

# Journal of Applied Juvenile Justice Services

## The Impact of Secure Detention for Truancy on Educational and Juvenile Justice Outcomes: A Cross System Analyses in Colorado

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*While there is substantial literature to suggest that low level offenders should not be securely detained, there is little literature specific to the truancy population. There is considerable debate on the utility of secure detention for youth found truant but very little data to inform that debate. This study investigated the relation between the utilization of secure detention as a sanction for truancy and juvenile justice and educational outcomes. Youth with court oversight for truancy were matched to data from education, juvenile justice, and child welfare to examine events and services that preceded and followed truancy court involvement. Logistic regression models were created to predict detention for truancy, subsequent criminal filings, and high school graduation. Results indicate that local practices impact the likelihood of truancy detention to a greater extent than individual youth factors. Furthermore, truancy detention is a significant contributor to the likelihood of committing subsequent criminal offenses and makes graduating from high school 14.5 times less likely to occur for detained youth than for youth found truant but not detained. Results of this study could be used to educate policy and other decision makers about the lack of successful outcomes associated with securely detaining youth found truant.*

*Keywords: truancy, status offense, secure detention, academic outcomes, juvenile justice*

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### INTRODUCTION

The juvenile justice literature indicates that juveniles with a low risk of offending should not be placed in secure detention (Puzzanchera, Adams, & Hockenberry, 2012; Sheldon, 1999; Gatti,

Tremblay, & Vitaro, 2009; Frola, 2009). The Office of Juvenile Justice and Delinquency Prevention places a strong emphasis on identifying high-risk youth (Howell, Krisberg, Hawkins, & Wilson, 1995) to ensure that low-risk youth are not inappropriately over served. There exists no evidence that truant youth as a group are high risk offenders and are in need of the most intensive interventions such as detention.

There is minimal literature examining the impact of detention on truant youth. However, securely detaining low level offenders increases their risk of recidivism relative to low level offenders who were not securely detained (Lipsev, Howell, Kelly, Chapman, & Carver, 2010; Mendel, 2011). If the impact of detention is similar for truants (who have committed no criminal offense) and low risk offenders, than it is unlikely that a detention sentence will have the positive impacts desired by the courts, most notably a return to school.

Additionally, while there is limited literature examining the impact of detention on youth found truant, there is a substantial body of literature demonstrating that truancy from school is associated with negative youth and adult outcomes (Dembo & Gullledge, 2009). For example, youth who are truant are less likely to graduate from school (reviewed by Jones & Lovrich, 2011), more likely to use or abuse alcohol or other drugs (Henry & Thornberry, 2010; Henry & Huizinga, 2006), and more likely to engage in delinquent acts (reviewed by Jones & Lovrich, 2011). In fact, truancy is considered a strong predictor of delinquency and these other outcomes (Garry, 1996; Jones & Lovrich, 2011). In particular, the issues of truancy and delinquency have been confounded. However, there are no literature which definitively determines whether truancy (and how our society addresses truancy) leads to juvenile delinquency.

In the state of Colorado, juvenile detention facilities are primarily utilized to house youth who have been accused, but not yet convicted (pre-adjudicated) of a criminal offense or for those convicted of a crime and sentenced to detention. However, these same detention facilities can be used to detain youth who are neither convicted nor accused of a criminal offense, including youth who are deemed to be truant. While numerous laws (Colorado House Bill HB 13-1021, 2013) have been implemented to prevent the use of secure detention for truant youth, judges have wide latitude in the sanctions they can apply when a youth is found truant and fails to comply with a court ordered plan to improve school attendance. Furthermore, Colorado has a system of local control over its court process and local school districts have wide latitude in handling issues of truancy. Colorado is divided into 22 Judicial Districts (JD). Each of these JDs has the ability to operate truancy proceedings in the way they see most advantageous to their communities and this can include the use of secure detention as a sanction. The utilization of detention as a sanction varies widely across the state.

This research sought to investigate the relation between the use of secure detention for truancy and juvenile justice and educational outcomes. This is the first time that youth with court oversight for truancy have been identified in CO. Until now, the only populations of youth with truancy issues that have been identified were those who had a truancy filing with the court and those who were securely detained for truancy as a sanction using the valid court order process. This is an important distinction as the decision to file for truancy occurs differently across the state. Some JDs and school districts file when an attendance threshold is exceeded while others employ extensive intervention prior to filing with the court. Thus, identifying the study

population as the youth with whom the court has taken oversight provides an opportunity to identify those youth at risk for secure detention.

In addition, this is the first time youth with court oversight for truancy have been matched to determine their involvement in other child serving systems within the state. Client level data sets were obtained from Child Welfare (CW), the Division of Youth Corrections (DYC), the Colorado Department of Education (CDE), and the Colorado Judicial Department systems to determine overlap with each of these systems.

**METHOD**

All records of court filings for truancy were obtained from the Colorado Judicial Department for the FY2009-10 and FY2010-11. Due to the fact that there was no indication of court oversight in the record, minute records for each filing were individually reviewed and coded to determine those cases in which the court took oversight of the truancy petition. A total of 2,183 cases were determined to have court oversight that began in FY2010-11.

The 2,183 cases were then matched to additional data sets from youth corrections (DYC), child welfare (CW), education, and criminal filings. DYC provided two data sets: detention for shorter term secure residential placement until additional court action occurs, and commitment for longer term placement following sentencing. CW provided data on all open cases and out-of-home (OOH) placement records for any child removed from their home (see Figure 1 for a more detailed description of the data sets). All data spanned a five year time period encompassing two years prior (SFY2008-09 and SFY2009-10) to the truancy case, the target year for the truancy case (SFY2010-11), and two years following (SFY2011-12 and SFY2012-13) the truancy case.

Figure 1: Data Sources Merged for Analyses



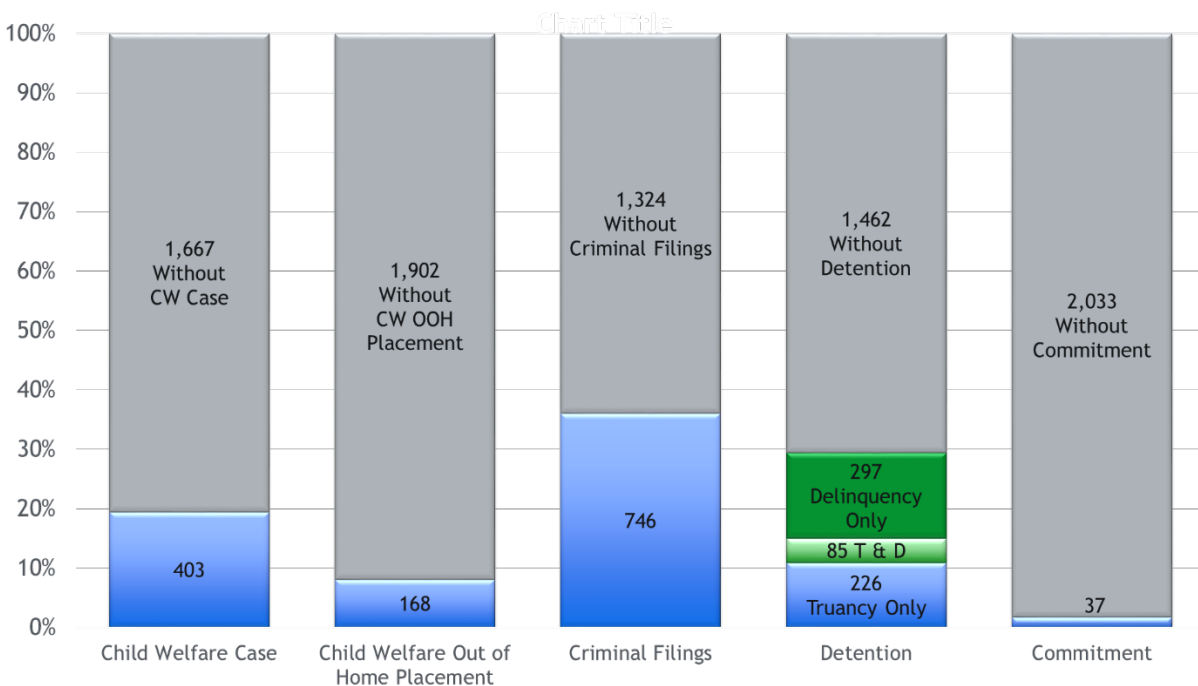
In Colorado, only youth 10 years old and older are eligible for detention. Since the primary goal of the study was to examine the effects of secure detention, the cases were further reduced to include only those youth who were 10 years old by the end of the study period or one year after their last court hearing. Thus, the final sample for the study included 2,070 youth with court oversight for truancy. Please note that these youth will be referred to as “youth found truant” for the remainder of the article.

The file containing the merged client level data was used to describe other system involvement of the youth found truant, to compare these youth to all youth statewide in districts with truancy filings, and finally to create predictive models of juvenile justice and academic outcomes. Logistic regression was used to predict which youth were more likely to be detained for truancy, have a subsequent criminal filing, and to graduate from high school.

### RESULTS

Analyses of the overlap between systems revealed that nearly a fifth (19.5%) of youth found truant also had an open Child Welfare case at some point in the five year study period (39.7% were before the truancy filing). Of those with a Child Welfare case, 41.7% also had an out-of-home placement by the County Department of Humans Services, of which 26.8% occurred prior to the truancy filing. More than a third (36.0%) of the youth found truant also had criminal filings, of which 38.5% occurred before the truancy filing. Furthermore, 29.4% were admitted to a secure detention facility at some point in the five year study period. A relatively low number of youth found truant were committed (sentenced by district court) to DYC: 1.8% of the youth found truant. Figure 2 presents the proportion of youth found truant that also participated in other state systems.

Figure 2: Youth Found Truant: System Involvement



The next important comparison is between the youth found truant and other students enrolled during the five year period in Colorado school districts where at least one youth had court oversight for truancy in the study. Youth found truant were compared to all other youth in those districts on both demographic (gender, race/ethnicity, and age) characteristics, social/education characteristics (free and reduced lunch eligibility [FRL], special education status [SPED], English as a second language program participation [ESL], Non-native English speakers), and graduation. Graduation status for all youth who were age 16 and older were compared for both the youth found truant (n=1,652) and the state overall totals (n=292,407). It is not expected that all youth would have graduated by the time they are 16 years of age so these percentages are not comparable to state graduation/dropout rates. Figures 3 and 4 depict the Chi Square results comparing the youth found truant with youth statewide who were not found truant.

Figure 3: Demographic Difference between Youth Found Truant and Other Students in CO

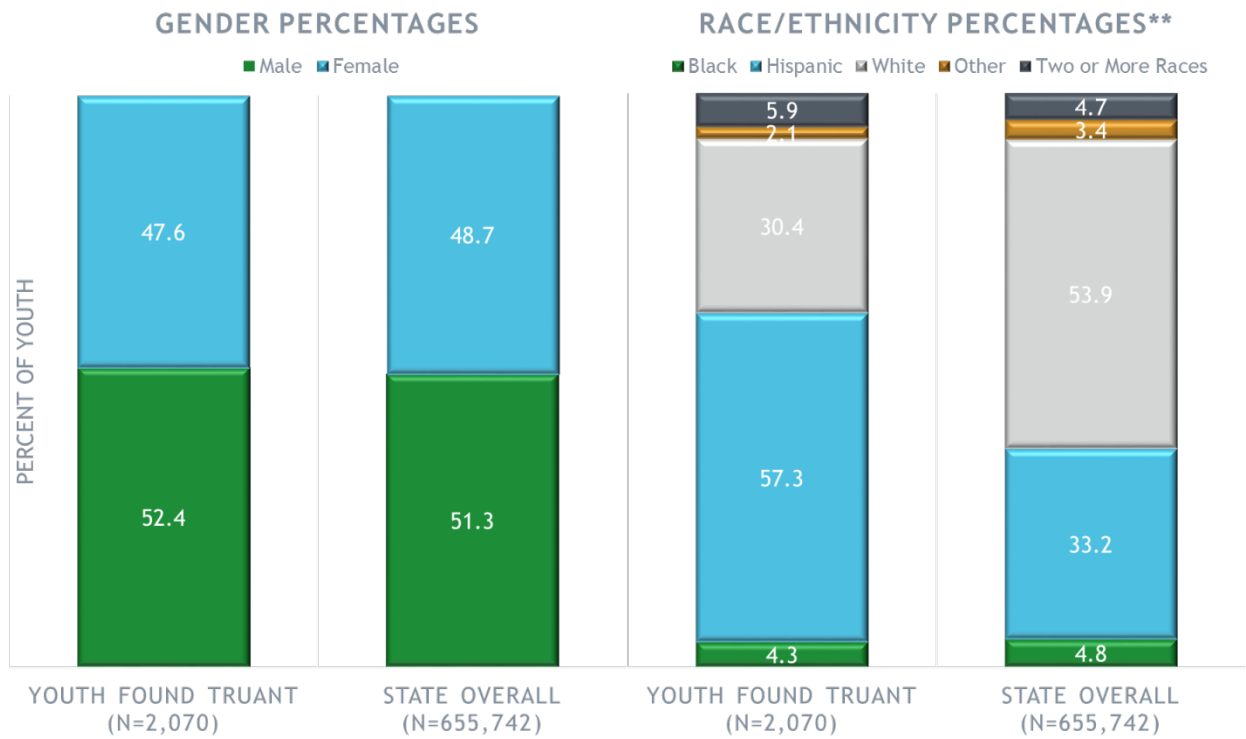
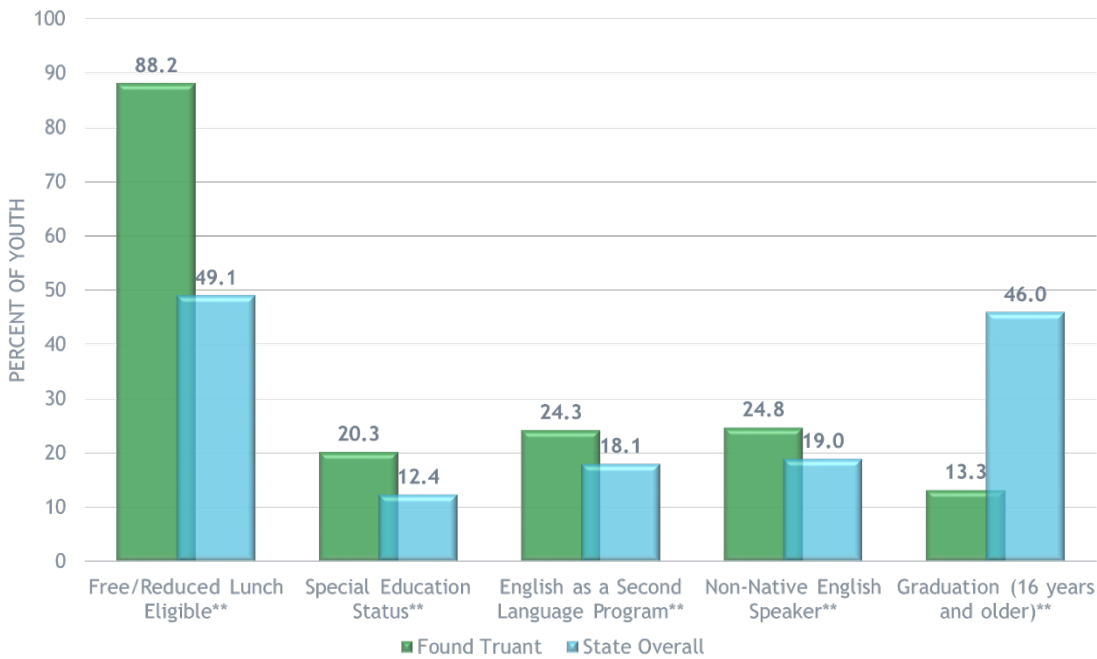


Figure 4: Social/Educational Differences in Youth Found Truant and Other Students in CO



There are dramatic differences in the racial/ethnic as well as the social/educational composition of youth found truant and non-truant students in the school districts across the state. Youth found truant are more likely to be Latino, qualify for FRL, have a SPED designation, participate in an ESL program, and be non-native English speakers. They are also less likely to graduate than the youth without court oversight for truancy. The youth found truant do not differ, however, in their gender distribution from the statewide average.

The use of detention as a sanction for truancy is the focus of this study and thus a comparison was made on the same characteristics as above between those youth found truant who were detained for truancy and those who were not. Figures 5 and 6 display the Chi Square results conducted to analyze differences in both demographic and social/education characteristics.

Figure 5: Demographic Difference between Youth Detained for Truancy and Youth Found Truant but Not Detained for Truancy

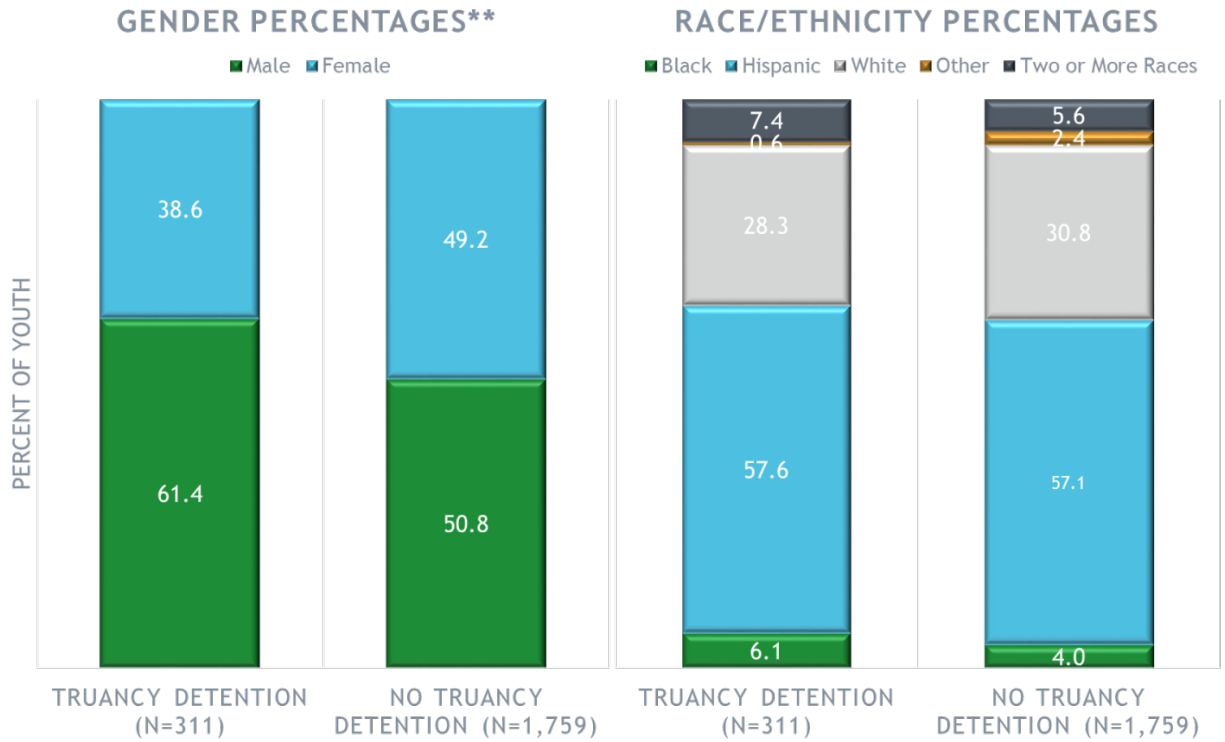
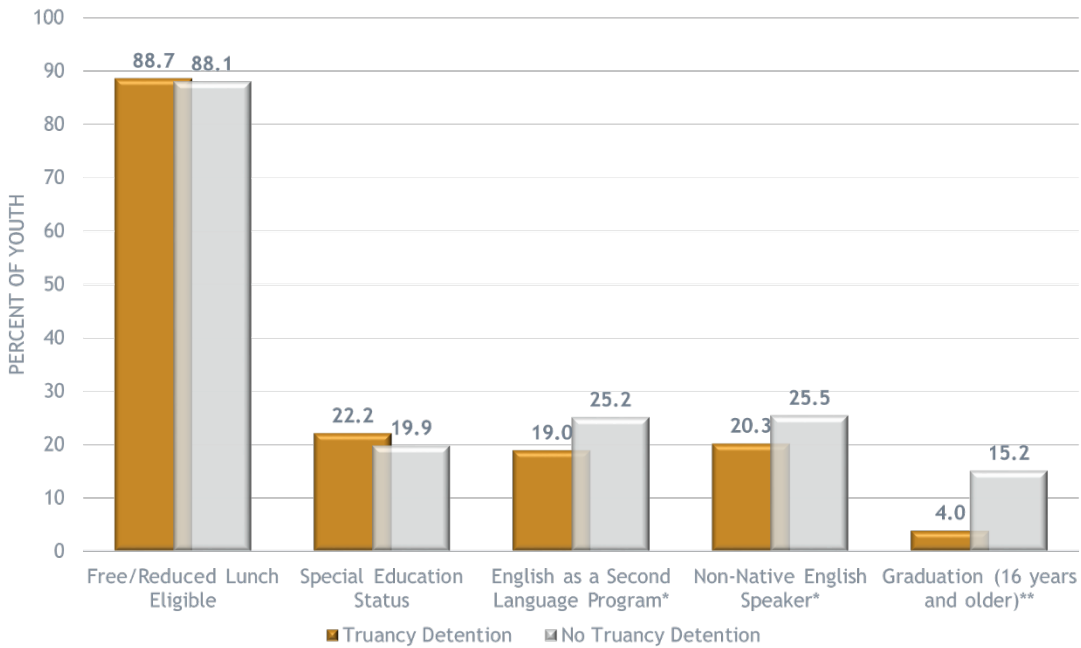


Figure 6: Social/Educational Differences between Youth Detained for Truancy and Youth found Truant but Not Detained for Truancy



The youth who are detained for truancy are more likely to be male but do not differ in their racial/ethnic composition from those that received court oversight for truancy but were never detained as part of their truancy court action. Furthermore, FRL eligibility and SPED status did not differ between those detained for truancy and those not detained, but ESL participants and non-native English speakers were less likely to be detained for truancy. Significantly fewer youth detained for truancy graduated compared to those youth found truant who were not detained for truancy.

Median age at filing was also compared and found not to differ significantly, with those detained for truancy having a median age of 15.0 years and those without a truancy detention having a median age at filing of 15.2 years.

In the next phase of analyses logistic regression was used to predict three outcome variables; detention for truancy, subsequent criminal filings, and graduation from high school. Youth level factors (demographic and socio-economic), practice level factors (location in the state coded by judicial district and number of court hearings), and system level factors (juvenile justice and child welfare involvement) were entered into the model. Judicial districts were characterized as high, medium, or low detention use districts based on the percentage of truancy cases with court oversight that ultimately also had a truancy-related detention stay. The number of court hearings variable used in the logistic regression models was a dichotomous variable coded as a zero for youth with a single court hearing and a one for youth with more than one court hearing. Juvenile justice variables included prior and subsequent criminal filings, detention for delinquency (criminal charges not status offenses), and commitment to DYC at any point in the five year study period. Child welfare variables included an open case or an out-of-home placement by county departments of human services also at any time in the five year study period. Table 1 below describes the significant logistic regression model predicting detention for truancy.

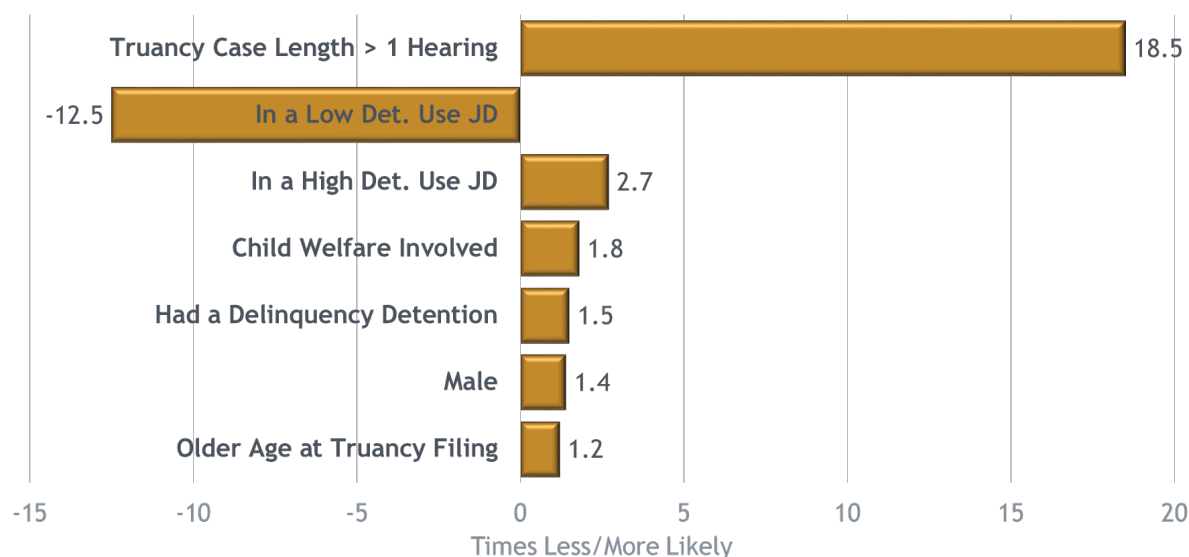
Table 1. Logistic Regression Analysis: Detention for Truancy (n = 2,070)

<b>PREDICTOR</b>	<b><i>B</i></b>	<b><i>SE B</i></b>	<b><math>\beta</math></b>
Gender	.31*	.14	1.37
Prior Detention for Delinquency	.37*	.17	1.45
Age at Filing	.14**	.04	1.15
High Detention Use JD	1.01***	.14	2.74
Low Detention Use JD	-2.53***	.59	.08
CW History	.60***	.16	1.81
Truancy Case Length	2.92***	.42	18.51
Constant	-7.53***	.81	.00
<i>Nagelkerke R<sup>2</sup></i>		.25	

\* $p < .05$ ; \*\*  $p < .01$ ; \*\*\* $p < .001$ .

The odds ratios which indicate the impact of each significant variable on the likelihood of being detained for truancy are depicted in Figure 7 below.

Figure 7: Odds Ratios for the Likelihood of Truancy Detention



The three biggest factors impacting whether a youth went to detention for truancy were practice level variables (length of court oversight and local judicial district reliance on detention). System level variables (child welfare involvement and detention for delinquency) had moderate impact in the model. Individual level variables (gender and age) had relatively small, but still significant, influence in the model. Other individual level variables, such as race/ethnicity and socio-economic status (as measured by FRL) were not significant predictors in the model.

Criminal filings after court oversight for truancy was the outcome measure for the second logistic regression model. Again, practice level, system level, and individual level factors were entered into the model. Table 2 describes the findings of the statistically significant model.

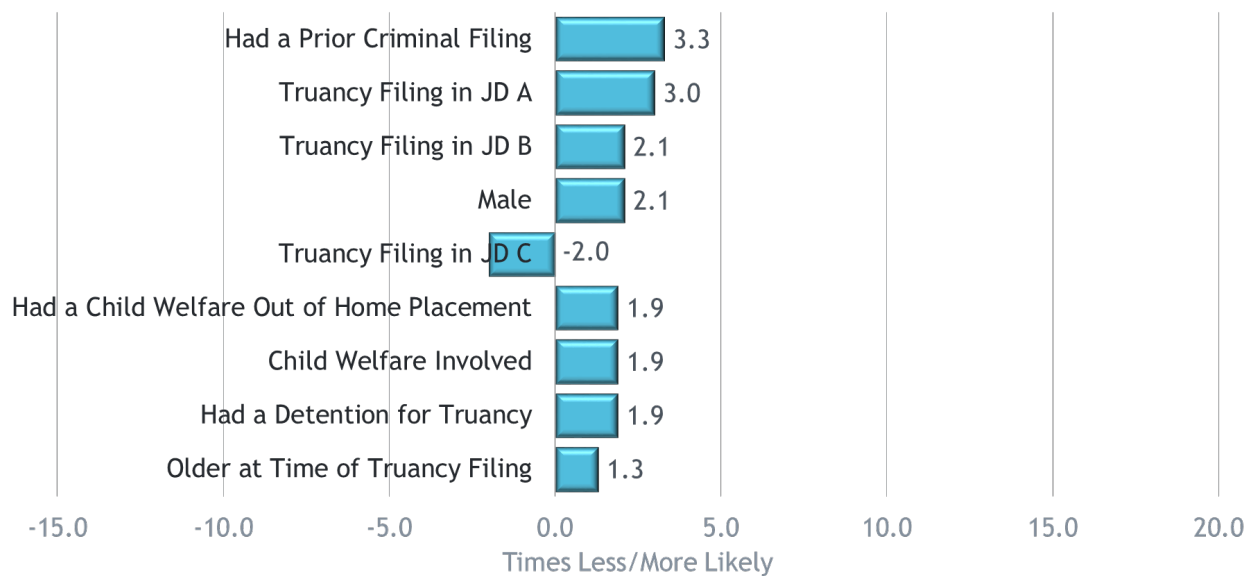
Table 2. Logistic Regression Analysis: Subsequent Criminal Filings (n = 2,070)

PREDICTOR	B	SE B	$\beta$
Gender	.72***	.11	2.05
Detention for Truancy	.64***	.14	1.89
JD A	1.09***	.25	2.96
JD B	.72***	.14	2.06
JD C	-.68**	.23	.51
Age at Filing	.24***	.04	1.27
CW History	.65***	.16	1.92
CW Out-of-Home Placement	.66**	.23	1.93
Prior Criminal Filing	1.18***	.14	3.26
Constant	-6.14***	.58	.00
Nagelkerke R <sup>2</sup>		.22	

\* $p < .05$ ; \*\*  $p < .01$ ; \*\*\* $p < .001$ .

The odds ratios which indicate the impact of each significant variable on the likelihood having a subsequent criminal filing are depicted in Figure 8 below.

Figure 8: Odds Ratios for the Likelihood of Subsequent Criminal Filings



This model had more significant predictor variables but the odds ratios for each were smaller than those in the truancy detention model. System level and practice level variables dominated the significant predictors. The only individual level variables that were significant were gender and age at the time of truancy filing.

The final model sought to predict high school graduation. This analyses was restricted to those youth who were 16 years of age or older at the end of the study period. Again, it is not expected that all 16 year olds would have graduated but since it is highly unlikely that those under this age would have graduated, they were excluded. Statewide in school districts with one or more filings, 46.0% of youth age 16 or older graduated. Among youth found truant and at least 16 years old, 15.2% graduated. Table 3 depicts the results of the logistic regression.

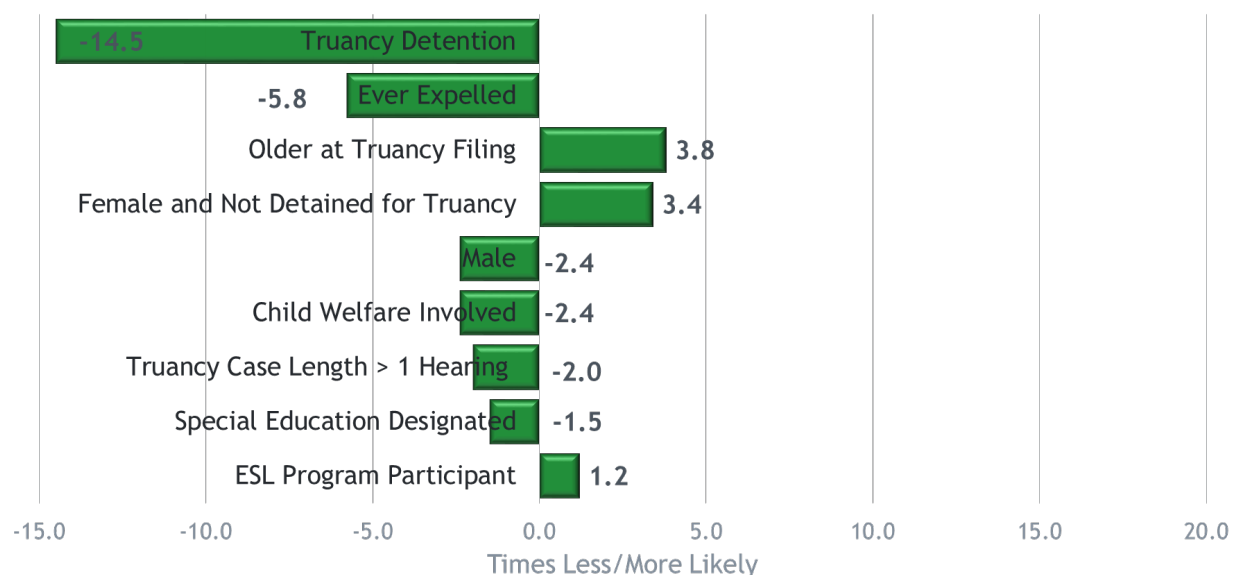
Table 3. Logistic Regression: High School Graduation (n = 1,652)

Predictor	B	SE B	$\beta$
Gender	-.86***	.17	.43
Detention for Truancy	-2.67*	1.28	.07
Expelled	-1.76*	.74	.17
SPED	-.42	.25	.66
ESL Participation	.15**	.05	1.16
Age at Filing	1.33***	.13	3.77
Gender x Prior Detention for Truancy	1.23	.73	3.42
CW History	-.85**	.31	.43
Truancy Case Length	-.71***	.17	.49
Constant	-20.99***	2.11	.00
Nagelkerke R <sup>2</sup>		.28	

\* $p < .05$ ; \*\*  $p < .01$ ; \*\*\* $p < .001$ .

The odds ratios which indicate the impact of each significant variable on the likelihood graduating from high school are depicted in Figure 9 below.

Figure 9: Odds Ratios for the Likelihood of High School Graduation



Truancy detention is the biggest single factor influencing the likelihood of graduation in this model. Educational factors such as expulsion and SPED designation negatively affect chances of graduation, while participation in an ESL program is a slight protective factor. Again, a few individual level variables (gender and age at truancy filing) as well as the interaction term of being female and never detained for truancy impact the model but other key individual level variables (race/ethnicity and socio-economic status) do not.

## CONCLUSIONS

There are much greater racial/ethnicity differences at the level of court oversight than at the time of detention. Conversely, gender disparities are observed in the youth detained for truancy but not in those with court oversight for truancy. It appears that minority (primarily Hispanic) and economically disadvantaged youth are more likely to have court oversight for truancy, but equally likely to be detained for truancy.

Practice level variables (truancy case length and local JD reliance on detention) were significant predictors of detention for truancy. Truancy case length reflects local practice around using an initial court hearing as a first warning for some truant youth. While the court did indeed take oversight of the case, the youth never reappeared in court and presumably improved school attendance after parents were notified and engaged. This is a very different practice compared to JDs where there is significant intervention for poor attendance prior to filing a petition with the courts. A separate qualitative evaluation revealed these youth with a single court hearing may differ from youth with multiple court appearances and in many cases their truancy issues may have been resolved without court intervention with effective parent engagement.

Another significant predictor of truancy detention was local reliance on detention as a sanction. Judicial Districts ranged from never using detention for truancy to detaining 34% of youth found truant. The fact that practice level variables outweighed system and individual level variables suggests that changes in local practice might be the critical factor to impacting the use of detention for truancy.

Subsequent criminal filings were mostly influenced by local practice and system involvement in the model. Individual level variables such as race/ethnicity and socio-economic status did not predict criminal filings after truancy court involvement. Truancy filings in three specific JDs were significant predictors of later criminal filings. It is not clear, currently, why truancy filings in these particular JDs were related to criminal filings. This finding will need further investigation.

High school graduation is the ultimate goal of truancy prevention and intervention. Only 4.0% of those age 16 or older and detained for truancy graduated from high school by the end of the study period compared to 15.2% of youth found truant but not detained and 46.0% of youth statewide. It is interesting to note that having a truancy case length of greater than one hearing made it two times less likely that a youth would graduate. This finding mirrors that seen in the truancy detention model in that those youth with multiple court hearings seem to be at greater risk of negative outcomes (being detained for truancy or failing to graduate).

## DISCUSSION

The primary aim of this study was to investigate the relationship of secure detention as a sanction for truancy on the juvenile justice and academic outcomes of Colorado youth. The results indicate that there are large demographic, social, and education differences between youth found truant and other Colorado students but fewer differences between youth detained for truancy and those who had court oversight for truancy but were not detained, at least on the variables investigated in this study. Local practice seem to have a much bigger influence on who is detained for truancy than background characteristics. This study did not include measures of severity of truant behavior or factors that might contribute to truancy (family functioning, mental health concerns, substance abuse issues, etc.). These factors need to be more fully explored in order to conclusively state that individual factors impact truancy detention less than local practice.

It seems quite clear from these analyses that detaining youth for truancy does not lead to better academic or juvenile justice outcomes. In fact, youth detained for truancy are 14.5 times less likely to graduate than other youth found truant. This finding mirrors the literature that has found that detention negatively impacts the outcomes of low level offenders (Frola, 2009; Lipsey, Howell, Kelly, Chapman, & Carver, 2010; Mendel, 2011; Puzanchera, Adams, & Hockenberry, 2012; Sheldon, 1999; Gatti, Tremblay, & Vitaro, 2009). Even with delinquent behaviors accounted for truancy detention contributes additional variance to the models for both graduation and subsequent criminal filings. A limitation of this evaluation is that the study time frame only included two years after the truancy filing so there was not adequate time for many youth to graduate. It may also not have been adequate time to measure subsequent criminal activity. Analyses of data from additional years could complete the picture regarding criminal justice and educational outcomes.

The findings that local practice impacts the likelihood of detaining youth for truancy and does not lead to better outcomes could be used to educate policy and other decision makers on restricting their use of detention as a sanction for truancy. Prior to this evaluation there has been a dearth of literature specifically addressing the utilization of secure detention with truants, this study should provide concrete evidence for individuals making the decision to detain youth that other avenues should be explored and the use of detention is not successful in generating positive outcomes.

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