveniles and children (Shepherd, 1999).

As a result, advocacy groups in the early to mid-1800s campaigned for radical changes in the treatment of juveniles. This led to the creation of a separate system for processing juveniles, which was one of the major breakthroughs in the American court system, and allowed for better management of those youth who could not protect themselves, or who needed discipline (Bilchik, 1999). The juvenile system has evolved since that first case in Chicago, and undergone many changes, both legal and procedural, that have given rise to the current system.

During the first half of the 20th century, the juvenile justice system flourished as other states began to adopt the system to help their troubled and delinquent youth. These initial courts were informal in their procedures, and gave the judge a large amount of discretion in handling cases (Bilchik, 1999). Their focus was the treatment and rehabilitation of juveniles so that they would become productive members of society. In the second half of the century, this method of managing juveniles was questioned, and a

series of decisions shifted the courts towards more formal procedures (Harris et al., 2000).

During the 1980s, the public began to consider juvenile courts as too lenient based on the misconception that the juvenile crime rate was substantially increasing. This led to more punitive laws being passed in many states, and the treatment of some juveniles as criminals but in juvenile court. At present, the focus of the juvenile justice system is law and order (Bilchik, 1999). The rates of juvenile crime, especially violent juvenile crime, have risen and fallen in the past decades. The Uniform Crime Report from the FBI shows an overall national decline in the rate of juvenile arrests between the years of 1993 and 2001 (see Appendix 1). However, juvenile crime rates remain an ever-constant problem in the criminal justice system.

Arrest Rate Relationships

The relationship between the number of DPS (Department of Public Safety) juvenile arrests and TJPC referrals and TYC commitments has not been widely studied, and as a result, there is not much research material on the subject. Many of the studies on the juvenile arrest and referral rates focus on recidivism, or on the problem of inequality in juvenile court decisions (Loeber, Farrington, & Petechuk, 2003; Pope and Snyder, 2003). Additional studies focus on the age of the juvenile, or other identifying features, such as sex or race (Hirschi & Gottfredson, 1983; Lauritsen, 1998).

One paper studied arrest records to predict crime rates (although not specifically of juveniles) through the use of arrest histories is by Blumstein and Cohen (1979). Their analysis compared several years of arrest data to estimate crime rates for specific crimes. It was found that a decrease in arrest rates is observed when comparing these rates to the

total population. However, when studied at an individual level, arrest rates increased with age for several categories, such as burglary, narcotics, and offenses classified as “other.” Additionally, they determined that other categories of offenses (i.e. robbery, aggravated assault, larceny, auto theft, and weapons violations) displayed no observable trends for individual arrests rates (Blumstein & Cohen, 1979). The scope of their study, however, covered only crime and arrest rates, and did not analyze the relationship between arrests and confinements.

The 2006 National Report of Juvenile Offenders (Snyder & Sickmund, 2006) examined the incidences of juvenile crime. Most of the data focused on the difference between races and sexes, but included some information in respect to the juveniles’ ages. The study found that juvenile crime is declining, and that the disparities between black and white offenders have decreased in the last two decades. Previously, the arrest rate for black offenders was about six times that of white juveniles; in 2003, the arrest rate for blacks had dropped to four times that of whites. Also, between the years 1991 and 1999, the number of juveniles in correctional facilities increased by almost 30%, but in 1999 began to finally decline (Snyder & Sickmund, 2006).

Other studies examined juvenile cases that been processed through juvenile court to determine if there is a need to look at the relationship between arrests and commitments. The Office of Juvenile Justice and Delinquency Prevention (1999) presented data related to the number of juveniles arrested versus those placed in detention, but only distinguished between male or female and black or white. It was found that for black youths, the detention rate of juveniles was four times that of whites. The report also indicated the age at the time of detention for several selected years (1987,

1992, 1996), and demonstrated that the number of referrals for juvenile offenders under the age of 14 increased during these years that were studied. Although there was a 63% increase in the number of referrals, the number of detentions for this age group did not increase significantly (MacKenzie, 1999).

Butts and Adams (2001) also decided there was a need to focus on the relationship between juvenile arrests and confinement. Their study used the juvenile arrest rates from 1980 to 1998 to project juvenile arrest and confinement rates in an attempt to determine the space needs for juvenile commitments. Butts and Adams argued that understanding this relationship could have an impact on policies that affect the decision of whether to send a juvenile to a detention center or not, and for how long (Butts & Adams, 2001).

Age and Crime

In addition to studying the relationships between arrest and detention, it is also necessary to discuss the relationship between age and crime. Numerous studies that focus on both juvenile and adult offenders have been completed on this topic, and much has been written on the reasons behind the correlation between age and crime. Invariably, these have shown that there are indeed certain age groups that commit higher levels of crime than others, and that the relationship is not affected by other characteristics of the offender (race, socio-economic status, etc.).

Hirschi and Gottfredson (1983) examined the relationship between age and crime, and dissected the various ways in which this information has been used to either criticize or support theories, as well as explain the presence of career criminals and the need for

longitudinal studies. They presented several arguments regarding the association of age and crime.

One of these arguments is that correlations between the age and crime must be studied without considering other demographics, both because age has been shown to be invariant across a range of conditions (i.e. sex, race), and because the relationship is not explained in reference to these demographics (Hirschi & Gottfredson, 1983). Another argument, contrary to many studies, is that using age to predict future criminal behavior in juveniles is not an accurate measure. Instead, it is detrimental to the idea of treatment of children, insinuating that rehabilitative measures are inefficient. Lastly, they stated their belief that longitudinal data is not necessary for an age-crime study as it does not offer enough of a benefit towards answering causal questions in comparison to its high costs (Hirschi & Gottfredson, 1983).

In a longitudinal study completed by Scheffensmeier, Allan, Harer and Streifel (1989), arrest data for the years 1940, 1960, and 1980 were scrutinized to determine whether a consistent pattern for age and type of offense was observable. By using the information in the FBI's Uniform Crime Report, they were able to determine variation between age and offense within a 40-year period. The major conclusion gleaned from the information examined was that there was a definite and "substantial difference in the age-crime relation across offense type and over time" (Scheffensmeier et al., 1989, p. 823), and that crime is invariant regardless of age or offense. The data also showed an increase in the rate of juvenile crime, and "that the offenders of today tend to be younger and less variable in age than in 1940 or in 1960" (Scheffensmeier et al., 1989, p. 826).

An OJJDP Study Group on Very Young Offenders performed by Loeber, Farrington, and Petechuk (2003) found that juvenile crime in the age group 13 and under has increased about 30% in the past ten years. These findings are congruent with information presented by Snyder and Sickmund (2006). The data indicated that over 70% of juveniles with four or more referrals were 12 or younger at the time of the first referral (Loeber et al., 2003, p.2). They concluded that younger offenders (12 and under) had a greater risk of re-offending, and that early intervention was necessary to try and prevent future delinquency. Loeber et al. also indicated that policymakers should be concerned about early intervention because juvenile delinquency, especially in the younger age groups, is a serious problem in society, as well as being expensive for taxpayers (Loeber et al., 2003).

Lauritsen (1998) discusses the limitations of studying the age-crime relationship when using self-reported data in longitudinal studies. The data covered a five-year period in which juveniles of various ages (from 11 to 17) self-reported involvement in crimes. It was found through this research that regardless of starting age, the amount of self-reported criminal activity significantly declined after the first year of the experiment. The author uses this information to conclude that data obtained in this manner in longitudinal studies may have inherent weaknesses, but these can be minimized by including other measures of behavior. She cautions against using this type of data to draw conclusions about the relationship between age and crime (Lauritsen, 1998).

Race and Crime

Many of the studies on juvenile arrests and confinements focus on the race of the offender. Menon and Jordan, in a 1997 study, assessed the differences in arrest, diversion,

and adjudication rates. They analyzed offenses committed by juveniles, separating these by the race/ethnicity and sex of the offender. Using this data, a comparison was done with the number of juveniles in detention of certain races/ethnicities to determine if disproportionate minority confinement was present. It is emphasized in their paper that very little research has been done that examines offenders at multiple stages of the juvenile justice system (Menon & Jordan, 1997).

Pope and Snyder (2003) studied race as a factor in juvenile arrests, and how an officer's decision to take a juvenile into custody may be affected by race. Using arrest data on white and non-white juveniles from the 1997 and 1998 NIBRS (National Incident-Based Reporting System), Pope and Snyder compared the two categories based on a multitude of factors (ex: sex, age, offense, location of crime, weapons used, etc.). Differences were found between white and non-white offenders. White juveniles were more likely to work alone, commit crimes indoors, and commit crimes against family members. Non-white juveniles were more likely to have multiple victims, possess a weapon, and commit offenses against adults, people of another race and strangers. Both were equally likely to commit offenses against females and to injure their victims (Pope & Snyder, 2003).

However, while there were the aforementioned differences in the white and non-white offenders, statistical evidence to support the notion that police were more likely to arrest non-white juveniles was not found. Surprisingly, the data would seem to indicate that in the case of violent crimes that were witnessed or reported, the police were more likely to arrest a white offender than a non-white offender. The only bias seen through the

analysis of the data was that when the victim was white, the police were more inclined to arrest nonwhite offenders than when the victim was nonwhite (Pope & Snyder, 2003).

Violent Juvenile Offenders

Though serious violent juvenile offenders make up only a small percentage of juvenile delinquents, it is still an important subject group to study. Bilchik (1998) discussed the topic of violent juvenile offenders. He examined the peak of juvenile crime rates in the 1990s, and recent decline in the past few years. However, Bilchik argued that because policymakers do not have the proper information or resources on juvenile crime and prevention, new generations of juveniles are at-risk for becoming delinquent offenders. Like Loeber et al. (2003), he believes that early prevention is key in deterring juvenile delinquency, and that local communities play a crucial role in proactive measures that will curb delinquency (Bilchik, 1998).

Fox (1996) also studied the subject of juvenile violence in a report on current and predicted trends of juvenile violence. By using ten years of data (1985-1994), he predicted that the rates of juvenile homicide and other violent offenses would continue to increase even though the overall rate of juvenile delinquency was on the decline. He presented several key findings from the ten years of data, such as:

- An increase of over 150% in the number of homicides committed by 14 to 17 year olds. This increase applied only to males, both black and white.
- Handguns are used by juveniles to commit homicides four times as much in 1995 as in 1984.

- A prediction that crime committed by juveniles aged 14 to 17 will rise by 20% (26% for blacks) by 2005 (Fox, 1996, p.2).

He attributed this continued increase in the juvenile crime to changing demographics within the youth population (Fox, 1996). This paper contained some outdated data, and the juvenile crime rate has been shown to be declining since 2003, so Fox's predictions about the future juvenile crime rate are not completely accurate. Yet his emphasis for the necessity of a large-scale effort to educate youth and implement preventative measures is still relevant to today's society and the treatment of at-risk youth.

Other Factors Related to Juvenile Crime

Many authors have tried to determine the causal reasons for juvenile crime. Levitt and Lochner (2000) studied some of the factors that may lead youth to commit delinquent acts. They discussed trends in juvenile crime as well as its effect on society. Their research included three levels of data – individual levels from the National Longitudinal Survey of Youth (NLSY), thirty years of homicide data from Chicago, Illinois, and fifteen years of state data on juvenile crime. It was concluded that criminal involvement and juvenile delinquency could be predicted by examining several factors. These determinants include gender, family environment and stability, cognitive ability, and socioeconomic status (Levitt & Lochner, 2000).

Other articles discuss the prevention of juvenile crime by taking measures to deter juveniles from committing offenses, and alternatives to confinement. Donegan (1996) suggested that by studying juvenile delinquency, preventative and intervention programs can be used to reduce the number of juvenile delinquents and statutory offenses that are

committed. He indicated that this could be done through get-tough measures that would hopefully lower the incidence of youth crime.

Levitt (1998) addressed the idea of treating juveniles as adults in court. He suggested that harsher sanctions lead to a greater response from juveniles, which in turn can lead to a drop in the juvenile crime rate through not only confinement, but also deterrence. The author indicated that there is an estimated decrease in the rate of juvenile crime as more juveniles are incarcerated in adult prisons. Also, that in states where more juveniles are adjudicated to adult court, there is a decrease of up to 25% in violent crime, and 10-15% in property crime (Levitt, 1998, p.1181). However, Levitt indicated that these estimates are not enough to make recommendations as to the best public policy concerning the deferred adjudication of juveniles (Levitt, 1998).

Hansen (2001) looked at the outcome of juveniles who are adjudicated to adult court, and incidentally, are sent to adult prisons. He determined that in most states, minorities are more often sent to adult courts and prisons than white juvenile offenders. In Texas, minorities make up approximately 50% of the juvenile population, yet 100% of those juveniles in adult prisons are minorities (Hansen, 2001, p.352). Specifically, more blacks are referred to adult courts than white and other minority juveniles, especially in drug offense cases. Hansen indicated that in these drug cases, approximately 75% of black youths are sent to adult prison, while only about 50% of whites are sent. He asserted that many adult prisons are not equipped to handle juveniles, and that many juveniles are not able to deal with being in an adult prison, especially those with some form of mental illness. Also, that there should be policies to create a more balanced and fair approach to adjudicating minors to adult courts (Hansen, 2001).

There was very little literature found that addresses the juvenile offenders' age and offense as well as the relationship between arrests and both probation and confinement. Thus, there is a need to study the relationship between the age of the offender, arrests, juvenile probation placement, and juvenile commitments to the juvenile detention facility.

Research Question/Hypothesis

The question this research attempted to answer is whether there was a relationship between the number of arrests by age and offense type, the number of referrals to TJPC, and the number of commitments each year to TYC. Specifically, it was studied whether there is a relationship between arrests and referrals, between arrests and confinements, and between referrals and confinements. This study also attempted to determine if there was a relationship between the total number of arrests and the total number of referrals and confinements. Additionally, relationships between the total number of arrests, referrals, and confinements by offense type were examined.

The hypothesis is that a significant relationship will be found between the total number of arrests and the total number of referrals and confinements. It is also predicted that a significant relationship between arrests and referrals, and arrests and confinements will be found. These hypotheses are based on the literature review, and by examination of the progression of juveniles through the juvenile justice system.

A historical examination studying nine years of data (1995-2003) was used to determine if there was a correlation between DPS arrests and TJPC referrals and TYC dispositions. The question was addressed by gathering data from the DPS, TJPC and TYC websites. The DPS records selected for use were those that involved criminal

offenses, and these were compared to the TJPC statistical reports. From TJPC, it was possible to obtain the actual number of referrals. TYC data included the number of juveniles confined each year.

In addition to the number of juveniles that committed offenses, were referred or were committed, other information was garnered from the websites of each institution. These data contained information about the characteristics of the juvenile, such as age, race/ethnicity, sex, and type of offense committed. For the purposes of this study, only the data that included the age and offense were used. A comparison was done to determine how closely the TJPC data matched the arrest data. Descriptive statistics and correlations were used to examine the relationships between arrests, referrals, and commitments, and between juvenile arrests and the sum of juvenile referrals and commitments, as well as the total arrests, referrals and commitments for each offense type.

CHAPTER 3

JUVENILE JUSTICE IN TEXAS

Juveniles differ from adults in that they are handled in a different court and thus in a manner that is unlike the adults. One of the most significant differences between the two processes is that juvenile proceedings are civil, whereas adult proceedings are criminal. Additionally, juveniles can be prosecuted for crimes that do not apply to adults, called statutory offenses, which can include transgressions such as vagrancy, running away, and liquor law violations (Texas Family Code §51.13).

Since the focus of this study is on agencies in Texas, the procedures and definitions described hereafter apply to the juvenile justice system in Texas. Most of the law governing Texas juveniles is found in Title III of the Texas Family Code. Section 51.03 of this code defines delinquent conduct as:

- 1) “conduct that violates a penal law of Texas or the United States that is punishable by imprisonment or by confinement in jail (i.e., Class B Misdemeanors through Capital felonies);
- 2) a violation of a lawful order of a juvenile court except an order prohibiting commission of fineable only offenses, runaway, or truancy;
- 3) conduct that violates a municipal or justice court order under circumstances that would constitute contempt of court; and

- 4) the third or subsequent offense of driving under the influence of alcohol by a minor” (Texas Family Code §51.03).

Other less serious offenses and status offenses are found in the category of conduct indicating a need for supervision category. “Conduct indicating a need for supervision (CINS) is defined as conduct, other than jailable traffic offenses, that violates:

- 1) penal laws punishable by fine only or penal ordinances of any political subdivision of the state;
- 2) truancy;
- 3) runaway;
- 4) inhalant abuse;
- 5) public intoxication;
- 6) an act that violates a school districts previously communicated written standards of student conduct for which the student has been expelled; or
- 7) conduct that violates a court order for a child declared at risk” (Texas Family Code §51.03).

For the purposes of this paper, a juvenile, also referred to as a child, is defined as a person who is ten years of age or older “who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.” A “referral to juvenile court means the referral of a child or a child's case to the office or official, including an intake officer or probation officer, designated by the juvenile board to process children within the juvenile

justice system” (Texas Family Code §51.02). An arrest is defined as seizing a person and taking him into custody. Confinement is defined as imprisonment.

In Texas, the juvenile justice system is run by two agencies. The first of these, the Texas Juvenile Probation Commission (TJPC), was created in 1981 as a means to provide probation services throughout the state. The legislation for their organization is found in Chapter 141 of the Texas Human Resources Code. Section 141.001 discusses the purpose of this agency:

- 1) “make probation services available to juveniles throughout the state;
- 2) improve the effectiveness of juvenile probation services;
- 3) provide alternatives to the commitment of juveniles by providing financial aid to juvenile boards to establish and improve probation services;
- 4) establish uniform standards for the community-based juvenile justice system;
- 5) improve communications among state and local entities within the juvenile justice system; and
- 6) promote delinquency prevention and early intervention programs and activities for juveniles.”

The TJPC sets the standards for and regulates pre-adjudication facilities throughout the state. Additionally, the TJPC provides funding, training, and assistance to local juvenile boards and juvenile probation departments (www.tjpc.state.tx.us, n.d.).

The Texas Youth Commission (TYC) is a state-owned agency that handles the correctional aspect of the juvenile justice system. It is a counterpart to the Texas Department of Criminal Justice (TDCJ) which oversees the incarceration of adult

offenders. The TYC began as the Texas Youth Development Council in 1949, became the Texas Youth Council in 1957, and had its last name change to the present one in 1983. The organization provides both institutional and community-based residential programs that offer “care, custody, rehabilitation, and reestablishment in society of juveniles who are committed by the courts for having engaged in delinquent conduct” (www.tjpc.state.tx.us, n.d.).

The nature of this study necessitates a discussion of the progression of a juvenile through the juvenile justice system (see Figure 1), starting with the referral. The referral (offense) of a juvenile offender from law enforcement or another referral source (public, school, social service agencies, etc) is made to juvenile probation officers at TJPC, who serve as the intake for juvenile court in most Texas counties.

These officers decide if probable cause exists, and recommend formal or informal court proceedings. Some offenses, such as felony offenses or misdemeanors involving violence or a weapon, are sent to the prosecutor to decide if formal or informal court proceedings are necessary. If formal court proceedings are recommended, a juvenile can be taken into custody (www.tjpc.state.tx.us, n.d.).

Once taken into custody, the juvenile court intake must first decide whether the offender meets the qualifications to be considered a child, as described in the Texas Family Code, and whether probable cause exists, to determine if the matter will be handled in juvenile court. If it is decided to be a case for the juvenile courts, intake will then decide whether the child should be confined or released to his or her guardian(s) (www.tjpc.state.tx.us, n.d.).

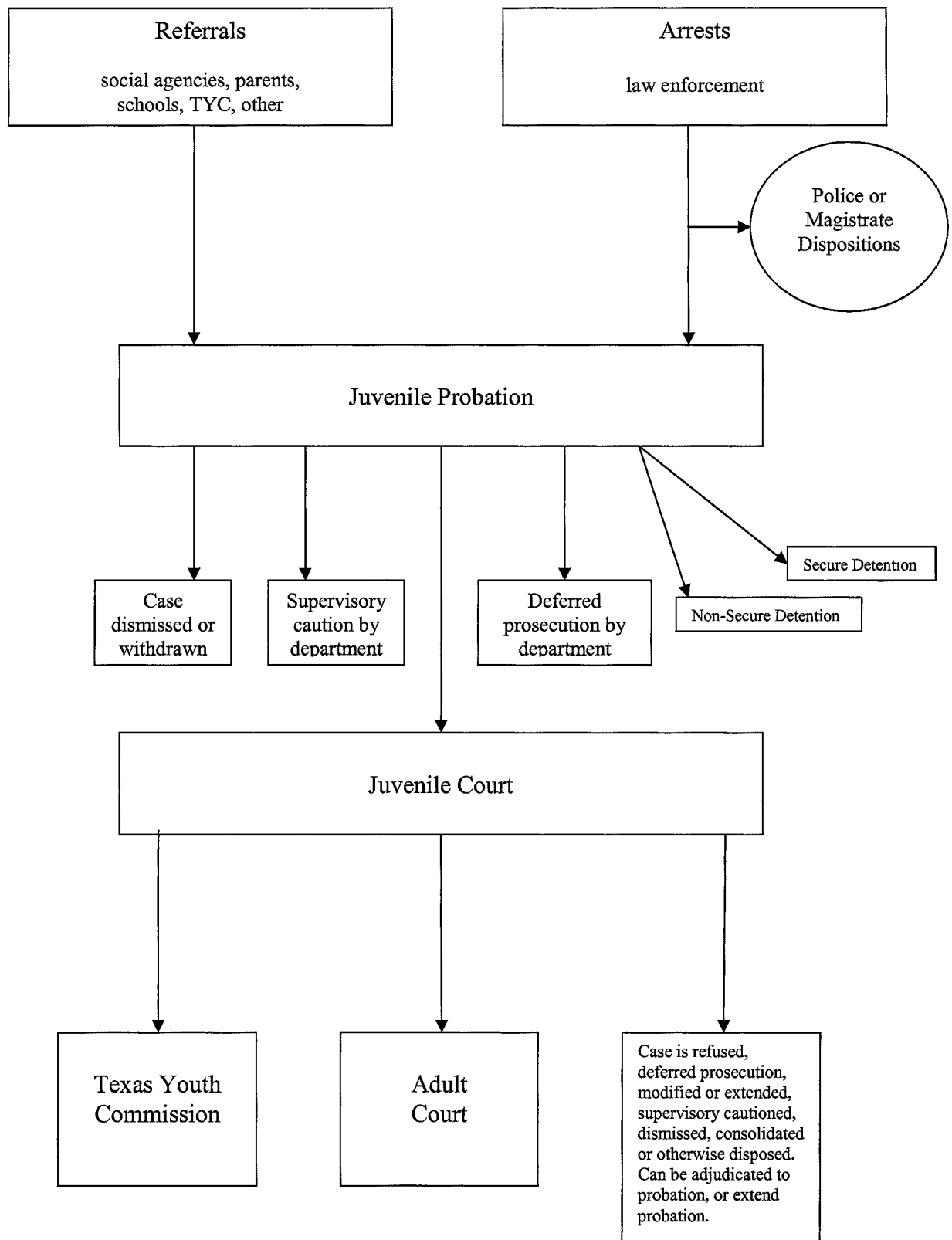


Figure 1. Movement of Juveniles Through the Texas Juvenile Justice System

Source: *Modified from TJPC Annual Report (1999, 2001)*

If the decision to detain is made, at least one of five statutory criteria must be present. “These five criteria are:

- 1) the child is likely to abscond or be removed from the jurisdiction of the court,
- 2) suitable supervision, care or protection for the child is not being provided by a parent, guardian, custodian, or other person,
- 3) the child has no parent, guardian, custodian, or other person able to return him to the court when required,
- 4) the child may be dangerous to himself or he may threaten the safety of the public if released, or
- 5) the child has previously been found to be a delinquent child or has previously been convicted of a penal offense punishable by a term in jail or prison and is likely to commit an offense if released” (Texas Family Code §54.01).

If a child is detained, a detention hearing must be held within one or two working days, and a judge must call for a finding of probable cause.

Similar to adult court proceedings, the juvenile court has a two-part trial. A child first has an adjudication hearing, which is the initial proceeding that establishes the guilt or innocence of an offender. In this phase, as in adult courts, the juvenile has a right to a trial by a jury composed of twelve people, and the decision for guilt must be unanimous. This right can be waived, if so desired (Texas Family Code §54.03). After the adjudication hearing, the juvenile has a disposition hearing in which the punishment is

decided. “The disposition hearing must be separate, distinct, and subsequent to the adjudication hearing. There is no right to a jury at the disposition hearing unless the child is in jeopardy of a determinate sentence” (Texas Family Code §54.04).

At the adjudication hearing, a child may be committed to the Texas Youth Commission (TYC) under several circumstances: 1) the charge was a felony offense, or the juvenile violated probation for a felony offense; 2) the juvenile is found guilty of a third misdemeanor, or violates probation on a second misdemeanor; and 3) the juvenile is found guilty of a misdemeanor and previously had been convicted of a felony (State Bar of Texas, 2006). Excluding those juveniles prosecuted under the Determinate Sentencing Act¹, these commitments have a minimum term based on the offense. Their term, however, is indeterminate, but the juveniles cannot be held past their 21st birthday. TYC has discretion in releasing the offenders and base their decisions upon the offense committed, the juvenile’s background, and their behavior while confined in the TYC facility (www.tjpc.state.tx.us, n.d.).

There are several alternatives to TYC confinement for juveniles who have a disposition hearing. The first of these is probation, which a child may be placed under for any term up until their 18th birthday, and which may be extended until that time. “The

¹ The Determinate Sentencing Act was legislation passed (effective September 1, 1987) that dealt with violent offenses committed by juveniles who were under the age of 15. “A child is eligible for a determinate sentence if the child commits any of the following serious offenses: murder; capital murder; attempted capital murder; aggravated kidnapping; aggravated sexual assault; sexual assault; aggravated assault; aggravated robbery; injury to child, elderly individual, or disabled individual (excluding state jail felony); arson with bodily injury or death; aggravated controlled substance offenses; criminal solicitation; indecency with a child; criminal solicitation of a minor; and criminal attempt of murder or any “3g offense”, which includes murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, sexual assault, and drug free zone enhanced controlled substance offenses. The law also provides a child may receive a determinate sentence for habitual felony conduct” (www.tjpc.state.tx.us, n.d.).

Family Code provides that the court may choose from three types of probation placements which include (a) in the child's own home or in the custody of a relative or other fit person; (b) in a suitable foster home; or (c) in a suitable public or private institution or agency, except the Texas Youth Commission” (www.tjpc.state.tx.us, n.d.). A child may also be sent to adult prison; however, very few juveniles are actually committed to adult prisons.

Other alternatives include restitution or community service. The juvenile court can order the child to pay restitution as one of the conditions of their probation, as a condition independent of probation, or force the parent to pay. Community service may also be given to a child or parent, and is required of all juveniles placed under probation. If a child was adjudicated because of a statutory offense, or child in need of supervision (CINS), the court may not commit the juvenile to TYC. Instead, probation or another alternative may be enforced. However, if a juvenile habitually violates this probation or repeatedly engages in delinquent conduct, he or she may be confined in a TYC facility.

CHAPTER 4

METHODOLOGY

Data

This study examined nine years (1995-2003) of statistical data concerning juvenile arrests, referrals, and detentions in Texas. It was necessary to obtain records on juvenile crime that contained information concerning the number of juvenile offenses, and the age at the time of the offense. The data that were used in this study were gathered from three different agencies in Texas. The arrest data were acquired from the Texas Department of Public Safety crime records, the referrals from the Texas Juvenile Probation Commission, and the commitments from the Texas Youth Commission.

Arrest data for juveniles between the years 1995 and 2003 were collected from the Crime Statistics page on the Texas Department of Public Safety (DPS) website (http://www.txdps.state.tx.us/administration/crime_records/pages/crime_statistics.htm, n.d.). The earliest data from this agency was from 1995, thus making this the lower limit in the range of data. Referral statistics for the years 1999 to 2003 was available from the Texas Juvenile Probation Commission website (<http://www.tjpc.state.tx.us>, n.d.). It was necessary to contact TJPC to obtain the data for 1995 to 1998. The information was also presented for the state as a whole and by county. Data from the age group of 17 years old are included if the offense was committed when the juvenile was 16 or younger. The latest statistical report

for TJPC is from 2003, making it the upper limit for the range of data. The number of Texas Youth Commission (TYC) commitments for 2002 and 2003 were obtained from the TYC website (<http://www.tyc.state.tx.us>, n.d.); the data for the years 1995 to 2001 were obtained by contacting the agency.

Subjects

The subjects being studied are juveniles in Texas aged 10 to 17. Although under Texas law an offender is considered an adult at age 17, data concerning these offenders are recorded for TJPC and TYC due to the offense being committed at age 16 or younger. Thus, juveniles of this age are still processed in these agencies. The subjects are classified in the following age groups: 10 to 12, 13 to 14, 15, 16, and 17. This is a result of the arrest data from DPS being classified as such. More individual data on the age groups of 10 to 14 were available from TJPC and TYC, but were aggregated to match the age groups from DPS.

Procedure

The subjects were categorized by age and type of offense. Because each agency had different categories of offenses by which juveniles are classified, it was necessary to select only those offenses which were comparable across all agencies. The offense categories selected for this research were violent, property, drug, and weapons offenses. Violent offenses included homicide (both murder and manslaughter), robbery, aggravated assault, and sexual assault. Property crimes were burglary, theft, and motor vehicle theft. Drug offenses included both sales and possession crimes. Weapons offenses include weapons violations.

To determine a relationship between the arrests, referrals, and commitments, correlations were used to obtain information about levels of significance between the groups based on the Pearson's correlation. First, a correlation between all three agencies was done (see Table 4). Then, data from TJPC and TYC were merged and a correlation performed between these data and DPS arrests to determine if there is a relationship between arrests and referrals/commitments (see Table 5). A correlation was also done between the total number of arrests by year for all juveniles aged 10 to 17 to the total number of referrals and the total number of commitments (see Table 6). The total referrals and total commitments were then merged and correlated with the total number of arrests (see Table 7).

An attempt was made to do lagging correlations between DPS arrests and TJPC referrals, as well as DPS arrests and TYC commitments to determine if there was a relationship between arrests and referrals, and arrests and confinement, respectively. However, the lagging correlations did not indicate a significant difference between these elements and thus was not continued.

CHAPTER 5

RESULTS

In correlating the number of Department of Public Safety arrests, Texas Juvenile Probation Commission referrals, and Texas Youth Commission commitments by age and offense, several significant relationships were found. These significant relationships were determined by using a 95% confidence level and examining the Pearson's correlation for each analysis.

If we assume that probation referrals and TYC commitments are the total judicial decisions for juveniles, then the data must be added to determine if there is a relationship between the sum of these and the number of arrests. The correlation between the total number of arrests and the sum of the total number of referrals and the total number of commitments showed a highly significant relationship (see Table 1). When TJCP referrals and TYC comments were correlated with the number of arrests, a significant relationship was found between the total number of arrests and the total number of referrals (see Table 2). However, there was no significant relationship found between either the total number of arrests and the total number of commitments, nor the total number of referrals and the total number of commitments.

Table 1. Pearson's Correlations for Total Arrests and Aggregated TYC Referrals and TYC Confinements

	TJPC Referrals and TYC Commitments
DPS Arrests	.939*

* = indicates significance

Table 2. Pearson's Correlations for Total Arrests, Total TYC Referrals and Total TYC Confinements

	DPS Arrests	TYC Commitments
DPS Arrests		.129
TJPC Referrals	.926*	-.113

* = indicates significance

The number of TJPC referrals and TYC commitments by age and offense type were summed and correlated with the number of DPS arrests. These correlations produced large number of significant relationships (see Table 3). For the violent and property offenses, a significant relationship is seen for all age groups except the 10 to 12 year olds for violent offenses. The only relationship for drug offenses was seen in the 17 year old age group. For weapons offenses, significant relationships were found in the 15, 16 and 17 year old age groups.

Table 3. Pearson's Correlations for Total DPS Arrests and Aggregated Total TJPC Referrals and Total TYC Confinements by Age

	Offense/Age	TJPC Referrals and TYC Commitments				
		10-12	13-14	15	16	17
DPS Arrests	Violent	-.029	.886*	.942*	.932*	.848*
	Property	.954*	.949*	.959*	.922*	.569*
	Drug	.473	.157	-.284	.587	.684*
	Weapons	.028	.289	.853*	.890*	.782*

* = indicates significance

When examining the correlations between the DPS arrests, TJPC referrals, and TYC commitments, based on offense type (and regardless of age), several significant relationships were found (see Table 4). Between arrests and referrals, significant relationships existed for violent and property crimes. Between arrests and commitments, significant relationships were determined to be present for violent and weapons offenses. Correlations between referrals and commitments indicate a significant relationship between only violent offenses.

Table 4. Pearson's Correlations for Total DPS Arrests and Total TJPC Referrals and Total TYC Commitments by Offense Type

Offense	DPS Arrests				TYC Commitments			
	Violent	Property	Drug	Weapons	Violent	Property	Drug	Weapons
DPS Arrests					.818*	-.321	.517	.844*
TJPC Referrals	.968*	.929*	.231	-.545	.720*	-.542	.183	-.128

* = indicates significance

For violent and property offenses, it was found that there was a significant relationship between DPS arrests and TJPC referrals in all age groups, excluding the 10 to 12 year old group for violent offenses. Only one other significant relationship between arrests and referrals existed in the 17 year old age group (see Table 5).

Also, for both violent and weapons offenses, there was a significant relationship between DPS arrests and TYC commitments for the 13 to 14, 15, and 16 year old age groups. Very few significant relationships (only two) were found between the number of arrests and the number of commitments. These were in the 16 and 17 year old age group for drug offenses (see Table 5).

Table 5. Pearson's Correlations for DPS Arrests, TJPC Referrals, and TYC Commitments by Age and Offense Type

	Offense	DPS Arrests					TYC Commitments				
		10-12	13-14	15	16	17	10-12	13-14	15	16	17
DPS Arrests	Violent						.569	.734*	.780*	.774*	-.199
	Property						.155	-.082	-.106	-.308	-.594
	Drug						-.016	-.471	.424	.573	.887*
	Weapons						.146	.876*	.845*	.959*	.520
TJPC Referrals	Violent	-.033	.780*	.949*	.925*	.897*	.118	.342	.640	.647	-.154
	Property	.951*	.945*	.951*	.910*	.685*	-.040	-.271	-.322	-.530	-.754
	Drug	.476	.184	-.369	.559	-.849*	.065	.155	-.021	.784*	-.929*
	Weapons	.764	-.365	-.318	-.307	-.247	.147	-.552	-.205	-.254	-.403

* = indicates significance

Analysis of Trends

The total number of DPS arrests, TJPC referrals, and TYC commitments (see Table 6) indicate that juvenile crime is declining. The number of DPS arrests decreased by over 20,000 (approximately 26%) from 1995 to 2003. Texas Juvenile Probation Commission referrals decreased by over 10,000 (36%) during the same years. The number of TYC commitments, however, does not follow the same trend as the data from the other agencies. The peak number of commitments is reached in 1998 (a 32% increase from 1995), but started to decline in 1999 – a 30% decrease from the peak is seen by the year 2003 (see Figure 2).

Table 6. Total Number of DPS Arrests, TJPC Referrals,
and TYC Commitments by Year

Year	DPS Arrests	TJPC Referrals	TYC Commitments
1995	78990	29421	1508
1996	80408	26163	1820
1997	78295	24153	2024
1998	68990	22979	2213
1999	63662	20939	1992
2000	60832	20075	1838
2001	60177	20309	1662
2002	58540	19611	1654
2003	58257	18848	1706

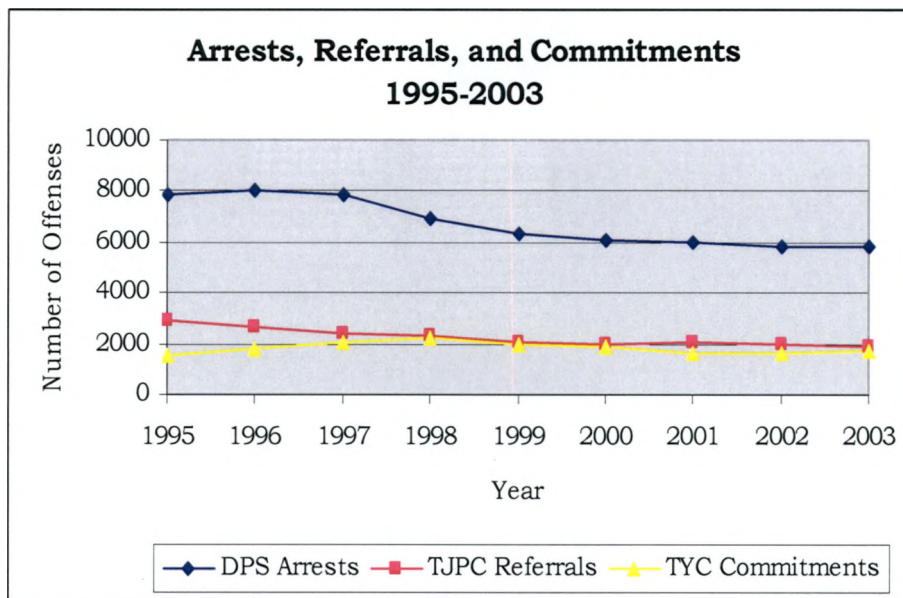


Figure 2. Arrests, Referrals, and Commitments by Year
Values for DPS Arrests and TJPC Referrals reduced by a factor of ten.

The decline that is seen in the total number of DPS arrests for 1995 to 2003 is also seen in number of arrests for violent, property, and weapons offenses (see Appendix 2, Figures 1, 4, 7, 10, and 13 for more detail). Since the scale for the number of arrests is large, it is not as evident, but the number of arrests for age groups of 13-14, 15, and 16 each dropped by more than 5,000 between 1995 and 2003 (see Table 7). The trend seen in the total number of DPS arrests reflects the same trend as seen for the national crime rates for offenses committed by persons under the age of 18 (see Appendix 1). From the years 1995 to 2003, there is a decline in the overall amount of juvenile crime, both at the state level and the nation level.

Table 7. Total DPS Arrests by Year and Age

	Ages 10-12	Ages 13-14	Age 15	Age 16	Age 17
1995	6814	19960	16332	17903	17981
1996	6557	19518	16396	18859	19078
1997	6747	18669	15295	18265	19319
1998	5848	16379	13266	15916	17581
1999	5071	14652	11902	14847	17190
2000	4747	13918	11549	13965	16653
2001	4463	13937	11295	14056	16426
2002	4324	13348	10917	13890	16061
2003	4140	13255	11182	13524	16156

As expected (based on the number of DPS arrests), the total number of referrals to TJPC also declined for all age groups between the years 1995 and 2003 (see Table 8). A slight increase was seen in 2002 for all age groups, but this number decreased the next year (see Appendix 2, Figures 2, 5, 8, 11, and 14 for more detail).

Table 8. Total TJPC Referrals by Year and Age

	Ages 10-12	Ages 13-14	Age 15	Age 16	Age 17
1995	2410	9022	8174	9153	662
1996	2207	7683	7250	8389	634
1997	2293	7252	6460	7753	395
1998	2190	7010	6060	7317	402
1999	2750	6538	5121	6169	279
2000	2039	6399	5232	6059	346
2001	2091	6558	5233	6106	321
2002	2409	7166	5910	7140	390
2003	1941	5896	4909	5767	335

The total number of TYC commitments decline for the age groups 10 to 12, 13 to 14, and 15. The number of 17 year old commitments almost doubled (see Table 9). Sixteen year old commitments began to increase in 1995, reached a peak in 1998, began to decrease again 1999, and have since remained fairly constant (see Appendix 2, Figures 3, 6, 9, 12, and 15 for more detail).

Table 9. Total TYC Commitments by Year and Age

	Ages 10-12	Ages 13-14	Age 15	Age 16	Age 17
1995	16	318	445	573	156
1996	28	360	545	710	177
1997	27	370	534	852	241
1998	28	387	609	858	331
1999	27	333	500	835	297
2000	17	339	472	739	271
2001	25	322	451	632	232
2002	21	290	435	627	281
2003	11	294	428	670	303

Ratios

Additionally, the ratios of the number of DPS arrests to the number of TJPC referrals were calculated (see Table 10). A ratio value of one (or close to one) indicates that the number of arrests is approximately equal that of referrals. A ratio value of less than one indicates that the number of referrals was greater than the number of arrests for that age group and offense type. For values greater than one, the number of arrests exceeded that of the number of referrals.

For violent offenses, there were more referrals than arrests in all age groups. This was the only offense type for which referrals exceeded arrests, and by an approximately two to one ratio (average of twice as many referrals as arrests for all age groups). When property and drug offenses were examined, it was found that the number of arrests was higher than the number of referrals for all age groups. And for weapons offenses, for all age groups and years, the number of referrals was approximately equal to the number of arrests (a ratio of approximately 1), with the exception of several instances in which the number of arrests was two to two and one-half times greater than the number of referrals.

In examining the data for all age and year groups, it was found that the average number of arrests was approximately 16 times that of the number of referrals. However,

if the 17 year old age group is excluded from each of the offense categories (see Table 10), the average ratio of the number of arrests to the number of referrals drops to approximately 2.5 to 1.

Table 10. Ratios of DPS Arrests to TJPC Referrals

		1995	1996	1997	1998	1999	2000	2001	2002	2003
Violent	10-12	0.71	0.71	0.76	0.65	0.36	0.54	0.54	0.48	0.51
	13-14	0.72	0.75	0.71	0.65	0.62	0.60	0.58	0.56	0.58
	15	0.82	0.84	0.74	0.65	0.79	0.69	0.65	0.61	0.65
	16	0.81	0.81	0.79	0.69	0.93	0.72	0.71	0.66	0.66
Property	10-12	3.53	4.13	4.12	3.88	3.59	3.70	3.43	3.54	3.57
	13-14	2.55	3.01	3.26	3.03	3.01	2.92	2.91	3.10	3.12
	15	2.19	2.55	2.83	2.73	2.72	2.68	2.69	2.82	2.84
	16	2.15	2.67	2.89	2.74	2.83	2.93	2.94	3.04	3.01
Drug	10-12	9.39	6.81	6.24	5.45	5.13	4.89	4.21	4.22	5.37
	13-14	4.26	5.84	5.41	4.84	4.01	3.82	3.52	3.46	4.08
	15	3.33	4.40	4.03	3.65	3.40	3.59	3.13	3.16	3.75
	16	3.02	3.60	3.44	3.13	3.07	3.20	3.08	3.08	3.52
Weapons	10-12	1.72	1.49	1.29	0.97	0.99	0.84	1.10	1.08	1.72
	13-14	2.51	2.06	1.55	1.42	1.23	1.07	1.17	1.17	2.51
	15	2.55	2.84	1.94	1.66	1.64	1.57	1.30	1.52	2.55
	16	3.05	3.02	2.64	2.06	1.93	1.76	1.61	1.64	3.05

CHAPTER 6

CONCLUSION

In the hypothesis, it was stated that there would be a significant relationship between the number of Department of Public Safety arrests and Texas Juvenile Probation Commission referrals, and the DPS arrests and Texas Youth Commission Confinements. The results indicated that this was true for several offense types (especially violent offenses) and ages. Significant relationships were found between arrests, referrals, and confinements for data analyzed by year and agency, and through the correlation of aggregated data.

A significant relationship was found between the total number of arrests and the aggregated total number of referrals and commitments. A significant relationship was also found between the total number of arrests and the total number of referrals. Through aggregation of the data, a significant relationship was found more often for offense type or age than through the correlation of individual age groups and offenses.

It was determined that the arrests had a significant correlation with the TJPC referrals for violent and property offenses, and the TYC commitments for violent and weapons offenses. It is interesting to note that the DPS arrests had a significant relationship with the violent offenses for both TJPC and TYC, but did not have a significant relationship with drug offenses for either agency (with the exception of the 17

year old referral group). However, the only significant relationship between TJPC referrals and TYC commitments were for drug offenses. Other than this one, there was no observable relationship between arrests for drug offenses, and referrals or confinement for drug offenses.

A greater number of referrals than arrests were seen for violent offenses, but for property, drug and weapons offenses (with the exception of 1998-2000), a larger number of arrests were observed. Even excluding the 17 year old age group (due to the nature of TJPC referrals and TYC intakes as previously explained), there were up to nine times as many arrests and referrals for some age groups and offenses. However, the average was 2.43 times the number of arrests to referrals.

One limitation to this study was the number of data points. Only nine years of data were available to analyze; using more years of data would be recommended for a more accurate evaluation of the significant relationships. The data from the DPS website were easily gathered. However, a limited number of years were available on the TJPC and TYC websites, and thus the agencies had to be contacted to collect the missing years. Also, the last year of data that was assembled in a TJPC report was 2003, preventing more recent years (2004 to 2006) from being analyzed. Another limitation to this study is that the results may only be applicable to Texas juveniles. Because the data used were from the juvenile agencies in Texas, the significant relationships that were found between the arrests, referrals, and confinements may not be accurate when applied to juveniles in other states.

Several recommendations can be made as a result of this research. Efforts to increase the number of data points, as well as an analysis of the juvenile population in Texas, by age and composition, are necessary. This study did not correlate the general population with the juvenile arrests, referrals, and commitments. Examining the number of juveniles in the

general population of Texas, as well as taking into consideration other factors of the juveniles (such as gender, race/ethnicity, and sex) might give a better understanding of the dynamics of the relationships between arrests, referrals and commitments.

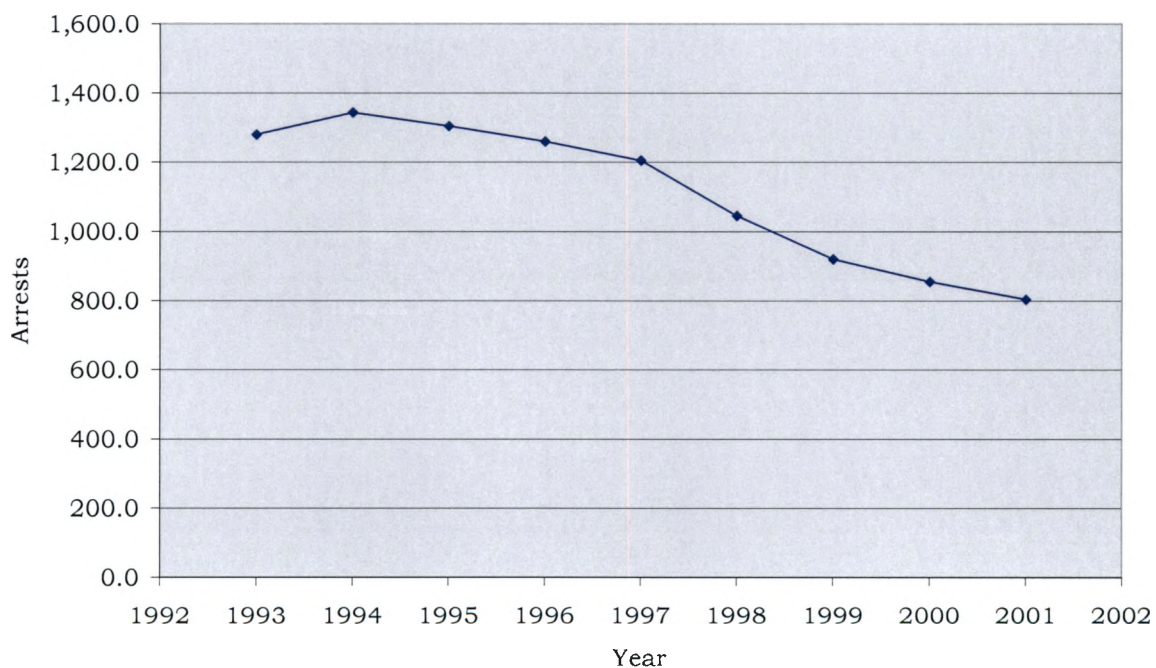
Lastly, forecasting the number of arrests, referrals, and commitments might be possible based on the age cohorts of the general population. The predicted number of arrests, referrals, and commitments would be useful in both policy making and planning assistance for TJPC and TYC. These agencies would be able to use the data from the forecasting to better estimate the number of resources that would need to be allocated to their agency each year. For the Texas Juvenile Probation Commission, the estimates would allow them to manage the number of probation officers needed each year, and whether more officers would need to be hired. Also, because the data from TJPC is compiled for not only the state as a whole, but by county as well, it would be possible to forecast the amount of referral activity in various parts of the state to determine if more or less juvenile probation officers would be needed in particular areas. The Texas Youth Commission could use the forecasted data in determining space considerations each year, and to help better manage their personnel and facilities.

Appendix 1

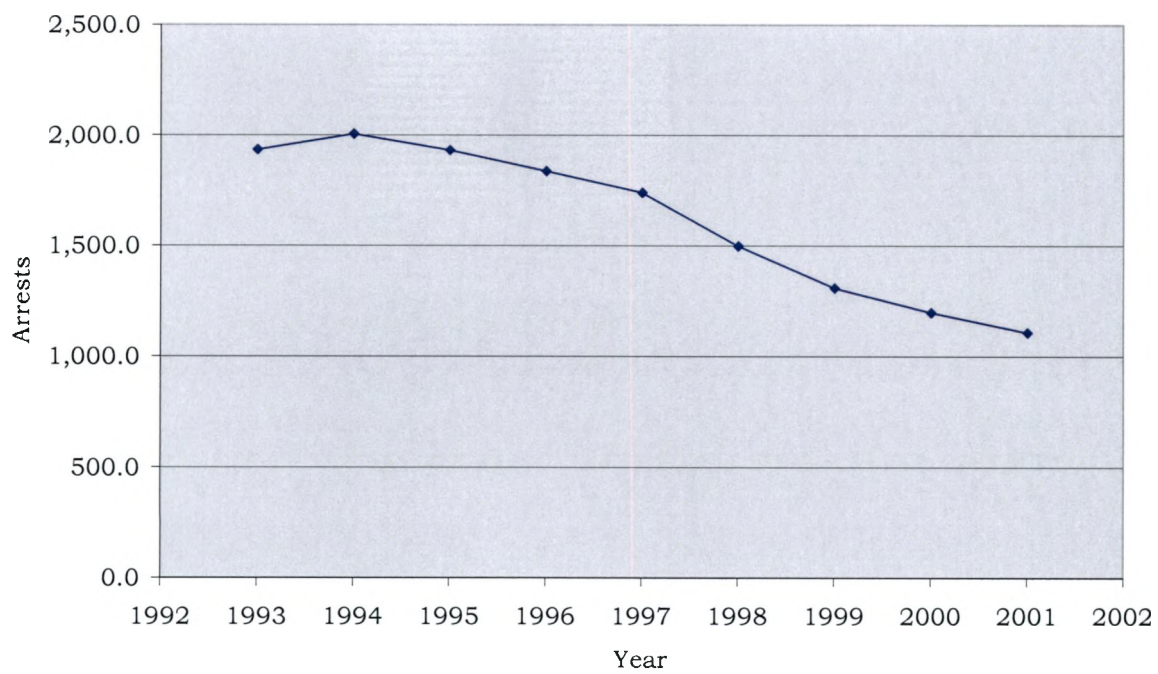
United States Crime Rates for Offenses Committed by Persons Under 18 Years Old (per 100,000)

U.S. Department of Justice, Federal Bureau of Investigation. (November, 2003). *Age-Specific Arrests Rates and Race-Specific Arrest Rates for Selected Offenses, 1993-2001*. Washington D.C.: Uniform Crime Reporting Program.

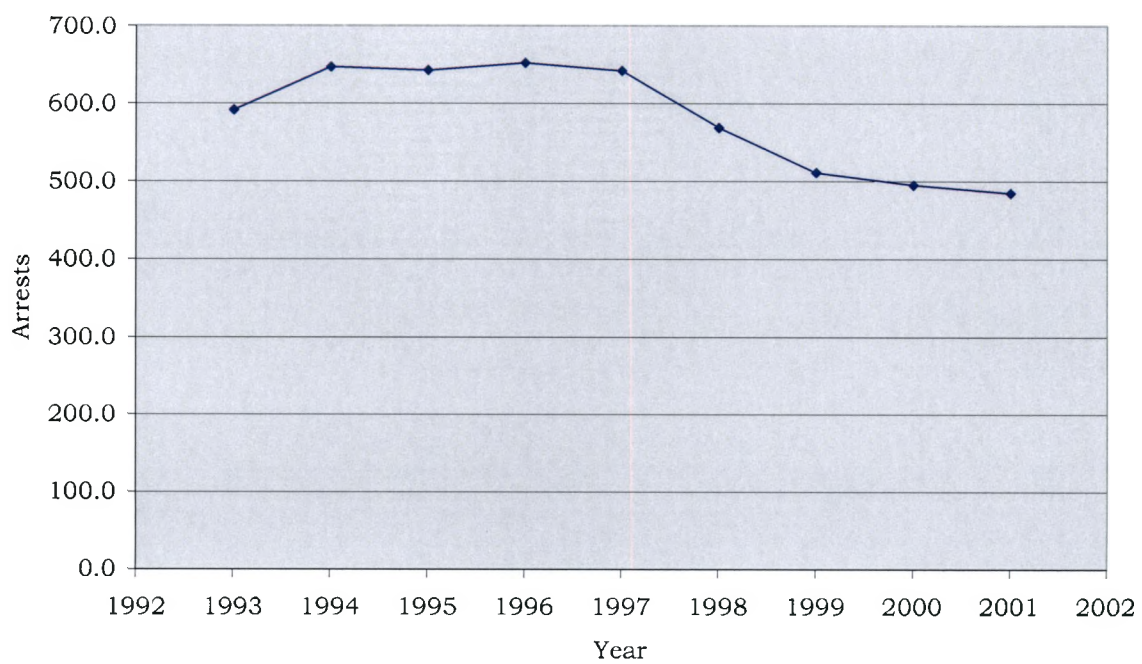
**1992-2002 United States Total Number of Arrests
Under Age 18**



**1992-2002 United States Total Number of Arrests
Males Under Age 18**



**1992-2002 United States Total Number of Arrests
Females Under Age 18**



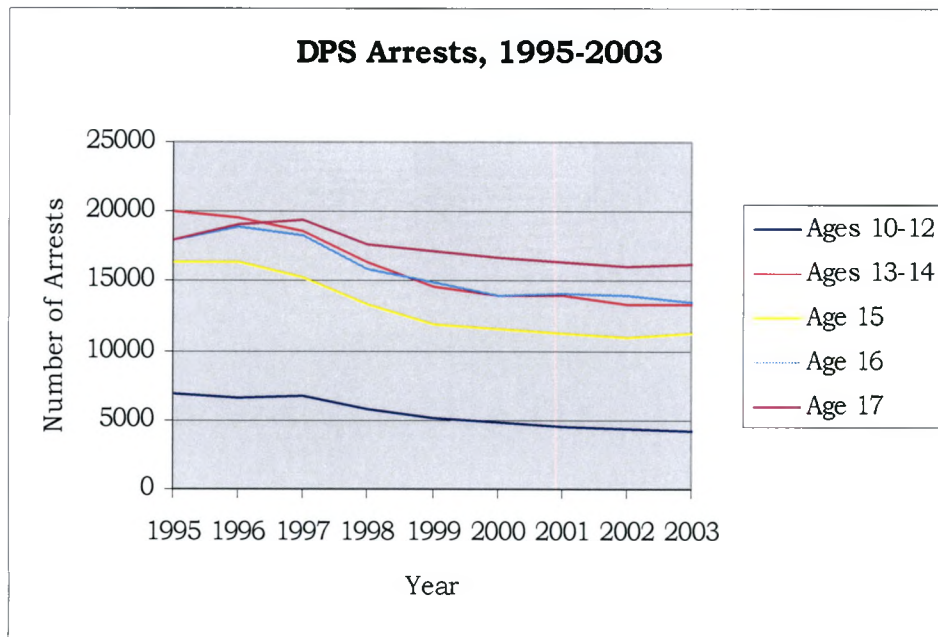
Appendix 2

Figure 1.

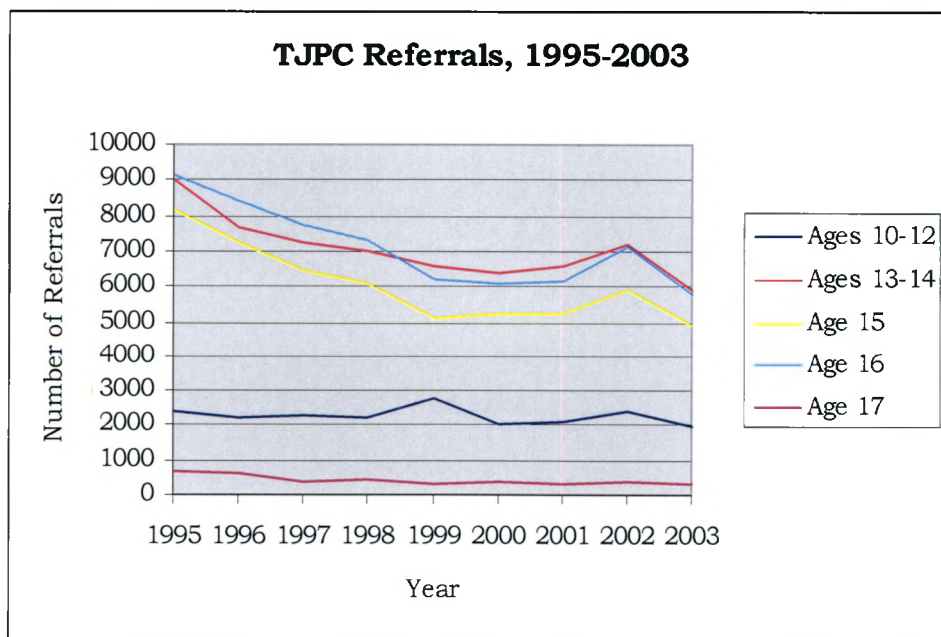


Figure 2.

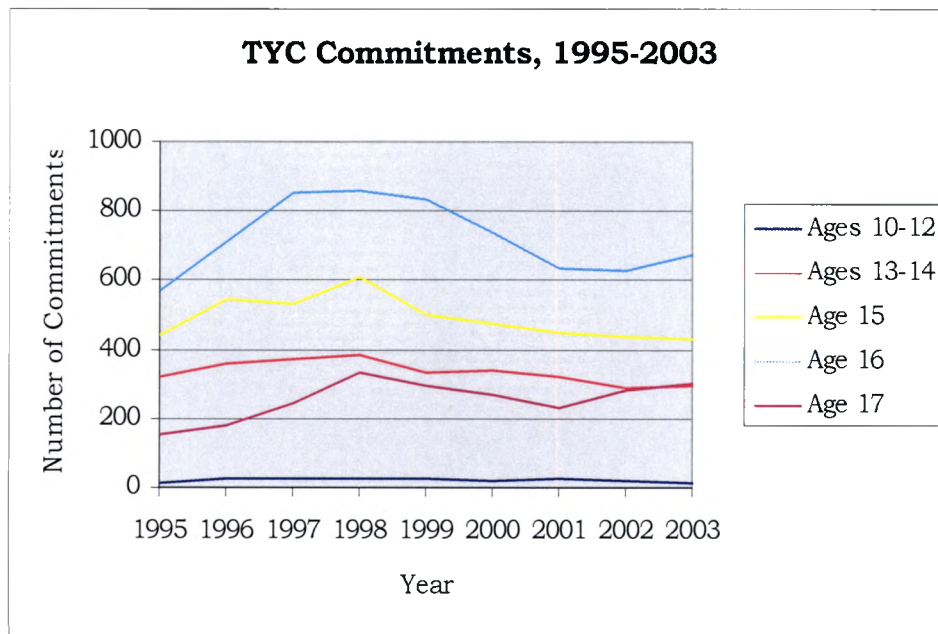


Figure 3.

Analysis

The number of arrests for violent offenses begins to decline from the year 1995 to 2003. This is especially true in the 16 year old category as the offenses recorded decline from 2224 to 1144. In Figure 2, there is a large rise in the amount of referrals for violent offenses for the year 1999. This is suspected to be a mistake in the data table from TJPC, as it lists for 12 year olds the offense of robbery 440 times. It is believed that this number should be either 40 or 44 based on the number of offenses from other years of data. This is what is most likely causing the sharp peak of crime for the year of 1999. The number of commitments to TYC, while changing some from year to year, remains fairly constant.

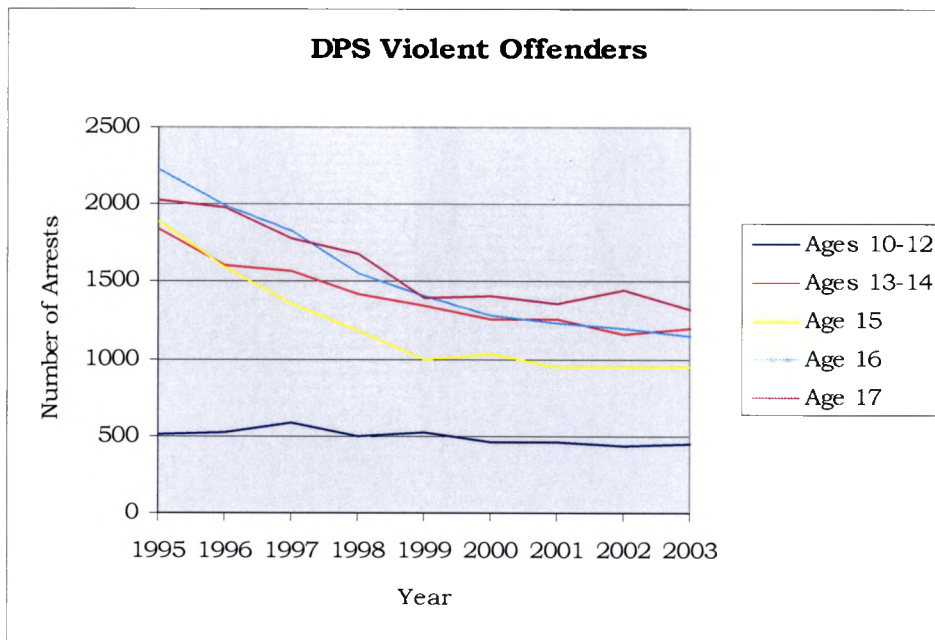


Figure 4.

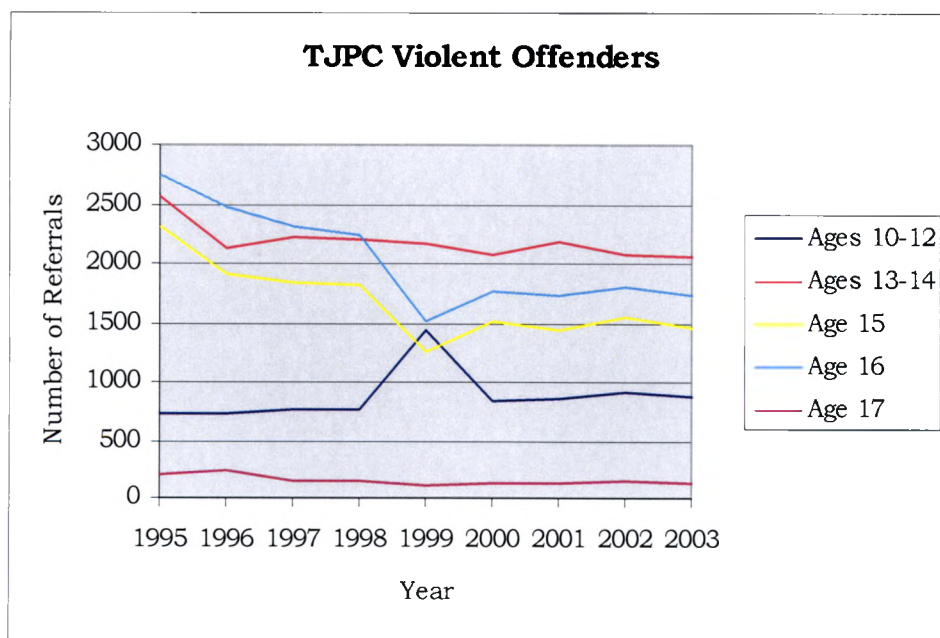


Figure 5.

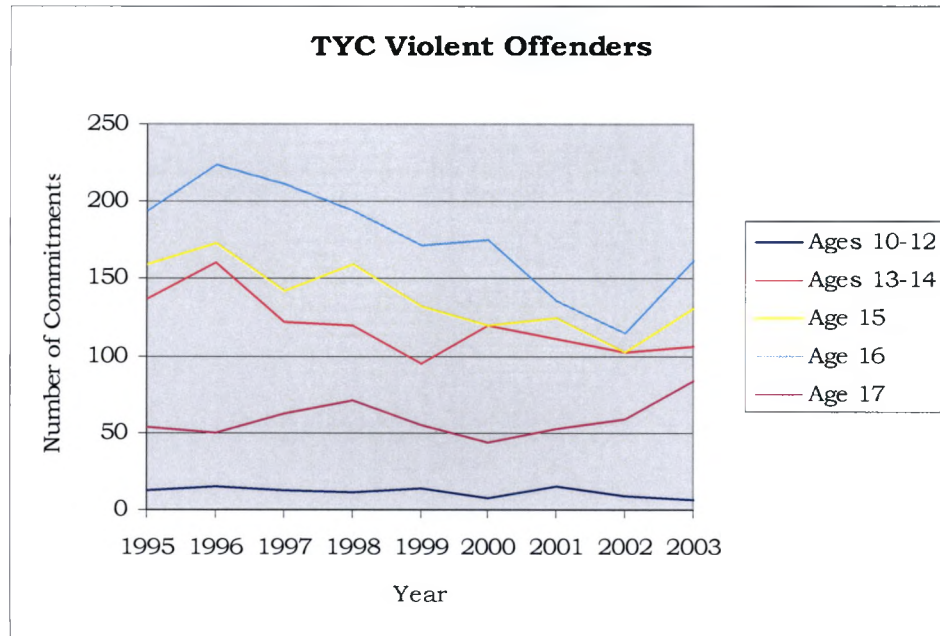


Figure 6.

The number of DPS arrests for property offenses also declines sharply from the years 1995 to 2003, especially in the 13 to 14 year old category, which saw a drop from 15,140 in 1995 to 8,855 in 2003. The number of referrals to TJPC also experienced a decline, which was expected with the decrease in the number of arrests. However, the number of juveniles sent to TYC did not demonstrate the same pattern as arrests and referrals, instead showing the greatest number of confinements in 1998 for all age groups with a slight decline in numbers after this year.

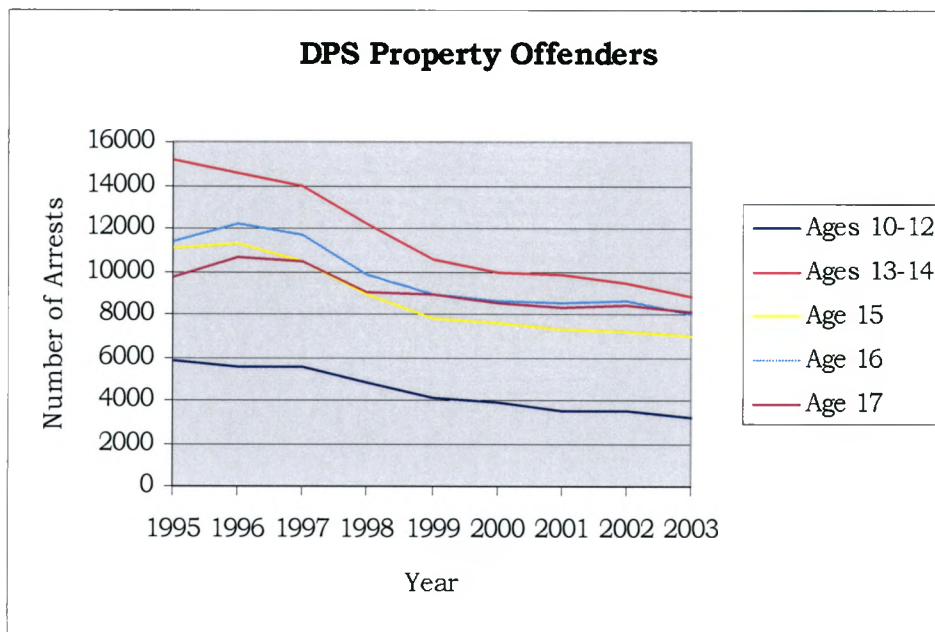


Figure 7.

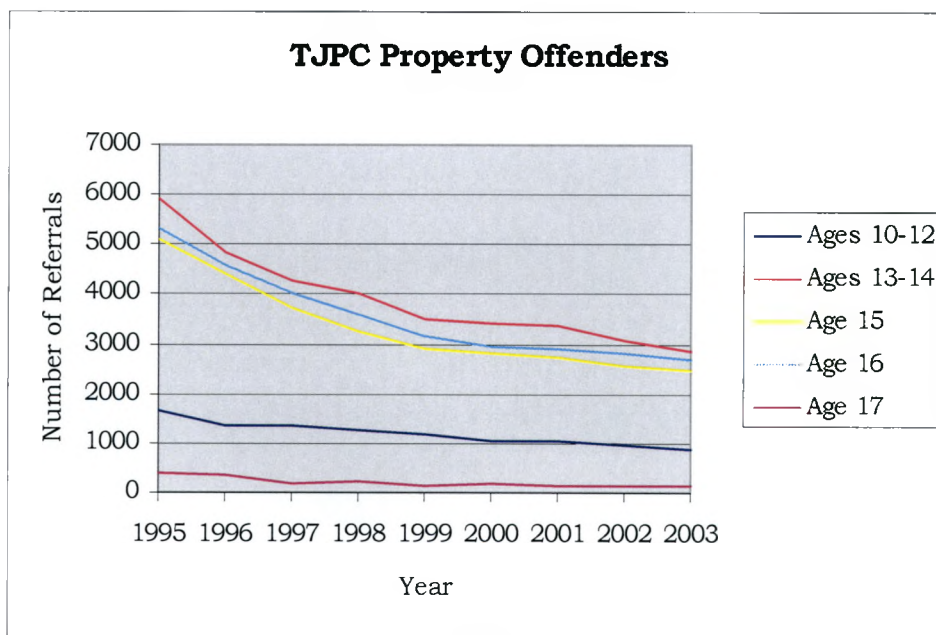


Figure 8.

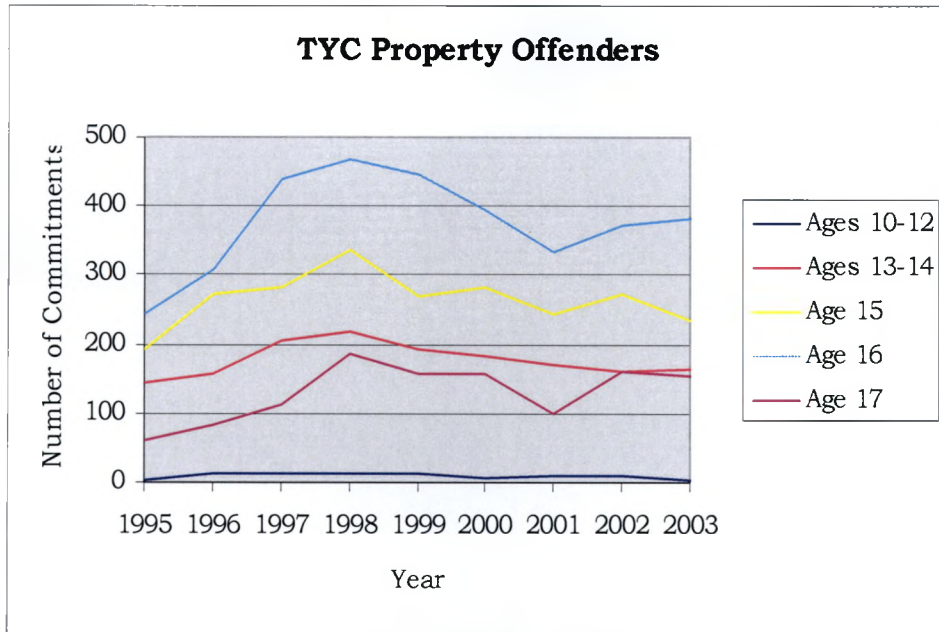


Figure 9.

The number of DPS arrests as well as TJPC referrals remained fairly constant for all age groups over the course of years of 1995 to 2003. The number of TYC confinements, however, varied for all age groups except those in the 10 to 12 year old category. The largest difference was seen in the 16 year old category as the number of drug offenses were approximately double that of those in 1995 and 2003. This trend was not seen, as might be expected, in the DPS arrest and TJPC referral data.

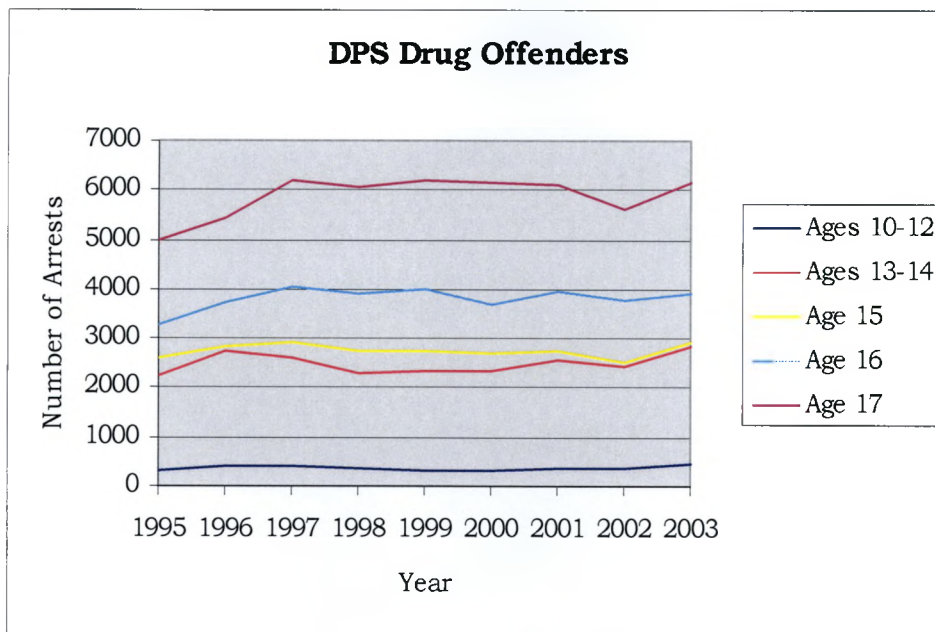


Figure 10.

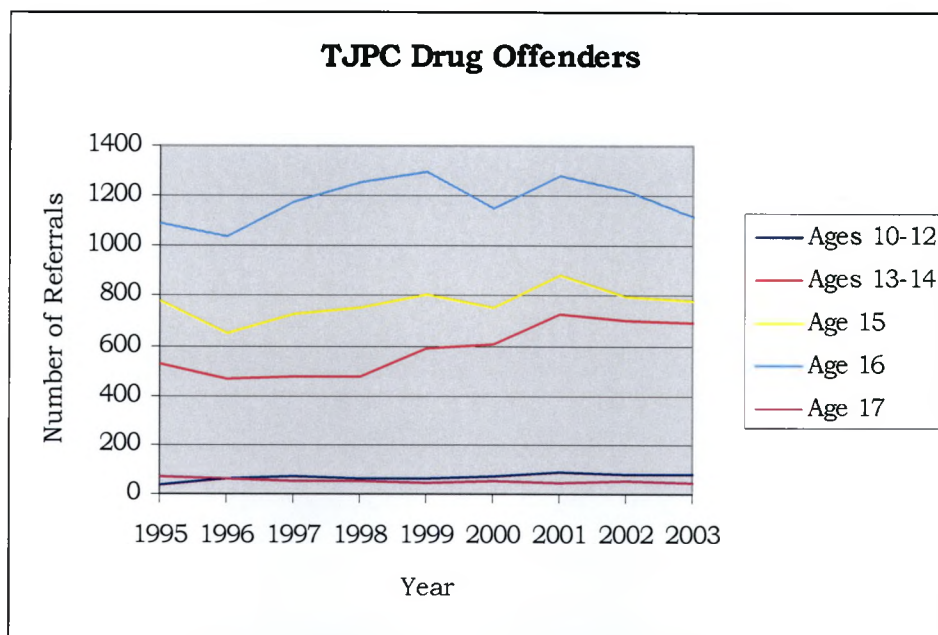


Figure 11.

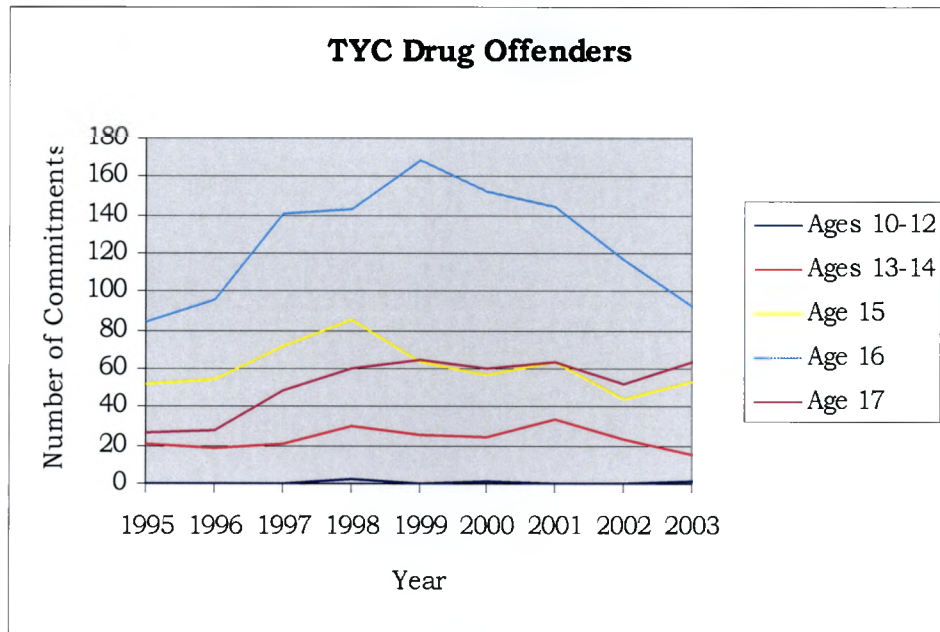


Figure 12.

Like arrests for violent and property offenses, the number of DPS arrests for weapons offenses has declined from 1995 to 2003. Those in the 16 year old category have seen a drop in 2003 to less than half that of the arrests in 1995, from 960 to 417 recorded offenses. TJPC did not record weapons offenses (felony weapons violations) for 1995. However, the trend for referrals, while varying some throughout the years, remains mostly constant for 1995 to 2003. The TYC commitments for weapons offenses showed an overall decline for all age groups from 1995 to 2003, while the 16 year old group had a large increase between 1995 and 1996 (relative to the difference between other years), and a large decrease between 1999 and 2000.

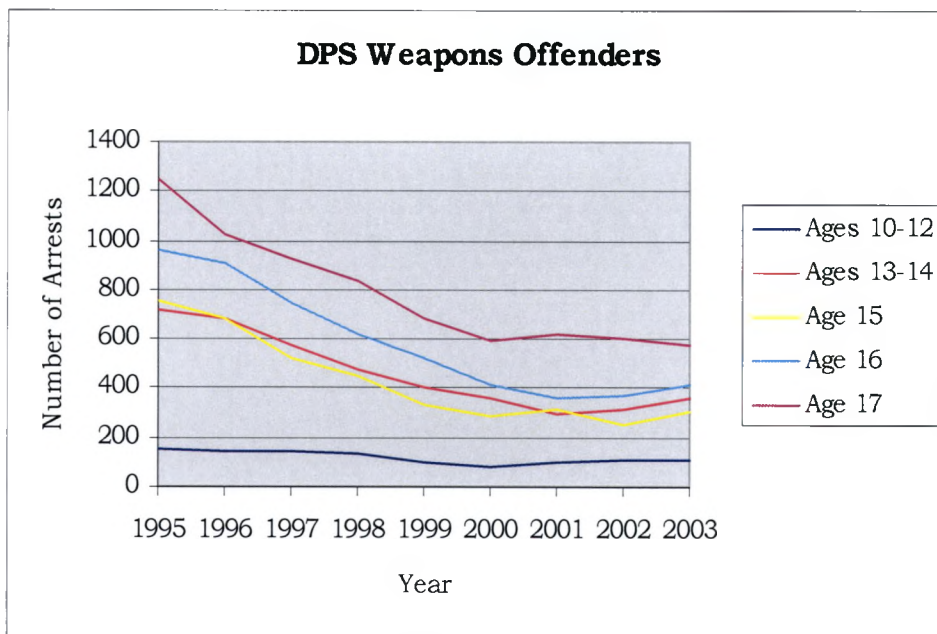


Figure 13.

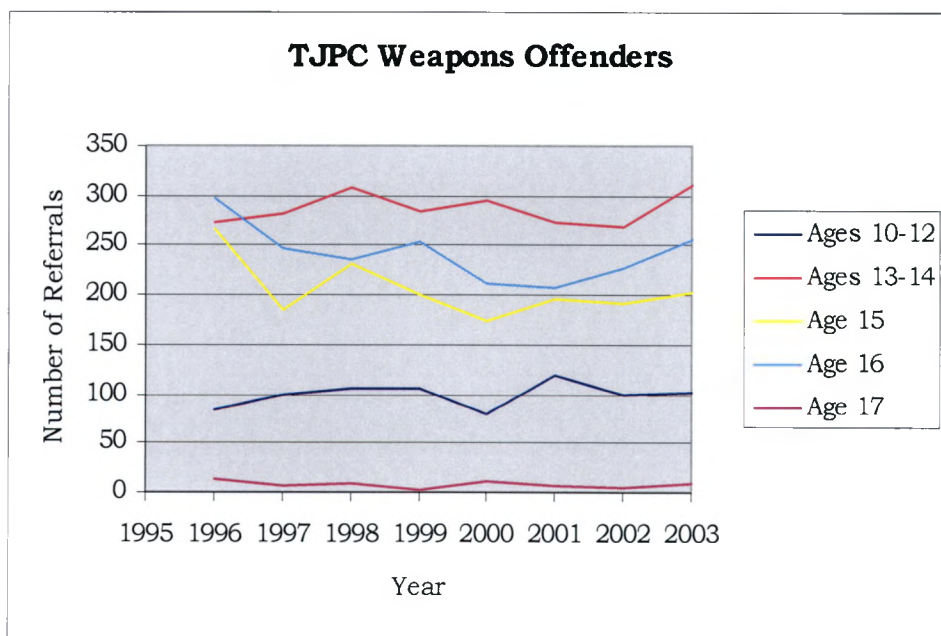


Figure 14.

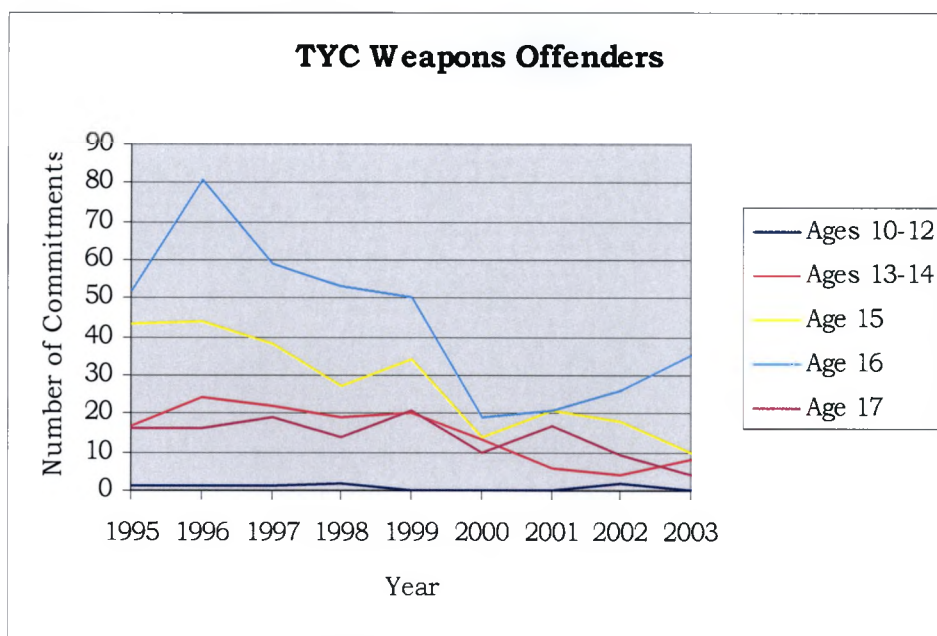


Figure 15.

FIGURE CAPTIONS

Figure 1. Total DPS Arrests for All Offenses by Age, 1995-2003.

Figure 2. Total TJPC Referrals for All Offenses by Age, 1995-2003.

Figure 3. Total TYC Commitments for All Offenses by Age, 1995-2003.

Figure 4. DPS Arrests for Violent Offenses by Age.

Figure 5. TJPC Referrals for Violent Offenses by Age.

Figure 6. TYC Commitments for Violent Offenses by Age.

Figure 7. DPS Arrests for Property Offenses by Age.

Figure 8. TJPC Referrals for Property Offenses by Age.

Figure 9. TYC Commitments for Property Offenses by Age.

Figure 10. DPS Arrests for Drug Offenses by Age.

Figure 11. TJPC Referrals for Property Offenses by Age.

Figure 12. TYC Commitments for Property Offenses by Age.

Figure 13. DPS Arrests for Weapon Offenses by Age.

Figure 14. TJPC Referrals for Weapon Offenses by Age.

Figure 15. TYC Commitments for Weapon Offenses by Age.

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