

**Perception and Reality: Public Perception Themes and Juvenile Correctional
Gang Policy in the Texas Juvenile Justice Department**

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ABSTRACT

Public perception of gang activity in juvenile correctional institutions may deviate from actual conditions when public perception is misaligned or incompletely formed as related to the policies that are applied to address public interests associated with juvenile correctional gang activity. Perception of juvenile gangs, juvenile justice, and the general factors that inform public safety policy is challenging to understand for most members of the public making policymakers' responsibility to develop effective policy vital. Juvenile correctional gang conditions complicate policy as policymakers' influences -as informed by public choice theory- and are measured against social influences of incarcerated youth such as general strain, social identity, and social capital influences.

Potential for misaligned public perception and policy prescriptions are explored in a limited narrative policy research design using select document analysis of themes. Findings indicate that public perception and policymakers' preferences may impact juvenile correctional gang policy objectives to aimed at youth rehabilitation and public safety outcomes for communities when social identity and social capital needs are not factored into policy prescriptions.

Keywords: public perception, juvenile corrections, gangs, public choice, general strain, social identity, social capital.

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**Perception and Reality: Public Perception Themes and Juvenile Correctional Gang Policy
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INTRODUCTION

There is a perception and a reality of gang activity in the Texas juvenile justice system that may not necessarily align. Public perception of gang activity in juvenile correctional institutions, like the single state juvenile correctional agency in Texas, may drive policymakers to promote programming that is designed to mitigate gang behavior, but the risk of misidentified behaviors may compromise goals of rehabilitation and public safety assurance. Inevitably public perception informs public policy, but effective policy may be most aptly formed from comprehensive information that is accessible to the public stakeholders it is designed to serve.

Difficulty may arise when public perception is misaligned or incompletely formed and the policies that are applied to address public interests fail to meet needs. The risk of poor policy efficacy increases public uncertainty. Uncertainty impacts public influence on policy to overtake general familiarity with the policy issue, enabling collective sentiment to override program objectives. This risk to policy effectiveness increases further as the nature of the complexity of a given issue makes appropriate public awareness elusive. General perception of juvenile gangs, juvenile justice, and the criminogenic factors that inform associated policy is dynamic and the role of policymakers to affect policy prescriptions that meet public needs is critical. Juvenile corrections gang policy may bring to light the influence of public perception on policymakers, but effective juvenile corrections gang policy must incorporate better public awareness of comprehensive treatment and social features contributing to success in meeting both rehabilitative needs for youth and public safety objectives for communities.

Background

The Texas Juvenile Justice Department (TJJD)-as the solitary state juvenile justice agency in Texas coordinating detention services, probation, state-level care, and community services- is both a juvenile rehabilitation system and public safety agency. TJJD supports juvenile offenders with specialized risks across a range of needs including mental health, substance abuse, sexual delinquency, and gang activity. Though juvenile gang activity in the Texas Juvenile Justice Department has a presence, the nature of gang associated behaviors as reported and classified within TJJD may vary significantly from similarly classified gang behaviors in other settings. This potential variability may introduce risks to rehabilitation and public safety in terms of strategic goals for juvenile gang behavior mitigation when misrepresentative data and correspondingly inadequate programming impact the juvenile correctional gang policy environment. What is more, misapplied juvenile correctional programming impacts long term rehabilitation goals of juvenile offenders in instances when juveniles are misidentified as gang members. Confounding conditions may include potentially ill-informed public perception, policymakers' motivations influenced by public sentiment, and institutional limitations in gang identification tethered to public expectations. These conditions converge and are complicated in juvenile correctional settings when public choice motivations of policymakers, poorly understood influences of general strain factors for youth, youth social identity conditions, and youth social capital development are not featured elements informing public awareness, public policy, or institutional practices.

Taken together confounding conditions may distort the path to achieving rehabilitation and public safety goals associated with juvenile corrections gang policy and juvenile correctional

gang mitigation programs. The solution requires reconciling the perceptions, motivations, and policy actions that may impede rehabilitation and public safety goals related to incarcerated juvenile offenders.

Problem Statement

The problem statement in this study involves establishing clearer context in distinguishing between actual juvenile correctional gang behaviors and misapplied gang mitigation programming that relies on misattributed gang behaviors advocated by policymakers. Policymaker preferences may be ineffectively subject to public choice pressures influencing programing. Measurement of the degree of impact for youth challenged by general strain, antisocial identity formation among juvenile offenders, and development of negative social capital in a juvenile carceral setting requires examination. The issue at the forefront of this problem stems from the potential for misapplied criteria for gang identification policies enacted by policymakers and implemented by TJJD staff that are not aligned to both rehabilitative goals and public safety goals. The criteria may be informed by broad gang policy prescriptions not suited to the TJJD population and may not fully account for variability in the features of juvenile gang case information, both inside the institution and outside of institutional environments. The problem in meeting rehabilitative goals is relevant in that risk of TJJD youth being misidentified as gang members may detract from rehabilitative therapies as youth are compartmented within gang desistence programs or segregated due to gang-related safety protocols that may impede recovery for mental health, substance abuse, and other unmet needs. The problem in meeting public safety goals is relevant in that youth leaving TJJD may relapse into criminal behavior due in part to inadequate rehabilitation and may be labeled systemically as gang members, increasing

risks, and encouraging significant gang activity in instances of recidivism or in subsequent reincarceration. Beyond TJJD protocols and policy, the objective of this research is to highlight policy drivers informed by public perception and policymakers' susceptibility to public choice factors that may promote inadequate TJJD gang mitigation policy prone to misidentification of gang behaviors. At the same time the study aims to underscore alternative causation for misconduct misattributed as gang behavior while factoring in consideration of the influence from general strain in marginalized youth backgrounds, antisocial identity features commonly present among the TJJD population, and negative social capital formation in juvenile carceral settings among elements of TJJD population.

This research will be framed in a narrative policy analysis structure using select document analysis. The study aims to assess research that contextualizes distinct themes in public perception of juvenile gang behavior. The assessment can be further informed by review of Texas media on juvenile gang conditions in the state as related to TJJD gang issues that form part of the basis of public information. Select analysis of state government reports germane to TJJD can contribute to a tight focus on gang programming applied to juvenile offenders in TJJD. This narrative policy analysis may underscore TJJD gang policy features that establish a foundation for more advanced study in perception of juvenile correctional gangs and associated features of juvenile correctional gang policy. This study may encourage additional scholarship in gang desistance programming isolating public choice influences from policy and advocating the contexts of general strain, social identity, and social capital in gang identification criteria. The study will introduce narrative policy analysis through the context of general strain and the lens of antisocial identity and negative social capital constructs that may inform policy recommendations, other areas of study involving juvenile crime, social deviance among youth,

youth identity development, and juvenile group formation. Beyond TJJD gang policy features, development of an antisocial identity and negative social capital construct may offer analytical utility across an array of separate youth issues like general delinquency, truancy, self-harm behaviors, substance abuse, and socialization.

LITERATURE REVIEW

Gang recruitment threatens social development for at-risk youth nationally and gang-informed social organizations negatively impact public safety locally. Juvenile gang membership predisposes youth to a host of threats from general delinquency to suicidal risks (Bishop et al., 2024; Chui et al., 2023; Whaling & Sharkey, 2020). In Texas, gang activity associated with trafficking and other crimes feature prominently in public perception and are a focus of public safety policy (Dierenfeldt et al., 2024; Lamothe, 2012; Paarlberg, 2022; Phillips, 2015). Border security and related gang activity keeps public perception focused with the emergence of new gangs like the Venezuelan street gang -Tren de Aragua- operating in Texas and other states (Rep. Tony Gonzales Statement, 2024; Rubio, Salazar, Colleagues to Biden, 2024) as well as more long standing border security concerns exasperated by gang activity like gang facilitation of illegal border crossing (Ewing, 2014; Ilimen, 2023; Macías-Rojas, 2021).

Public safety threats from gangs are embedded in perception and are magnified with the view that local gangs -including youthful members of gangs- are connected to transnational criminal networks. Public demand for government intervention against gangs in Texas is a public policy mainstay yet substantial progress is elusive. In Texas a means of targeting transnational gangs has been employed by working through interdiction of gangs at local levels despite the challenges to affect significant progress (Howell & Griffiths, 2019; Manjarrez, 2017;

National Gang Assessment, 2009; Pedron, 2021; Tapia, 2017, 2019). Where difficulties in interdicting transnational gang members, disrupting street gang members, and mitigating adult prison gangs persist, juvenile correctional gangs offer a less complicated target for criminal justice policymakers and justice professionals. Juvenile corrections gang members are a more accessible policy focus and law enforcement target in the Texas juvenile justice system due to a variety of judicial process advantages including juveniles being adjudicated without a jury trial and other judicial process advantages for authorities as compared adult criminal justice system features (Egan, 2024; Fagan, 2010; Jensen & Howard, 1998; Klein, 2001; Soung, 2022).

The facility of juvenile correctional gang identification and targeting should require a higher level of process scrutiny. Gang programming and interdiction for juvenile gangs should require special assessment since intervention programs and adult gang influence on juvenile correctional gang members have remained commonly held assumptions of the Texas criminal justice community (Spooner et al., 2017). Assuring that public safety corresponds with public sentiments introduces risks associated with political objectives and social objectives that may work against effective juvenile corrections gang programming for rehabilitation and safety (Howell & Griffiths, 2019; Jensen & Howard, 1998; Kreinert & Fleisher, 2001). Redefining juvenile corrections gang policy requires analysis of context of the juvenile correctional settings distinguishable from characteristics perceived in other gang types (Coughlin & Sudhir, 2003; Curry, Decker, & Pyrooz, 2014; Diaz, 2009; Howell & Griffiths, 2019). Social factors associated with youth needs in juvenile correctional settings must be contextualized to avoid misperception (Blagden & Perrin, 2018; Garrett, 1995; Jaspal & Blackwell, 2014; Jenkins, 2014; Newman & Newman, 2001).

Perception Associated with Juvenile Gangs in Correctional Settings

Synthesizing commonly held misperceptions about juvenile gangs in correctional systems requires comparing and contrasting features of transnational organized crime, transnational gangs, street gangs, adult prison gangs, and other gangs. The literature in gang scholarship offers lighter treatment of juvenile correctional gangs as compared to other gangs, yet public perception may tend to conflate the appearance of gangs in juvenile justice systems with the sorts of gangs that garner public focus as threats to public safety. Juvenile correctional gangs differ significantly from other gangs across an array of features including the understanding that more incarcerated youth often exhibit pronounced mental health challenges, incarcerated juvenile offenders have limited capacity to project external criminal influence, and youth inmates exhibit comparatively lower levels of institutional violence (Pyrooz & Decker, 2019; Ruddell & Gottschall, 2011; Scott et al., 2022). Public ignorance of juvenile correctional populations' mental capacity to adhere to institutional rules due to the features of mental health challenges are among the perceptions that negatively affect policy development. As Craig et al. (2020) highlight, approximate prevalence of adverse childhood trauma among juvenile corrections offenders can be a factor in misconduct as opposed to gang motivations for influence or control. As underscored by Ahmad Sa'ad (2020), juvenile misconduct is attributable to psychological and cultural features. Hashimi and Schaefer (2024) point out that in adult prison settings conduct is informed by group control relationships and power relations. Barker et al. (2024) observed nonincarcerated youth associated with street gangs were drawn to gang activity to achieve power recognition (Barker, Bonell, & Melendez-Torres, 2024). It may be that TJJD gang behaviors - when compared to other types of gang activity- do not align with public perceptions of juvenile

gang activity since mental health needs, social dysfunctions, and other characteristics of juvenile offenders tend to eclipse gang-related drivers of misconduct.

Perception Associated Phenomena: Three Distinct Themes

Public perception of juvenile gangs in correctional environments is further informed by what this study defines as ‘perception associated phenomena’ which may stand as the objects of the public’s informational foundations and collective understanding undergirding somewhat of a shared public perception. The first perception associated phenomenon is concerned with media consumption. Hollis et al. (2017) discusses the perception associated phenomenon relating to media consumption related to a ‘fear of crime’ in the southwestern United States during the recent perceived border-related crime conditions. Hollis and colleagues describe general public media consumption across news reports, television programs, films, publications, music and social media depicting criminal activity in a fashion that impacts how local citizens at a particular period perceive safety. Hollis and colleagues assert that there is an association between elevated public media consumption and a fear of crime.

The second perception associated phenomenon as defined in this study is concerned with the public’s fear of crime. Alda et al. (2017) discuss that over a 30-year period varied conceptual perspectives have been considered by researchers to better define citizens’ ‘fear of crime’ with early emphasis on individual citizens’ experiences and communities in varied states of disorder or depravation, but ‘fear of crime’ as a concept has shifted toward an accounting of collective identity and social control factors most recently. Bolger and Bolger (2019) contend that ‘fear of crime’ remains a focal point in the United States for the public and the American criminal justice professionals as social media, journalistic crime coverage, and other information feeds have

increased in volume and currency correspondingly increasing fear of crime among elements of the public -even when local level and national crime data suggests the crime rate has declined.

The third perception associated phenomenon as defined in this study is concerned with immigration/migrant crime concerns. In Texas particularly gang activity -including juvenile correctional gang activity- is solidly pinned to border security and immigration crime. As Maneri and Wal (2005) establish, over the last two decades and beyond migrant crime has become a theme in media coverage and public policy and a set of public perspectives related to this theme can be assumed since aspects of crime, policing, and violence remain among the most covered subjects where both media and policymakers choose and frame themes that cultivate or at least maintain topical interest from the public. McCann and Boateng (2020) discuss political cultural features that suggest Americans believe local crime rates increase due to immigration. However, they contend that this belief structure is not a recent phenomenon, rather it has been of use to policymakers to generate broad public support over the course of decades.

Taken together these three ‘perception associated phenomena’ concerning: media consumption; fear of crime; and immigration/migrant crime concerns offer three distinct perspectives that help define public perception associated with juvenile gangs in Texas correctional settings. Correspondingly, this study identifies five ‘policy impact phenomena’ that provide additional nuance to perspectives on public perception of juvenile gangs which may negatively impact rehabilitation and public safety goals in juvenile corrections policy.

Perception of Juvenile Gangs Negatively Impacting Juvenile Corrections Policy

The often-quoted adage that perception is reality takes on new meaning as society gains increasingly more access to perceived elements of public policy. As in instances where

perception of a customer's provision of service may drive buying habits, perception of policy may drive constituents' votes and correspondingly policymakers' level of support for programs. In border states -as in the case of Texas- the issue of gangs tends to occupy a more prevalent place in voters' thoughts whether in instances of 'identity propaganda' (Horz, 2024) or in the case of gang members being conflated as 'bad' immigrants (Rodrigo, 2024). More generally, crime narratives embraced by policymakers and by their supporters -whether those narratives seek to decriminalize criminality or hyperextend criminal impact- offer up opportunities for criminal justice policy impacts to materialize from public perception (Matthews, 2024).

Perceptions may vary among the public, policymakers, justice practitioners, and the carceral population as to the seriousness of gang activity in a state, region, area, or a particular place or institution. The same variability may apply when reality displaces mere perception in instances of actual gang activity or other forms of violence (Bellino & Gluckman, 2024; Dorcé & Miller, 2024; Vargas et al., 2024). Texas juvenile correctional gang perceptions held by the public may be both underinformed and misinformed. The voting public in Texas may be largely unaware of the unique conditions the majority of TJJD youth experience with mental health, substance abuse histories, and a spectrum of adverse childhood experiences that may mask misconduct as being attributable to gang motivations. More so, national data suggests juvenile crime and juvenile gang activity are somewhat conflated in public perception in areas where there are high levels of both juvenile crime and juvenile gang activity. The bases for the public to conflate juvenile crime and juvenile gang activity in certain areas may be an artifact of policymaker motivations and a missed opportunity in public awareness to better understand social conditions related to delinquency.

Policy Impact Phenomena: Five Thematic Support Elements

Further defining incongruities with public perception of juvenile corrections gang policy requires more comprehensive assessment of public perception features. This study identifies five thematic support elements or ‘policy impact phenomena’ corresponding with ‘perception associated phenomena’ to extend examination of distinct perspectives on juvenile corrections gang perceptions. The ‘policy impact phenomena’ are associated with media production; the construct of moral panic/crime control theater/fear of crime; the stewardship of the super predator concept; the policy trajectory of mass incarceration and the war on drugs; and the operationalizing of local policy meeting constituent demands.

Media production for associated publics is a foundational policy impact phenomenon that supports public narratives related to an array of crime and safety interest areas. Roche et al. (2016) discuss positive relationships associated with conventional media coverage of crime topics and anxious unease among publics when content focuses on victimhood and support for bold punitive policies -though Roche and colleagues find more limited evidence of association between political perspectives and social media-based news generating anxiety for the public at the same levels. Whereas traditional media has relied on news production keen on engaging public interest, social media and other internet-based information sources may diversify exposure to crime data and interest in policy prescriptions. Subekti et al. (2024) find trends for politicians leveraging Instagram to personalize messaging and to outline political positions on different topics. This emerging outreach and feedback capacity for policymakers offers utility in wedding political positioning with the public’s appetite for information on varied or specified topics.

A second policy impact phenomenon revolves around potential management of the ‘moral panic /crime control theater/ fear of crime’ construct as it is related to broad criminal information themes or focused issues. Use of moral panic in regard to threats or crime trends or cultivating fear of crime through localized versions of crime control theater have been useful to policymakers and their associated special interests in advancing criminal justice agenda. Brandon, Emandache, and Iwaniec (2024) describe the use of moral panic focused on outside groups -like illegal migrants, delinquent youth, or representatives of an external demographic- to establish a theater of crime control. This allows policymakers to design prescriptions purported to alleviate public risk but often fall flat or may be a factor in instigating other negative, unintended consequences. Ruva and Sykes (2023) discuss how crime control theater policies - designed in response to public interest- tend to yield ineffective outcomes despite wide acceptance, but these outcomes tend to maintain the utility of ‘fear of crime’ perspectives among constituencies (McArdle et al., 2018).

A third policy impact phenomenon can be represented as the stewardship of the super predator concept. Scott and Steinberg (2008) contextualize the term ‘super predator’ as having been in use to convey ‘tough on crime’ policies in the early 1990s, asserting juvenile offenders to be more dangerous than older criminals due to lack of remorse. The term super predator and associated ‘tough on crime’ policies reached a level of popularity in the 1990s. The trend held youth to be deemed incorrigible though criticism of oversimplification of the issue and disproportionate impact on marginalized youth had raised some concern (Mieli, 2010). Public perception -and almost blind public adoption of the ‘tough on crime’ policies- related to juvenile gang members has challenged policymakers and special interests (Caldwell & Caldwell, 2011). Importantly, stewardship of the super predator concept aligns to cultivation fear of crime,

support for crime control theater policies, and -in heinous instances of juvenile gang crime involving abduction or sexual violence- maintenance of moral panic. A glaring challenge with the concept is defined by the difficulty in separating the super predator concept from its retributive association when aiming to meet rehabilitative goals along with public safety goals (Katz, 2023).

A fourth policy impact phenomenon may materialize in policy direction toward mass incarceration and the war on drugs as associated with juvenile gang activities and related public sentiment. Mass incarceration and war on drugs policy outcomes occupy a culminating point along the trajectory of policy impact phenomena in this study. The trajectory begins with policymaker media considerations to capitalize on moral panic, crime control theater, fear of crime, and super predator messaging moving toward larger scale policy prescriptions that may fall within the parameters of mass incarceration proclivities and be covered under the veil of the war on drugs. As crisis unfolds in respect to public safety, policymakers may be inclined to support easier, high-volume incarceration of offenders and with public support in the interests of progress with the war on drugs. These policy impact directions have public perception consequences. In the context of gang mitigation Bergmann and Gude (2021) discuss how mass incarceration strengthens gangs organizationally and how gang criminal activity has evolved to be more complex in carceral settings. In respect to policy related to the war on drugs, Raufu (2020) argues that punitive policies have run a course that introduced more new problems than it provided new solutions.

Mass incarceration and the war on drugs are broader strategic actions that have been protracted in their implementation and questionable in their effectiveness respectively. As in

scaled down crime control theater policies, benefits are hard to discern, and the unintended consequences are increasingly apparent. Larger scale goals of incarcerating the most serious criminals and drastically reducing illegal drug use -and essentially defeating drug traffickers- may be unrealistic. The relevance defining this policy impact phenomenon is in understanding the extent to which policymakers gravitate toward popular -but unrealistic- policy goals.

The final policy impact phenomenon is concerned with operationalizing local policy and constituent demands. This final process point of policy impact phenomena represents the critical stage where realistic policy prescriptions may materialize in a way that is most impactful to the public. Policy impacts begin with the capacity policymakers apply to leveraging public concerns related to moral panic, crime control, crime fears, and more focused targeting of super predators within the confines of their influence. At a national level, this capacity can enable policymakers to facilitate mass incarcerations while prosecuting a multigenerational war on drugs, however policy outcomes tend to materialize at local levels and both mass incarceration and the war on drugs have serious local consequences. As Thorpe (2015) provides, state legislative bodies provide the policy focal point for more effective policy outcomes against public safety issues - like juvenile crime mitigation- as compared to the US Congress because most law enforcement actions like arrests and imprisonment are for violations of state law as opposed to federal law. Local level outcomes for juvenile offender rehabilitation are even more aptly disposed to state legislative powers as state legislative policymakers are more attuned to their respective community needs, like constituency demands for tougher penalties or political incentives surrounding gang mitigation policies and specific policy goals (Schoenfeld, 2012; Thorpe, 2015).

Theoretical Bases: Public Choice, General Strain, Social Identity, and Social Capital

Coming to terms with the theories undergirding juvenile correctional gang policy stands as a vital aspect of this narrative policy study. Four theories have significant bearing on this assessment of juvenile corrections gang policy: public choice theory; general strain theory; social identity theory; and social capital theory.

Public choice theory (Buchanan 2003) tends to explain how decisions are rendered among varied values with policymakers, voters, and government employees potentially working to separate interests. General strain theory (Agnew, 1992) explains crime and delinquency by centering on experienced negative treatment from others in a group and by factoring in negative emotional conditions that influence behaviors. Social identity theory is primarily focused on how individuals see themselves and others in context of intergroup membership with ramifications of how those views influence behavior (Burke & Stets 2009; Jaspal & Breakwell 2014; Jenkins, 2014; Tajfel, 1978). Social capital theory is focused on relationships and support networks with implications on how relationships and networks inform or influence behaviors (Coleman, 1990; Putnam, 2000) as related to juvenile correctional gang policy. Complexity of juvenile correctional gang characteristics (Pyrooz & Decker, 2019) and social theory causation may create a gap when aiming to reconcile public choice, policymaker preference, and public perceptions of juvenile correctional gang features.

Perception and features of public choice theory in policymaking are readily discernible though social theory influences on policymaking may be more obscured. Public choice is most closely concerned with policymakers' values, voters' values, and government employees' values, and is less concerned with the values of others with a diminished stake in government decision-making. Social theory and sociology occupy some roles frequently in any treatment of public

perception since perception involves reflective and comparative views of society to varying degrees. From the branches of foundationalist social theory centered on universalist standards of social phenomena to emerging social theories embracing diversified and radical sociological approaches of research, social theories further enable examination of the nexus of perception and policy (Abbas, 2024). Public choice theory affords a solid public policy theoretical base in this narrative policy analysis whereas social theories may have more bearing to inform public policy less directly when factoring in behaviors that will ultimately cycle back into policymakers' value systems.

Public Choice Theory

Public choice theory -in a general sense- applies economic principles to public decision-making. Public choice theory lends itself well to analysis of collective decision-making and analysis of values among prevalent policy contributors -namely policymakers, voters, and government employees. Each of the prevalent policy contributing groups have critical stakes in policy outcomes. Policymakers design policy on the merits of their authority to reflect voter preferences and government employees are slated to implement the policies. At a basic level of understanding, the process should be straightforward, but complexities related to nuanced values and issue complexity tend to complicate the policymaking process once there is a departure from what can be described as 'the ordinary politics' of the process.

Buchanan (2003) reflects on his and Tullock's description of ordinary politics as an initial consideration in collective decision-making when developing public choice theory in 1962 with *the Calculus of Consent*. Beyond consideration of the ordinary politics -or the basic mechanics of a policymaking process- legislative decision-making involves challenges,

prohibitions, preferences and choices policymakers apply to the process of policymaking. Public choice related to criminal justice policy tends to involve many stakeholders with voters typically supporting varied positions that align to a public perception narrative of justice and public safety. Voters generally have less familiarity with nuanced political functional nodes, funding details, administrative elements, non-controversial decisions points, and intergovernmental functions along with an often-limited understanding of the ordinary politics of policymaking (Brennan, 2008; Buchanan, 2003, p. 3; Conolly & Mason 2016). Beyond ordinary politics, public choice theory examines self-interest in collective decision-making. Public choice also allows assessment of spheres of influence, personal outcomes, political values, pluralities of interests, and consideration of rent-seeking, logrolling, votes, political capital, or other considerations that can be achieved (Butler, 2012). In the interests of systemizing public choice theory, Buchanan and other early public choice proponents sought to further develop the theoretical structure. Initially Buchanan (2003) reflects on how he and Tullock applied a decision-making framework of compromises of policy elements of low importance to the voting public to gain political advantages when ordinary politics can be advanced to more sophisticated policy objectives (Mueller, 2012). With greater theoretical development gained, public choice theory can be applied to institutional policymaking, preferences, public rationale, transactions, exchanges, interests, regulations, bureaucracy factors, group organization, and broader government decision-making (Holcombe, 2016). In general, the public choice theory helps systemize complicated policy fields through prompts and influences associated with voter preferences.

Difficulty arises when the complexity of the policymaking process enables actors to advance the interests of some stakeholders to optimize self-interests. The complexity in managing issues in criminal justice policy aligns to difficulties associated with public choice

theory-based analysis. For example, the criminal justice system may not be equally aligned to both rehabilitative goals and public safety goals. Rehabilitative goals may be better met when aligned to social theory elements, but when considering policymaker preferences or law enforcement motivations, rehabilitative goals may be prioritized below public safety goals. Public choice considerations can provide theoretical support structure especially when working with complexities like mass incarceration or proposed reform efforts that need to be explicated. Public choice principles of policymaking processes illustrate discernible limitations, however incongruity among policymakers' preferences, government employees' interests, and the intent of voters may produce additional limitations. The complexity in juvenile corrections gang policy features additional considerations because mass incarceration of juveniles, demands on perpetrating the war on drugs, and border security overtones can complicate functions (Malcolm, 2016). Ideally, public choice policymaking principles may be better in meeting both rehabilitative goals and public safety goals when social theory-based objectives can be factored into the interests of the prevalent policy stakeholders operating in a public choice policymaking process.

General Strain Theory

Achieving a more grounded approach to defining the cause of misconduct -like juvenile corrections gang activity – can substantially improve the policymaking process and bolster public choice parameters with the inclusion of social theory principles in effecting policy outcomes. Social theoretical foundations in policymaking -as in the case of general strain theory- factors in social pressure as criminal causation which has been linked to adolescent misconduct to include gang activity (Bacak et al., 2021). Like other sociological theories,

general strain can describe criminal misconduct like gang activity in terms of social relationships, but general strain theory is differentiated by evaluating qualities of relationships that anticipate delinquency and associated motivations. General strain theory is primarily concerned with negative influences originating as misconduct as opposed to imitated misconduct experienced throughout a group (Agnew, 1992, pp. 48-50). General strain theory highlights how individual response to sociological strain manifests as criminal coping behaviors in certain environments where high frequency of strains are perceived as unjust by the affected group members, enabling conditions to be conducive to more criminal misconduct (Lee & Kim, 2022).

Importantly general strain theory is centered on the premise that antisocial behavior is the symptom of negative experiences within an environment as opposed to antisocial behavior being the driving force in bringing about negative experiences. General strain conditions and conduct are a product of negative experience and acts of misconduct are not attributable to individual goals or the designs of the actors. Misconduct is reactionary in general strain conditions and is prompted by actors working from an assumption that conditions or negative experiences are unjust. It is the general strain condition of the environment that propagates misconduct as opposed to any motivation by the individuals to present misbehavior.

General strain motivations manifesting as what may appear to be gang related misconduct are predictable in juvenile corrections settings like TJJD. In juvenile corrections settings, strain is experienced frequently; gang identification processes may be perceived as unjust; and prevalence of perceived gang activity is assumed to be the norm. Under these conditions, perceived gang-related misconduct may be more accurately seen as a coping mechanism occurring in an environment where gang-related conduct is taken as commonplace. Youth

presenting misconduct that tends to appear as gang activity may be reacting to strain instead of exhibiting behaviors to meet some gang-related criminal objectives. In carceral settings, juveniles may interact without specific expectations of outcomes to exert their individual influence on conditions to meet a more equitable exchange (Agnew, 1992, p. 53). For instance, youthful offenders may act in a way that forces engagement with staff regardless of positive or negative outcomes simply to affect a form of connection (Purvis et al., 2007). The act by the youth to prompt engagement with staff may ultimately allow youth to evaluate features of the interpersonal exchange for equity in the relationship (Agnew, 1992, p. 55). A false read on gang related misconduct may materialize from cognitive coping strategies of perceived inequity by juvenile offenders. Conduct identified as gang-related behavior may be misclassified when the misbehavior is an individual's response to strain, social obstacles, and the social environment (Huck et al., 2017). Juvenile justice assessment instruments may overlook cultural influences, moral disengagement, and social support (Zapolski et al., 2016) along with social identity elements associated with antisocial attitudes and behaviors (Beelmann, 2020).

Positive or negative motivations for juvenile misconduct-like gang-related activity- is illustrative of general strain exerted on individuals. General strain is an element of behavioral causation linked to an individual's goals, individual victim histories, and other adverse experiences (Cullen et al., 2021; Nivette, et al., 2022; Parke & Metcalfe, 2022). TJJD gang identification processes may potentially omit assessment of circumstances related to general strain which in turn may be deemed as superficial when weighed against overt gang related activity or genuine gang activity in instances when full assessment of underlying motivations or conditions are absent (Nivette, et al., 2022; Parke & Metcalfe, 2022).

Social Identity Theory

As in the case of general strain, the absence of social conditions applied to juvenile corrections gang policy from social identity theory presents a missed opportunity. Social identity theory involves specific self-selected traits an individual accentuates when determining one's own social role along with determining a sense of self as a member of a group. Importantly social identity can aid in gaining a better understanding of cognitive features an individual commands and is valuable in assessing behaviors based on both individual preferences and group norms.

Social identity as related to antisocial conditions may be underutilized in TJJD gang identification processes. Broadly social identity can be described as the sets of features defining a role or roles in a social set or the self-ascribed characteristics of a unique person (Burke & Stets 2009, p. 3). Social identity may apply to a group or individual with multiple social identity roles possibly manifesting concomitantly. Social identity features are not assessed with common identifying elements like gang structures, known gang members, and gang activities (Leverso & Matsueda, 2019) that characterize TJJD gang identification process points. The analysis of social identity as an element of both collective identity and separate but concurrent individual identity may be a missing element of TJJD gang identification. The social identity shared by a group and the individual concept of social identity a person occupies may manifest in different fashions corresponding with different levels of risk (Jenkins, 2014, p. 48).

Law enforcement personnel in corrections may be working with an emerging understanding of social identity-based risks (Liew, 2020; Yasin & Obsequio-Namoco, 2021). Risk associated with social identity tends to revolve around sexual or gender roles, mental health

risks, or discriminatory conditions and ambiguity between crime, accountability, and transparency complicate processes (Kahn et al., 2017; Lee et al., 2011; Rengifo & Slocum, 2020).

There may be considerably less ambiguity for law enforcement in discerning collective identity and collective criminal activity. Group identity related to gangs tends to be associated with collective behaviors in gang identification processes where initiation, coordinated criminal acts, or shared adherence to gang symbols and other group activities are adopted as elements of gang identity (Leverso & Matsueda, 2019). Within TJJD opportunities for collective gang behavior tend to be limited as compared to street gangs or other gangs. TJJD youth populations are subject to punitive surveillance (Weisburd, 2022) and being monitored in smaller groups curtails significant opportunity for collective gang activity. For instance, the often-violent socio-symbolic 'jumping in' gang initiation rituals common in street gangs (Murer & Schwarze, 2020) are significantly less likely to occur in TJJD's secure facilities due to the convention of a staff to youth ratio that maximizes supervision. Offenders may exhibit violence to establish respect, friendship, or for safety (Whiteside & Bond, 2017) separate from gang activity. However, juvenile offenders identified as gang members are perceived to be more likely to violate institutional rules (Koski et al., 2018) and as a result violence may be more readily labeled as gang-related activity. Across Texas carceral settings, research suggests that gang affiliation is related to more severe violence when compared to inmates with less significant links to gang membership (Fahmy et al., 2020). Gang membership established by the TJJD gang identification process may disproportionately reference violent acts as gang related.

The established social identity of the typical juvenile offender institutionally designated to be a gang member through institutional criteria from the TJJD gang identification process will likely occupy separate roles of social identity divorced from a collective gang identity. The TJJD gang identification process may be simplistic by design to meet the needs of expedience or preferences of administrators or policymakers regardless of holistic social identity features associated with a given youth or the conditions around social capital established with the institution. These conditions may present a risk of gang misidentification as social identity factors are excluded from gang identification processes.

Social Capital Theory

As compared to social identity theory's centering on the role of the individual, social capital theory centers on a group an individual is a part of and in which the group can define behaviors and attitudes of its constituent members. If social identity is a focus on an individual person who occupies a defining personal character and a set of personal characteristics informed by a chosen group, then social capital is an emphasis as an individual that is defined first as member of the aggregate of a group or network. Social capital defines group members collectively by virtue of their group membership distinct from individual identification as a member of the collective. Social capital group members act and react as an element of a collective in a role that gains value from shared membership as opposed to any individualistic actions and motivations. Social capital motivated group members occupy identity as a component of a group and it is the group that maintains the associated identity. All actions of a social capital motivated group member stem from actions that contribute to the group or stem

from outcomes born out of the group or network as understood by the social capital motivated group member.

Social capital in correctional settings can be an important resource for mitigation of misconduct including gang activity. Just as in the case of social capital's effect on other marginalized groups (Lafferty et al., 2015), social capital among juvenile offenders can stabilize safety and trust in a correctional environment through the provision of protective factors as provided by group connections (Bulanda & Johnson, 2016). Social capital functions as networks of interpersonal relationships where commonality associated with group identity and unified visions of group norms and values promotes trust, collaboration, and reciprocal commitment to cooperation (Johnson, 2021).

Social capital theory was popularized by Robert Putnam in "Bowling Alone: America's Declining Social Capital" (1995) and in the more developed book *Bowling Alone: The Collapse and Revival of American Community* (2000). In both, Putnam focuses on formation of social resource akin to type of public capital where social connections and associated civic engagement establishes a sense of community (Putnam, 2000). Communities with social capital, community values, and collaborative reciprocity encourages increased social benefits among constituents and economic growth potential for the community (Johnson, 2021). Putnam's description is unlike human capital as described in Becker's *Human Capital: A Theoretical and Empirical Analysis with Special Reference to Education* (1993) which focuses on value of individual education and personal development as public capital where individual investment benefits individuals and the broader economy in the concept of human capital.

Putnam's model of social capital represents tangible and intangible resources and effects of the interchange of resources, groups, and constituents producing goods for public benefit as a civic engagement system translating across value chains (Johnson, 2021; Putnam, 1995, 2000) to include social environments like firms, schools, or correctional institutions. Specifically in correctional settings, social capital can present community benefits that promote social controls that are organic as opposed to coerced by authority. Though conditions of trust may synchronize with institutional authority, the source of trust is derived from group membership (Chambers et al., 2020). Social control is achieved largely through collectively shared values and trust.

In correctional environments the basis for trust may develop as overlapping spheres of trust or may materialize as limited trusting relationships and networks. Social capital in this setting may be a product of peer selection among offenders that can support positive or negative outcomes as behavior among peers could impede or benefit peer cooperation depending on circumstances (Ryabov, 2017). Social capital in juvenile institutions may increase and decrease with population transience (Wolf et al., 2017). Most substantially social capital may take on features informed by gang membership.

Social capital accumulation in juvenile prison may develop on a foundation of gang-related associations, behaviors, and social identity roles (Dong & Krohn, 2016). This organic social capital development in TJJD could benefit conditions through stabilization of the environment just as it may exacerbate misconduct. The implications for complication of the TJJD gang policy would likely be substantial if TJJD staff are not well versed with the features of social capital within the facilities. For example, some youth forming subgroups for support could easily be misidentified as aspiring gang members conspiring to form a gang clique. TJJD

staff would be at risk of misidentifying a node of the social capital network on one side of the issue or would be at risk of missing the opportunity to identify potentially gang-related associations at the other end of the issue.

Perception, Themes, Support Elements, and Theories

Perception and policy may be interpreted and molded to a finer point providing a better basis for public choice decision-making and can benefit from increasing public awareness of policy conditions within TJJD. As Curry et al. (2014) and Deuchar (2013) suggest, conditions associated with social theory -general strain, social identity, and social capital- are elements of the policy issue that may improve gang identification of gang activity among delinquent youth. The pervasive nature of general strain, social identity, social capital, and gang challenges impacts the likelihood of complicated mitigation policy.

Legislators' and other policymakers' performance and attitudes are associated with their personal ideology and the ideology of their constituents (Connolly & Mason, 2016). In the case of juvenile corrections gang policy, policymakers may espouse values associated with 'tough on crime' policy prescriptions, they may represent a geographic location impacted by gang crime, and they may have a constituency that values bolder gang mitigation programming.

Correspondingly, legislators in this position may choose to support gang identification policies that enables optimal facility of law enforcement administration of the process, may afford ample prosecutorial tools, may be established in a way that has clear parochial benefits. A given legislator may lead policymaking in a fashion that is adequately visible to their constituency, political allies, and other stakeholders with perhaps diminished regard for opposing perspectives. In this set of conditions, the legislator will be concerned with communities of interest foremost.

Public interest in issues like criminal justice tend to revolve around communities of interest where advocacy groups, community leaders, and special interests can help define salient policy direction (Ouziel, 2020) whereas juvenile gang crime mitigation may offer less opposition from largely agreed upon policy focus.

DOCUMENT ANALYSIS

The merits of document analysis in a study of public perception of TJJD gangs as compared to policymakers' perceptions and the perceptions of TJJD staff must factor in the extent of treatment of the issue. Media reporting, government documents, legislative reports, and other suitable subjects of document analysis are extensive. The scope of this study will focus on a particular narrative of Houston Chronicle reporting related to TJJD gangs covered in three separate articles. Subsequently, this study will assess select and associated government reporting from the TJJD Office of the Inspector General (OIG) which is a law enforcement unit within the agency reporting directly to the TJJD executive board. The study will also assess reports from the Office of the Independent Ombudsman (OIO) which is an entirely independent agency for TJJD oversight that reports directly to the Texas Legislature and the Office of the Governor. Lastly the study will assess the TJJD Executive responses to OIO reports by the TJJD executive team that reports to the Executive Director of TJJD. The three separate government reports will allow analysis of government documents that relate to the selected narrative to compare treatment of the issues and to examine varying persuasive tones or potential policy impacts. The foundational news reports will be measured against 'perception associated phenomena' comprised of the public's media consumption; the public's fear of crime; and the public's fixation on immigration/migrant crime concerns. By comparison, associated government reports relative or approximate to the selected media reporting will work to

synthesize ‘policy impact phenomena’ comprised of media production; treatment of moral panic/crime control theater/fear of crime; stewardship of the super predator concept; policy direction associated with mass incarceration and the war on drugs; and operationalizing local policy to meet constituency needs.

Synopses of Documents and Methods for Document Analysis

The synopses below will capture select elements as media reporting exhibits summarized from original releases, OIG report exhibits as extracted in italics, OIO report exhibits as extracted in italics, and TJJD responses to OIO reports exhibits as extracted in italics. Media reporting was selected to capture the continuity of a narrative related to TJJD gang activity conditions at multiple facilities where aspects of Braun and Clarke’s (2006) thematic analysis method will be employed to identify, analyze, and report patterns in exhibits. Themes will be identified from the elements measured against ‘perception associated phenomena’ and ‘policy impact phenomena’ along with initial code searches related to the terms gang, gangs, and gang-related through a general search of terms. Analysis will advance with synthesis of ‘perception associated phenomena’ and ‘policy impact phenomena’ culminating in assessment of themes of perception, policy, and theoretical foundations.

Media reporting exhibit 1 - Blakinger, K. (February 20, 2029). Gangs, lack of guards spark teen riot at understaffed Texas juvenile prison. Houston Chronicle.
<https://www.houstonchronicle.com/news/houston-texas/houston/article/Gangs-lack-of-guards-spark-teen-riot-at-13628283.php>

On February 20, 2019 Houston Chronicle staff writer Keri Blakinger published “Gangs, lack of guards spark teen riot at understaffed Texas juvenile prison.” The piece highlights what the author describes as a six-day riot at a TJJD juvenile corrections facility in North Texas on November 29, 2018. The author alludes to another disruption at the facility earlier in November 2018 involving facility lockdown, executive dismissal, and therapy program suspension.

According to the February report, TJJD use of force during the riot was chaotic to the extent that it overshadowed the riot itself. The author describes the operational turbulence in the context of new executive leadership named after a recent TJJD sex abuse scandal involving staff and juvenile offenders, the firing of a female guard after assaulting her boyfriend and the facility’s director of security, and poor work conditions for TJJD staff related to low pay, high turnover, and inexperience.

The author mentions the disturbance was preplanned, involved youth running around the fenced campus, and entailed assaults and property damage all inspired by gang-related conflicts, boredom, and a desire to protest campus conditions. The report references that twenty-six inmates at the facility are documented gang members and that other assaults that had transpired previously were related to gang activity and gang leadership struggles. The author mentions that Office of the Independent Ombudsman (OIO) reported early unrest due to limited recreational activities, periodic room confinement, and poor case management for youth.

Media reporting exhibit 2. - Blakinger, K. (February 22, 2019). ‘Out of control’: Report on juvenile prison ‘gang war’ draws lawmakers’ attention. Houston Chronicle. <https://www.chron.com/news/houston->

[texas/houston/article/Out-of-control-Report-on-juvenile-prison-13638432.php](https://www.houstonchronicle.com/news/houston-chronicle/crime/article/Out-of-control-Report-on-juvenile-prison-13638432.php)

On February 22, 2019, Houston Chronicle staff writer Keri Blakinger published “ ‘Out of control’: Report on juvenile prison ‘gang war’ draws lawmakers’ attention.” The report opens with allusion to a November 2018 disturbance referencing tensions between the Crips gang and the Bloods gang on the North Texas TJJD facility. The author goes on to describe an ongoing “gang war” with “hits” on guards, fights, and vandalism defining a deeper problem than previously reported by the author.

The author reports that her earlier reporting within the week drove legislators to plan an urgent committee meeting to address facility issues. The author quotes the state Senate criminal justice committee chair as declaring “It’s an out-of-control place and ... leadership knows it...[the facility] is a danger to the youth, the staff, and the community.”

The author reports that the TJJD executive director made a counter claim that a six-day riot did not ensue, rather there were a series of disturbances over course of several evenings involving youth activating fire alarms to cause disruptions. The author represents OIO reports as stating there was “major” campus-wide disruption of facility operations. The author sites the transfer of TJJD youth gang leaders generated a power vacuum and the condition led to the disturbances as informed by OIO reporting citing “the Crips are currently considered to be on top,” and “there is currently a vying for rank within the Crips”. The author cites the state Senate criminal justice committee chair as saying, he was taking reports of “rampant gang activity”. The author reports TJJD youth were putting “hits’ on the staff or ordering targeted assaults. The

author reports that some TJJD youth mentioned that the disruptions were driven from boredom as opposed to gang-activity.

The author captures the TJJD leadership response to her previous reporting citing no loss of facility control transpired at any point and that the OIO, - which reports to the state legislature and the governor- never referenced the disturbances as riots in their reports. The state Senate criminal justice committee chair accused the TJJD leadership of ignoring the dangers, alluded to talk of closing the North Texas facility, and said, “I’m terribly disappointed that they are not considering this a more urgent matter than they are,... I will be in discussion with them to see what the leadership plan of action is... doing nothing is not an option.”

Media reporting exhibit 3. - Blakinger, K. (March 11, 2029). 'Worse than the Wild West':

State reports reveal 'gang war' at Texas juvenile prison. Houston Chronicle.

<https://www.chron.com/news/houston-texas/article/Worse-than-the-Wild-West-State-reports-reveal-13677865.php>

On March 11, 2019, Houston Chronicle staff writer Keri Blakinger published “ 'Worse than the Wild West': State reports reveal 'gang war' at Texas juvenile prison” to highlight a second TJJD facility challenged by what is reported to be a ‘gang war’ at a correctional facility in the US-Mexico border area of Texas. The author references to the event of a purported gang war as another installment of an increasingly problematic chain of disturbances drawing the attention of state legislators with the state Senate criminal justice committee chair stating, “it is truly worse than the Wild West... [TJJD is] ...at a turning point.”

The author goes on to discuss problems in the Rio Grande Valley juvenile correctional facility citing clusters of teens divided along racial lines according to OIO reports she cites as stating 33 youth were involved as opposed to the 10 youth TJJD officials claimed were involved in the altercation. OIO claimed that in January detained youth in the South Texas facility were claiming a gang war was transpiring with two dorms shut down for gang issues.

The author discusses TJJD response to claims of a ‘gang war at the South Texas facility with TJJD personnel stating, “characterizing our challenges as ‘gang wars’ misrepresents the risk and obscures the appropriate measures required to promote safety and security.”

The author cites earlier events of violence with TJJD inmates throwing food, flipping tables, and in one instance assaulting a staff member to cause serious injury. The author continues to reference a series of incidents of TJJD operational mismanagement, cites the director of a youth justice nonprofit claiming “the facilities are a failed model” in juvenile justice, and concluding with a statement that the South Texas facility is overstaffed and mentioning comments from the state Senate criminal justice committee chair who was “baffled by the new [staffing] numbers” which calls into question TJJD’s management practices.

*OIG reporting exhibit 1 - Government Reports – Office of the Inspector General (OIG)
Quarterly Reports TJJD Law Enforcement Reporting to the TJJD
Executive Board 1st Quarter Report 2019*

OIG 1Q 2019 – Investigative summary: Gang Intelligence = 330

OIG reporting exhibit 2 - Government Reports – Office of the Inspector General (OIG)

Quarterly Reports TJJJ Law Enforcement Reporting to the TJJJ

Executive Board 2nd Quarter Report 2019

OIG 2Q 2019 – Investigative summary: Gang Intelligence = 341

OIG reporting exhibit 3 -

Government Reports – Office of the Inspector General (OIG)

Quarterly Reports TJJJ Law Enforcement Reporting to the TJJJ

Executive Board 3rd Quarter Report 2019

OIG 3Q 2019 – Investigative summary: Gang Intelligence = 176

OIG reporting exhibit 4 -

Government Reports – Office of the Inspector General (OIG)

Quarterly Reports TJJJ Law Enforcement Reporting to the TJJJ

Executive Board 4th Quarter Report 2019

OIG 1Q 2019 – Investigative summary: Gang Intelligence = 139

OIO reporting exhibit 1 -

Government Reports – Office of the Independent Ombudsman

(OIO) Quarterly Reports Independent Reporting to the Legislature

and the Office of the Governor 1st Quarter Report 2019

EXECUTIVE SUMMARY: During this reporting period, the Office

of Independent Ombudsman conducted 136 facility site visits,

interviewed 1150 youth offenders, and closed nine cases (Refer to

the Annex for a listing of facility site visit locations). During this

quarter the OIO received 14 complaints, which represents a 72%

decrease when compared to the first quarter of FY 18. It should be noted, complaints received during youth interviews decreased by 83.33% when compared to the first quarter of FY 18. In addition, the OIO closed nine cases this quarter with significant changes noted in the number and types of complaints investigated and resolved. For example, complaints regarding safety concerns decreased by 80% and complaints regarding MLOS/release date decreased by 91.67% when compared to the first quarter of FY 18. It should be noted, of the nine cases closed this quarter, three cases were completed as sustained. During this quarter increasing population levels at State secure facilities combined with staff shortages and with high turnover rates are of significant concern. Juvenile Correction Officers available for duty are at or near 60% of the total number of allotted positions for the Gainesville State School and the McLennan County State Juvenile Correctional Facility (Mart II) (For more information refer to page 9). On November 29, 2018, youth offenders at the Gainesville State School caused major disruptions to facility operations that continued through December 4th. The most significant disruption occurred in the evening hours of November 30th where multiple youth offenders in multiple dorms caused a major campus-wide disruption of facility operations including fleeing apprehension,

youth on staff assaults, youth on youth assaults and destruction of property. (For more information refer to page 9-10)

OIO reporting exhibit 2 - Government Reports – Office of the Independent Ombudsman (OIO) Quarterly Reports Independent Reporting to the Legislature and the Office of the Governor 2nd Quarter Report 2019

EXECUTIVE SUMMARY: During this reporting period, the Office of Independent Ombudsman conducted 125 facility site visits, interviewed 1066 youth offenders, and closed 18 cases (Refer to the Annex for a listing of facility site visit locations). During this quarter the OIO received 19 complaints, which represents a 58.3% increase when compared to the second quarter of FY 18. It should be noted, complaints received during youth interviews increased by 100% when compared to the second quarter of FY 18. In addition, the OIO closed 18 cases this quarter with significant changes noted in the number and types of complaints investigated and resolved. For example, complaints regarding medical concerns decreased by 66.67% and complaints regarding rules or policies decreased by 42.86% when compared to the second quarter of FY 18. It should be noted, of the 18 cases closed this quarter, eight cases were completed as sustained. During this quarter, reviews conducted at the McLennan County Juvenile Correctional Facility indicated increases in marijuana

usage within the facility. Subsequent drug testing was conducted with four youth testing positive for marijuana. Incident reports also indicated the discovery of a note in which a youth was praying to the patron saint of drug trafficking, asking for safe passage of an individual bringing drugs to the facility. It should be noted, the Office of Inspector General implemented strike teams to conduct facility wide searches for contraband that resulted in criminal charges on multiple individuals. (Refer to Page 9) Subsequent reviews of the Gainesville State School have shown improvement over last quarter in a number of areas including reduced gang tensions and incidents of gang tagging within the facility. (Refer to page 9)

OIO reporting exhibit 3 -

Government Reports – Office of the Independent Ombudsman (OIO) Quarterly Reports Independent Reporting to the Legislature and the Office of the Governor 3rd Quarter Report 2019

EXECUTIVE SUMMARY: During this reporting period, the Office of Independent Ombudsman conducted 134 facility site visits, interviewed 1132 youth offenders, and closed 14 cases (Refer to the Annex for a listing of facility site visit locations). During this quarter the OIO received 14 complaints, which represents a 16.7% increase when compared to the third quarter of FY 18. It should be noted, complaints received from youth offenders during facility site

visits decreased by 33.3% as compared to the complaints received during the same time period in FY 18. In addition, the OIO closed 14 cases this quarter with three completed as sustained.

OIO reporting exhibit 4 - Government Reports – Office of the Independent Ombudsman (OIO) Quarterly Reports Independent Reporting to the Legislature and the Office of the Governor 4th Quarter Report 2019

EXECUTIVE SUMMARY: During this reporting period, the Office of Independent Ombudsman conducted 113 facility site visits, interviewed 1024 youth offenders, and closed 11 cases (Refer to the Annex for a listing of facility site visit locations). During this quarter the OIO received six complaints, which represents a 14.29% decrease when compared to the fourth quarter of FY 18. In addition, the OIO closed 11 cases this quarter with three completed as sustained.

TJJJ reporting exhibit 1 Government Reports – TJJJ Executive Response to OIO Quarterly Reports TJJJ Executive Team Reporting to the TJJJ Executive Director 1st Quarter Report 2019

Major disruption at Gainesville State School: The most significant issue addressed in this OIO report was the major campus disruptions by youth at the Gainesville State School. TJJJ staff identified a life safety mechanism that was easily tampered with, which allowed doors to unlock as if there was an emergency. In

response, the agency installed an interim solution to prevent these disruptions while still providing necessary life safety mechanisms. This solution will be in place while the agency finishes its assessment and implementation of larger fire safety improvements. TJJJ wants to thank the OIO for its support when agency executive management mandated a facility-wide shut down in response to these disruptions. The agency placed additional personnel from other facilities to support the ongoing operations. Those staff helped identify other safety and security issues at the Gainesville facility. TJJJ executive management also made the decision to make changes to facility leadership. Following the disruptions, eight members of TJJJ senior management spent three days at the Gainesville campus. While there, they held three staff town hall meetings, and conducted several small group meetings with facility management, dorm supervisors, JCO supervisors, case managers, the gang prevention and intervention specialists, education staff, and facility youth. During these meetings, agency management was able to identify some unique issues at Gainesville and begin to focus on implementing needed changes on that campus. TJJJ agrees with the OIO's assessment of some of the reasons for these campus wide disruptions. The culture of the campus allowed for some gang-related youth activity, and the new facility administration is actively working on

solving for the root cause of this gang activity. It is also believed that a lack of consistent structured programming and a desire by the youth to protest were major factors that led to the disruptions. The facility operated with minimal time for youth to engage in additional programming, and the youth were confined to their dorms for a larger portion of the day than is optimal. The Director of State Programs and the new Director of Facility Safety will conduct staff retraining focused on how to properly engage with our youth. There will also be a campus-wide training at Gainesville on more trauma-informed recreational activities to fill down time. This training is schedule for January 28-29, 2019. Even with the significant issues identified in this quarterly report, TJJD continues to be encouraged by the trend of fewer youth complaints, specifically the downward trend of complaints regarding facility safety. This highlights the agency's efforts of increasing safety and security, which is key to helping the youth properly regulate their behavior and reactions to stress. These efforts are moving quickly but will take some time; we very much appreciate the insights provided by the OIO in helping us to focus on key issues.

TJJD reporting exhibit 2

Government Reports – TJJD Executive Response to OIO Quarterly Reports TJJD Executive Team Reporting to the TJJD Executive Director 2nd Quarter Report 2019

The OIO also highlights its concerns with the staffing at the Mart and Gainesville facilities. The staffing concerns at the secure facilities remain a top priority for the agency. TJJD has changed the way it determines the staffing needs, and now does so based on facility populations. In the past, the agency relied on budgeted staffing numbers to determine the needs at each facility. Using the budgeted staffing numbers does not provide an accurate picture of the staffing needs because it is not tied to the reason for needing more or fewer staff—the number of youth. By monitoring the real populations at each facility, TJJD can determine the needs based on the necessary staff to maintain the required supervision ratio.

TJJD reporting exhibit 3

Government Reports – TJJD Executive Response to OIO Quarterly Reports TJJD Executive Team Reporting to the TJJD Executive Director 3rd Quarter Report 2019

Incident Reporting: TJJD is encouraged to see a decline in the total reported incidents of gang related activity across the board. This is highlighted in the fact that the OIO has been able to close specific issues relating to gang incidents at Gainesville and Evins from their site visit reports. As TJJD points out in site visit reports, gang related incidents are minor rule violations defined as, “participating in an activity or behavior that promotes the interests of a gang or possessing or exhibiting anything related to

or signifying a gang, such as, but not limited to, gang-related literature, symbols, or signs.” See 37 TAC § 380.9503(j)(5).

Agency data shows that the majority of incidents coded as “gang related” involve youth displaying symbols or marking property with graffiti. The TJJD OIG opened 165 fewer gang intelligence investigations from second quarter, FY 19, and 129 fewer investigations from third quarter, FY 18.

TJJD reporting exhibit 4

Government Reports – TJJD Executive Response to OIO Quarterly Reports TJJD Executive Team Reporting to the TJJD Executive Director 4th Quarter Report 2019

TJJD is currently in the process of updating our behavior management system. Within these changes will be properly coding assaults as opposed to unauthorized contact within the larger category. The category of assault and unauthorized contact spans a wide range of actions, including making unauthorized physical contact, pushing, poking, and even knocking items out of someone’s hands. See 37 T.A.C. § 380.9503(i)(1),(2). Splitting the actions that fall under this definition, so that there is clarity between an intent to harm another and other behaviors that may result in unauthorized physical contact, will increase the accuracy of the incident reporting by not improperly diluting the number of “assaults” with actions that are truly not assaultive. TJJD will

continue to monitor all incident trends at each facility to identify issues and administer corrective actions where necessary.

Synthesis of Perception Associated Phenomena

From an analytical perspective of ‘perception associated phenomena’ the process of synthesizing analysis of the selected documents should begin with the public’s anticipated media consumption associated with the Blakinger’s 2019 storyline related to TJJD gang activity. The press organization -the Houston Chronicle- is a major news outlet nationally and within the region with substantial readership. Reasonable expectation of concerted coverage of a narrative by a major outlet over an extended period of time in separate locations supports the assumption of broad access to the information by the public. It is likely that the narrative had appropriate public reach to indirectly influence voter attitudes. What is more, the most prevalent policymaker in the storyline - the state Senate criminal justice committee chair- represents a Houston district where expected readership and constituent access should overlap. It is reasonable to conclude that the media consumption and constituency interests may have a positive relationship in regard to Texas juvenile gang policy. The narrative also stayed on topic in covering fear of crime elements as violent acts were described to solicit and keep interest and maintain relevance. The third element of the perception associated phenomena relating to immigration concerns was less direct but still present in Blakinger’s coverage of race-based violence, coverage of a Rio Grande Valley correctional facility located in a border area where gang crime remains prominent, and more broadly in general coverage of gang activity. Taken together the narrative is spread across phenomena that tends to be associated with juvenile corrections gang crime in the public perception as aligned to the model for criteria in this study.

Synthesis of Policy Impact Phenomena

From the ‘policy impact phenomena’ perspective, media treatment should be assessed from a joint perspective of journalistic choices and policy stakeholder choices. The primary policy stakeholders featured in the narrative were twofold. The first of which was the most influential policymaker- the state Senate criminal justice committee chair – who was consistently included throughout the narrative to evoke authority for the journalist and who would likely benefit politically by being cast in a positive light over his legislative policy area for an expected readership from his constituency. The second most significant policy stakeholder was the Office of the Independent Ombudsman (OIO) which represents the independent watchdog for the Legislature and which provided much of the oversight reporting that comprised the substance of the purported gang subject matter. The prominence of the OIO evokes technical authority and the OIO was cast in a positive light. These conditions satisfy validity for the first policy impact phenomenon related to media.

The second policy impact phenomenon concerns moral panic/crime control theater/fear of crime issues that are replete through the narrative with allusion to institutional mismanagement, salacious scandal, vague dismissals, threats to the youth, threats to the public, and so on. The third phenomenon – the super predator concept- is satisfied with use of specific gang names like the Crips, the Bloods, and others and the inherently evocative super predator concept connection of gang crime in general.

The fourth policy impact phenomenon associated with large scale criminal-social issues of mass incarceration and the war on drugs is addressed in review of the narrative and in some coverage of the government documents with allusion to poor conditions associated with incarceration and the allusion of improved therapeutic programming as appeals of disgruntled

staff, TJJD executive response to OIO reports, and the state Senate criminal justice committee chair's opposition to conditions as defined by the OIO. Though marijuana use was part of the narrative, war on drugs thematic elements are less direct appeals to public interest. The narrative made use of broad allusion to locational themes and gang crime with one of the institutions in the border area in particular being connected to locations central to the war on drugs.

The final policy impact phenomenon – local policy and constituent demands- is most solidly affirmed in this analysis with the prevalent reporting around the state Senate criminal justice committee chair as throughout the narrative his criticisms and rejections of conditions were featured prominently

ETHICAL IMPLICATIONS

Specifically public choice theory, general strain theory, social identity theory, and social capital theory apply to the discussion of ethics. The complexities of juvenile corrections gang policy perceived through public choice narratives should be defined in part by the tenets of social science and legal scholarship with any push from punitive objectives towards rehabilitative objectives. Public choice, general strain, social identity, and social capital theory should challenge public perceptions and policies just as utilitarianism, the rehabilitative ideal and elements of rehabilitative penology impacted public perceptions and policies previously. Clarifying the ethical components of retribution or rehabilitation builds a foundation to assess public choice, general strain, social identity formation, and social capital development against public perception and public policy.

Retributive Goals versus Rehabilitative Goals for Juvenile Offenders in Society

Though based on a rehabilitation ideal, modern criminal justice has seemingly ebbed and flowed from rehabilitative to retributive policies in distinct periods (Grasso, 2017) associated

with political cultural norms variation. Historically the American justice system has oscillated between rehabilitation and punishments as well with reform school and workhouse models gravitating toward more prisonlike structures and back again as attitudes and social values shift (Jouet, 2019). Revolving public perception and public interest between rehabilitation and punitive measures in the juvenile justice system has carried over (Perelman & Clements, 2009).

Gang mitigation has been particularly challenging due to elusive effectiveness to curb the impacts of gang crime and the seemingly escalating seriousness of gang crime and bringing gang policies into question for being overly permissive and lacking in accountability. Most American voters support policies that provide clearly discernible utility for society (Mateja et al., 2020) and more retributive gang mitigation policies are perceived to be more effective overall though rehabilitation offers long-term social utility. Utility for society and corresponding sentiment is associated with objectives across a range of options aimed at retribution, deterrence, rehabilitation, or incapacitation have been the mainstays of both juvenile justice reform and juvenile gang debates in the modern era (Silver, 2017).

Accountability, Justice, and Public Safety Goals for Public Servants

Long-term social utility balanced between retribution, deterrence, rehabilitation, or incapacitation in varying degrees has been a consistent focus of an ideal and just society for American voters but purposes of retribution have been most pronounced historically (Collica-Cox & Sullivan, 2017). Utilitarian styled juvenile justice reforms helped change sentiment and policy at periods though imprisonment remained an acceptable fulfillment of societal debt (Vick 2015). Public perceptions shifts have been tied to philosophical appetite with Western thinking as defined by Immanuel Kant and Frederic Hegel focused as the objective of punishment on retribution (Komasinski, 2018), but utilitarian ideas associated with the style of thinking of J.S.

Mill proved to be the underpinning of Western philosophical movement between retribution and rehabilitation goals. Utilitarianism began to shift thinking toward other justice modes of policymaking that could potentially offer social advantages from introduction of social sciences laying the base for modern considerations of inclusion of general strain, social identity, and social capital theories into juvenile justice practices .

Rehabilitative penology based off of reform movements working to associate social science with penal policies established inroads in anticipation of more sophisticated advances in sociology and psychology. The concept of the rehabilitative ideal began to challenge penological traditions as a primary reason for incarceration with the theme of reform and rehabilitation being seen as the best solution to criminality (Skotnicki, 1996). The rehabilitative ideal -pursued within the context of what would come to be associated with general societal strains- was an ethical compromise to balance the interests of individuals in their progression to form what can be seen as social identities and the interests of society with a design toward building what would later be associated with social capital.

Policymakers exercise their preferences and prerogatives of public choice though may balance retribution and rehabilitation policy themes to varying degrees in juvenile justice policy. Restorative justice concepts became part of the justice system in some areas, yet austere juvenile gang classification and incarceration preferences are more representative in other areas in some circumstances. Rehabilitation and retribution can be part of restorative justice modeling with policy design centered on offender rehabilitation and community healing for instance (Bacote & Perrin, 2019) though violent criminal activity or large-scale threats to the public safety tend to

yield punitive juvenile justice policy direction as in the case of juvenile gang policy and as a carryover into juvenile correctional gang policy.

POLICY RECOMMENDATIONS

Along with juvenile correctional gang policy prescriptions and beyond, Texas is obligated to provide security for its citizens and -in Texas- gang crime is perceived by the public to be a substantial security challenge. Texas policymakers focus efforts on solving gang crime problems and cultivating a sense of awareness in some sense among constituents. Border states like Texas in particular, feature gang activity around trafficking drugs, weapons and people impacting public perception and public policy substantially. The public understands that local gang activity is generally connected to transnational gangs in the Texas security policy environment (Lamothe, 2012). These conditions make for a dynamic policy environment and the policy gaps are correspondingly significant given the weight of the issues.

The chief recommendation from this study is a call to improve awareness of juvenile correctional gang conditions and overlay rehabilitative research into juvenile correctional gang mitigation efforts in combination with increasing the effectiveness of public awareness and perception. Though seemingly broad, foundational progress toward improved public perception and more effective gang mitigation programming is critical in better identifying gaps and strategies given the perception of the weight of the threats and complexity of juvenile correctional gang issues.

Another feature of public perception is understood as a narrative that gangs are challenging for criminal justice professionals, law enforcement personnel, and juvenile justice professionals at the local level (Howell & Griffiths, 2019). Whereas public demand for state

action on transnational criminal gangs, street gangs or adult prison gangs can be difficult to account for, juvenile gang mitigation is comparatively accessible for the criminal justice community to project a level of progress in terms of public perception (Jensen & Howard, 1998). Local and state government efforts may focus more substantially on adult gang activity as compared to efforts on juvenile correctional gang members, but promoting a narrative of successful gang mitigation is more accessible in juvenile carceral settings. The possibility of practical success in managing juvenile corrections gang activities combined with public demand for gang mitigation can manifest as empty policy without responsible programming (Howell & Griffiths, 2019; Jensen & Howard, 1998; Kreinert & Fleisher, 2001). Responsible programming entails fluency with institutional gang information that can be measured against external gang information from transnational, domestic, adult prison gangs, and street gangs as compared gang activity in juvenile carceral environments. There is a gap in both juvenile corrections gang policy and juvenile corrections gang mitigation practices that tends to feature ineffective differentiation among other gang features in mitigation programming (Curry et al., 2014; Howell & Griffiths, 2019).

Drivers for juvenile correctional gang crime is another important element of applying the appropriate research to juvenile corrections gang mitigation policy. Push factors for organized crime in general can be shown to go beyond financial or security needs as motivations for juvenile corrections gang activity are distinct from other gang types. Sociopsychological factors including social identity motivation or treatment deficiencies are important in discerning gang causality in juvenile settings (Blagden & Perrin, 2018; Jaspal & Blackwell, 2014; Jenkins, 2014).

Synthesizing perceptions of social conditions, crime types, and sociopsychological factors as applied to gangs and gang activities provides potential to differentiate characteristics of juvenile corrections gangs. In review of available literature, hypotheses centered on the differentiation with juvenile corrections gangs and other gangs are discernible, yet public perceptions fail to align to significant differences. Among notable differences for juvenile corrections gangs in comparison to adult prison gangs is juvenile correctional gangs limited capacity to project influence negatively impacting public safety (Pyrooz & Decker, 2019). The misapplication of policy focus to juvenile correctional gangs may support a narrative of government success in mitigating gang crime without the policy benefit of addressing more complicated and higher risk gang activities from other gang types.

Voters' calls for decisive action against gang activity are difficult to answer for state criminal justice professionals due to complex gang organization and networks in adult prison gangs and other gangs apart from juvenile corrections gangs. Juvenile corrections gangs are considerably less sophisticated and highly susceptible to targeting by law enforcement for developing measurable progress in gang mitigation.

To contribute to improved policy analysis methodology, the capacity to assess gang characteristics against membership motivation, gang identity formation and causality for juvenile correctional misconduct focusing on social identity and social capital being misattributed as gang activity in the Texas juvenile justice system stands as an important aspect of the research process. Ultimately clarification of conditions aimed toward improved knowledge bases of the Texas juvenile justice system's capacity to meet the obligations is a gap in the Texas Juvenile Justice department gang mitigation policy. Objectives to better meet needs with respect to the

rehabilitation of youths and obligations to preserve public safety against the competing objectives of more punitive solution legacies represents a policy risk both fronts. As research advances, developing measures to assess the antisocial identity/negative social capital construct associated with at risk youth can be applied to better discern gang activity from other juvenile offenders' challenges.

SUMMARY

Perception and reality of juvenile correctional gang activity in Texas does not align in every case which can create policy difficulties. Difficulty becomes likely when public perception is misaligned from the policies that are developed to address public interests. Misappropriated policy narratives can instill lack of confidence in public policy as a result. Perception of juvenile gangs, juvenile justice, and the general factors that inform public safety policy is challenging to understand for most members of the public making policymakers' responsibility to develop effective policy vital. Juvenile corrections gang policy in particular is hindered by the complexity of public perception, policymakers' obligations, and professional demands of juvenile justice professionals to provide the service to achieve the goals of youth rehabilitation and public safety in communities.

This study focuses on the particular complexity of public perception and policy variance within the programming associated with the TJJD juvenile correctional gang context. Specifically, the study approaches the nature of gang associated behaviors as reported and classified within TJJD which may prompt future research on the potential variance from similarly classified gang behaviors in other settings that may prompt questions about policies and associated public perceptions. Ultimately the incongruity of perceptions and policy may

contribute to the risk of failing to meet rehabilitation and public safety goals. The incongruity of the juvenile correctional gang mitigation policy as complicated by a misaligned public narrative and omission of influences of public choice, general strain, social identity, and social capital may offer fertile ground for additional research. Given that misapplied juvenile correctional programming impacts long term rehabilitation goals of juvenile offenders, public choice theory can aid in informing analysis of ill-informed public perception and inadequate policy converging with misattributed gang behaviors and social complexities. These conditions impacting both youth and public safety can be understood from the influences of general strain theory, social identity theory, and social capital theory. With an improved understanding of conditions, solutions may require assessment of perceptions, motivations, and policy measures that may impede rehabilitation and public safety goals related to potential juvenile correctional gang members. .

The study focuses on policymaker preferences subject to public choice conditions likely to influence programing in tandem with some assessment of youth pressures associated with general strain, antisocial identity, and negative social capital conditions in a juvenile carceral setting and the added risks of misapplied criteria for gang identification policies. Ultimately difficulty lies in meeting rehabilitative goals of TJJD for youth while meeting public safety goals for Texas communities.

This study was structured along a limited narrative policy analysis research design using select document analysis of Texas media reporting on juvenile gang conditions in the state and through use of limited state government reports. Broader review of quantitative and qualitative methods may advance a clearer understanding of TJJD gang mitigation policy measures.

Literature review associated with scholarship related to public perception informed analysis along three distinct themes of perception associated phenomena and was contextualized along five thematic support elements associated with policy impact phenomena. Additionally, literature from public choice theory, general strain theory, social identity theory, and social capital theory was applied to the context of public perception and policymakers' preferences in better understanding juvenile corrections gang policy. The prospect of expanding review of literature from the field may yield more substantial context for narrative policy analysis.

Document analysis enabled advancement of the limited narrative policy analysis through examination of Texas media reporting of a particular series of related occurrences and was augmented with limited and select Texas government reporting to aim to reconcile variation between public perception and public policy choices among stakeholders. More expansive research using additional qualitative measures would likely garner improved insights into the narrative policy analysis. Findings were discernible from limited data. The critical findings in this study convey that there are possible examples of misaligned perceptions and policies associated with potentially misidentified juvenile justice offenders associated as juvenile corrections gang members. These conditions present possible risk to goals of meeting rehabilitative goals of youth in state custody and potentially presents risks to public safety as youth are challenged to address unmet needs or to avoid further inculcation into more substantial criminal behaviors. Honing research to fuller development of an antisocial identity and negative social capital construct for youth and policy assessment may have value in separate research areas associated with youth studies, social deviance, and criminology among other fields.

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