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A longitudinal examination of African American adolescent females detained for status offense

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Abstract

Introduction: Behaviors like truancy, running away, curfew violation, and alcohol possession fall under the status offense category and can have serious consequences for adolescents. The Juvenile Justice and Delinquency and Prevention Act prohibited detaining status offenders. We explored the degree to which African American adolescent girls were being detained for status offenses and the connections to their behavioral health risks and re-confinement.

Methods: 188 African American girls (aged 13–17), recruited from detention facilities, were surveyed at baseline and 3-month follow-ups. Logistic regression models estimated the likelihood of longitudinal re-confinement, controlling for sexual and behavioral health risk factors.

Results: One third of the overall sample was detained for a status offense. Status offenders were exposed to higher peer risk profiles. At follow-up, nearly 39% of status offenders reported re-confinement. Compared to youth with other offenses, those who violated a court order (type of status offense) were 3 times more likely to be re-confined. Controlling for sexual and behavioral health risk factors, the odds of re-confinement was not statistically significant.

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Author contribution

DiClemente conceptualized and wrote the grant. Kim led the conceptualization, analyses, and writing of the manuscript. Quinn, Logan-Greene, DiClemente and Voisin contributed to the conceptualization, intellectual content, and study analyses. All authors contributed to the revisions.

Declaration of Competing Interest

There are no conflicts of interest. All authors have approved the content of the article and contributed to its intellectual content.

Conclusion: Overall findings suggest that courts and detention facilities must devote specialized resources to addressing the socio-behavioral needs of African American girls with status offenses so as not to use detention as an intervention.

Keywords

Status offense; Detention; African American youth; African American females; Deinstitutionalization; Juvenile Justice and Delinquency Prevention Act

1. Introduction

This study examines the degree to which African American girls are being detained for status offenses and the factors associated with status offenses. Status offenses, different from other juvenile offenses, refer to behaviors considered illegal because of young people's underage status and include truancy, running away, curfew violation, and alcohol possession (Levesque, 2011). While these behaviors are not considered crimes for adults, they can have serious legal and psychosocial consequences for youth. For many years, juvenile courts held these youth in lock-up facilities (i.e., jail, detention) for periods ranging from a few days to a few months. Studies have documented serious consequences of detention, such as negative impact on mental, physical, and sexual health (Abram et al., 2013; Gilman, Hill, & Hawkins, 2015), as well as barriers to education and future employment (Benner, Zeng, Armstrong, Anderson, & Carpenter, 2016). Some studies have also suggested that exposure to detention could increase the likelihood of youth recidivism and further involvement with the juvenile justice system (Aalsma et al., 2015; Levin & Cohen, 2014), as well as inoculation into negative peer networks (Hughes, 2011; Holman & Ziedenberg, 2006).

Given the potential harms associated with detention, the 1974 Juvenile Justice and Delinquency Prevention Act (JJDP) mandated that states receiving any federal block grants remove status offenders from secure detention and correctional facilities. In 1980, the JJDP was amended to include a valid court order (VCO) exception for deinstitutionalizing status offenders (DSO). The VCO exception allowed courts to place young people with a status offense in secure facilities if they had violated a court order. Using this exception became prevalent, and few accountability mechanisms existed to ensure that all placement options were considered before detaining status offense youth (Arthur & Waugh, 2008). In 2010, VCO exception was used approximately 12,000 times per year in 30 jurisdictions (Hornberger, 2011). In 2014, while improved, 25 states and the District of Columbia continued to allow the use of VCO exception, resulting in approximately 7,500 cases of VCO exceptions (OJJDP, 2015). Once a youth with a status offense violates a court order and is detained, his/her offense can then be considered a delinquent act, which is no longer protected under the DSO requirement (Kendall, 2007; Yeide & Cohen, 2009).

Between 1997 and 1999, the number of status offenders held in juvenile residential facilities decreased by 31%. Between 1999 and 2006, the number of status offenders remained relatively unchanged; decreased between 2006 and 2011; and increased again in 2013 by 13% (Hockenberry & Puzzanchera, 2018). Although placing status offenders in residential facilities is prohibited by law, it is still occurring in many states. Status-offending behaviors,

however, are likely indications of underlying individual, familial, and community risks (e.g., trauma, sexual abuse, family conflict, school challenges) that may require early preventive services. For example, status offenders who run away from home might simply need additional family support. Status offenders who skip school might simply need additional school support. Studies have shown that girls in the juvenile justice system exhibit far worse risks than their male counterparts (e.g., Logan-Greene, Kim, & Nurius, 2016). Detaining these youth would further exacerbate the issues that caused these behaviors.

For many years, the courts have asserted that, given the principles of *parens patriae*, detaining these youth, especially young girls and women, provided safety and protection. Historically, at the heart of this differential treatment of girls was the paternalistic view that courts would take responsibility in correcting girls' immoral behaviors to prepare them for proper womanhood or motherhood (Chesney-Lind, 1973; Chesney-Lind, 1977; Espinosa & Sorenson, 2016). This gendered approach resulted in girls being more likely to be detained for status offenses than boys (Nanda, 2011). Thus, girls with status offenses are often detained for moral rather than criminal reasons (Nanda, 2011). This framing gave less incentive for courts to seek all other possible options before detaining young girls with a status offense. In 2013, while girls typically comprise a quarter of the overall juvenile justice population, they comprised 40% of all status offense cases and relatedly. Also, 37% of girls' detention came from status offenses and technical violations of probation (i.e., VCO exception) (vs. 25% in boys' detention) (Sickmund, Sladky, & Kang, 2017).

Furthermore, African American youth disproportionately bear the burden of juvenile justice involvement (Puzzanchera & Hockenberry, 2013), reflecting structural and systemic inequalities (e.g., greater surveillance, preference for formal processing, harsher sentencing) facing this population (Henning, 2012; Kahn & Martin, 2016). While African American youth made up 13% of the youth population in 2013, they made up 35% of juvenile justice caseload and 42% of the detention caseload (Hockenberry & Puzzanchera, 2015). Because of the gendered lens for court processing, African American girls are particularly susceptible to racial stereotypes (e.g., perceived as loud, sexual, incorrigible) and experience detention at far higher rates compared to all other race/ethnic groups (Nanda, 2011; Sickmund, Sladky, Kang, & Puzzanchera, 2014).

1.1. The current study

Our study uses a local sample from detention facilities to examine: 1) the degree to which African American girls are still being detained for status offenses; 2) levels of risk, including violence exposure, trauma, and family/peer networks; and 3) factors associated with returning to detention three months later. Girls in detention are a hard-to-access population for research despite the fact that they are highly vulnerable due to the at-risk contexts in which they reside. The findings of this study can provide an opportunity to examine ways in which current practices for addressing status offending behaviors can be improved intentionally including a gendered and racialized lens.

2. Method

2.1. Study sample

The data for this study came from the IMARA Project, a randomized controlled study designed to test the efficacy of a sexual risk reduction intervention for African American females incarcerated in a short-term detention facility in Atlanta, Georgia. The efficacy study is described in detail elsewhere (DiClemente et al., 2014). African American girls, ages 13–17, who self-reported having vaginal intercourse prior to detention were recruited for the study.

2.2. Questionnaire administration

Written informed assent was obtained from the girls participating in the study and parental consent were received prior to the start of the study. Subsequently, from March 2011 to February 2012, 93% (N = 188) of the eligible participants chose to enroll. Participants completed surveys using audio-computer-assisted self-interviewing (A-CASI) technology, which has been proven to reduce selection bias and may also help with literacy problems (Kissinger et al., 1999). Participants were given incentives (up to \$150) for their completion in the intervention. The (Blinded for review) Institutional Review Board approved all study protocols. The current study used self-report survey and offense records obtained at baseline and a three-month follow-up.

2.3. Measures

2.3.1. Status Offense—Official records assessed most serious offense related to current detention, including felony, misdemeanor, and status offenses. A dichotomous variable (1 = status offense and 0 = all other offenses) compared status offense against other offenses (i.e., felony and misdemeanor). A categorical variable for offense types were calculated to examine differences across subcategories of status offense, including unruly or ungovernable behavior, running away, and technical violation of another status offense (i.e., VCO exception).

2.3.2. Risk factors—*Individual* risks included abuse (0–3; count of experiencing emotional, physical, and/or sexual abuse) and pregnancy history (0 = no, 1 = yes), past 12-month runaway or “thrown-out” experience (0 = no, 1 = yes), and post-traumatic stress disorder (PTSD; 0 = no, 1 = yes). Overall PTSD symptom scores were assessed using 17-items and for a diagnosis of PTSD score, 1 or more criteria needs to be met: for one of re-experiencing questions, 3 of avoidance questions, and for 2 arousal questions (Foa, Riggs, Dancu, & Rothbaum, 1993). *Peer* risks included a scale regarding risky sexual norms (DiClemente et al., 2004), a seven-item scale assessing perceived peer norms supporting risky sexual behavior (e.g., have sex with someone you just met), and two school problem items, including how many friends were skipping school (0 = none of them to 3 = all of them) and receiving school discipline (0 = none of them to 3 = all of them).

2.3.3. Re-Confinement—Youth were asked at 3-month follow-up regarding any return to juvenile justice facility since last interview (0 = no, 1 = yes).

2.4. Analysis

Descriptive statistics assessed prevalence of status offenses, and *t*-tests, Fisher's exact tests, chi-square tests, and one-way ANOVA compared behavioral risk factors between status offenders and other offenders. Logistic regression estimated odds of re-confinement at 3-months by status offense types controlling for significant covariates. Maximum likelihood estimates were used to deal with missing data and all analyses were conducted using Stata 7 (StataCorp, 2001).

3. Results

Reasons for detention included status offenses (34%, *n* = 64); felonies (20%, *n* = 38), and misdemeanors (46%, *n* = 86). Status offenses included one truancy, 14 unruly or ungovernable, 20 runaway, and 29 probation violations of another status offense case (e.g., VCO) (Table 1). Correlations of all study variables are presented in Table 2.

Status offenders were similar to those detained for all other reasons with regards to all major characteristics, except running away or being thrown out of the home, risky peer sexual norms, and peers skipping school. Youth detained for different types of status offenses were similar except for running away or being thrown out the home.

At follow-up, nearly 39% of status offenders were re-confined. Compared to youth with other offenses, youth with a VCO were over 3 times more likely to be re-confined (See Table 3). Controlling for running away or being thrown out of the home, peer risky sexual norms, and peers skipping school, similar patterns persisted where youth with a VCO were nearly 2.5 times more likely to be re-confined, though statistically insignificant.

4. Discussion

Despite federal mandates against detaining youth with status offenses, efforts to understand the continued extent of using detention for status offenses are limited. Moreover, this is one of the few studies to examine the experiences of African American females detained for a status offense. In this paper, we aimed to extend the scant literature to examine the prevalence of detention among status offending African American girls and highlight contextual factors associated with detention and recidivism. Our study found that over one third of African American girls were in detention for a status offense, reflective of the reported national proportion of 37% (Hockenberry & Puzzanchera, 2018). These girls reported higher levels of peer risky sex norms, peer skipping school, and past year runaway history compared to youth detained for felony or misdemeanor offenses.

While no differences were found among youth engaged in different types of status offense (with the exception of runaway history), those with a VCO, specifically, bore a higher burden for re-confinement compared to girls with *all* other offenses (i.e., felony, misdemeanor). This is consistent with literature where those with technical violation of a probation sanction from a previous status offense become further involved with the justice system because they are now considered "delinquent" in the eyes of the court (Kendall, 2007; Yeide & Cohen, 2009). This highlights the continued justice involvement among girls

who had previously been charged with a status offense, an offense by definition is not criminal in nature. This could potentially reflect court biases against African American girls that view them as more deviant (e.g., Nanda, 2011; Leiber & Mack, 2003). This could also mean that, by failing to address the underlying reasons for girls skipping school or running away from home that lead to a status offense, girls are continuing to come back to the system. Findings, thus, suggest the need for courts and detention facilities to devote specialized resources to social and sexual networks of these girls with status offenses.

This study has limitations. The current study was based on a project that was not designed for examining the experiences of status offense, thus the sample size of status offending youth is limited and their related experiences might not be fully captured. Nevertheless, the findings of the study should encourage other researchers working with detention data to examine whether youth are continuing to be detained for a status offense. In February of 2017, OJJDP released a statement that no state will receive any federal block grant if the DSO requirement is not met (Department of Justice, 2017). States have complete jurisdictions over how to define, categorize, and address status offending behaviors, further contributing to disparities across states and subgroup populations. Researchers and practitioners need to collaborate for each state jurisdiction to be held accountable. Moreover, future research with larger samples should examine the dynamics on how familial, social, and sexual networks, along with structural and systemic factors, influence recidivism and potential mitigating factors.

As our findings support, many status offenders are detained/institutionalized for technical violations or VCO exception nationwide (Hockenberry & Puzanchera, 2015). In the State of Georgia, no centralized system collects data on the exact number of youth with status offense. The first statewide data made available in 2007 through the federal database indicated that 10,316 status offenses cases were brought to Georgia's juvenile court, with half of the cases being formally petitioned (Livsey, Hockenberry, Smity, & Kang, 2010). While not a preferred method, secure detention is allowed under Georgia law under specific conditions (Ga. Code. § 15-11-2). Approximately 1400 status offenders were placed in a Regional Youth Detention Center in 2011 and comprised 9 percent of all detention that year (Simones & Stone, 2012).

Most youth, however, naturally age out of behaviors that fall under the category of status offense (Sweeten, Piquero, & Steinberg, 2013), and formally institutionalizing youth engaging in these behaviors can be more disruptive for positive youth development. In addition to studies that document the harms of detention (e.g., Holman & Ziedenberg, 2006; Hughes, 2011), studies have shown that community-based programming that strengthen family relationships, social control mechanisms, and positive peer networks are far more effective in preventing youth from entering and re-entering the juvenile justice system (Kendall, 2007; Salsich & Trone, 2013). Finally, it is crucial that the juvenile justice system continue to commit to structural and systemic equity for girls by developing policies, programs, and procedures that provide appropriate responses to the needs of girls, especially girls of color (Sherman & Balck, 2015).

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Table 1

Sample Characteristics by offense category.

Sample Characteristics	Type of status offense ^{1,2}			All status offenses	All other offenses ⁴
	Unruly or ungovernable (n = 14)	Runaway (n = 20)	Probation violation of a status offense ³ (n = 29)		
	Mean (SD)/%			Mean (SD)/%	
Age	15.5 (1.09)	14.8 (1.36)	15.2 (1.09)	15.16 (1.18)	15.4 (0.98)
Abuse History (0-3)	0.93 (1.00)	1.50 (1.15)	1.14 (1.19)	1.22 (1.13)	1.23 (1.09)
Post-traumatic stress disorder (0/1)	43%	35%	59%	47%	40%
Past 12-month ran away or thrown-out (0/1)	36%	90%	78%	70%	52%*
Pregnancy History (0/1)	21%	30%	31%	28%	24%
Peer skipping schools (0-3)	1.71 (0.83)	1.20 (0.77)	1.34 (0.77)	1.38 (0.79)	1.12 (0.85)*
Peer school discipline (suspension or expulsion) (0-3)	1.86 (0.77)	1.45 (0.60)	1.45 (0.69)	1.53 (0.69)	1.31 (0.85)
Peer risky sex norms (7-28)	17.6 (4.50)	17.7 (4.78)	18.1 (4.51)	17.9 (4.5)	16.4 (4.3)*
Re-confinement by 3-month follow-up (0/1)	8%	31%	44%	32%	20%

* p < .05.

¹ One truancy case excluded from analysis.

² No statistically significant differences across type of status offenses with the exception of past 12-month ran away or thrown out.

³ Many of these cases might fall under the Violation of Court Order (VCO) exception.

⁴ All other offenses included misdemeanor and felony offenses.

Table 2

Correlation matrix of all study variables.

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
(1) Status Offense									
(2) Age	-0.11								
(3) Abuse History	-0.01	0.09							
(4) Post-traumatic stress disorder	0.06	0.07	0.29***						
(5) Past 12 month ran away or thrown out	0.18*	-0.10	0.25***	0.25**					
(6) Pregnancy History	0.04	0.14	0.11	0.14	0.00				
(7) Peer skipping schools	0.14*	0.13	0.11	0.06	0.13	0.12			
(8) Peer school discipline	0.13	-0.02	-0.01	0.07	0.13	0.04	0.60***		
(9) Peer risky sex norms	0.16*	0.05	0.18*	0.13	0.02	0.05	0.28***	0.19**	
(10) Reconfinement by 3 months	0.13	-0.11	0.19*	0.04	0.19*	0.09	0.18*	0.02	0.13

* p < .05.

** p < .01.

*** p < .001.

Table 3

Likelihood of girls with status offense experiencing re-confinement.¹

Variables	Model 1			Model 2		
	B	SE	OR p	B	SE	OR p
Constant	-1.39	0.23	0.25 < 0.001	-3.02	0.84	0.05 < 0.001
Status offense type						
All other offenses (reference)						
Unruly or ungovernable	-1.10	1.07	0.33 0.30	-1.31	1.09	0.27 0.23
Violation of probation ²	1.16	0.45	3.20 0.01	0.87	0.47	2.39 0.07
Runaway	0.60	0.59	1.82 0.31	0.32	0.62	1.38 0.60
Peer risky sex norms				0.05	0.05	1.05 0.31
Peer skipping school				0.41	0.24	1.51 0.08
Past 12-month ran away or thrown-out				0.65	0.42	1.91 0.13

¹ Returned to a detention facility by 3-month follow-up.

² Many of these cases might fall under the Violation of Court Order (VCO) exception.