

**Vermont Agency of Human Services
Department of Children and Families**

JUVENILE RECIDIVISM STUDY: 2008-2011

Submitted To:
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Summary of Findings

The purpose of this study was to compare recidivism rates among juveniles previously adjudicated delinquent in the Vermont Superior Court Family Division (Family Division) with recidivism rates among those previously convicted in the Criminal Division, and to determine what factors appear to predict a new criminal conviction. The study found:

- During the study period overall, 41% of juveniles adjudicated delinquent in the Family Division earned a criminal conviction, and 59% of juveniles convicted in the Criminal Division earned another conviction.
- The three-year recidivism rate for juveniles adjudicated in the Family Division was 25%, compared to a 47% three year recidivism rate for juveniles convicted in the Criminal Division.
- Only 16% of juveniles adjudicated delinquent earned a new delinquency adjudication within three years.
- The Youth Assessment and Screening Instrument (YASI) score appears to accurately predict risk of recidivism.

Methodology

The cohort for this study consists of juveniles adjudicated delinquent during Fiscal Years 2008-2011 and those juveniles convicted in the Criminal Division during the same time period. The data were provided by the Court Administrator's Office. Crime Research Group obtained the criminal histories of these juveniles from the Vermont Crime Information Center (VCIC) to determine if the juveniles earned a future conviction in the Criminal Division. Family Division dispositions provided by the Court Administrator's Office were used to determine if juveniles were adjudicated delinquent again. The Department of Children and Families (DCF) provided information on juveniles' prior involvement with DCF services. The DCF data were used to determine if prior contact with DCF influences recidivism.

Demographics

The study cohort included 1,161 juveniles. Forty percent (458) of these juveniles were adjudicated delinquent, and 60% (703) were convicted in the Criminal Division.

Family Division of the Vermont Superior Court

The average age of juveniles who were adjudicated delinquent in Family Division was 14.8, with an age range of 10 to 17 years. Seventy-six percent (348) of these juveniles were male. Race data was available for only 63% of cases, and only seven juveniles were recorded as non-white. Almost 30% of these juveniles were charged with crimes against public order, including unlawful mischief and possession of alcohol. Eighteen percent were charged with personal assault, and 17% were charged with theft crimes,

including burglary. Ninety-three percent were adjudicated delinquent without being referred to the Court Diversion program. Seven percent (32) were adjudicated delinquent after failing the Court Diversion program.

Criminal Division of the Vermont Superior Court

The average age of juveniles charged in criminal court was 16.9. Seventy-seven percent (538) of defendants were male. Race data was available in 97% of the cases, and 5% juveniles (39) were recorded as non-white. Thirty-seven percent of these juveniles were charged with crimes against public order, including possession of alcohol and unlawful mischief. Fifteen percent were charged with theft crimes, including burglary. Thirteen percent were charged with personal assault. Twelve percent (87) of juveniles were convicted of a felony offense. Twenty juveniles convicted of a felony were sentenced to an incarcerative sentence. The most common sentence for felony convictions was a deferred sentence; 56.3% of juveniles convicted of felonies received this sentence. The most common sentence for juveniles convicted of a misdemeanor was probation, with 32% of juveniles receiving this sentence. Thirty percent of juveniles were sentenced to a fine, and 27% received a deferred sentence. Only 10% of juveniles convicted of a misdemeanor were sentenced to an incarcerative sentence.

RECIDIVISM AMONG THE ENTIRE COHORT

Chart 1 shows three measures of recidivism:

- any new conviction regardless of when earned;
- a three-year recidivism rate; and
- the measure the Vermont Legislature adopted in their 2011 “War on Recidivism.”

The first measure looks at any new conviction in the Criminal Division after the juvenile became eligible to commit a new offense. Juveniles previously adjudicated delinquent had an overall recidivism rate of 41.3% (181 of these juveniles earned an adult conviction) compared to an overall recidivism rate of 59% among juveniles previously convicted in the Criminal Division.

The second recidivism measure followed the juveniles for three years after their delinquency adjudication or criminal conviction.¹ Of the 458 juveniles adjudicated delinquent, 25.2% (114) earned a Criminal Division conviction. Of the 703 juveniles convicted in the Criminal Division, 47.9% (337) earned the new conviction within three years.

The final recidivism measure is that adopted by the Vermont Legislature in 2011. It defines recidivism as:

[T]he rate of recidivism based upon offenders who are sentenced to more than one year of incarceration, who, after release from incarceration, return to prison within three years for a conviction for a new offense or a violation of supervision resulting, and the new incarceration sentence is at least 90 days. ²

¹ If a juvenile had both an adjudication and a conviction during the study period, the adjudication was used as the base offense.

² <http://www.leg.state.vt.us/docs/2012/Acts/ACT041.pdf> Section 5, Subsection b (1).

Juveniles adjudicated delinquent do not qualify as recidivists under this definition, and only four juveniles convicted in criminal court were sentenced to more than one year of incarceration. One of those juveniles is still incarcerated. Of the three remaining juveniles, only one earned a new conviction and was sentenced to more than 90 days for a subsequent offense. Therefore, the recidivism rate was 33.3 percent among the four juveniles who meet the legislature's definition.

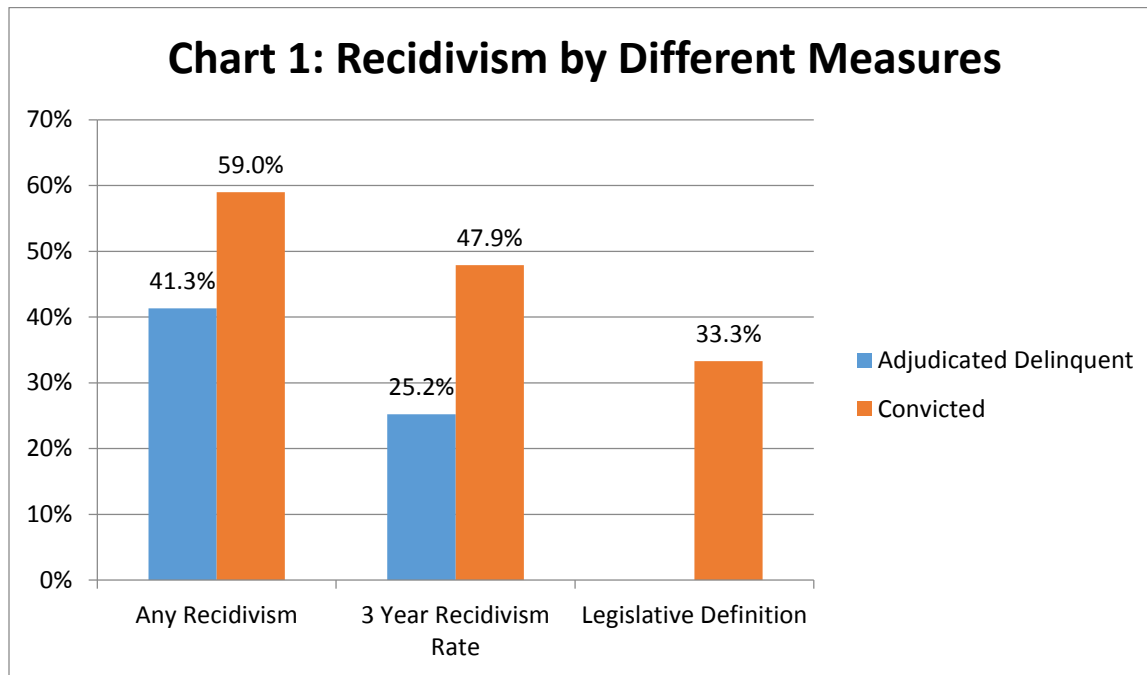
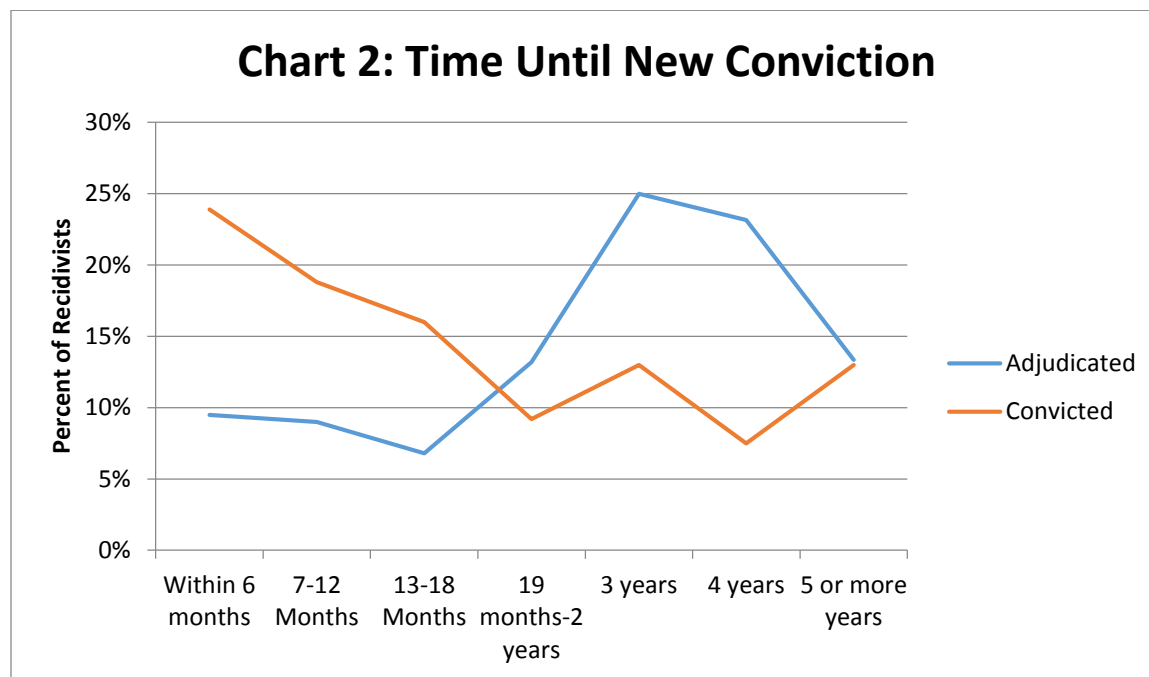


Chart 2 shows the time it took for the juveniles to recidivate. Among juveniles adjudicated delinquent, the average time to recidivism was 29 months after their last adjudication. However, juveniles convicted in the Criminal Division earned a new conviction in an average of 20 months, and 50% of those with an original conviction in the Criminal Division recidivated within 18 months. The juveniles convicted in the Criminal Division tended to recidivate much more quickly, within a year of conviction, than the juveniles adjudicated who peaked at 3 years.



During the study period, juveniles adjudicated delinquent earned convictions in the Criminal Division on an average of 2.4 separate dockets, while juveniles previously convicted the Criminal Division went through court an average of 2.9 times. However, adjudicated juveniles were more likely to earn a felony conviction, with recidivists earning an average of 1.9 felony convictions vs. .93 new felony convictions for convicted juveniles. Juveniles previously adjudicated delinquent earned an average of 3.6 new misdemeanor convictions, while juveniles previously convicted in the Criminal Division earned 3.4.

Chart 3 illustrates the percent of juveniles previously adjudicated delinquent who later earned at least one new conviction by type of offense. Thirty-two percent of these recidivists were convicted of at least one new violent crime including assault, robbery or weapons charges. No juveniles earned a new conviction for homicide, felony DWI or felony Violation of Protection Orders.

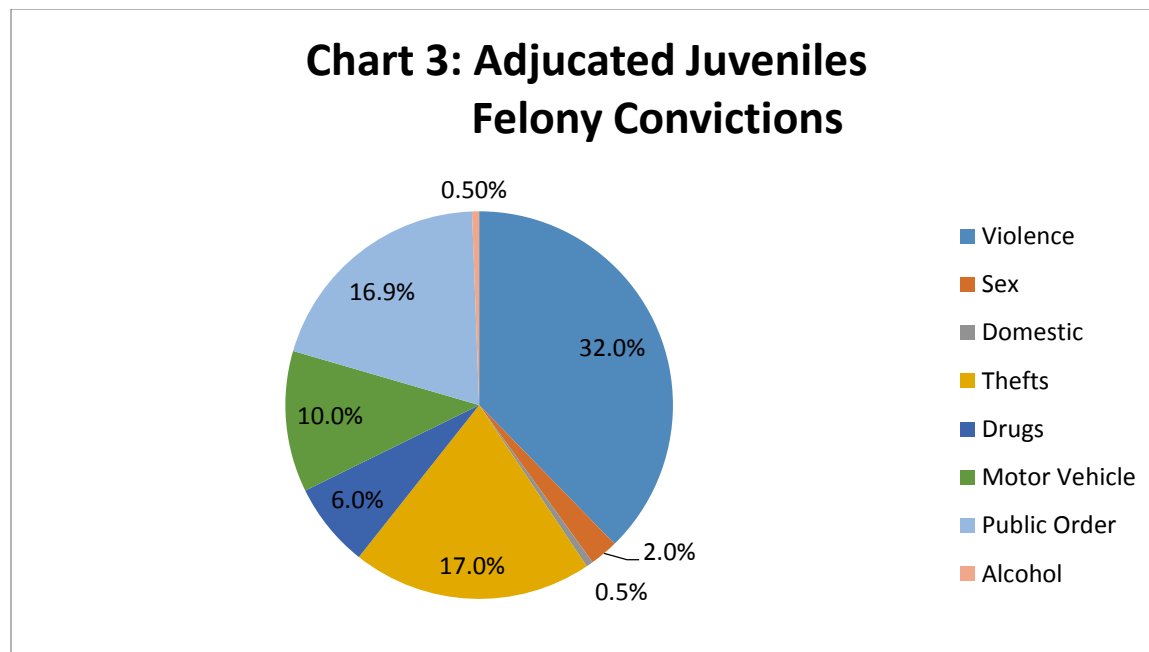


Chart 4 illustrates the percent of convicted juvenile recidivists who earned at least one conviction by type of offense. Twenty-one percent of convicted recidivists earned at least one new conviction for a violent crime including assault, robbery or weapons charge. No convicted juveniles earned a new conviction for homicide or felony alcohol violations.

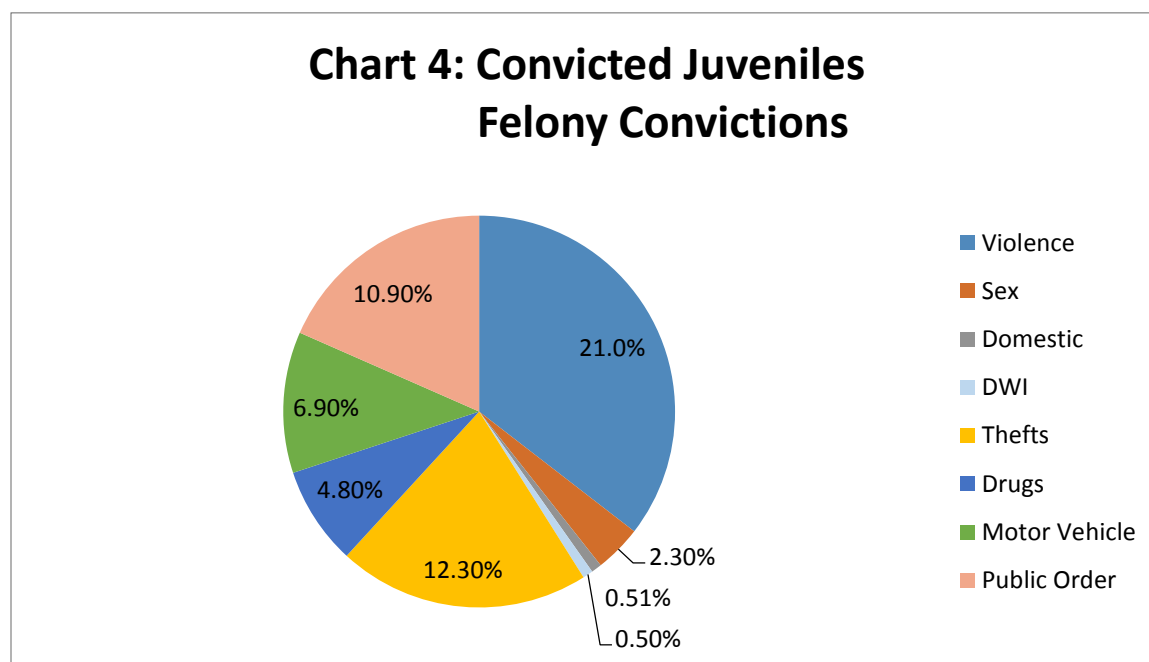


Chart 5 illustrates the percentage of recidivists among juveniles previously adjudicated delinquent who earned at least one misdemeanor conviction by type of offense. Forty percent of recidivists earned at least one conviction for a theft crime, which include shoplifting, petty theft and burglary.

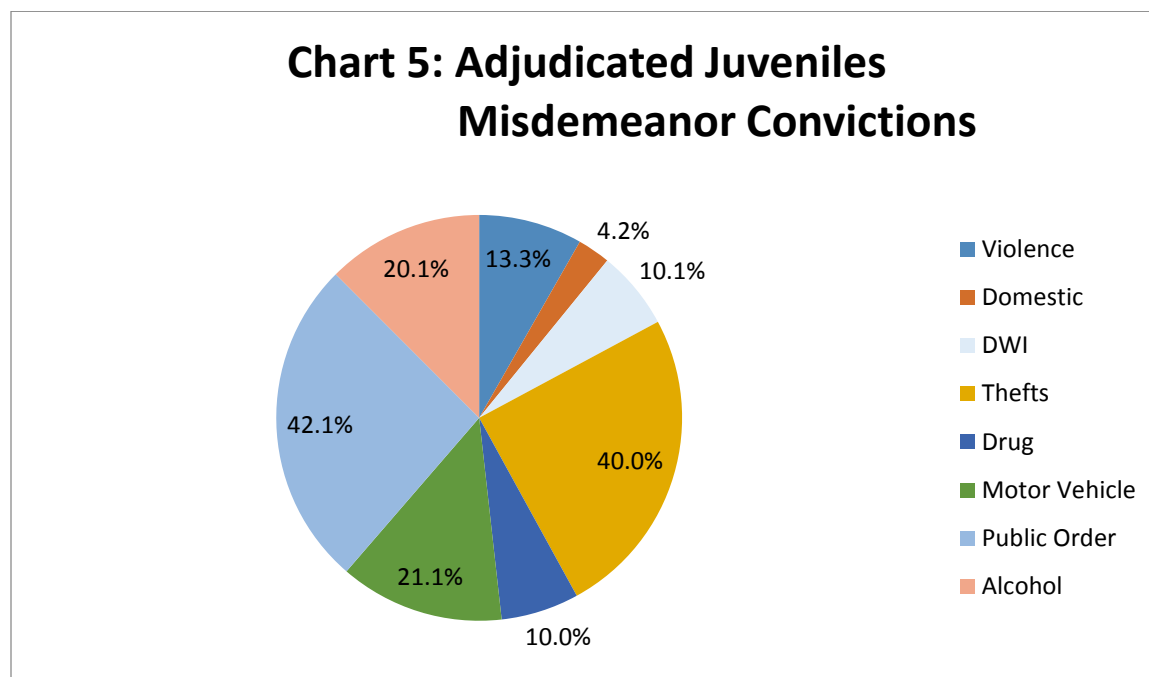
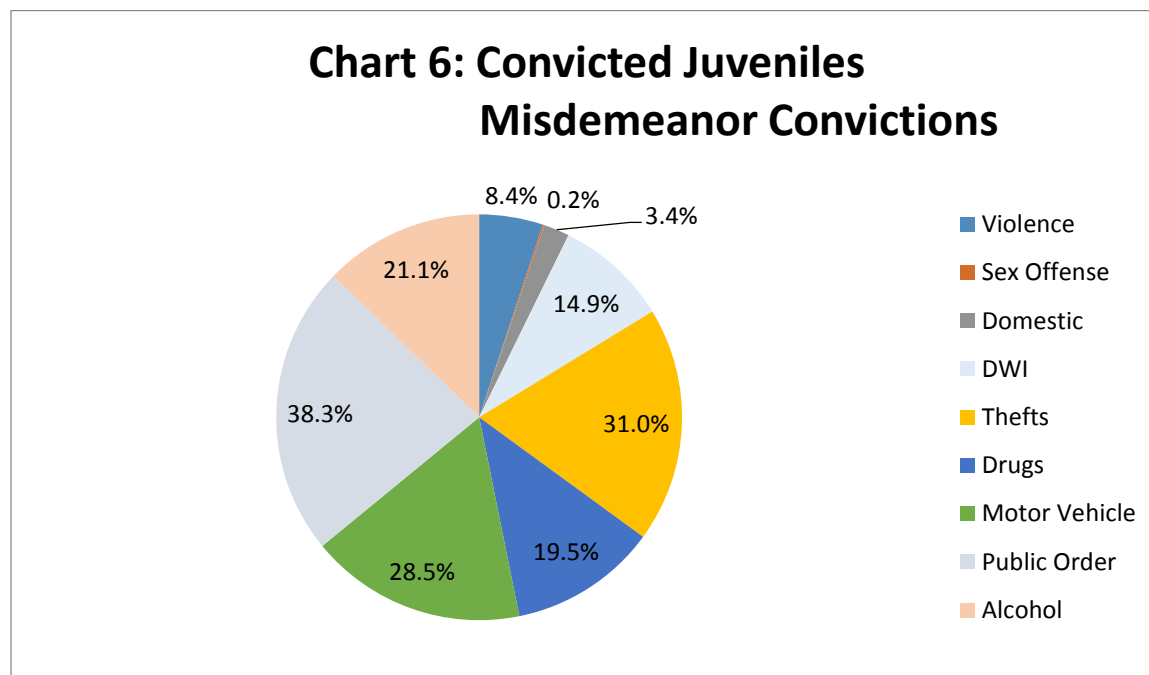


Chart 6 illustrates recidivism rates among juveniles previously convicted in the Criminal Division who earned at least one misdemeanor conviction by type of offense. A point of interest is that 28.5% of the recidivists earned at least one conviction for a motor vehicle offense that was not DWI.



Predictors of Recidivism

Missing from the cohort were juveniles adjudicated delinquent prior to the start date of the study. In adult recidivism studies, the prior record of the defendant is a strong predictor of recidivism. Because this information is missing in this study, a true predictive model is not viable.

However, some correlations in the data are evident. A correlation is a mutual relationship between two variables, but it cannot be said that one variable causes the other. Most notable is age - the older the juvenile was when they were first adjudicated or convicted, the more likely they were to recidivate. Likewise, the court of origin is strongly correlated with recidivism. Juveniles who start in the Criminal Division are more likely to recidivate. Sex of the defendant, county of offense and type of offense the juvenile was charged with were not correlated with recidivism.

Family Division Recidivism

This analysis tracked juveniles in the Family Division through the end of 2014. During this time period, 21.8% of the cohort earned a new delinquency finding, compared to a three-year rate of 16 percent. The average time to recidivate was 10.5 months, and juveniles returned to the Family Division an average of 1.3 times.

Chart 7 shows time to new adjudication for all juveniles in the cohort. Almost thirty-seven percent of juveniles earn their adjudication within one year. There is then a downward trend in recidivism patterns until only 7% commit a new offense within 3 years.

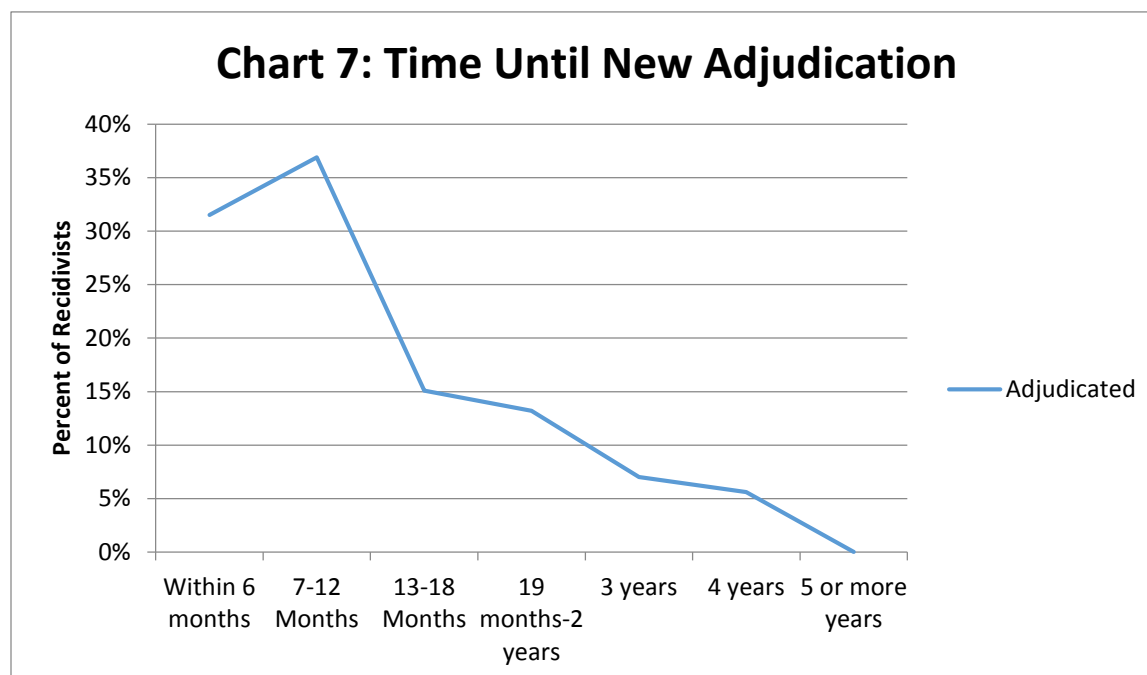
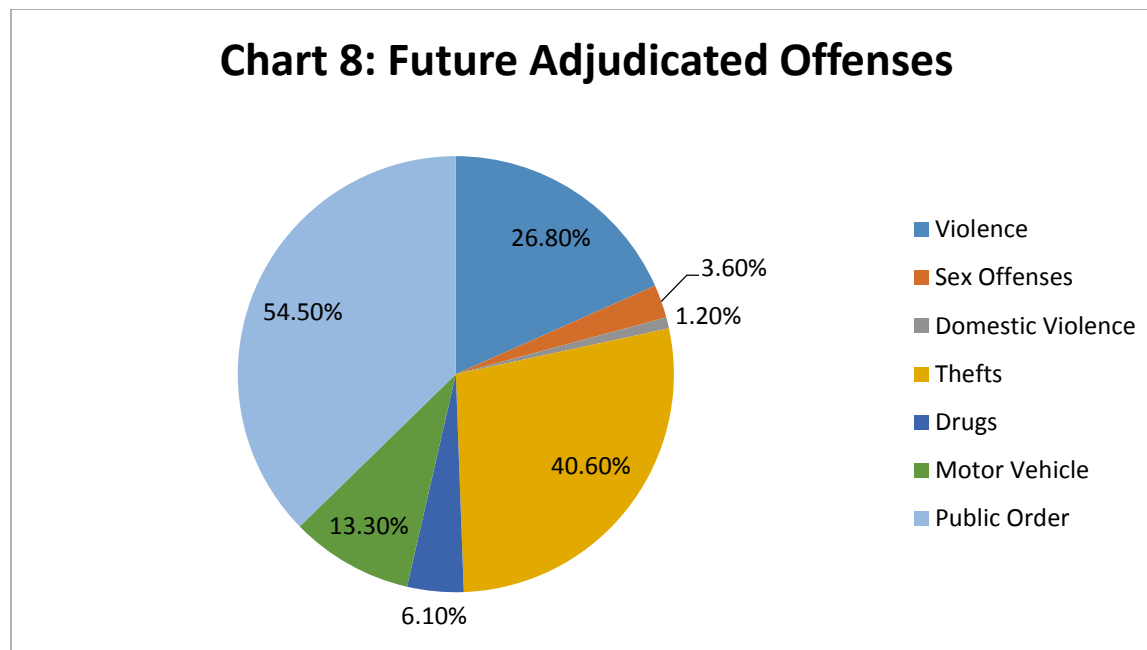


Chart 8 illustrates the percentage of juveniles previously adjudicated delinquent who earned a new adjudication by type of offense. Of the juveniles, 54.5% were adjudicated for at least one public order offense, including alcohol violations and disturbing the peace and 40.6% earned at least one new adjudication for theft offense.



DCF History and Recidivism

Only 291 of the 458 juveniles adjudicated delinquent during the study period could be matched to the DCF data extract provided.

According to DCF data, 51% of juveniles had any history of out of home placements. Juveniles were placed at Woodside Rehabilitation Center in 39.9% of cases that were matched. Other out-of-home placements were used in 8% of the cases. Of the 291 juveniles, 74.9% had a history of probation services, and 55.3% had a history of prior custody with DCF. None of the juveniles had a history of extended care, and only 13.4% had a prior Child in Need of Services designation.

Of the 291 juveniles that could be matched, 40.5% earned a conviction in adult court. Because there was some evidence of the prior criminal history in the DCF data (prior probation and prior custody), predictive modeling was done. A logistic regression found that only prior custody status and age (the older the juvenile, the more likely to offend) significantly predicted recidivism but not prior probation.

The DCF data also contained Youth Assessment and Screening Instrument (YASI) scores for 186 juveniles. Thirty-two juveniles (11%) were rated low risk; 100 (34.4%) medium risk and 54 (18.6%) high risk. When entered into a logistic regression model, only YASI score and age predicted recidivism. History of prior custody was no longer statistically relevant. The YASI captures both static and dynamic factors that predict recidivism, and prior history of custody may have been a proxy for another factor.

Discussion

National research on juvenile delinquency highlights factors that are likely to contribute to juvenile recidivism. A meta-analysis of 25 studies involving more than 15,000 juveniles (age range 6-21 years of age) helps inform predictors of recidivism and the weight policy makers should give to particular factors³. The studies used in the analysis had an average follow up period of 45 months, and an average reported recidivism rate of 48 percent (recidivism is defined as a re-arrest, re-incarceration or probation or parole violation). The meta-analysis found five factors that greatly predicted recidivism: a young age at first commitment, a young age at first law enforcement contact, non-severe pathology, family problems and conduct problems.

This current Vermont study did not have access to age at first commitment to a facility or age at first contact. It is not clear if the meta-analysis tested age at first adjudication for significance.

The meta-analysis did find that the number of out-of-home placements predicted recidivism, although ranked ninth in predictive value, but this study did not find that to be the case. Number of prior commitments was ranked tenth, a factor that was statistically significant in this study before YASI scores were entered into the model. The meta-analysis did not include a specific risk instrument.

Further research on juvenile recidivism should include prior records or contacts with the Family Division, Court Diversion and police in addition to DCF contacts. This would allow for a more robust analysis of offending and recidivism patterns. It would also allow the researcher to create a typography of those juveniles who are referred to the Criminal Division and to test if the court of origin (criminal or family) in and of itself predicts recidivism.

Conclusion

Juveniles adjudicated delinquent in the Family Division recidivate at a much lower rate than those convicted in the Criminal Division. The three-year Criminal Division recidivism rate for juveniles adjudicated delinquent was 25% compared to 47% for juveniles convicted in the Criminal Division. The three year juvenile delinquency re-adjudication rate was 16%. These low recidivism rates are encouraging and should be further investigated to determine if programmatic offerings are contributing to the low rates.

³ Cottle, Lee and Heilbrun, "The Prediction of Criminal Recidivism in Juveniles: A Meta-Analysis". *Criminal Justice and Behavior*, Vol 28 No. 3, June 2001, pp 367-394.