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**First Offender Programs: Win/Win Situation or
Free Ride for Juveniles?**

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ABSTRACT

The validity of a First Offender Program (FOP) is relevant to contemporary law enforcement because crime reduction is the essential mission of every law enforcement agency. Municipalities are constantly looking for innovative ways to help law enforcement reduce crime within the constraints of their annual budgets. While there is potentially a significant cost associated with operating a FOP, they may be worth the expense if they actually do help reduce juvenile crime. Many experts believe that serial juvenile offenders grow up to become adult serial offenders. If proven to be a viable option for law enforcement, a FOP could break this cycle and not only help reduce juvenile crime but also reduce future adult crime. The purpose of this research is to determine whether a FOP helps reduce crime yet still hold juvenile offenders accountable for their criminal actions. Juvenile crime reduction is something that has plagued law enforcement since juvenile crime began to creep up following World War II. Municipalities have tried numerous avenues to reduce juvenile crime and a FOP is an option that several local agencies utilize. Other agencies might be willing to operate a First Offender Program should it be proven to be successful in juvenile crime reduction efforts.

The method of inquiry used by the researcher included: a review of articles, Internet sites, periodicals, and journals, a survey distributed to 21 law enforcement agencies and personal interviews. The researcher discovered that the agencies who offer a FOP rather than adjudicate all juvenile offenders believe their FOP does indeed reduce the juvenile crime rate. The recidivist rate for juvenile offenders who have

successfully completed a FOP is dramatically less than those who do not. Law enforcement agencies who track the recidivist rate for juvenile offenders reported that juveniles who successfully completed their FOP had a recidivist rate from 0% to 9.6% while those who did not complete a FOP had a recidivist rate of up to 34.4%. These simple statistics confirm that a First Offender Program does help juveniles learn from their mistakes and the vast majority of them decide to not be involved in criminal activity again thus reducing juvenile crime.

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INTRODUCTION

In the early 1900's, the first juvenile court was established so that youthful offenders could avoid being adjudicated in the adult judicial system. This "avoidance" was actually the first effort to divert juveniles from the criminal court system. Since that time, the Juvenile Justice System has searched for different and better ways to deal with juvenile offenders. There have been countless diversion projects that steered youthful offenders away from the judicial system in an effort to curb juvenile crime. The State of Texas also allows for diversion of juveniles from the judicial system in certain circumstances. The Texas Family Code, Chapter 52.031, allows local jurisdictions to offer juveniles arrested for certain specified offenses to take part in a First Offender Program (FOP) rather than face adjudication in court. These programs are offered by police departments of all sizes; some are internal programs while others are contracted outside the agency. Whether operated internally or contracted outside the department, these programs require a substantial amount of money from cities already facing lean budgets.

The issue to be examined with this research considers whether or not First Offender Programs have a positive impact on juvenile crime and whether juvenile offenders who are offered an FOP rather than adjudication are being held accountable for their crimes. With cities facing tight budgets, the decision to fund a First Offender Program can have a huge impact on other parts of a budget. Consequently, the validity of an FOP is an obvious issue to consider. Should FOP's help decrease juvenile crime, the cost of operating the program could be worthwhile for agencies.

The purpose of this research is to determine if First Offender Programs help reduce juvenile crime and also hold the juvenile accountable for their criminal actions. Some in law enforcement believe all juvenile offenders should be adjudicated through the court process while others believe juveniles should not be held responsible for their actions since they are young and lack judgment. First Offender Programs could be accepted by both trains of thought. Should these programs prove to be a successful crime reduction effort, hold the juveniles accountably for their actions, yet divert the child away from the judicial process, they could be worth the budgetary expenditure. The research question to be examined focuses on whether or not First Offender Programs do indeed help reduce juvenile crime while holding these young offenders accountable for their actions.

The researcher will obtain information on this subject from written literature and interviews of personnel, on both sides of the subject. Reviews of written literature will include books and articles on juvenile diversion programs and statistical data maintained by police agencies on juvenile crime. The researcher will also conduct a survey and personal interviews with police agencies that utilize an FOP and agencies that refer all juvenile offenders for adjudication. All the data will then be evaluated by the researcher.

The intended outcome or anticipated findings of the research will confirm that these programs are a viable option to the adjudication of all juvenile offenders regardless of the offense committed. This researcher believes the research will indicate juvenile recidivism rates are lower for juveniles who have successfully completed a First Offender Program than those who do not. This, in turn, will validate the use of an FOP

for police agencies that utilize them and possibly encourage other agencies to begin adopting this approach in dealing with juvenile offenders. How local police agencies deal with youth offenders has significant impact on the agency's relationship with the community they serve. The field of law enforcement will benefit from the research or be influenced by the conclusions because it might become more viable to fund First Offender Programs if police agencies could be convinced they help reduce juvenile crime while also holding the offender accountable for their actions. Utilizing an FOP will also help law enforcement agencies in their relationship with the communities and citizens they serve.

REVIEW OF LITERATURE

Throughout history, the most pressing issue for a law enforcement agency is crime reduction – both adult crime and juvenile crime. According to Ellsworth (1992), one way to reduce adult crime is by reducing juvenile crime since juvenile offenders are more likely to continue their criminal ways into adulthood. The American Judicial System has tried numerous means throughout the years to achieve this goal.

At the turn of the 20th century, the Juvenile Justice System was created. Juvenile offenders were processed through a juvenile court rather than be lumped in with adult offenders. This separate system was the first juvenile diversion method to keep juveniles from being exposed to the same treatment that adults received and was sometimes considered cruel and inhumane. In the 1930's, crime prevention bureaus were established in several large cities to divert juvenile offenders away from the

juvenile judicial system (Roberts, 2004). Youthful offenders were referred to these bureaus rather than be arrested. Once referred, the juveniles were given counseling or job placement.

But following World War II, juvenile crime rose as the teen population began to create its own culture separate from their parents. Ellsworth (1992) explained this new phenomenon in the following manner:

By the 1960's, adolescents had developed a distinct society of their own, complete with its own mores and norms. Over the last 20 years, young people have had access to more activities and privileges than at any other time in our history. Emphasis is placed on material and sensual needs. During adolescence, rebellion and nonconformity against the adult world flourishes. Hairstyles, clothing, speech, etc., are some of the subtle methods used to rebel. Delinquent activity is more direct. Thus, negative peer pressure and a rebellious attitude, coupled with such problems as poor family relationships, poverty, unstructured time, drug and alcohol abuse, contribute greatly to a youth's involvement in delinquent activity. (p. 78)

This rise in crime led to the adjudication of more and more juveniles until in 1967, the President's Commission on Law Enforcement recommended the establishment of several prevention and diversion programs to steer juveniles away from being labeled as delinquents and handled in a more appropriate manner. The commission recommended treatment type programs, public involvement in taking precautionary crime prevention measures to eliminate the temptation to commit a crime, and more attempts by police to apprehend juvenile offenders. All these efforts were combined

into the creation of Youth Service Bureaus. These bureaus would take different approaches with each individual offender to see if counseling, education, recreation or job placement was needed for this particular youth.

These bureaus did not have the intended affect and juvenile crime continued to climb until it reached an all-time high in 1970. Again, the impetus was to create more diversion programs. In 1973, the National Advisory Commission on Criminal Justice recommended that diversion begin at the police level. Informal diversion by the police had been in existence for a long time; officers would simply warn the youthful offender and send them home to their parents rather than arrest them and start to process them through the juvenile justice system (Roberts, 2004). But now the recommendation was for a formal diversion program at the law enforcement level in addition to the community programs that had been in place for years. The law enforcement diversion programs would be in addition to the community based diversion programs. The community based programs still incorporated individual and family counseling and community service. Sharon Moyer believed the “major issue raised with law enforcement based diversion programs was how much control the police agency would have over the activities of the program” (p. 116). Another issue was whether a department should internally operate their own programs or contract out with community sources for treatment. Police agencies that opted to operate their own diversion program had to also determine if police officers should be the counselors or if they should hire professional counselors. Moyer (1980) felt the more trained a counselor was, the better the results for the juveniles would be.

Still another school of thought believes that diverting juvenile offenders away from adjudication through the juvenile justice system indicates that certain criminal offenses should be decriminalized for juveniles. James Kluegel believed that proponents for diversion programs actually are proponents of decriminalization:

However, if it is morally wrong to process status offenders judicially, then it would seem to follow that they should not be subject to the judicial system in the first place, which would seem to obviate any need for diversion. Hence, this principle cannot be used logically as a rationale for diversion; it is more appropriate as a rationale for decriminalization. (p. 20)

Supporters of decriminalization believe the stigma attached to labeling a juvenile offender as such demand certain offenses particular to juveniles be decriminalized.

The Texas State Legislature long ago recognized the importance of treating juvenile offenders different than adult offenders. They also have recognized the importance of steering juveniles away from a life of criminal behavior by authorizing law enforcement agencies to operate First Offender Programs. According to Lemmer and Johnston (2004), "the first-time arrest of a juvenile offender is a big arrest that criminal justice professionals cannot afford to treat as trivial. When treated as an insignificant event by the police, the first arrest represents a missed opportunity at intervention that could lay the foundation for repeated delinquency and perhaps hundreds of criminal acts over a lifetime" (p.1). The first police encounter can be the foundation for changing a juvenile offender's life to a productive member of society and lead to long term crime reduction in the community.

METHODOLOGY

The research question to be examined considers whether or not First Offender Programs help reduce juvenile crime while holding the offender accountable for his or her criminal actions. Another bonus for First Offender Programs is the possible reduction of adult crime since many believe juvenile offenders have the potential to become life long criminals. If an FOP helps reduce the juvenile crime rate, more agencies may choose to either operate their own program or contract with an outside agency to operate the program for them. The researcher hypothesizes that this research will prove that First Offender Programs are a viable option to help reduce juvenile crime thus allowing an agency to justify their expense in its budget. If the recidivist rate for juveniles who have successfully completed a FOP is less than the recidivist rate for juveniles who do not complete a FOP, then First Offender Programs are a another option for law enforcement agencies to utilize to help reduce the juvenile crime rate.

The method of inquiry will include: a review of books, articles and internet sites, interviews with personnel on both sides of the subject, a survey distributed to 21 law enforcement agencies, and a review of statistical data maintained by police agencies on juvenile crime. The instrument that will be used to measure the researcher's findings regarding the subject of the validity of First Offender Programs will include a survey consisting of nine questions distributed to numerous law enforcement agencies from the Dallas/Fort Worth Metroplex area (this includes Dallas, Tarrant, Collin, Denton, and Kaufman counties) that both utilize an FOP and those who do not. The response rate to the survey instrument resulted in all agencies surveyed responding to the survey either

by email or phone contact with the researcher. The information obtained from the survey will be analyzed by the researcher to determine if the statistics support the researcher's belief that a First Offender Program does help reduce juvenile crime.

FINDINGS

The survey was sent to 21 different law enforcement agencies in the Dallas/Fort Worth Metroplex area, including cities in Tarrant, Dallas, Collin, Denton and Kaufman counties. Of the agencies surveyed, eight agencies (38%) did not offer a FOP to juvenile offenders while the other 13 agencies (62%) did. Of the agencies who offer a FOP to juvenile offenders, only three (23%) operate an internal program. The agencies contacted in Kaufman County (Crandall, Forney, Talty, and Kaufman County Constable Precinct 1) utilize the Kaufman County Constable Precinct 1 program called Start Today Accepting (your) Responsibility (STAR). Dallas Independent School District Police Department (Dallas ISD Police) has a contract with the Dallas Police Department (DPD) to operate the ISD program in conjunction with the DPD internally operated program. Of the remaining agencies who utilize a FOP, six contract their program out to family counseling services. A total of 77% of all agencies who offer an FOP contract out for these services.

In order for the juvenile offenders to participate in the FOP, all 13 agencies require that the parents be involved in the program in one form or another. This involvement ranges from simply transporting the youth to a community service location to complete involvement in the counseling portion of the program. Only the STAR program and Richardson (31%) require FOP participants to complete community service to successfully complete the program. The number of hours these youth complete is determined by the offense they commit. Richardson also requires life skills

training in addition to community service. The other eight agencies require only life skills training to successfully complete their FOP. Of the 13 agencies that operate a FOP, 69% require the juvenile offender to complete life skills training to successfully complete the program. This life skills training involve numerous aspects including: accountability, responsibility, respect for others, self respect, proper greeting skills, and decision making.

The majority of the law enforcement agencies (69%) provide for a post-program follow up or post-program probation after successful completion of the life skills training. Only four of the agencies that offer a FOP do not have any form of post-program follow up or probation (31%). Of the 13 agencies who offer a FOP to juvenile offenders, 62% (eight agencies) track the recidivist rate of the youths who successfully complete the program. Only 23% (three agencies) track the recidivist rates for other juvenile offenders who have not completed a FOP. None of the agencies who do not offer a First Offender Program track their juvenile recidivist rates.

Table IV Agencies Surveyed

Agency	FOP Offered	Program Length	Parents Involved	Life Skills Training	Community Service	Post Program Follow-up	Post Program Probation	Recidivist Rate for Other Juveniles	FOP Recidivist Rate
Addison	No							Not Tracked	
Crandall	Yes	Varies	Yes	No	Yes	Yes	No	Not Tracked	4%
Dallas	Yes	6 weeks	Yes	Yes	No	Yes	Yes	34.4%	9.6%
Dallas ISD	Yes	6 weeks	Yes	Yes	No	Yes	Yes	18.1%	8.2%
Denton	No							Not Tracked	
Farmers Branch	Yes	4 weeks	Yes	Yes	No	No	Yes	1%	0%
Forney	Yes	Varies	Yes	No	Yes	Yes	No	Not Tracked	4%
Frisco	No							Not Tracked	
Ft Worth	Yes	7 weeks	Yes	Yes	No	Yes	Yes	Not Tracked	10%
Garland	No							Not Tracked	
Grand Prairie	Yes	4 weeks	Yes	Yes	No	No	No	Not Tracked	Not Tracked
Highland Park	No							Not Tracked	
Irving	Yes	2 days	Yes	Yes	No	No	No	Not Tracked	Not Tracked
Kaufman County Constable Precinct 2	Yes	Varies	Yes	No	Yes	Yes	No	Not Tracked	4%
Lancaster	No							Not Tracked	
Lewisville	Yes	8 weeks	Yes	Yes	No	No	Yes	Not Tracked	7.62%
McKinney	No							Not Tracked	
Plano	Yes	4 weeks	Yes	Yes	No	No	No	Not Tracked	Not Tracked
Richardson	Yes	5 week	Yes	Yes	Yes	No	No	Not Tracked	Not Tracked
Seagoville	No							Not Tracked	
Talty	Yes	Varies	Yes	No	Yes	Yes	No	Not Tracked	4%

DISCUSSION/CONCLUSIONS

The problem or issue examined by the researcher considered whether or not First Offender Programs offered to first time juvenile offenders help reduce juvenile crime while holding juvenile offenders accountable for their crimes. The statistics maintained by several law enforcement agencies indicate that juvenile offenders who successfully complete a FOP are less likely to be rearrested than juveniles who have not completed a FOP. The recidivist rate for juveniles who complete FOP's are at the most 10%, while the recidivist rate for juveniles who have completed such a program is at least twice that number to a high of 34.4%. First Offender Programs are either life skills based or community service based. Either format requires a substantial amount of time for the juvenile offenders and their parents thus holding the juvenile accountable for their actions.

The purpose of this research was to validate First Offender Programs as a viable option to adjudication of all first time juvenile offenders. These programs require a large amount of money taken from law enforcement agencies in a time when most municipalities are already operating on an extremely lean budget. If a FOP does help reduce juvenile crime, then the cost is offset by the results in crime reduction. Every agency that operates an FOP (whether internally or on a contractual basis) believes that their program is a benefit to the agency and the community. Kaufman County Constable for Precinct 1 Jon Don Law feels that the juveniles benefit from the community service they perform by seeing the end result of their efforts. Participants in the STAR Program from Forney, Talty, Crandall and unincorporated areas in Precinct 1 of Kaufman County have helped clean public areas around governmental buildings or

clean governmental buildings and neglected cemeteries. Dallas Police Department FOP Director Cindy Oliver believes the life skills taught to the youngsters has helped improve their lives by teaching them responsibility, respect, accountability and greeting skills. The youths themselves have indicated such in their exit surveys at the conclusion of the program. In one class they noted in their surveys, they have not committed crimes ranging from truancy to auto theft. Another teenager who successfully completed the Dallas Police Department's FOP noted she had gotten a job because she had presented herself well to the manager at a store where she had applied for a job.

The research question that was examined focused on whether a First Offender Program helped reduce juvenile crime while also holding the youthful offender accountable for their criminal actions. The researcher hypothesized that such programs were indeed worth the cost an agency might incur by helping to reduce the juvenile crime rate and allow the participants to learn from their mistakes. In the municipalities where the FOP involved community service, the youths gave to their community by helping to clean it up. In the life skills based programs, the juveniles learned skills that can have a positive impact on them for the rest of their lifetime. The fact that only 10% of the juveniles who complete a FOP have any additional contact with the police or are rearrested is a testament to their success. Simply stated, the vast majority of these juvenile offenders do not re-offend.

The researcher concluded from the findings that First Offender Programs do help reduce the juvenile crime rate and also hold the offenders accountable for their criminal actions. Of the youths who do not participate in a FOP or who do not complete the

program, up to 38% of them do have additional, contact with law enforcement or are rearrested; whereas, at least 90% of the juveniles who complete a FOP do not re-offend. The juveniles have also spent a great amount of their time either learning valuable life skills or helping their community through community service thus holding them accountable for their criminal acts while allowing them to learn from their mistakes.

The findings of the research did support the hypothesis. The findings indicate that at least 90% of the youths who successfully complete some form of a First Offender Program do not have further contact with law enforcement or are rearrested. Farmers Branch PD has not had any children re-offend while Dallas PD has only 9.6% of the participants re-offend. Both of these programs are life-skills based. The STAR program (community service based) has had on 4% of the youths re-offend. Dallas PD also tracks the recidivist rate for those juveniles who do not successfully complete their FOP. This group of youths has additional contact with law enforcement or is re-arrested 34.4% of the time. Dallas ISD Police recently began to utilize the Dallas PD program and has a recidivist rate of 8.2% for youths who successfully complete the FOP compared to an 18.1% recidivist rate for the youths who do not complete the program.

Limitations that might have hindered this study resulted from the fact that not all law enforcement agencies maintain statistical data on juvenile recidivism. Several agencies firmly believe their FOP helps reduce juvenile crime and also feel the juveniles benefit from the training they receive but they can not produce statistics that reflect this belief. None of the agencies that adjudicate all their juvenile offenders track a recidivist rate for the offenders. This means there is less statistical data to evaluate the effectiveness of the program.

The study of the effectiveness of First Offender Programs is relevant to contemporary law enforcement because municipalities are constantly looking for different methods to help reduce their crime rates. Operating or contracting for an FOP is a substantial investment on the part of each agency that utilizes them but if an FOP is effective then more agencies will accept the cost in order to reduce crime. Several researchers believe juvenile criminals continue their ways after they become adults so utilizing a FOP can help break the cycle thus reducing adult and juvenile crime.

Law enforcement agencies, juvenile offenders and their families, as well as the community where the juveniles reside, will benefit by the results of this research by steering youths away from criminal activities. Law enforcement agencies will be able to deploy their limited resources to other criminal activities. The residents of communities where a FOP is operated will benefit from less crime in their neighborhoods and thus feel safer. Perhaps the greatest potential beneficiary from this research will be the juveniles themselves. Through the successful completion of a FOP, they will learn that their actions have consequences. These consequences come with an opportunity to serve their community through community service based activities and/or learn life skills that can impact them for the rest of their lives.

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