

2023-05-01

Examining the Role of Pretrial Detention on the Juvenile Plea Process

Isabelle May Clough
University of Texas at El Paso

Follow this and additional works at: https://scholarworks.utep.edu/open_etd



Part of the [Psychology Commons](#)

Recommended Citation

Clough, Isabelle May, "Examining the Role of Pretrial Detention on the Juvenile Plea Process" (2023).
Open Access Theses & Dissertations. 3874.
https://scholarworks.utep.edu/open_etd/3874

This is brought to you for free and open access by ScholarWorks@UTEP. It has been accepted for inclusion in Open Access Theses & Dissertations by an authorized administrator of ScholarWorks@UTEP. For more information, please contact lweber@utep.edu.

EXAMINING THE ROLE OF PRETRIAL DETENTION ON THE
JUVENILE PLEA PROCESS

ISABELLE M. CLOUGH

Doctoral Program in Psychology

APPROVED:

April Gile Thomas, Ph.D., Chair

Krysita Reed, Ph.D.

Oswaldo Morera, Ph.D.

Lawrence Cohn, Ph.D.

Timothy Dickinson, Ph.D.

Stephen L. Crites, Jr., Ph.D.
Dean of the Graduate School

Copyright 2023 Isabelle M. Clough

Dedication

To my younger self, who wrote endless stories in crayon on construction paper.

Every word written here was possible because of her.

EXAMINING THE ROLE OF PRETRIAL DETENTION ON THE
JUVENILE PLEA PROCESS

by

Isabelle M. Clough, M.A.

DISSERTATION

Presented to the Faculty of the Graduate School of

The University of Texas at El Paso

in Partial Fulfillment

of the Requirements

for the Degree of

DOCTOR OF PHILOSOPHY

Department of Psychology

THE UNIVERSITY OF TEXAS AT EL PASO

May 2023

Acknowledgements

I would like to thank the following people, each of whom made this journey possible:

My mom and dad, who probably didn't expect the journey to last as long as it did but supported me graciously throughout.

Dr. April Thomas, for always encouraging me to achieve my goals (even when I refused to call them goals) and being patient when I inevitably procrastinated on them. Thank you for teaching me how to be the researcher I am today.

The administration and staff at the El Paso Juvenile Probation Department, for opening their doors to an aspirational graduate student and allowing this research to occur.

My committee members, Dr. Krystia Reed, Dr. Osvaldo Morera, Dr. Lawrence Cohn, and Dr. Timothy Dickinson, for their expertise, guidance, and flexibility throughout the duration of this project.

The Legal Ladies, for all the brunches, slumber parties, ramen dates, trivia nights, and pool parties that made graduate school bearable.

My partner Liam, for always making the perfect cup of tea to start my day.

Abstract

Plea bargains are a necessary part of the criminal justice system as a whole, and the juvenile justice system more specifically. However, juveniles may be at a particular disadvantage when entering into a plea bargain as a result of their developmental capacities. Pretrial detention in particular might influence the quality of the final plea agreement that a juvenile accepts, as adolescents would be motivated towards the short-term goal of being released from detention. The current study aimed to examine the relationship between juvenile pretrial detention and plea discounts through mediating relationships with number of attorneys and time to plea. Data collected from 1051 juveniles in El Paso County from January 202–March 2023 were analyzed in a multilevel structural equation modeling framework, with charges nested within referrals. The results yielded several important findings. First, pretrial detention had a differential effect on time to plea depending on its operationalization; juveniles who were detained for longer periods of time accepted a plea agreement more slowly, but juveniles who were detained at the time of their adjudication accepted a plea agreement more quickly. Second, longer time to plea was associated with a greater reduction between the initial charges and the final charges. Third, detention under house arrest rather than in a secure facility mitigated some of the negative effects of pretrial detention on the plea process. Finally, having a greater number of attorneys was associated with longer times to plea. Implications for juvenile justice policy and practice are discussed.

Table of Contents

Acknowledgements	v
Abstract.....	vi
Table of Contents	vii
List of Tables	x
List of Figures.....	xi
Chapter 1: Introduction.....	1
Plea Agreement Procedures.....	1
Legal Standards	2
Plea Discounts	4
Adolescents and The Juvenile Justice System.....	5
Responsibility	6
Temperance	6
Perspective.....	7
Legal Decision-Making	7
Legally Relevant Factors to Consider	8
Pretrial Detention.....	8
Time to Plea.....	11
Attorney Presence and the Attorney-Client Relationship	12
The Current Study	15
Chapter Two: Methods	18
Participants	18

Measures.....	20
Pretrial Detention.....	20
Time-to-Plea	23
Difference in Charge Severity	23
Attorney Information.....	25
Demographics.....	26
Chapter Three: Results	27
Descriptive Statistics	27
Primary Analyses.....	30
Analytic Plan	30
Model 1: Total Time Detained	32
Model 2: Detention Until Adjudication.....	35
Model 3: Time Detained at JPD	38
Model 4: Time Detained at Home	40
Exploratory Analyses	43
Attorney vs No Attorney	43
Initial Charge Severity and Detention Decisions	45
Chapter Four: Discussion	46
Differential Influence of Pretrial Detention on Time to Plea	46
Time to Plea and the Difference Between Initial and Final Charges	48
Detention in Secure Facility vs. House Arrest	49
The Role of Multiple Attorneys	50
Juvenile Justice Implications	52

Strengths, Limitations, and Future Directions.....	54
Strengths	54
Limitations.....	56
Future Directions	62
Conclusion.....	63
References	64
Vita	80

List of Tables

Table 1	19
Table 2	27
Table 3	29
Table 4	34
Table 5	37
Table 6	40
Table 7	42

List of Figures

Figure 1	16
Figure 2	30
Figure 3	33
Figure 4	36
Figure 5	38
Figure 6	41

Chapter 1: Introduction

Plea agreements are an inevitable part of the U.S. criminal justice system, quickly moving backlogged cases through an overcrowded system. In the U.S., approximately 95% of convictions are the result of guilty pleas (Bibas, 2006). To be constitutionally valid, defendants must enter into a plea agreement voluntarily, knowingly, and intelligently (*Brady v. United States*, 1970). Adolescents, however, may be at a disadvantage in their capacities to enter a voluntary, knowing, and intelligent plea due to their developmental immaturity—and this disadvantage may be exacerbated for adolescents who are detained prior to a plea agreement. Despite the heavy consequences that may be incurred as the result of a guilty plea, little research has examined the effect of pretrial detention on adolescent plea procedures. There is, therefore, a critical need to further understand the extent to which pretrial detention influences legally relevant aspects of the plea process among juvenile defendants. This dissertation provides an initial examination into this exact question.

PLEA AGREEMENT PROCEDURES

In *Brady v. United States* (1970), the U.S. Supreme Court ruled that a constitutionally valid guilty plea must be made voluntarily, knowingly, and intelligently. The opinion of the court was that “waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences” (*Brady v. United States*, 1970). In other words, defendants must accept plea agreements without coercion, and have the capacity to understand the charges against them and the consequences of a guilty plea. Despite this constitutional standard for accepting a plea agreement, interpretations of “voluntary, knowing, and intelligent” remain subjective.

Legal Standards

What is Voluntary? A plea is considered voluntary “unless induced by threats (or promises to discontinue improper harassment), misrepresentation (including unfulfilled or unfulfillable promises), or perhaps by promises that are by their nature improper as having no proper relationship to the prosecutor’s business (e.g., bribes)” (*Brady v. United States*, 1970). In other words, a plea is voluntary when it is made in the absence of coercion. The court went on, however, to state that the “hope or assurance of a lesser penalty than might be imposed if there were a guilty verdict after a trial” did *not* constitute coercion—even if the potential trial penalty was capital punishment (*Brady v. United States*, 1970). As long as the defendant has the opportunity to weigh the advantages and disadvantages of going to trial versus accepting a plea, the penalty reduction associated with accepting a plea agreement (i.e., the “plea discount”) was not compelling enough to render a plea involuntary.

In ruling that the threat of the death penalty did not rise to the level of legal coercion, *Brady v. United States* (1970) set a high standard of voluntariness. Despite claims that the plea bargain process as it currently exists is inevitably coercive to defendants (McCoy, 2005), there is a dearth of empirical research examining the extent to which defendants’ plea agreements are made involuntarily. When asked about their reasons for accepting a plea bargain, many defendants indicate feeling both internal and external pressure to plead guilty (Bordens & Bassett, 1985). Similarly, defense attorneys acknowledge that plea agreements may encourage guilty pleas among defendants who would have had a probable opportunity for acquittal if they had gone to trial (Metcalf, 2021). Research also suggests that adolescents perceive their pleas to be less voluntary than adults, potentially indicating that juveniles perceive more pressure or coercion from external influences (Redlich & Shteynberg, 2016). Thus, the very process of plea

barraging appears to have some effect on the perceived pressure to plead guilty experienced by defendants. Yet, Redlich and Summers (2011) found that an overwhelming majority of defendants (93%) actually claimed that their plea agreement was voluntary; however, 30% of those same defendants were not aware that the final plea choice was ultimately theirs to make, and 44% were not aware that guilty pleas must be made voluntarily. These results suggest that although defendants may perceive their pleas to be voluntary, they may not fully understand what it means to be voluntary.

What is Knowing and Intelligent? A plea is considered knowing and intelligent when the defendant has a “sufficient awareness of the relevant circumstances and likely consequences” surrounding the plea (*Brady v. United States*, 1970). Knowledge and intelligence are bolstered when defendants have competent legal representation, are made aware of the charges against them, and are in control of their mental faculties. Put differently, a knowing and intelligent plea requires defendants to have the competence needed to adequately understand the terms and consequences of their plea agreement. Defendants forfeit their constitutional rights by accepting a plea agreement (i.e., their right to a jury trial); as such, they must be competent enough to understand this forfeiture of rights in order to enter into a plea agreement. The standard of competence to *plead guilty* was later determined in *Godinez v. Moran* (1993) to be equal to the standard of competence to *stand trial* as set in *Dusky v. United States* (1960). This so-called Dusky standard stated that competence should examine “whether he [the defendant] has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding—and whether he has a rational as well as factual understanding of the proceedings against him”. The Dusky standard therefore emphasizes two crucial aspects to competence: the ability to understand legal proceedings, and the ability to consult with counsel.

Legal understanding may be dependent on the amount of time that defendants spend with their attorneys before they accept a plea—which can be very limited for juveniles in particular. Indeed, juveniles often have less time to consult with legal counsel than adults (Zottoli et al., 2016), with findings from one study indicating that juveniles in adult court only met with their attorneys an average of two times before accepting a plea agreement (Daftary-Kapur & Zottoli, 2014). Limited opportunities to confer with legal counsel may result in attorneys not having sufficient time to review all relevant information with their juvenile clients before accepting a plea agreement; this may be particularly true for public defenders with overwhelming caseloads (Fountain and Woolard, 2018). Importantly, Viljoen and Roesch (2005) found that adolescents who spend limited time with their attorneys—regardless of their cognitive abilities or age—are more likely to score lower on measures of adjudicative competence. The authors posited two potential explanations for this relationship: 1) Adolescents who spend more time with their attorneys have more learning opportunities, or 2) attorneys spend less time with lower-functioning clients. Given that time spent with attorneys was not correlated with intellectual ability, age, or SES, the authors suggested that the first explanation was more probable.

Plea Discounts

One of the key reasons that defendants may choose to accept a plea agreement is because of the associated “plea discount”, or the reduction in charges that often accompany guilty pleas versus going to trial (Hildebrand, 2001; McCoy, 2005). Indeed, research suggests that even innocent people are willing to falsely admit guilt in exchange for lower punishment (Dervan & Edkins, 2013). Substantial research does suggest that defendants who plead guilty do receive less harsh sentences than defendants who are convicted at trial (Boudreaux, 2016; Ulmer et al., 2010; Walsh, 1990; Yan, 2019; Yan & Bushway, 2018). Even though defendants who are convicted at

trial make up but a small proportion of all convictions in the U.S., the harsh sanctions may serve a deterrent effect for all defendants faced with the decision to go to trial or accept a plea (McCoy, 2005). Zottoli and colleagues (2016) found that plea discounts may be as dramatic as an 80% decrease for adults and a 95% decrease for adolescents. Adults who were facing an average of 152.7 months incarcerated (i.e., almost 13 years) served an average of only 34.4 months in jail (i.e., about 3 years); adolescents who were facing an average of 56.8 months incarcerated (i.e., almost 5 years) served an average of only 1.4 months. Additionally, research has found that defendants are indeed more likely to plead guilty when offered a higher plea discount as compared to a smaller plea discount (Schneider & Zottoli, 2019). Plea bargaining might therefore feel like an inevitable and involuntary choice to defendants. This pressure may be exacerbated for defendants in pretrial detention, although the relationship between pretrial detention and plea discounts has yet to be established empirically. The current study sought to directly address this relationship and its potential mediators.

ADOLESCENTS AND THE JUVENILE JUSTICE SYSTEM

Examining the relationship between pretrial detention and plea discounts in the juvenile justice system is particularly important given adolescents' developmental immaturity. Steinberg and Cauffman (1996) established a working definition of developmental maturity of judgement as three psychosocial dispositions relevant to an individual's decision-making capabilities: responsibility, temperance, and perspective. Psychosocial maturity tends to increase as a function of age both across adolescence (Cauffman & Steinberg, 2000) and into adulthood (Monahan et al., 2013; Modecki, 2008). Due to adolescents' ongoing psychosocial maturity development, they may struggle more than adults to provide a constitutional standard of voluntary, knowing, and intelligent, and be more influenced by the aforementioned risk factors in plea decision-making.

Responsibility

Responsibility encompasses the development of adolescents' independence and identity (Steinberg & Cauffman, 1996). Adolescence has long been considered a period in which young people begin to spend less time with parents (Larson et al., 1996), reject parental authority (Davis, 1940), and establish autonomy from parents (Cohen, 1980). Individuation from parents can be characterized by greater adolescent-parent conflict (Steinberg, 1981; Beardslee et al., 2018), potentially due to differential expectations regarding the appropriate age for behavioral autonomy, such as choosing what clothes to buy or what books to read (Feldman & Quatman, 1988). Increased desire for autonomy from parents is accompanied by a greater sense of identity through self-awareness and self-assuredness (see Marcia, 1980 for a review). Growing independence and identity development can extend early 20's, as emerging adults do not fully see themselves as either adolescents or adults (Arnett, 2000).

Temperance

Temperance is defined by propensities for sensation seeking (i.e., pursuit of novel and arousing activities with low evaluation of risk; Romer, 2010; Zuckerman, 1979) and impulsivity (i.e., diminished ability to control impulses; Steinberg and Cauffman, 1996). Sensation-seeking and impulsive behaviors typically follow a quadratic trajectory, which increases from childhood to adolescence and peaks around age 16 to 18 before declining (Monahan et al., 2009; Monahan et al., 2013; Romer & Hennessy, 2007; Steinberg, 2010). Research suggests that adolescents' tendency to engage in risky behaviors may be due to differential brain systems development—the dual systems model—in which adolescents' incentive-processing system (i.e., ventral striatum) has fully developed, whereas their cognitive control system (i.e., prefrontal cortex) is still developing (Chein et al., 2011; Shulman et al., 2016). In other words, risk-taking propensity

is highest in adolescence due to an overactivated impulse system and under-activated control system, unlike children (for whom both are still underdeveloped) and adults (for whom both are fully developed; Shulman et al., 2016).

Perspective

Perspective is considered the ability to evaluate situations from multiple viewpoints, including both the view of other people as well as the appraisal of both short- and long-term consequences (Steinberg and Cauffman, 1996). Adolescents display developmental tendencies towards delay-discounting (i.e., valuing a small reward now over a larger reward later) and are more sensitive to rewards (Cauffman et al., 2010; Redlich & Goodman, 2003; Steinberg et al., 2009; Steinberg, 2010). Indeed, research suggests that adolescents are less likely than adults to consider risks and benefits in their decision-making (Halpern-Felsher & Cauffman, 2001). Consideration of others and future orientation (i.e., motivation towards, planning for, and evaluation of the future) increase throughout adolescence, as adolescents gain a better appreciation of future consequences (Monahan et al., 2009; Monahan et al., 2013; Nurmi, 1991; Steinberg et al., 2009; Steinberg, 2010).

Legal Decision-Making

Adolescents' capacities for legal decision-making are likewise influenced by the same developmental factors that can impair their decision-making more broadly. Given adolescents' tendencies towards making decisions in favor of immediate gratification (e.g., release from detention) over long-term consequences (e.g., criminal record), risk factors like pretrial detention and expedited time-to-plea likely exert an even greater influence on juvenile plea decisions as compared to adult plea decisions (Schmidt et al., 2003). Research does suggest that adolescents are more likely than adults to falsely plead guilty, which is likely influenced by these

developmental tendencies (Helm et al., 2018). Younger adolescents in particular are more likely than older adolescents to confess and waive their right to an attorney and are less likely to report wanting to appeal their case or discuss disagreements with their attorney (Malloy et al., 2014; Viljoen et al., 2005). Thus, adolescents' individual psychosocial maturity might further contribute to their capacity to enter into a plea agreement voluntarily, knowingly, and intelligently. However, little research has examined the potential relationship between pretrial detention and plea discounts among juvenile populations.

LEGALLY RELEVANT FACTORS TO CONSIDER

Three legal factors may exert a particularly strong influence over plea agreement procedures: pretrial detention, time-to-plea, and the attorney-client relationship. Pretrial detention refers to defendants who are held in jail before they are actually convicted of a crime. Time-to-plea refers to the amount of time between a defendant's arrest and their case resolution.

Pretrial Detention

In 1954, Caleb Foote was among the first to propose that defendants held in pretrial detention are unable to participate in their own defense to the same extent as their non-detained counterparts, brining into question the constitutionality of pretrial detention in plea bargaining.

Research by Kellough and Wortley (2002) indicated that pretrial detention is an important prosecutorial tool in encouraging defendants to accept a plea. Prosecutors were more than twice as likely to withdraw all charges for non-detained defendants than defendants who were held in pretrial detention, and a higher proportion of detainees eventually plead guilty (81% vs. 56% of non-detained defendants; Kellough & Wortley, 2002). For the same reasons that pretrial detention may aid the prosecution in encouraging plea agreements, it may also exacerbate the risks of a defendant entering into a plea involuntarily. Indeed, adult defendants

held in pretrial detention plead guilty faster than those who are not detained (Edkins & Dervan, 2018; Petersen, 2020; Sacks & Ackerman, 2012). Petersen (2020) found that adult defendants held in pretrial detention plead guilty 2.86 times faster than defendants who were not detained. This expedited time-to-plea may be due to defendants in pretrial detention feeling more coerced into accepting plea quickly as a means of getting out of jail—even if that means accepting a less attractive plea offer (Euvrard & Leclerc, 2017).

Further, adolescents appear to be more likely than adults to accept a plea in order to end the legal process, potentially indicating that adolescents are more vulnerable to the pressures of the legal system when making a plea decision (Zottoli & Daftary-Kapur, 2019). One study found that one-quarter of juveniles interviewed mentioned “getting out of jail” as a primary reason for accepting a plea, and over half of the juveniles mentioned wanting to end the legal process more broadly (Daftary-Kapur & Zottoli, 2014). Another study similarly found that attorneys of juvenile clients cited wanting to avoid incarceration as one of the primary reasons why their clients accepted a plea agreement (Fountain & Woolard, 2018). Pretrial detention may therefore further compromise the voluntariness of a plea, particularly among adolescent defendants.

Pretrial detention may also inhibit juveniles’ ability to gain a better understanding of the plea process before accepting a plea agreement. Juveniles are already less likely than adults to competently understand the terms and consequences of plea agreements (e.g., that a guilty plea results in a criminal record; Grisso et al., 2003; Redlich & Shteynberg, 2016; Zottoli & Daftary-Kapur, 2019). Younger adolescents demonstrate more difficulties than older adolescents in understanding even basic legal concepts—such as the role of their defense attorney—but legal understanding is also still improving even into young adulthood (i.e., ages 18 and 19; Pierce & Brodsky, 2002). Adolescents in adult court have a limited understanding of the plea bargain

process, are not fully aware of their legal options, and are more focused on the short-term benefits of accepting a plea deal rather than the long-term consequences (Daftary-Kapur & Zottoli, 2014). Adolescents in juvenile court have a similarly limited legal understanding and struggle to identify the roles of different court actors (i.e., defense attorney, prosecutor, and judge; Rajack-Talley et al., 2005). Findings from Kaban and Quinlan (2004) indicated that even educated juvenile participants with experience in the juvenile justice system failed to correctly identify 86% of terms relevant to their legal proceedings. This study found that even juveniles who believed they understood the definition of a legal word provided incorrect definitions, suggesting that adolescents' perceptions of their legal understanding do not always align with their actual understanding. Given adolescents already poor understanding of legal proceedings, it is likely that being held in pretrial detention would exacerbate the existing negative effects of low legal understanding.

Juveniles who are detained prior to accepting a plea agreement may also spend less time with their attorneys building a strong defense, although empirical research in this area is scarce. Some work has found that lawyers spend less time with their detained clients than their clients who are not in jail (Allan et al., 2005). As such, pretrial detention may exacerbate the effect of limited legal knowledge on juveniles' legal decision-making by making it more difficult for adolescent defendants to confer with their defense attorneys.

Existing research on the effects of juvenile detention on the plea process has focused on detention in a secure facility. However, house arrest or electronic monitoring is often used as an alternative to detention, particularly among juvenile populations (Office of Juvenile Justice and Delinquency Prevention, 2014). Home confinement is often preferable to detention for both the juvenile and the justice system, as it keeps youth out of jail and helps to prevent overcrowding in

facilities (Austin et al., 2005). Additionally, home confinement as an alternative to detention has been shown to save the justice system approximately 65% of the cost it takes to keep an inmate detained (McConnell, 2023). Despite the popularity of house arrest as an alternative to detention within a secure facility, little research has specifically examined the differences in house arrest versus secure detention on juvenile plea proceedings.

Time to Plea

Plea agreements are often offered to defendants shortly before their plea hearing (i.e., the morning of their hearing), which requires defendants to make a plea decision quickly and with little time to consult with their attorney (Fountain & Woolard, 2018; Zottoli et al., 2016). Findings from Zottoli and colleagues (2016) suggest that juveniles may be under even greater time pressures than adult defendants; whereas almost 60% of adults reported having at least a day to consider a plea agreement, only about 29% of juveniles reported having same amount of time. Alarming, this study also found that 49% of juvenile defendants had less than one hour from the time they first heard about the plea offer to the time they had to decide (Zottoli et al., 2016). This rapid time-to-plea turnaround may have a negative impact on the voluntary, knowing, and intelligent aspects of plea decisions.

Defendants who are offered limited time to consider the terms of a proposed plea agreement may feel more coerced into accepting a guilty plea. Indeed, research suggests that plea discounts are more pronounced for defendants who plead guilty earlier, which could pressure defendants into accepting a plea as quickly as possible in order to receive the greatest possible discount (Bradley-Engen et al., 2012). Prosecutors can place time limits on plea offers in an attempt to get defendants to plead guilty faster (i.e., “exploding” offers), and can even tell defendants that they will face a higher sentence if they do not accept the proposed offer (Alkon,

2016). Overworked public defenders representing these defendants may be unwilling or unable to spend time negotiating with the prosecution beyond the initial plea offered; indeed, research suggests that having a public defender is associated with unfavorable outcomes for defendants (Stemen & Escobar, 2018). Hasty time-to-plea may therefore result in external pressures from both the prosecution and the defendant's own defense attorney to accept a plea quickly.

Limited time-to-plea also means that defendants have less time to consult with their attorneys regarding the terms and consequences of the plea agreement (Work, 2014). Indeed, findings from Fountain and Woolard (2018) indicated that attorneys spent an average of 46 minutes discussing the plea with their client; however, when pleas were discussed on the day of the trial, attorneys spent an average of only 38 minutes discussing with their client.

Time to plea in terms of the amount of time from arrest to adjudication (rather than time from plea offer to plea acceptance) can also impact a juvenile's case, although this has been addressed less extensively in prior research. There is some research to suggest that shorter case processing times are associated with reduced juvenile recidivism (Rasmussen, 2004).

Importantly, one study found that longer case processing times are particularly detrimental for juveniles who were detained for at least one day prior to disposition in terms of rearrest (Novak & Hartsell, 2022). It is also noteworthy to mention that the U.S. Supreme Court has never been asked to rule on juveniles' rights to a speedy trial, which are protected for adults by the Sixth Amendment (Butts et al., 2009). More research is needed regarding overall case processing times in regards to juvenile justice outcomes and procedures.

Attorney Presence and the Attorney-Client Relationship

The U.S. Supreme Court has held that the due process clause of the 14th Amendment applies to juvenile defendants as well as adult defendants (*In re Gault*, 1967). Of particular note

for the present study, this means that juveniles have the right to counsel. Not all youth who appear in juvenile court, however, are represented by an attorney. A report from the National Juvenile Defender Center found that only 11 states provided every child accused with an offense with a lawyer, regardless of financial status (2017). The presence or absence of an attorney can have tangible consequences on a youth's case. Some research has suggested that juvenile cases take longer to process when the youth is represented by an attorney than those who are non-represented as a result of more motions being filed in the case (Mahoney, 1985). However, other research has found that youth who are represented by defense counsel receive more harsh punishments as compared to youth without a defense attorney (Armstrong & Kim, 2011; Kokkalera et al., 2021). Specifically, juveniles represented by an attorney are more likely to receive an out-of-home placement at disposition than juveniles who are non-represented (although this could potentially be explained by judges ensuring youth are represented on cases where they anticipate an outcome of out-of-home placement; Burruss et al., 2020; Feld & Schaefer, 2010). Beyond looking at how juvenile plea procedures are affected when a youth is represented versus non-represented, little research has examined how the *number* of attorneys a youth has might impact plea procedures and potentially delay or disadvantage juveniles during this process.

Juveniles' relationships with their attorney(s) can also impact their case. Defense attorneys are the legal actors most familiar with a juvenile's case and individual juvenile capacities to enter into a voluntary, knowing, and intelligent plea agreement. Prior research suggests that defense attorneys—more so than judges or prosecutors—recognize that juveniles have minimal legal knowledge that may approach the level of incompetence to plead (NeMoyer et al., 2018; Viljoen et al., 2010; Woestehoff et al., 2019). However, despite recognizing issues

with competence among their clientele, public and private defense attorneys are equally reluctant to raise issues of competence to the court, given the high threshold for proving incompetence to plead guilty (NeMoyer et al., 2018). Given that defense attorneys are already reluctant to raise concerns regarding their juvenile client's understanding of the plea process, juveniles without an attorney or who cycle through multiple attorneys throughout the course of a case are likely at an increased risk of misunderstanding the plea agreement they are entering into.

This is an important consideration given that juveniles tend to be distrustful of juvenile justice officials—including public defenders (Rajack-Talley et al., 2005). Indeed, juveniles are more likely than adults to endorse refusing to speak to an attorney and not disclosing their involvement in the crime (Schmidt et al., 2003). Further, one study found that only 69% of juveniles were willing to disclose what really happened to their attorney (Viljoen et al., 2005). Juveniles with limited legal knowledge may trust their attorneys even less than juveniles with more comprehensive legal knowledge (Pierce & Brodsky, 2002). This is important given that juveniles with less legal knowledge likely require more communication with their attorneys to reach a “voluntary, knowing, and intelligent” threshold. Limited research in this area suggests that attorneys may be aware of the limitations in their communication with juvenile clients. One study found that defense attorneys indeed perceived their juvenile clients to be less engaged in the legal process than adult clients (Woestehoff et al., 2019). Another study found that approximately one-third of attorneys surveyed attempted to take a “developmentally informed approach” to communicating with their juvenile clients by providing comprehensive information about the plea agreement without applying undue pressure to accept the plea (Fountain & Woolard, 2018, p. 198). However, juveniles without an attorney or juveniles with multiple

attorneys likely do not have the same opportunities to confer with defense counsel before entering into a plea agreement—although this has yet to be studied empirically.

THE CURRENT STUDY

Extant literature suggests that adolescents, due to their developmental immaturity, may struggle to provide the same standard of voluntariness, knowledge, and intelligence as adults during the plea bargain process. Pretrial detention may further diminish adolescents' decision-making and have a negative impact on subsequent plea procedures, thus further disadvantaging juveniles from entering a fully voluntary, knowing, and intelligent plea. However, the extent to which pretrial detention influences the juvenile plea process has yet to be established. The objective of this proposal is therefore to determine how pretrial detention influences juvenile plea agreement outcomes through the number of attorneys they retain and the amount of time between arrest and adjudication. To achieve this objective, the theoretical model in Figure 1 will be tested. Four distinct models will be tested, each with a different operationalization of pretrial detention. The following aims and hypotheses will be addressed:

Aim #1: Examine how length of pretrial detention and detention until adjudication (i.e., detention at the time a guilty plea is entered) directly and indirectly impact juvenile plea processing. I hypothesize that:

1. Juveniles who are 1) detained for longer periods of time, and 2) detained until their adjudication date will:
 - a. Have more attorneys than juveniles who are not detained (a₁ path).
 - b. Accept a plea agreement faster than juveniles who are not detained (a₂ path).
 - c. Receive less of a plea discount than juveniles who are not detained (c' path).
2. Juveniles with more attorneys will:

- a. Accept a plea agreement slower than juveniles with less attorneys (d_{21} path).
 - b. Receive less of a plea discount than juveniles with less attorneys (b_1 path).
3. Juveniles who accept a plea agreement faster will receive a greater plea discount (b_2 path).
4. Pretrial detention will have an indirect effect on plea discounts through its association with:
- a. Number of attorneys (a_1b_1 path).
 - b. Time to plea (a_2b_2 path).
 - c. Both number of attorneys and time to plea ($a_1d_{21}b_2$ path).

Aim #2: Examine how the location of detention influences juvenile plea processing. I

hypothesize that the previously hypothesized direct and indirect effects of pretrial detention will be:

- 1. Stronger for youth detained at JPD.
- 2. Weaker or nonexistent for youth detained at home.

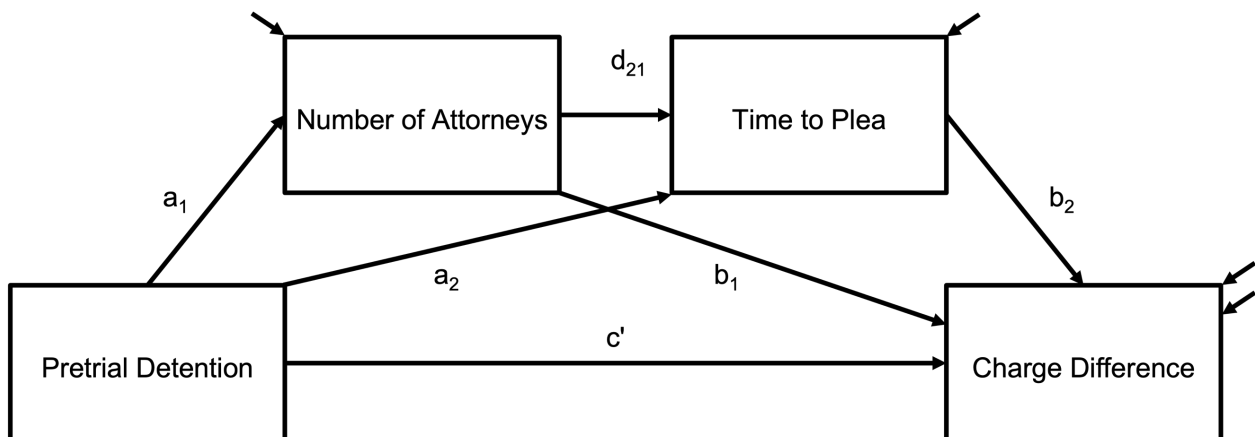


Figure 1

Note. This proposed path analysis shows the effect of number of days detained on charge difference, with number of attorneys and time to plea as serial mediators.

Chapter Two: Methods

PARTICIPANTS

A power analysis was conducted using Quantpsy computer software (Preacher & Coffman, 2006) to determine the appropriate sample size; specifically, the “Compute Sample Size for RMSEA” software was utilized in order to determine the appropriate sample size to test the model fit of the Theoretical Model. The following values were input to conduct the power analysis: Alpha = .05, $df = 10$, Desired Power = .80, $RMSEA_{Null} = .05$, $RMSEA_{Alternative} = .08$ (RMSEA values were selected based on recommendations by MacCallum et al., 1996 for testing close fit). A final sample size of 781.25 was generated as necessary for testing differences the fit of the Theoretical Model.

Participant data for this study were obtained from the El Paso Juvenile Probation Department (JPD) on the authorization of the Deputy Chief. All youth who were arrested and adjudicated through El Paso JPD from January 2022 to March 2023 were included in the final sample. Individual juveniles could be represented more than once in this data if they received multiple referrals during this time period (a referral being a formal request for prosecution for alleged criminal behavior). Juveniles who were diverted at intake were not included in the requested data, as these youth do not participate in a plea agreement process or receive a formal referral. Four data files were included in this request: 1) juvenile-level information on each youth who was adjudicated, 2) attorney-level information for each attorney who worked on each juvenile’s case, 3) charge-level information (each referral could have multiple charges, and each youth could have multiple referrals), and 4) detention-level information (each referral could have multiple detention periods, and again each youth could have multiple referrals). The data on youths and attorneys were linked through a Juvenile Identification Number (JID), and the data on

charges and detention periods were linked through both the JID and a referral number. I combined the data into a single file with the charges as the level of analysis. After receiving the data from JPD, I deidentified all files so as to not include any personal information about juveniles or their attorneys.

The final sample included $N = 1382$ charges among $N = 1158$ unique referrals and $N = 1051$ unique juveniles. Juvenile demographic information for both only unique juveniles and for all unique referrals is shown in Table 1. The gender and language of the youth should be consistent across multiple referrals, but the age may be different. Juveniles were between 10 and 18 years old at the time of their adjudication; among unique referrals, the majority of juveniles were between 14 and 16 years old (72.8%) with an average age of 14.75 ($SD = 1.39$). Among unique individuals, the majority of juveniles were male (65.2%) and English speakers (90.7%).

Table 1

Juvenile Demographics

Age	Unique Juveniles ($N = 1051$)		Unique Referrals ($N = 1158$)	
	<i>n</i>	%	<i>n</i>	%
10	1	.1	1	.1
11	14	1.3	14	1.2
12	58	5.5	59	5.1
13	126	12.0	136	11.7
14	216	20.6	243	21.0
15	277	26.4	302	26.1
16	269	25.6	298	25.7
17	88	8.4	103	8.9
18	2	.2	2	.2
Gender				
Male	685	65.2	776	67.0
Female	366	34.8		
Primary Language				
English	953	90.7	1051	90.8
Spanish	65	6.2	73	6.3
Unknown	33	3.1	34	2.9

MEASURES

Pretrial Detention

Juveniles who are detained at the time of their arrest in El Paso County will receive a hearing within 24 hours of this initial detention, at which point a judge will decide whether or not to release them. This hearing must occur within 24 hours given that bail/bond does not exist in this juvenile justice jurisdiction; juveniles can only be released from detention by a judge's order. Pretrial detention for this study was measured both continuously (i.e., the number of days or partial days the juvenile was detained) and dichotomously (i.e., whether or not the juvenile was detained at the time of their adjudication) using the start date/time and end date/time of each detention period. Pretrial detention information is identical for all charges in a given referral but can differ for the same youth across multiple unique referrals.

Total Number of Days Detained. The first indicator of pretrial detention calculated was the number of days the juvenile was detained within a given referral. Each *referral* could include multiple *detention periods* (i.e., juveniles could be released from detention and then re-detained before their case was resolved). The official data included the start date and time and the end date and time of each unique detention period. If no end date and time was provided, this indicated that the youth was still detained at the time the data was provided on 4/13/23, and this date was entered as the detention end date. I first calculated the total number of *minutes* in the detention period by taking the difference between the start date and time and the end date and time. I then calculated the total number of *hours* in the detention period by dividing the number of minutes detained by 60. Finally, I calculated the total number of *days* in the detention period by dividing the number of hours detained by 24. This value of total days in detention period

could, therefore, include non-integer values, given that it was calculated by starting with the number of minutes detained rather than considering each day as a full 24 hours (i.e., a score of 2.5 would indicate that the juvenile was detained for two and a half days). This operationalization of number of days detained was appropriate for the current study because it is not uncommon for juveniles in El Paso County to be detained for periods of less than 24 hours at a time, given that they must receive a hearing within 24 hours of being detained. After calculating the amount of time in each unique detention period, I then calculated the total amount of time juveniles were detained for each referral. Detained juveniles in the current sample experienced between one and seven unique detention periods per referral, resulting in one to seven values of days detained as calculated previously. I created a summary score of the total number of days detained across all detention periods within one referral; if a juvenile was only detained for one detention period, total days detained would be equal to the days detained for that singular detention period. Again, the final number of days detained per referral could include non-integer values.

Number of Days Detained by Detention Location. Each unique detention period could occur at one of two locations: the JPD detention center (i.e., a secure facility) or the juvenile's home (i.e., house arrest). I also calculated the number of days juveniles were detained at both locations based on the location information provided by JPD. Within one referral, juveniles could be detained at one or both locations—for example, a juvenile might start at JPD detention and then move to house arrest after their first hearing—so detained youth could have a days detained score for just JPD detention, just home detention, or both. The number of days a juvenile was detained at a given location was mutually exclusive, such that the total number of

days detained as calculated previously was equal to the number of days detained at JPD plus the number of days detained at home.

Detention Until Adjudication. The second indicator of pretrial detention calculated was whether or not the juvenile was detained up until their adjudication date. If the adjudication date was between any of the detention period start dates and end dates (inclusive of the end date), the case was considered *Detained on adjudication date* (1). If the youth was not within any detention period at the time of their adjudication, the case was considered *Not detained on adjudication date* (0). Cases coded as *Not detained on adjudication date* included both juveniles who were never detained during their referral period and youth who were detained but released prior to their adjudication. This operationalization of pretrial detention has several advantages over the continuous measure of number of days detained: 1) youth who were detained for a period of time but *not* during their adjudication would not be motivated to accept a plea agreement in order to be released from detention (Petersen, 2020), and 2) there is less likelihood for a bidirectional relationship with time to plea (i.e., youth are spending longer in detention because their case is taking a long time to resolve), given that the length of time from arrest to adjudication should not impact whether or not a youth is detained at the time of their adjudication. Finally, a dummy-coded detention location variable was created based on where the youth was detained at the time of their adjudication: *JPD* (0) or *Home* (1). If the youth was not detained at the time of adjudication—that is, if they were released prior to adjudication or were never detained—this variable was considered missing, and no value was calculated for detention location at the time of adjudication.

Time-to-Plea

Time-to-plea was determined by calculating the number of days from the juvenile's arrest date to their adjudication date, which is when a determination of guilt is established by plea or trial in juvenile court. This operationalization of time-to-plea has been used in prior studies examining whether pretrial detention leads to faster pleas in adult populations (Petersen, 2020; Sacks & Ackerman, 2012). Additionally, looking at time-to-plea as a number of whole days is appropriate for the current study because at least 24 hours will pass between the time that a juvenile is arrested and their initial appearance in court (i.e., their first opportunity to accept a plea). Time to plea was calculated for each charge in a given referral; although arrest date is usually identical for all charges in a referral, different charges could be adjudicated on different dates and would therefore result in different times to plea. Additional case processing variables were also created, including the time from arrest to disposition (i.e., sentencing) and the time between adjudication and disposition. Looking at disposition dates, however, would have excluded any juveniles who received deferred prosecution at the time of adjudication and did not receive a formal disposition. Given that arrest to adjudication was the most appropriate timeframe for use in the current study, the other case processing variables were not used further.

Difference in Charge Severity

Prior research has operationalized the quantitative difference between initial charges and final plea agreements (i.e., plea discounts) as the difference in the amount of jail time between charging and plea. For example, Zottoli and colleagues (2016) looked at the difference between the number of months in prison adult defendants faced if they were convicted on their original charges versus the number of months they actually served in prison after pleading guilty. Another study conducted with defense attorneys, prosecutors, and judges defined the plea

discount as the difference between participants' estimates of a maximum sentence at trial and a plea sentence, which ranged from 1 month to 25 years and 11 months (Redlich et al., 2016). However, given juvenile courts' emphasis on rehabilitation, juveniles are often given sentences that include alternatives to jail time. Indeed, probation is consistently the most common sanction given to adjudicated juveniles (Sickmund, 1997; Puzzanchera & Hockenberry, 2021), and juveniles adjudicated in El Paso County often receive deferred prosecution in lieu of a formal probationary or incarceration sentence. As such, the current study aimed to operationalize plea discount more inclusively than differences in jail time by examining differences in the severity of all charges in a given referral between the initial charges at the time of arrest and the final court-accepted charges.

Difference in charge severity was calculated for each charge in a referral based on the differences between level and degree of the initial charges and the final charges. All charges were classified as either violations of the Penal Code (e.g., assault, burglary) or Health and Safety Code (e.g., marijuana possession). Family Code violations including status offenses (i.e., offenses that are only considered illegal for minors but would not be illegal for adults, such as truancy) were not included. Chapter 12 of the Texas Penal Code classifies eight different offense level categories (Texas Penal Code, 1994). First, offenses are designated as either misdemeanor or felony level. Felony level offenses are further classified into one of five degrees: Capital (most serious type of felony offenses), first degree, second degree, third degree, and state jail (least serious type of felony offense). Although juveniles in Texas can be charged with capital offenses, these cases are exceedingly rare and no juveniles were charged with a capital offense in El Paso County during the timeframe of the current study; as such, first-degree felonies are considered the most serious charge for the purposes of this study. Misdemeanor level offenses

are further classified into one of three degrees: Class A (highest level of misdemeanor offense), Class B, or Class C (lowest level of misdemeanor offense). Class C misdemeanors are offenses which may only be punishable by a fine and are not represented in this study. Each referral may contain multiple charges of the same or different offense degrees/levels.

A new variable was created to represent the combined level and degree of each charge, such that higher values indicated a more serious level and degree (6 = first-degree felony, 5 = second-degree felony, 4 = third-degree felony, 3 = state jail felony, 2 = Class A misdemeanor, 1 = Class B misdemeanor). The difference between the initial charges and the final charges was then calculated by subtracting the final charge value from the initial charge value; a negative score indicated a decrease from the initial charges, a positive score indicated an increase from the initial charges, and a score of zero indicated that the charge level and degree did not change between the initial charges and the final charges.

Attorney Information

The type of attorney representing the youth and the number of attorneys assigned to a youth were calculated. Attorney information was provided at the youth-level of analysis, so the type and number of attorneys was consistent across all charges and referrals for a given youth.

Type of Attorney. During juvenile intake proceedings, a probation officer conducts a financial report to determine the juvenile's eligibility to receive a court-appointed attorney. Ineligible juveniles are instructed to appoint private counsel. Eligible juveniles might receive a public defender from the El Paso Public Defenders Office; there are three public defenders in this office who work on juvenile cases. However, most juveniles in El Paso County will retain a third type of counsel: a wheel attorney. Wheel attorneys in El Paso County are private attorneys who work "on the wheel" at the courthouse and rotate on a weekly basis. Juveniles whose

families are not eligible to receive public defender assistance, but who are unable to afford to find and appoint their own private attorneys, will often choose to have the attorney “on the wheel” that week appointed to their case for a reduced fee¹. The attorney information provided by JPD listed which attorneys were assigned to which youth, whether the attorney was classified as “appointed” or “retained”, and the company the attorney works for. I recoded attorney type into three categories: Public Defender, Wheel Attorney, or Private Attorney. All attorneys initially classified as “retained” were coded as private attorneys. Attorneys who were classified as “appointed” *and* whose company was listed as “El Paso Public Defenders” were coded as public defenders. Finally, attorneys who were classified as “appointed” but whose company was listed as anything other than “El Paso Public Defenders” were coded as wheel attorneys.

Number of Attorneys. Each juvenile could have multiple associated attorneys. A variable was created to count the total number of attorneys that had worked with each juvenile. Juveniles may have had the same attorney listed twice if the attorney started out as appointed (i.e., as a wheel attorney) and was later retained privately; this attorney count therefore only included the number of *unique* attorneys on a youth’s case.

Demographics

Juvenile age at time of adjudication was calculated by subtracting the juvenile’s birthdate from the adjudication date. As noted previously, juveniles who appear in the data for multiple referrals may have different ages depending on when the adjudication date occurred in relation to their birthdate. Additionally, the juvenile’s sex and primary language was reported.

¹ Wheel attorney definitions may vary by state, and here refers exclusively to the Texas juvenile justice system.

Chapter Three: Results

DESCRIPTIVE STATISTICS

Descriptive statistics for the variables of interest are reported in Table 2. Among the entire sample, youth were detained anywhere from 0 to 976.58 days in total per referral with an average detention length of 18.76 days. Notably, among only referrals where youth experienced some amount of detention (25% of the total sample), the average total detention length per referral was 75.17 days, indicating that the overall average dramatically decreased as a result of youth in the dataset who did not experience any amount of detention (75% of the sample). This pattern was also reflected in the average amount of time youth were detained in JPD and at their homes, specifically. Among the entire sample, the average detention length was 10.15 days in JPD and 8.61 days at home; among only referrals where the youth experienced detention at the respective locations, the average detention length was 43.87 days in JPD and 65.14 days at home. 14.4% of all juveniles were detained at the time of their adjudication, and of these juveniles 61.2% were detained at JPD.

Table 2

Descriptive Statistics for Main Variables

Variable	Mean	SD	Median	Range
Total Days in Detention	18.76	62.02	0	0 – 976.58
Days in JPD Detention	10.15	46.40	0	0 – 976.58
Days in Home Detention	8.61	33.76	0	0 – 506
Days from Arrest to Adjudication	169.63	176.11	114.00	6 – 1495
Number of Attorneys	1.29	1.30	1.00	0 – 7
Difference from Initial to Final Charges	-0.19	0.75	0	-5 – +3

The number of days between arrest and adjudication ranged from as few as 6 days to as many as 1495 days (over 4 years). On average, there were about 170 days (over 5 months) between the juvenile's arrest and their final adjudication. Youth had anywhere between 0 and 7 unique attorneys, with an average of 1.29 attorneys. Of note, 37.2% of juveniles did not have any attorney assigned to their case. The majority of juveniles with only 1 attorney had a wheel attorney (56.5%) whereas when juveniles had 2 or more attorneys the majority of the additional attorneys were public defenders (62.7–100%).

The frequency of each initial and final offense level is reported in Table 3. Class A misdemeanors were the most common level of offense at both the initial and final charges (28.5% and 32.7%, respectively). Differences between the initial charges and final charges ranged from -5 (i.e., moving down 5 degrees in severity) to +3 (i.e., moving up 3 degrees in severity) with an average of -0.19 indicating that there tended to be a slight decrease between the initial and final charges. The majority of charges had no change between the initial and final charges (86.4%, $n = 1177$) and only a small number of cases had an increase between the initial and final charges (2.5%, $n = 35$)². The remaining 11.1% of cases ($n = 151$) decreased in severity between initial and final charges. 6.7% of charges ($n = 91$) dropped from a felony initial charge to a misdemeanor final charge. The average change in charges for each initial charge level is represented in Figure 2. Class B misdemeanors had the greatest average increase from initial to final charges (+0.09) and first-degree felonies had the greatest average decrease from initial to

² Given that cases where charges increased from initial to final charges are likely qualitatively different from cases where charges decreased or stayed the same (e.g., new evidence may have been discovered that would warrant an increase in charges), the proposed analyses were also conducted after omitting these charges. The significance of model fit and parameter estimates were not affected by omitting these charges and the final analyses reported therefore include all charges.

final charges (-1.00); this is unsurprising, given that Class B misdemeanors can only stay the same or increase, and first-degree felonies can only stay the same or decrease.

Table 3

Frequency of Initial and Final Charge Offense Levels

Initial Charge	Final Charge						Total (%)
	<i>F1</i>	<i>F2</i>	<i>F3</i>	<i>FS</i>	<i>MA</i>	<i>MB</i>	
F1	31	21	2	2	7	1	64 (4.7%)
F2	5	92	8	5	30	1	141 (10.3%)
F3	0	0	339	18	13	11	381 (28.0%)
FS	0	0	12	248	14	14	288 (21.1%)
MA	0	2	5	3	375	4	389 (28.5%)
MB	0	0	0	1	7	92	100 (7.3%)
Total (%)	36 (2.6%)	115 (8.4%)	366 (26.9%)	277 (20.3%)	446 (32.7%)	123 (9.0%)	1363 (100%)

Note. F1 = First-Degree Felony. F2 = Second-Degree Felony. F3 = Third-Degree Felony.

FS = State Jail Felony. MA = Class A Misdemeanor. MB = Class B Misdemeanor.

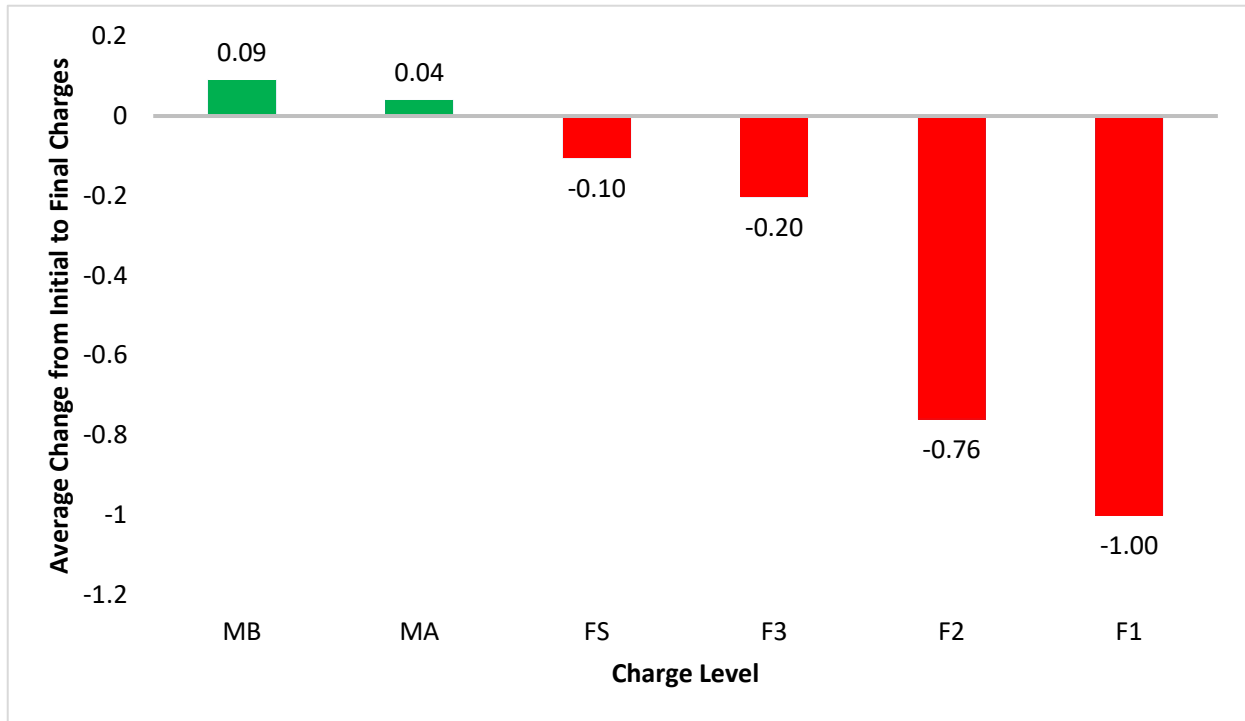


Figure 2

Average Change from Initial to Final Charges by Initial Charge Level

Note. This bar graph shows the average amount of change from the initial charges to the final charges by charge level. Average change greater than 0 (green bars) indicate that the final charges were *higher* than the initial charges. Average change less than 0 (red bars) indicate that the final charges were *lower* than the initial charges.

F1 = First-Degree Felony. F2 = Second-Degree Felony. F3 = Third-Degree Felony. FS = State Jail Felony. MA = Class A Misdemeanor. MB = Class B Misdemeanor.

PRIMARY ANALYSES

Analytic Plan

To address the hypotheses of interest, I analyzed four multilevel serial multiple mediator models using a multilevel structural equation modeling (MSEM) framework in Mplus (Muthén

& Muthén, 1998–2017). A serial multiple mediator model is appropriate for the current study given that I hypothesize associations between the two variables proposed to mediate the relationship between pretrial detention and charge differences (i.e., number of attorneys and time to plea; Hayes, 2022). The four MSEM models are depicted in Figure 1 such that each arrow indicates a parameter to be estimated; there were 11 total parameters in total [7 regression coefficients and 4 residual variances (the direct effect of time to plea on charge difference and the residual variance of charge difference were estimated at both the between- and within-levels)]. Each model includes 4 variables (1 exogenous variable and 3 endogenous variables), with the only difference being the operationalization of the pretrial detention predictor variable.

Given that each referral could contain multiple charges, charges (Level 1) were nested within referrals (Level 2). Although one juvenile could also have multiple referrals, individual juveniles were not included as a Level 3 nested variable because MSEM frameworks are generally not recommended multiple levels of nesting (Preacher et al., 2010), and if utilized would require massive sample sizes that were not feasible within the current study (Preacher, 2009). Level 1 variables included charge difference and time to plea, as these values could vary for different charges in the same referral. Level 2 variables included number of attorneys and all operationalizations of pretrial detention, as these would be consistent for all charges in a given referral. To confirm that multilevel modeling was appropriate, intraclass correlation coefficients (ICC's) were computed for the dependent variables of each model.

Models were determined to be a good fit to the data if one or more of the following fit criteria were met: the root mean square error of approximation (RMSEA) value is less than .06, the comparative fit index (CFI) value is greater than .90, and/or the standard root mean square residual (SRMR) value is less than .08 (Hu & Bentler, 1999; MacCallum et al., 1996). Maximum

likelihood estimation with robust standard errors (MLR) was used to estimate effects because it is robust to nonnormality, nonindependence of observations, and missing data (Hox et al., 2010). Additionally, MLR estimation is often used for mediation models due to estimates of indirect effects being not normally distributed³. The following direct effects were tested: 1) the between-level effect of pretrial detention on number of attorneys (a_{1-b} path), 2) the between-level effect of pretrial detention on time to plea (a_{2-b} path), 3) the between-level effect of number of attorneys on time to plea (d_{21-b} path), 4) the between-level effect of number of attorneys on charge difference (b_{1-b} path), 5) the between-level effect of time to plea on charge difference (b_{2-b} path), 6) the within-level effect of time to plea on charge difference (b_{2-w} path), and 7) the between-level effect of pretrial detention on charge difference (c' path). The indirect effects of pretrial detention on charge difference through the following mediators were also tested: 1) number of attorneys ($a_{1-b}b_{1-b}$ path), 2) time to plea ($a_{2-b}b_{2-b}$ path), and 3) both number of attorneys and time to plea ($a_{1-b}d_{21-b}b_{2-b}$). Direct and indirect effects were considered significant at $p \leq .05$. Significant effects are interpreted as the effect of a one unit increase in X on Y, holding all other model coefficients constant.

Model 1: Total Time Detained

Model 1 used total number of days detained (i.e., days detained at both JPD and the youth's home) as the predictor variable. The total number of days detained was used to predict the difference between initial and final charges, as mediated by both number of attorneys and time to plea (see Figure 3). The ICC values for time to plea and charge difference indicated that a multilevel structure was appropriate for the data (0.716 and 0.877, respectively). Model 1

³ Given the extent of nonnormality in the data, the proposed models were also analyzed using Bayes estimation. Number of attorneys became nonsignificant in all paths, but the dichotomous measure of attorneys (discussed in Exploratory Analyses) was still significant even with Bayes estimation.

resulted in an RMSEA estimate of 0.000, an SRMR estimate of 0.001 for within-level effects and 0.000 for between-level effects, and a CFI estimate of 1.000, all indicating good model fit. Full model results, including parameter estimates and significance, are reported in Table 4.

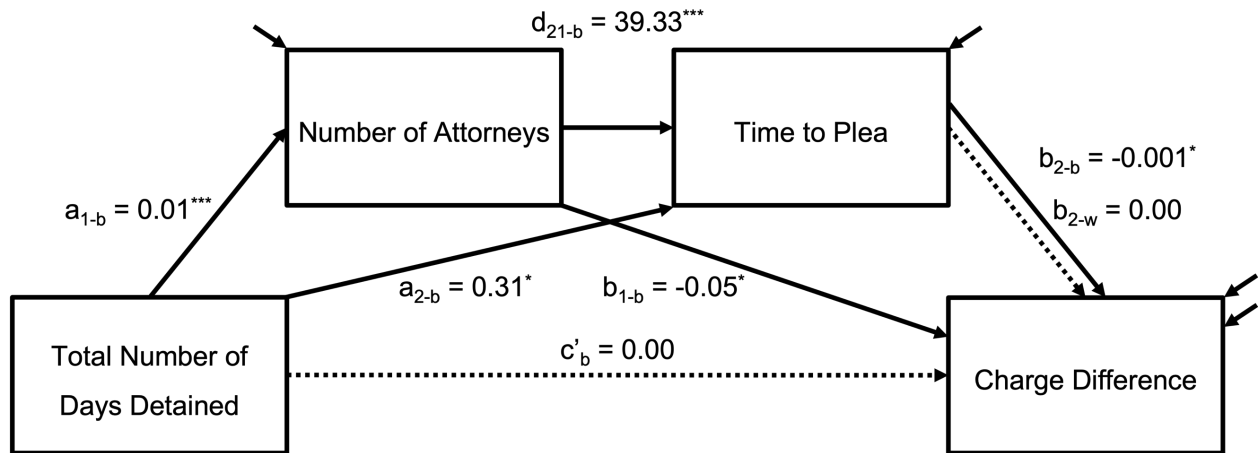


Figure 3

Note. This path analysis shows the effect of number of days detained on charge difference, with number of attorneys and time to plea as serial mediators. Statistics are unstandardized regression coefficients. Dotted lines represent nonsignificant paths and solid lines represent significant paths.

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

Pretrial detention was significantly associated with both number of attorneys ($a_{1-b} = 0.01$, $p = 0.000$) and time to plea ($a_{2-b} = 0.31$, $p = 0.050$). For every one-day increase in the total number of days the youth was detained, the number of attorneys increased by 0.01, consistent with hypotheses. Contrary to hypotheses, pretrial detention was also marginally significantly associated with time to plea, such that for each day the youth was detained the case took .31 more days to resolve; in other words, a youth who was detained for the average of 19 days and

would take about 6 days longer to have their case resolved. As hypothesized, the number of attorneys was significantly associated with the time to plea, such that for each additional attorney the youth had, the case took 39.33 more days between arrest and adjudication ($d_{21-b} = 39.33, p = 0.000$). The number of attorneys the youth had was also significantly associated with the charge difference ($b_{1-b} = -0.05, p = 0.012$), such that for every additional attorney the charges decreased by -0.05—contrary to the hypothesized association. Time to plea was not associated with the difference between initial and final charges at the within-level ($b_{2-w} = 0.00, p = 0.091$); however, at the between-level, time to plea was a significant predictor of charge difference in the opposite direction as hypothesized ($b_{2-b} = -0.001, p = 0.017$). For every one unit increase in the number of days between arrest and adjudication, the charges decrease slightly by -0.001. The hypothesized direct effect of detention on charge difference was not significant ($c' = 0.00, p = 0.936$).

The indirect effect of pretrial detention on charge difference through number of attorneys was statistically significant ($a_{1-b}b_{1-b} = 0.000, p = 0.023$). However, the regression coefficient estimate for this indirect effect was equal to 0, and therefore is not interpreted. The hypothesized indirect effects of pretrial detention on charge difference through time to plea ($a_{2-b}b_{2-b} = 0.00, p = 0.111$) and both number of attorneys and time to plea ($a_{1-b}d_{21-b}b_{2-b} = 0.000, p = 0.056$) were not significant.

Table 4

Model 1 Between-Level and Within-Level Parameters: Number of Days Detained as Predictor

Parameter	Estimate	S.E.	<i>p</i>	95% Confidence Interval	
				Lower Bound	Upper Bound
<i>Within Level</i>					
Time to Plea → Charge Difference	0.00	0.00	0.091	0.000	0.000

Between Level

Detention → Attorneys	0.01	0.002	0.000	0.003	0.009
Detention → Time to Plea	0.31	0.16	0.050	0.000	0.628
Attorney → Time to Plea	39.33	4.84	0.000	29.846	48.813
Attorney → Charge Difference	-0.05	0.02	0.012	-0.091	-0.011
Time to Plea → Charge Difference	-0.001	0.00	0.017	-0.001	0.000
Detention → Charge Difference	0.00	0.00	0.936	-0.001	0.001
Pretrial Detention → Number of Attorneys → Charge Difference	0.00	0.000	0.023	-0.001	0.000
Pretrial Detention → Time to Plea → Charge Difference	0.00	0.00	0.111	0.000	0.000
Pretrial Detention → Number of Attorneys → Time to Plea → Charge Difference	0.00	0.000	0.056	0.000	0.000

Model 2: Detention Until Adjudication

Model 2 used the dichotomous measure of pretrial detention (i.e., whether or not the youth was detained at the time of adjudication) as the predictor variable. Detention until adjudication was used to predict the difference between initial and final charges, as mediated by both number of attorneys and time to plea (see Figure 4). As mentioned previously, this operationalization of pretrial detention has several advantages over the continuous measure of number of days detained: 1) youth who were not detained during their adjudication would not be motivated to accept a plea to be released from detention, and 2) there is less likelihood for a bidirectional relationship with time to plea. The ICC values for time to plea and charge difference again indicated that a multilevel structure was appropriate for the data (0.724 and 0.877, respectively). Model 2 resulted in an RMSEA estimate of 0.123, an SRMR estimate of 0.151 for within-level effects and 0.040 for between-level effects, and a CFI estimate of .856. Given that the SRMR value for the between-level effects indicated good model fit and the CFI was approaching good model fit, I continued with the interpretation of the model. Full model results, including parameter estimates and significance, are reported in Table 5.

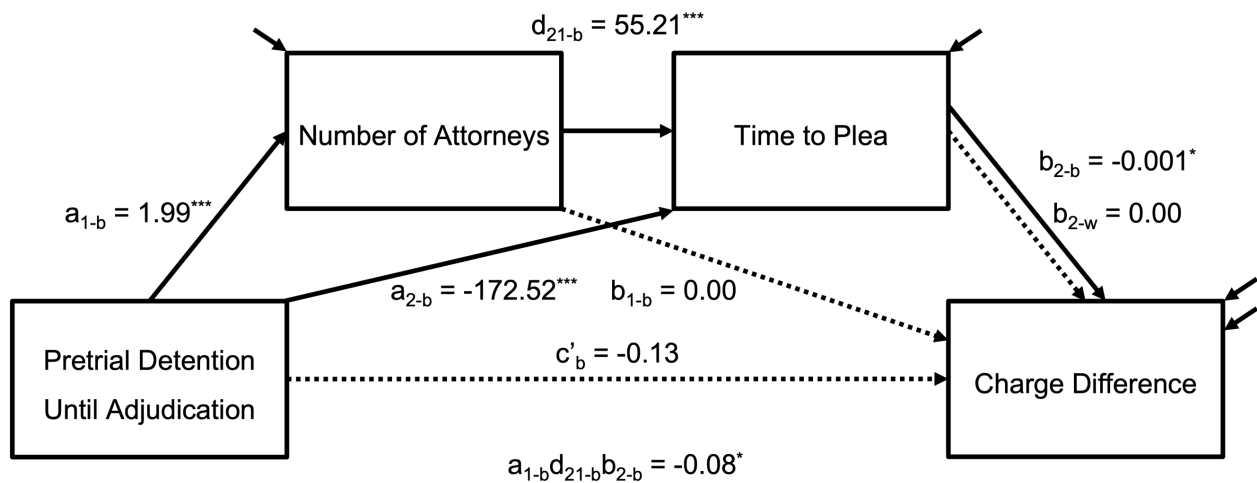


Figure 4

Note. This path analysis shows the effect of detention until adjudication on charge difference, with number of attorneys and time to plea as serial mediators. Statistics are unstandardized regression coefficients. Dotted lines represent nonsignificant paths and solid lines represent significant paths. The significant $a_{1-b}d_{21-b}b_{2-b}$ indirect path is highlighted in red.

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

Detention at the time of adjudication was significantly associated with both number of attorneys ($a_{1-b} = 1.99, p = 0.000$) and time to plea ($a_{2-b} = -172.52, p = 0.000$) as hypothesized. Youth who were detained at the time of their adjudication had 1.99 more attorneys than youth who were not detained at adjudication. Additionally, youth who were detained at the time of their adjudication had 172.52 *less* days between their arrest and adjudication (i.e., faster time to plea). The number of attorneys was also directly associated with the time to plea as hypothesized, such that for each additional attorney the youth had the case took 55.21 more days between arrest and adjudication ($d_{21-b} = 55.21, p = 0.000$). At the within-level, time to plea was

not significantly associated with the difference between initial and final charges ($b_{2-w} = 0.00, p = 0.058$). At the between-level, time to plea had a significant direct effect on charge difference in the opposite direction as hypothesized ($b_{2-b} = -0.001, p = 0.016$), such that for each additional day between arrest and adjudication the charge decreased by -0.001 . Contrary to hypotheses, neither number of attorneys ($b_{1-b} = 0.00, p = 0.058$) nor pretrial detention ($c' = -0.13, p = 0.409$) had a direct effect on charge difference.

The hypothesized indirect effects of pretrial detention on charge difference through number of attorneys ($a_{1-b}b_{1-b} = -0.08, p = 0.124$) and time to plea ($a_{2-b}b_{2-b} = 0.13, p = 0.054$) independently were not significant. However, the indirect effect of pretrial detention on charge difference through number of attorneys *and* time to plea was significant as hypothesized ($a_{1-b}d_{21-b}b_{2-b} = -0.08, p = 0.027$). In other words, although detention at the time of adjudication did not have a direct effect on the difference between initial and final charges, pretrial detention did still influence charge difference through its effects on the other variables in the model.

Table 5

Model 2 Between-Level and Within-Level Parameters: Detention Until Adjudication as

Predictor

Parameter	Estimate	S.E.	<i>p</i>	95% Confidence Interval	
				Lower Bound	Upper Bound
<i>Within Level</i>					
Time to Plea → Charge Difference	0.00	0.00	0.058	0.000	0.000
<i>Between Level</i>					
Detention → Attorneys	1.99	0.25	0.000	1.507	2.479
Detention → Time to Plea	-172.52	36.79	0.000	-244.618	-100.415
Attorney → Time to Plea	55.21	5.43	0.000	44.507	65.917
Attorney → Charge Difference	0.00	0.00	0.058	-0.091	0.010
Time to Plea → Charge Difference	-0.001	0.00	0.016	-0.001	0.000

Detention → Charge Difference	-0.13	0.15	0.409	-0.421	0.171
Pretrial Detention → Number of Attorneys → Charge Difference	-0.08	0.05	0.124	-0.215	0.022
Pretrial Detention → Time to Plea → Charge Difference	0.13	0.07	0.054	-0.002	0.258
Pretrial Detention → Number of Attorneys → Time to Plea → Charge Difference	-0.08	0.04	0.027	-0.177	-0.009

Model 3: Time Detained at JPD

Model 3 used the number of days detained at JPD as the predictor variable (see Figure 5). The number of days detained at JPD’s secure detention facility was used to predict the difference between initial and final charges, as mediated by both number of attorneys and time to plea. The ICC values for time to plea and charge difference indicated that a multilevel structure was appropriate for the data (0.718 and 0.877, respectively). Model 3 resulted in an RMSEA estimate of 0.000, an SRMR estimate of 0.001 for within-level effects and 0.000 for between-level effects, and a CFI estimate of 1.000, all indicating good model fit. Full model results, including parameter estimates and significance, are reported in Table 6.

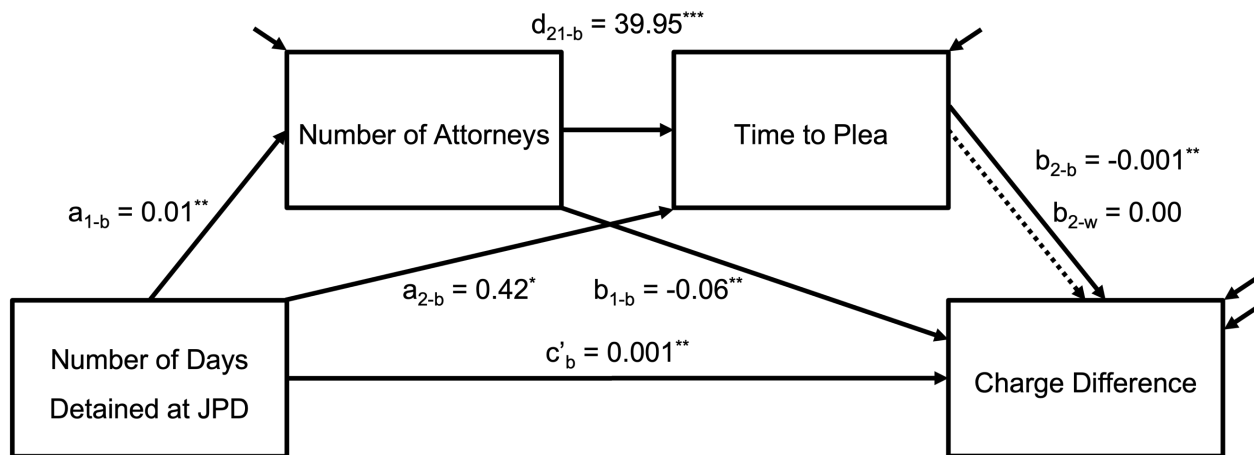


Figure 5

Note. This path analysis shows the effect of number of days detained at JPD on charge difference, with number of attorneys and time to plea as serial mediators. Statistics are unstandardized regression coefficients. Dotted lines represent nonsignificant paths and solid lines represent significant paths.

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

Model results when the predictor was “days detained at JPD” specifically were very similar to the results where the predictor was “total days detained.” JPD detention was significantly associated with the number of unique attorneys the youth had as hypothesized ($a_{1-b} = 0.01, p = 0.007$). For every one-day increase in the total number of days the youth was detained at JPD, the number of attorneys increased by 0.01. JPD detention was also significantly associated with time to plea in the opposite direction as hypothesized ($a_{2-b} = 0.42, p = 0.014$), such that for each day the youth was detained the case took .342 more days to resolve. The number of attorneys was significantly associated with both time to plea as hypothesized ($d_{21-b} = 39.95, p = 0.000$) and charge difference in the opposite direction as hypothesized ($b_{1-b} = -0.06, p = 0.005$). For each additional attorney the youth had the case took 39.95 more days between arrest and adjudication and the final charges decreased -0.06 from the initial charges. At the within-level, time to plea was not significantly associated with the difference between initial and final charges ($b_{2-w} = 0.00, p = 0.09$). At the between-level, time to plea was significantly associated with charge difference in the opposite direction as hypothesized ($b_{2-b} = -0.001, p = 0.010$), such that for every additional day between arrest and adjudication the charges decrease slightly by -0.001. Finally, JPD detention had a significant direct effect on charge difference as

hypothesized ($c' = 0.001, p = 0.002$), such that for each day detained in JPD the final charges *increased* by 0.001.

The hypothesized indirect effects of JPD detention on charge difference through number of attorneys ($a_{1-b}b_{1-b} = 0.00, p = 0.055$), time to plea ($a_{2-b}b_{2-b} = 0.00, p = 0.067$), and both number of attorneys and time to plea ($a_{1-b}d_{21-b}b_{2-b} = 0.00, p = 0.064$) were not significant.

Table 6

Model 3 Between-Level and Within-Level Parameters: Detention at JPD

Parameter	Estimate	S.E.	<i>p</i>	95% Confidence Interval	
				Lower Bound	Upper Bound
<i>Within Level</i>					
Time to Plea → Charge Difference	0.00	0.00	0.09	0.00	0.00
<i>Between Level</i>					
JPD Detention → Attorneys	0.01	0.003	0.007	0.002	0.012
JPD Detention → Time to Plea	0.42	0.17	0.014	0.087	0.760
Attorney → Time to Plea	39.95	5.55	0.000	31.043	48.860
Attorney → Charge Difference	-0.06	0.02	0.005	-0.096	-0.017
Time to Plea → Charge Difference	-0.001	0.00	0.010	-0.001	0.000
JPD Detention → Charge Difference	0.001	0.00	0.002	0.000	0.002
Pretrial Detention → Number of Attorneys → Charge Difference	0.00	0.00	0.055	-0.001	0.000
Pretrial Detention → Time to Plea → Charge Difference	0.00	0.00	0.067	-0.001	0.000
Pretrial Detention → Number of Attorneys → Time to Plea → Charge Difference	0.00	0.00	0.064	0.000	0.000

Model 4: Time Detained at Home

Model 4 used the number of days detained at the youth’s home as the predictor variable. The number of days detained under house arrest was used to predict the difference between initial and final charges, as mediated by both number of attorneys and time to plea (see Figure 6).

The ICC values for time to plea and charge difference indicated that a multilevel structure was appropriate for the data (0.717 and 0.877, respectively). Model 4 resulted in an RMSEA estimate of 0.000, an SRMR estimate of 0.001 for within-level effects and 0.000 for between-level effects, and a CFI estimate of 1.000, all indicating good model fit. Full model results, including parameter estimates and significance, are reported in Table 7.

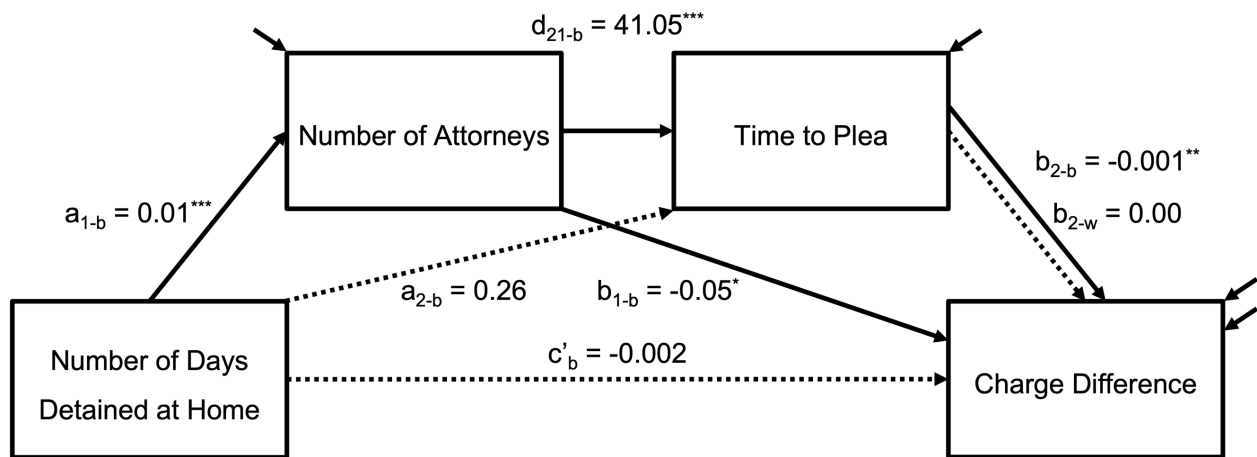


Figure 6

Note. This path analysis shows the effect of number of days detained at home on charge difference, with number of attorneys and time to plea as serial mediators. Statistics are unstandardized regression coefficients. Dotted lines represent nonsignificant paths and solid lines represent significant paths.

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

Home detention was significantly associated with the number of attorneys the youth had as hypothesized ($a_{1-b} = 0.01, p = 0.000$). For every one-day increase in the total number of days the youth was on house arrest, the number of attorneys increased by 0.01. The number of attorneys was significantly associated with the time to plea in the hypothesized direction ($d_{21-b} =$

41.90, $p = 0.000$), such that for each additional attorney the youth had the case took 41.90 more days between arrest and adjudication. The number of attorneys the youth had was also significantly associated with the charge difference ($b_{1-b} = -0.05$, $p = 0.030$), although in the opposite direction as hypothesized such that for every additional attorney the charges decreased by -0.05. At the within-level, time to plea was not significantly associated with the difference between initial and final charges ($b_{2-w} = 0.00$, $p = 0.071$). At the between-level, time to plea was significantly associated with charge difference in the opposite direction as hypothesized ($b_{2-b} = -0.001$, $p = 0.023$). For every extra day between arrest and adjudication, the charges decreased slightly by -0.001. Notably, home detention was *not* associated with either time to plea ($a_{2-b} = 0.26$, $p = 0.425$) or charge difference ($c' = -0.002$, $p = 0.099$) as hypothesized.

The indirect effect of pretrial detention on charge difference through number of attorneys was statistically significant ($a_{1-b}b_{1-b} = 0.00$, $p = 0.038$). However, the regression coefficient estimate for this indirect effect was equal to 0, and therefore is not interpreted. The hypothesized indirect effects of pretrial detention on charge difference through time to plea ($a_{2-b}b_{2-b} = 0.00$, $p = 0.419$) and both number of attorneys and time to plea was not significant ($a_{1-b}d_{21-b}b_{2-b} = 0.00$, $p = 0.062$).

Table 7

Model 4 Between-Level and Within-Level Parameters: Detention at Home

Parameter	Estimate	S.E.	p	95% Confidence Interval	
				Lower Bound	Upper Bound
<i>Within Level</i>					
Time to Plea → Charge Difference	0.00	0.00	0.071	0.000	0.000
<i>Between Level</i>					
Home Detention → Attorneys	0.01	0.002	0.000	0.004	0.011
Home Detention → Time to Plea	0.26	0.32	0.425	-0.371	0.811

Attorney → Time to Plea	41.90	4.65	0.000	32.799	51.007
Attorney → Charge Difference	-0.05	0.02	0.030	-0.085	-0.004
Time to Plea → Charge Difference	-0.001	0.000	0.023	-0.001	0.000
Home Detention → Charge Difference	-0.002	0.001	0.099	-0.004	0.000
Pretrial Detention → Number of Attorneys → Charge Difference	0.00	0.00	0.038	-0.001	0.000
Pretrial Detention → Time to Plea → Charge Difference	0.00	0.00	0.419	-0.001	0.000
Pretrial Detention → Number of Attorneys → Time to Plea → Charge Difference	0.00	0.00	0.062	0.000	0.000

EXPLORATORY ANALYSES

After examining the hypothesized models, several questions arose that were not included in the original study proposal. Several additional analyses were conducted as exploratory analyses to address such questions.

Attorney vs No Attorney

The previously hypothesized models examined number of attorneys as a discrete variable, whereby youth could have any number of attorneys assigned to their case. However, the descriptive statistics revealed that a large number of juveniles included in the current sample were not represented by any attorney. Juveniles with no attorneys likely had a different experience than juveniles who had one or more attorneys. As such, I wanted to further examine how the proposed relationships might be affected by dichotomizing the attorney variable by *Attorney* (1) versus *No Attorney* (0), which was tested in Models 1-4 by replacing the Number of Attorneys variable with the newly created Attorney Dichotomized variable. The significance of all other model parameters remained consistent with the originally hypothesized models, so only paths containing the Attorney Dichotomized variable will be discussed in detail here.

In Model 1 (i.e., with total amount of time detained as a predictor), pretrial detention was significantly associated with the presence of an attorney ($a_{1-b} = 0.002, p = 0.000$); youth detained for longer periods of time were more likely to have an attorney assigned to their case. The presence of an attorney was significantly associated with the time to plea, such that cases represented by an attorney took 102.41 more days between arrest and adjudication than cases that were not represented by an attorney ($d_{21-b} = 102.41, p = 0.000$). The presence of an attorney was also significantly associated with the charge difference ($b_{1-b} = -0.23, p = 0.000$), such that juveniles with an attorney had their charges decreased by -0.23 as compared to juveniles without an attorney. The significance and direction of these paths were consistent with those in the originally tested Model 1.

In Model 2, detention at the time of adjudication was significantly associated with attorney presence such that youth who were detained at the time of their adjudication were more likely to have an attorney than youth who were not detained at adjudication ($a_{1-b} = 0.68, p = 0.000$). The presence of an attorney was also directly associated with the time to plea, such that cases represented by an attorney took 148.96 more days between arrest and adjudication than cases that were not represented ($d_{21-b} = 148.96, p = 0.000$). The significance and direction of these paths were consistent with the originally tested Model 2. However, unlike Model 2, the presence of an attorney was also significantly associated with charge difference, such that youth with an attorney had their charges decrease more between initial and final charges than youth without an attorney ($b_{1-b} = -0.21, p = 0.058$).

In Model 3, JPD detention was significantly associated with the presence of an attorney such that youth detained for longer at JPD were more likely to have an attorney assigned to their case ($a_{1-b} = 0.002, p = 0.004$). The presence of an attorney was also significantly associated with

time to plea ($d_{21-b} = 105.281, p = 0.000$) and charge difference ($b_{1-b} = -0.24, p = 0.000$). As compared to youth without an attorney assigned to their case, youth with an attorney took 105.28 more days to have their case resolved between arrest and adjudication and the final charges decreased -0.24 from the initial charges. The significance and direction of these paths were consistent with those in the originally tested Model 3.

Finally, in Model 4, home detention was significantly associated with the presence of an attorney, with youth detained for more days at home more likely to have an attorney assigned to their case ($a_{1-b} = 0.003, p = 0.000$). The presence of an attorney was significantly associated with the time to plea ($d_{21-b} = 109.59, p = 0.000$), cases with an attorney assigned took 109.59 more days between arrest and adjudication than cases without an attorney. The presence of an attorney was also significantly associated with charge difference ($b_{1-b} = -0.21, p = 0.000$), such cases with an attorney assigned saw a decrease from initial to final charges of -0.21.

Initial Charge Severity and Detention Decisions

Given the significant association between number of days detained in JPD and an increase in charge severity, I was also interested in examining whether days detained in JPD was associated with the severity of a juvenile's *initial* charges. Although this analysis was not proposed a priori, I did hypothesize prior to conducting analyses that more severe initial charges would be associated with longer periods of detention at JPD. A linear regression analysis indicated a positive relationship between days detained at JPD and initial charge severity, with more severe initial charges associated with more days detained at JPD, $R^2 = .02, F(1, 1326) = 26.73, p < .001$.

Chapter Four: Discussion

DIFFERENTIAL INFLUENCE OF PRETRIAL DETENTION ON TIME TO PLEA

The current study was among the first to examine how pretrial detention can affect the timing of a case as it moves from arrest to adjudication specifically within the juvenile justice system. In El Paso County—like many juvenile justice departments—a juvenile who is arrested for an alleged crime may be detained prior to having their case adjudicated. The first opportunity for detention occurs on the day of the arrest, and a juvenile might move in and out of detention various times throughout the course of their case being resolved. This study examined how both the *number of days detained* pre-adjudication and whether or not detention occurred *at the time of adjudication* influenced the total number of days between arrest and adjudication (i.e., how long the case took to resolve, or time to plea).

First, it is important to address the extent of variability in time to plea within El Paso County during the time frame examined in this study. On the one hand, the number of days between arrest and adjudication was less than a week for some youth in the current study; on the other hand, it took nearly four years between arrest and adjudication for other youth. These numbers demonstrate that there can be a huge difference in the amount of time it takes for different juveniles to have their case resolved. In El Paso County, juveniles are presented with an initial plea offer and have their first opportunity to accept a plea agreement at their pretrial hearing—about 1-2 weeks after their initial arrest and petition filing. However, the results from this study suggest that most juveniles take substantially longer than a few weeks to have their case resolved. On average, there were 170 days, or about 5 months, between arrest and adjudication. For reference, the “model standard” for delinquency case resolutions as

recommended by the National Center for State Courts is 90 days for youth in detention and 150 days for youth not in detention (Duizend et al., 2011).

Interestingly, findings from the current study indicated that the *number of days detained* pre-adjudication and whether or not detention occurred *at the time of adjudication* had differential associations with time to plea. Juveniles who were detained for longer periods of time pre-adjudication—regardless of whether or not they were detained at the time of adjudication—took *longer* to accept a plea agreement and reach a final adjudication. Each day of detention was associated with about 1/3 of a day longer time to plea; in other words, 3 days of detention was associated with an extra day between arrest and adjudication. For a juvenile who was detained for the average of 75 days, this would mean an additional 25 days between their arrest and adjudication. Due to visitation and phone restrictions in detention centers, juveniles who are detained for longer periods of time are likely less able to communicate with their attorney and/or guardian, which could hinder their ability to make a knowledgeable plea decision and explain this delay their case processing.

Yet, juveniles who were detained at the time of their adjudication accepted a plea agreement and reached a final adjudication *faster* than juveniles who were not detained at the time of their adjudication. Specifically, detained juveniles accepted a plea agreement more than 172 days before juveniles who were not detained, which is the equivalent of nearly 6 months. This finding aligns with prior studies with adult defendants that finds defendants in pretrial detention plead guilty faster than released defendants (Ostrom & Hanson, 2000, Petersen, 2020; Sacks & Ackerman, 2012). Adults and juveniles alike are likely motivated to accept a plea agreement as quickly as possible in order to have their case resolved and be released from prison expeditiously. Whereas this motivation for adults might come from more practical factors, such

as not wanting to lose their job or lost custody of their children as a result of being detained (Zottoli & Daftary-Kapur, 2019), juveniles are often motivated by more emotional factors, such as wanting to go home and get the process over with (Daftary-Kapur & Zottoli, 2014). Given that the majority of youth in this study who were detained at the time of adjudication were detained at JPD (61.2%), it is perhaps unsurprising that this subset of juveniles accepted plea agreements much faster than juveniles not detained at the time of adjudication. This finding might also indicate that juveniles who are detained at the time of their adjudication perceive a quick plea agreement as their best chance at a quick release, bringing into question the voluntariness of decisions made in this context. The accelerated time period between arrest and adjudication for detained youth is particularly important in light of the relationship between time to plea and charge differences.

TIME TO PLEA AND THE DIFFERENCE BETWEEN INITIAL AND FINAL CHARGES

Time to plea was consistently associated with a small but significant decrease in the severity of the initial charges as compared to the final charges. In other words, longer case processing times between arrest and adjudication were associated with juveniles being adjudicated of less serious charges than they were originally arrested on. Importantly, exploratory analyses also indicated that youth with an attorney take much longer—over 3 months longer—to have their case resolved than youth without an attorney. These findings suggest that when youth have more time to work with their defense attorney and/or the prosecutor, they may be able to arrange a better plea agreement at the time of their adjudication. Additionally, longer times to plea may allow more time for juveniles to build a stronger understanding of the plea process in order to make a more *knowledgeable* plea decision. Prior research does suggest that time spent with attorneys is a strong predictor of juvenile legal understanding (Viljoen &

Roesch, 2005), and longer time to plea could provide juveniles with more opportunities to spend with their attorneys. Juveniles with less time to confer with counsel and learn about the pros and cons of plea agreements might be more inclined to instead accept the first offer they receive. However, it is important to note that longer time to plea does not automatically indicate greater legal knowledge, and this assertion would need to be tested empirically.

It is important to note that longer case processing times are often required in order to maintain high quality proceedings and outcomes for youth (Boyd et al., 2008). One responsibility that the juvenile justice system is tasked with is ensuring that cases have enough time to make a fair determination of facts, while also resolving cases in a timely and efficient manner (both for the sake of the individual juvenile and the overcrowded justice system). This means that neither faster nor shorter times to plea are necessarily “better”, but that it is important to address the factors—such as pretrial detention—that can impact how long a case takes to resolve in order to maximize the *quality* of case processing, rather than just the speed.

DETENTION IN SECURE FACILITY VS. HOUSE ARREST

Although both detention within a secure facility and house arrest are considered under the “detention” umbrella within El Paso’s Juvenile Probation Department, these two settings operate differently in terms of their effects on time to plea and charge difference. Whereas juvenile cases took longer to resolve for each day that they were detained at JPD, home detention had no effect on the number of days between arrest and adjudication. This makes intuitive sense. Juveniles who are detained at a secure facility have less access to their attorneys or guardians and are likely less able to effectively participate in their own defense, which would be exacerbated for each day that they are being detained. Juveniles detained at home, however, have greater access to these resources regardless of how long they have been detained. This is important in light of

the developmental science that shows that juveniles are better able to make informed, adult-like decisions when they have the appropriate time and resources to consult with trusted adults (Steinberg et al., 2009). Assigning juveniles to house arrest over secure detention may increase their access to these resources, and therefore their ability to enter into a plea agreement knowingly and voluntarily.

Longer detention at JPD was directly associated with *increased* charge severity. In fact, defining pretrial detention in terms of the number of days detained at JPD was the only time pretrial detention was directly associated with a difference between the initial charges and the final charges. This finding aligns with prior research that adult defendants who are detained prior to disposition are less likely to receive a reduction in charges (Leslie & Pope, 2017) and are more likely to receive a formal disposition (Frazier & Bishop, 1985). One possible explanation for seeing an increase in charge severity is that juveniles who are detained in secure detention for longer periods of time may be facing more serious charges to begin with; follow-up analyses in this study indeed supported this notion, with more serious initial charges being associated with longer periods of detention at JPD. This association between JPD detention and increased charge severity could also indicate a bias of the prosecution to treat juveniles in secure detention more harshly than those that have been released. Indeed, prior research among adult populations has suggested that defendants who are held in pretrial detention are treated more harshly than their released counterparts in terms of convictions—regardless of the severity of their initial charges (Sacks & Ackerman, 2014).

THE ROLE OF MULTIPLE ATTORNEYS

Juveniles who had a greater number of attorneys had longer times to plea in all models examined in the current study. Further, juveniles who had a greater number of attorneys were

also more likely to have a decrease in charges from the initial charges and the final charges. These findings may be partially explained by the fact that 37.2% of juveniles did not have any attorney assigned to their case. I previously discussed how longer times to plea can offer benefits for a youth's case by providing them with greater opportunities to work with their defense attorney and/or the prosecutor to accept the best deal possible. However, juveniles who do not have a defense attorney appear to not take this time to negotiate the best possible deal and instead accept a plea more quickly. Juveniles who have an attorney, however, appear to spend more time attempting to reach a plea agreement with the prosecution, which would lead to longer case processing times and—ideally—a decrease in charges. Indeed, this notion has been supported by prior research which has found that juveniles who are represented by defense counsel have longer case processing times than non-represented juveniles because more pre-trial motions are filed, which inevitably lengthens case processing time (Mahoney, 1985). Beyond unrepresented juveniles, it would also stand to reason that having more than one attorney would be associated with longer times to plea as a result of a new attorney having to catch up on the case and work out a plan of defense with their client. Further, juveniles and their families might elect to change counsel if they are unsatisfied with their current representation; although this would contribute to longer case processing times, it would also explain the association between a greater number of attorneys and a reduction in the final charges.

As stated previously, neither longer nor shorter times to plea are necessarily “better”. On the one hand, the additional case processing time that results from a juvenile having one attorney over zero attorneys will likely benefit a juvenile's case in the end. On the other hand, having three or four attorneys might cause continued and unnecessary delays that could be harmful to a juvenile's case—especially among those juveniles who are detained. Additionally, if a juvenile

does not have a consistent attorney throughout their case, they might also have a hard time trusting and working with their current attorney. Prior research suggests that juveniles are less trusting of their attorneys than adults (Pierce & Brodsky, 2002). Additionally, juveniles are less likely than adults to endorse communicating honestly with their attorney and are more likely to endorse not speaking to their attorney at all (Schmidt et al., 2003). Cycling through multiple attorneys throughout a case might exacerbate this distrust in the attorney-client relationship and cause further delays in case processing. Further, if attorneys do not have all the facts of a case due to their client's unwillingness to cooperate with them, this could hinder their ability to provide the best defense possible.

The amount of time spent in both JPD detention and home detention was associated with a greater number of attorneys. This finding suggests that there may be something unique about youth who are assigned pre-adjudicative detention that also lends to more attorney turnover. The attorney-client relationship among juveniles in pretrial detention is an area that should be expanded on in future research.

JUVENILE JUSTICE IMPLICATIONS

I would caution against strong causal conclusions from this research given the cross-sectional nature of the data; with this caveat in mind, these findings do indicate several potential implications for the juvenile justice system.

1. **Assess the necessity of detention as quickly as possible.** The results from this research suggest that whether or not a youth is detained at the time of their adjudication may be just as important—if not more—than the length of time they are detained in determining time to plea. Arrested juveniles are often detained at the time of arrest until their initial appearance in front of a judge, at which time a decision is made regarding whether the

youth is to continue being detained or may be released back to the community while awaiting adjudication. To help ensure that juveniles do not accept lesser quality plea agreements merely as a way to get out of detention, an assessment of the necessity of secure detention should occur as quickly as possible. If detention is determined to be necessary at the beginning of a case, reassessment should then occur periodically afterwards to determine if and when release before adjudication is possible.

2. **Prioritize house arrest over secure detention when possible.** If it is deemed absolutely necessary that a juvenile be detained pre-adjudication, house arrest might be considered as an alternative to detention at a secure facility. Of course, house arrest may not always be feasible and in some cases a juvenile's home environment may actually facilitate criminal behavior. However, secure detention may inhibit juveniles' ability to sufficiently confer with defense counsel and make the most informed decision regarding their plea agreement. As with the first recommendation, if detention in a secure facility is considered pertinent, a reassessment of its necessity should occur periodically to determine if and when a shift to home detention can occur.
3. **Reconsider quick resolutions of cases.** Resolving a case as quickly as possible can be appealing to both juveniles and their families as well as the justice system. However, both parties might benefit from taking pause before committing to resolve a case as quickly as possible. The results from this research indicate that longer times to plea are associated with less severe final charges, which is potentially the result of longer times to plea allowing for more negotiations to receive the best deal possible before adjudication. This is not to say that every case requires weeks or months of deliberation before reaching a

conclusion; however, taking pause before accepting a quick plea agreement could serve to benefit juveniles in the long run.

4. **Ensure that juveniles receive legal representation before adjudication.** Although more attorneys are associated with longer times to plea, this additional time between arrest and adjudication appears to be beneficial for youth when it comes to the severity of their final charges. Some juvenile court cases can end up being resolved very quickly; however, to ensure that youth are receiving the best possible agreement at adjudication, it is important that they are receiving legal counsel before accepting a plea agreement—even if this means extending the time to plea. Additionally, juveniles and their families might benefit from being advised that they can change counsel if they are not satisfied with their current representation.

A common theme across these four implications is the importance of different legal actors working together to ensure a more fair and developmentally appropriate juvenile justice system. Decisions made by judges, attorneys, and court administration alike can affect a juvenile’s ability to enter into a plea agreement knowingly, voluntarily, and intelligently. Research implications for improving in the juvenile justice system requires buy-in and communication among these various legal actors.

STRENGTHS, LIMITATIONS, AND FUTURE DIRECTIONS

Strengths

This study has several notable strengths that contribute to the literature on juvenile plea bargaining. First, it is among the first to examine how pretrial detention impacts timing indicators during plea procedures. Although this question has been examined among adult populations, juvenile court tends to focus more on rehabilitation and youth needs and therefore

moves more quickly. Juvenile detention is also unique from adult detention; in some jurisdictions (including El Paso County), detention decisions are set by a judge without an opportunity for bail, as is common in adult court. Understanding how pretrial detention can influence juvenile justice processing and fairness can therefore provide insights for judges and other juvenile justice administrators regarding juvenile detention decisions. This research provides an initial insight into this question, as well as associated policy recommendations.

Second, this research is among the first to examine differences in secure detention and home arrest on juvenile court processing. Most research that has examined pretrial detention among juvenile populations has looked specifically at secure detention. However, house arrest is an oft-used alternative in juvenile court that allows juveniles to remain at home pre-adjudication. House arrest has a variety of potential benefits over secure detention, such as allowing youth to continue attending school. This study provides an initial look into how house arrest can also benefit a youth's case in terms of the final charges they are adjudicated on. Future research would benefit from a further examination of the potential benefits of house arrest for juvenile case processing and juvenile development to better understand how detention location can influence the knowing, voluntary, and intelligent aspects of juvenile plea decision-making.

Finally, this study is also unique in its operationalization of charge differences and pretrial detention. In research on both adults and juveniles sentenced in adult court, plea discounts are operationalized by the difference between jail time associated with the initial charges versus jail time associated with the final charges. Again, because of juvenile court's emphasis on rehabilitation over punishment, jail time is often reserved as a last resort for adjudicated youth. This study instead defined charge differences in terms of the severity (i.e., level and degree) of the initial charges versus the final charges so as to not limit the sample to

only juveniles who received jail time. Additionally, this study found that different operationalizations of pretrial detention (i.e., by time detained or detention at the time of adjudication) resulted in differential effects on time to plea. This finding underscores the need for researchers to be clear in their definitions of pretrial detention and potentially include both operationalizations in their analyses and interpretations.

Limitations

Even with its strengths, this research is not without limitations. One of the most important of these limitations is that the official data provided by El Paso JPD did not include several potentially confounding variables that would be informative to the current analysis. The results of this research must be interpreted with a recognition that omitted variables and relationships in structural equation models can influence measurement and casual structure and result in biased parameter estimates and estimates of standard errors (McDonald & Ho, 2002; Tomarken & Waller, 2005). Given the nature of the data used in this research, the following variables were not able to be addressed and need to be examined further:

1. **Age and Initial Charge:** Although information about the juvenile's age and the severity of their initial charge was available, it was not able to be included as a covariate in the proposed models as a result of the complexity of the model and limitations with power. Future research will expand the years of data beyond 2022 to mid-2023 in order to increase sample size and power to include relevant covariates such as this in the model.
2. **Number of Referrals:** Juveniles' prior experience with the criminal justice system (i.e., the number of prior referrals preceding the current referral) was not included as a predictor in this study given that data only went back to January

2022. Any count of prior referrals would therefore be biased, as it would be unable to consider any referrals prior to this date. However, juveniles with more prior referrals may be treated differently in legally relevant ways that were unable to be examined in this study (e.g., more likely to be detained prior to adjudication, less likely to receive a substantial plea discount).

3. **Type of Attorney:** Attorney information did not include the specific dates that attorneys were appointed to a juvenile's case or which referrals were represented by which attorneys. For juveniles with multiple referrals, it is therefore unclear which attorneys and which *type* of attorneys represented them on each referral. For this reason, type of attorney was also not included as a predictor in the analyses for this study. I was also unable to examine how long an attorney was working with a youth or why youth with multiple attorneys changed their counsel, both of which would very likely contribute to the attorney-client relationship.
4. **Time to Consider Plea:** The current study operationalized time to plea in terms of the number of days between arrest and adjudication; however, this operationalization does not take into account the amount of time between when the plea was offered and when juveniles needed to make their plea decision. Prior research has found that as many as 49% of juveniles have less than one hour from the time that they first hear about a plea to the time they had to make a plea decision (Zottoli et al., 2016). More time between arrest and adjudication does not necessarily equate to more time to consider the terms of a plea agreement, and this distinction is important to highlight in research examining time to plea.

5. **Plea Discount:** Plea discount in this study was defined by looking at the difference between initial charges and final charges. There are several important considerations regarding this operationalization. First, charge differences might be *qualitatively* different even if they are *quantitatively* the same. For example, a change from a first-degree felony to a third-degree felony and from a first-degree felony to a Class A misdemeanor would both equal a charge difference of 2; however, a shift from a felony to a misdemeanor is qualitatively different in ways that are not necessarily captured by this quantitative calculation. Second, this definition does not consider differences in potential sentences between the initial and final charges, which would likely influence juveniles' willingness to accept a plea agreement quickly. Official court records only include information about the final sentence a juvenile receives, but not any potential sentence they *may* have been facing, so this aspect was unable to be included as a predictor in the present study. Notably, nearly half of referrals included in this analysis ended in deferred prosecution (46.5%, n = 538), meaning that these youth could avoid criminal sanctions altogether if they followed the terms of their deferred prosecution agreement (go to school, avoid future arrests, etc.). Of the 528 youth who did receive formal sanctions, the majority (77.7%) received court ordered probation. Unfortunately, the available data also did not include more detailed information about the length or conditions of this probation, which could likely vary substantially across referrals. Only 6.9% of these youth received a sanction that involved detention, and the available data again did not include information about the length or location of detention.

6. **Guilt:** Juveniles would likely be willing to accept a plea agreement faster if they are indeed guilty of the crime(s) they are charged with. Indeed, prior research suggests that guilt is one of the primary driving factors in the decision to accept a plea agreement among adults and adolescents alike, with guilty defendants more willing to accept a plea than innocent defendants (Helm et al., 2018; Redlich & Shteynberg, 2016; Schneider & Zottoli, 2019). Innocent defendants, on the other hand, tend to be more likely to want to take the risk of going to trial rather than face a punishment for a crime they did not commit (Gazal-Ayal & Tor, 2011).
7. **Evidence:** Likewise, juvenile would likely be more willing to accept a plea agreement faster if there is more evidence against them. Defense attorneys tend to recommend accepting a plea bargain more when they perceive there to be more evidence against their client (Kramer et al., 2007; Redlich et al., 2016), and older adolescents in particular are more likely to accept a plea bargain and plead guilty when they also perceive there to be stronger evidence against them (Viljoen et al., 2005). These subjective interpretations of evidence strength were not able to be taken into consideration in the present study.
8. **Motions Filed:** The effect of number of attorneys on time to plea found in this study could potentially be further explained by the number of motions filed on the case. Prior research suggests that juveniles represented by attorneys do indeed have more motions filed than unrepresented juveniles, extending the overall case processing timeline (Mahoney, 1985). This potential mediating relationship was unable to be examined in the current study.

9. **Dual-System Involvement:** Dual-system involvement refers to youth who receive services from both the juvenile justice system and child welfare system (e.g., child protective services). Prior research has found that many youths in the juvenile justice system qualify as dually involved, with one multi-site study finding anywhere between 44.8 to 70.3% of juveniles also had contact with the child welfare system (Herz et al., 2019). Dual-system involvement is a potentially important factor when considering juvenile justice case processing times and detention decisions. For example, it is possible that the juvenile justice system might hold off on an adjudication decision until after a child protective services investigation has concluded. Additionally, there is research to suggest that dual system youth are more likely to be detained following their arrest than non-dual system youth (Herz et al., 2021); this association might result from juvenile court judges wanting to remove juveniles from a home environment facilitative of criminal behavior. Dual-system involvement is a complicated topic that requires a more focused investigation in future research.
10. **Adolescent Development:** Although research supports the fact that juveniles as a group are less developmentally mature than their non-delinquent peers, official court data does not allow for an examination of individual juvenile maturity and how this might have an effect on their plea decision-making.

The official data would therefore be supplemented by more qualitative reports from juveniles and their attorneys regarding the details of factors such as the attorney-client relationship and juvenile maturity (see Future Directions for a further discussion on data that is currently being collected to address this limitation).

A second limitation of the current study is that relationships might operate bidirectionally. In particular: although longer time detained was associated with longer times to plea, this relationship might be partially due to longer case processing times causing juveniles to remain in detention for longer periods of time. I attempted to partially address this concern by examining detention until adjudication in addition to number of days detained. Indeed, when using this alternate operationalization of pretrial detention, I observed the opposite effect between pretrial detention and time to plea, with youth who were detained until their adjudication pleading significantly *faster* than those not detained. Similarly, it is plausible that longer time to plea is driving juveniles towards having more attorneys. If youth are dissatisfied with how long their case is taking, they might request new counsel to help move things along faster. These findings would further benefit from qualitative data from juveniles regarding what their thought process was and why they decided to accept a plea agreement when they did.

Finally, this study took place in El Paso, TX, which is unique from other juvenile justice jurisdictions in several important ways and likely limits the generalizability of results. For example, Texas defines legal adulthood starting at age 17, whereas most states set the age of majority at age 18. Future research should also examine the effect of pretrial detention on plea processing among this extended age range found more commonly across the United States. This lower age of majority demonstrates one way in which the state of Texas tends to treat juveniles more severely than might be the case in other jurisdictions and underscores the need to examine pretrial detention and plea processing procedures in other jurisdictions outside of Texas. Additionally, the El Paso Juvenile Detention Center has a population capacity of 62 youth, which is considered a medium sized facility in the state of Texas (*El Paso County*, n.d.). The size of a detention facility likely influences the decision regarding whether or not to detain a youth pre-

adjudication and the likelihood that a youth is removed from detention. Further research should therefore also examine this question among detention centers of varying capacities. The way that detention decisions are made more generally might also vary across jurisdictions in meaningful ways beyond facility size. In El Paso County, detention decisions are made by judicial officials with the assistance of a juvenile risk assessment tool; different jurisdictions might use different risk assessment tools—or a different process outside of risk assessment altogether—that could influence the way pretrial detention decisions are made. Finally, it is important to note that the U.S. Supreme Court has held that juveniles do not have the same constitutional right to a jury trial as adults (*McKeiver v. Pennsylvania*, 1971). Although Texas is one of the states where juveniles do retain this right, trials for juvenile defendants are essentially nonexistent in El Paso County. Juvenile plea decision making processes should therefore also be examined in jurisdictions where trials are more commonplace and may feel like a more viable option for juvenile defendants.

Future Directions

This data provides insight into the official case processing side of juvenile plea agreements but lacks the actual juvenile perspective that future research could benefit from. I am currently collecting data on this exact question to better understand juveniles' plea decision-making process and relationship with their attorney in combination with official plea procedures. I am conducting 30–60-minute structured interviews with juveniles currently being adjudicated in El Paso County regarding their relationship with their attorney, plea comprehension and knowledge of specific case details, detention experiences, and perceptions regarding the plea agreement. This data will also include interviews with the juveniles' attorneys in order to gain a better understanding of the attorney-client relationship. This dyadic juvenile-attorney data will

then be analyzed in combination with the official data provided in the current study in order to gain a more complete picture of how pretrial detention influences juvenile plea procedures and decision-making in ways relevant to the knowing, voluntary, and intelligent aspects of juvenile plea agreements.

CONCLUSION

This research provided an initial look into the effects of pretrial detention on juvenile case processing and plea procedures through a multilevel structural equation modeling framework. The results highlighted how pretrial detention can have differential effects on time to plea depending on the operationalization of detention, with the number of days detained associated with longer case processing times and detention until adjudication associated with shorter case processing times. This study further elucidated the differential effects of detention in a secure facility versus home detention—a distinction that has been absent from prior research—and found that house arrest can mitigate some of the negative effects of detention on juvenile plea procedures. Finally, this research found that the number of attorneys that work with juvenile cases is associated with longer case processing times. This work offers several important implications for juvenile justice system plea procedures, including assessing the necessity of detention as quickly as possible, prioritizing home monitoring over secure detention, reconsidering overly expedited case processing times, and ensuring juvenile legal representation. Future research will continue to examine the relationship between pretrial detention and juvenile case processing through interviews with juveniles regarding their plea decision-making.

References

- Alkon, C. (2016). Hard bargaining in plea bargaining: When do prosecutors cross the line. *Nevada Law Journal*, 17(2), 401–428.
- Allan, A., Allan, M. M., Giles, M., Drake, D., & Froyland, I. (2005). An observational study of bail decision-making. *Psychiatry, Psychology and Law*, 12(2), 319–333.
<https://doi.org/10.1375/pplt.12.2.319>
- Armstrong, G. S., & Kim, B. (2011). Juvenile Penalties for “Lawyering Up”: The Role of Counsel and Extralegal Case Characteristics. *Crime & Delinquency*, 57(6), 827–848.
<https://doi.org/10.1177/0011128711420101>
- Arnett, J.J. (2000). Emerging adulthood: A theory of development from the late teens through the twenties. *American Psychologist*, 55(5), 469–480. <https://doi.org/10.1037/0003-066X.55.5.469>
- Austin, J., Johnson, K. D., & Weitzer, R. (2005). Alternatives to the secure detention and confinement of juvenile offenders. *Office of Juvenile Justice and Delinquency Prevention*.
- Beardslee, J., Datta, S., Byrd, A., Meier, M., Prins, S., Cerda, M., & Pardini, D. (2018). An examination of parental and peer influence on substance use and criminal offending during the transition from adolescence to adulthood. *Criminal Justice and Behavior*, 45(6), 783–798. <https://doi.org/10.1177/0093854818764767>
- Bender, P. (2011). Exposing the hidden penalties of pleading guilty: A revision of the collateral consequences rule comment. *George Mason Law Review*, 19(1), 291–318.
- Bibas, S. (2006). Transparency and participation in criminal procedure. *New York University Law Review*, 81, 3.

- Bordens, K. S., & Bassett, J. (1985). The plea bargaining process from the defendant's perspective: A field investigation. *Basic and Applied Social Psychology*, 6(2), 93–110. https://doi.org/10.1207/s15324834basp0602_1
- Boudreaux, C. J. (2017). An economic analysis of the trial penalty: A comparative analysis of three alternative trial settings. *Journal of Economics and Finance*, 41(3), 553–568. <https://doi.org/10.1007/s12197-016-9368-4>
- Boyd, R. J., Huss, S. M., & Myers, D. L. (2008). Antecedents and consequences of juvenile case processing: Where are we now, and where do we go from here? *Youth Violence and Juvenile Justice*, 6(2), 195–220. <https://doi.org/10.1177/1541204007305529>
- Bradley-Engen, M. S., Engen, R. L., Shields, C., Damphousse, K. R., & Smith, B. L. (2012). The time penalty: Examining the relationship between time to conviction and trial vs. plea disparities in sentencing. *Justice Quarterly*, 29(6), 829–857. <https://doi.org/10.1080/07418825.2011.624112>
- Brady v. United States, 397 U.S. 742 (1970).
- Burruss, G. W., Peck, J. H., & Cameron, A. L. J. (2020). Fifty years post Gault: A meta-analysis of the impact of attorney representation on delinquency outcomes. *Journal of Criminal Justice*, 66, 101634. <https://doi.org/10.1016/j.jcrimjus.2019.101634>
- Butts, J. A., Cusick, G. R., & Adams, B. (2009). *Delays in youth justice*.
- Cauffman, E. & Steinberg, L. (2000). (Im)maturity of judgment in adolescence: why adolescents may be less culpable than adults. *Behavioral Sciences & The Law*, 18(6), 741–760. <https://doi.org/10.1002/bsl.416>
- Cauffman, E., & Woolard, J. (1999). *The Future Outlook Inventory* [Unpublished manuscript]. MacArthur Network on Adolescent Development and Juvenile Justice.

- Cauffman, E., Shulman, E.P., Steinberg, L., Claus, E., Banich, M.T., Graham, S., & Woolard, J. (2010). Age differences in affective decision making as indexed by performance on the Iowa Gambling Task. *Developmental Psychology*, *46*(1), 193–207.
<https://psycnet.apa.org/doi/10.1037/a0016128>
- Chein, J., Albert, D., O'Brien, L., Uckert, K., & Steinberg, L. Peers increase adolescent risk taking by enhancing activity in the brain's reward circuitry. *Developmental Science*, *14*(2), F1–F10. <https://doi.org/10.1111/j.1467-7687.2010.01035.x>
- Chen, F. F. (2007). Sensitivity of goodness of fit indexes to lack of measurement invariance. *Structural Equation Modeling: A Multidisciplinary Journal*, *14*(3), 464–504.
<https://doi.org/10.1080/10705510701301834>
- Cheung, G. W., & Rensvold, R. B. (2002). Evaluating goodness-of-fit indexes for testing measurement invariance. *Structural Equation Modeling: A Multidisciplinary Journal*, *9*(2), 233–255. https://doi.org/10.1207/S15328007SEM0902_5
- Cohen, J. (1980). Adolescent independence and adolescent change. *Youth & Society*, *12*(1), 107–124. <https://doi.org/10.1177/0044118X8001200107>
- Daftary-Kapur, T., & Zottoli, T. M. (2014). A first look at the plea deal experiences of juveniles tried in adult court. *International Journal of Forensic Mental Health*, *13*(4), 323–336.
<https://doi.org/10.1080/14999013.2014.960983>
- Davis, K. (1940). The sociology of parent-youth conflict. *American Sociological Review*, *5*(4), 523–535. <https://doi.org/10.2307/2084427>
- Dervan, L. E., & Edkins, V. A. (2013). The innocent defendant's dilemma: An innovative empirical study of plea bargaining's innocence problem criminal law. *Journal of Criminal Law and Criminology*, *103*(1), 1–48. <https://dx.doi.org/10.2139/ssrn.2071397>

- Dmitrieva, J., Monahan, K.C., Cauffman, E., & Steinberg, L. (2012). Arrested development: The effects of incarceration on the development of psychosocial maturity. *Development and Psychopathology*, 24(3), 1073–1090. <https://doi.org/10.1017/S0954579412000545>
- Duizend, R. V., Steelman, D. C., & Suskin, L. (2011). Model time standards for state trial courts. *National Center for State Courts*.
- Dusky v. United States, 362 U.S. 402 (1960).
- Edkins, V. A., & Dervan, L. E. (2018). Freedom now or a future later: Pitting the lasting implications of collateral consequences against pretrial detention in decisions to plead guilty. *Psychology, Public Policy, and Law*, 24(2), 204–215. <https://doi.org/10.1037/law0000159>
- Edwards, J. R., & Lambert, L. S. (2007). Methods for integrating moderation and mediation: A general analytical framework using moderated path analysis. *Psychological Methods*, 12(1), 1–22. <https://doi.org/10.1037/1082-989X.12.1.1>
- El Paso County*. (n.d.). Juvenile Probation Units. Retrieved April 26, 2023, from <https://www.epcounty.com/jvprobation/units.htm>
- Euvrard, E., & Leclerc, C. (2017). Pre-trial detention and guilty pleas: Inducement or coercion? *Punishment & Society*, 19(5), 525–542. <https://doi.org/10.1177/1462474516670153>
- Feld, B. C., & Schaefer, S. (2010). The right to counsel in juvenile court: The conundrum of attorneys as an aggravating factor at disposition. *Justice Quarterly*, 27(5), 713–741. <https://doi.org/10.1080/07418820903292292>
- Feldman, S.S., & Quatman, T. (1988). Factors influencing age expectations for adolescent autonomy: A study of early adolescents and parents. *Journal of Early Adolescence*, 8(4), 325–242. <https://doi.org/10.1177/0272431688084002>

- Foote, C. (1954). Compelling appearance in court: Administration of bail in Philadelphia. *University of Pennsylvania Law Review*, 102(8), 1031–1079.
<https://doi.org/10.2307/3309895>
- Fountain, E. N., & Woolard, J. L. (2018). How defense attorneys consult with juvenile clients about plea bargains. *Psychology, Public Policy, and Law*, 24(2), 192–203.
<https://doi.org/10.1037/law0000158>
- Frazier, C. E., & Bishop, D. M. (1985). Pretrial detention of juveniles and its impact on case dispositions. *Journal of Criminal Law and Criminology*, 76(4), 1132–1152.
- Gazal-Ayal, O., & Tor, A. (2011). The innocence effect. *Duke Law Journal*, 62, 339–401.
<https://doi.org/10.2139/ssrn.1878498>
- Godinez v. Moran, 509 U.S. 389 (1993).
- Greenberger, E., Josselson, R., Knerr, C., & Knerr, B. (1975). The measurement and structure of psychosocial maturity. *Journal of Youth and Adolescence*, 4(2), 127–143.
<https://doi.org/10.1007/BF01537437>
- Grisso, T., Steinberg, L., Woolard, J., Cauffman, E., Scott, E., Graham, S., Lexcen, F., Reppucci, N. D., & Schwartz, R. (2003). Juveniles' competence to stand trial: A comparison of adolescents' and adults' capacities as trial defendants. *Law and Human Behavior*, 27(4), 333–363. <https://doi.org/10.1023/A:1024065015717>
- Halpern-Felsher, B.L., & Cauffman, E. (2001). Costs and benefits of a decision: Decision-making competence in adolescents and adults. *Applied Developmental Psychology*, 22(3), 257–273. [https://doi.org/10.1016/S0193-3973\(01\)00083-1](https://doi.org/10.1016/S0193-3973(01)00083-1)
- Hayes, A. F. (2022). *Introduction to Mediation, Moderation, and Conditional Process Analysis: A Regression-Based Approach* (3rd ed.). The Guilford Press.

- Helm, R. K., Reyna, V. F., Franz, A. A., & Novick, R. Z. (2018). Too young to plead? Risk, rationality, and plea bargaining's innocence problem in adolescents. *Psychology, Public Policy, and Law*, 24(2), 180–191. <https://doi.org/10.1037/law0000156>
- Herz, D. C., Dierkhising, C. B., Raithel, J., Schretzman, M., Guiltinan, S., Goerge, R. M., Cho, Y., Coulton, C., & Abbott, S. (2019). Dual system youth and their pathways: A comparison of incidence, characteristics and system experiences using linked administrative data. *Journal of Youth and Adolescence*, 48(12), 2432–2450. <https://doi.org/10.1007/s10964-019-01090-3>
- Herz, D. C., Eastman, A. L., Putnam-Hornstein, E., & McCroskey, J. (2021). Dual system youth and their pathways in Los Angeles County: A replication of the OJJDP Dual System Youth Study. *Child Abuse & Neglect*, 118, 105160. <https://doi.org/10.1016/j.chiabu.2021.105160>
- Hildebrand, S. (2021). Reviving the presumption of youth innocence through a presumption of release: A legislative framework for abolition of juvenile pretrial detention. *Penn State Law Review*, 125, 695.
- Hox, J. J., Maas, C. J. M., & Brinkhuis, M. J. S. (2010). The effect of estimation method and sample size in multilevel structural equation modeling. *Statistica Neerlandica*, 64(2), 157–170. <https://doi.org/10.1111/j.1467-9574.2009.00445.x>
- Hu, L., & Bentler, P. M. (1999). Cutoff criteria for fit indexes in covariance structure analysis: Conventional criteria versus new alternatives. *Structural Equation Modeling*, 6, 1–55. <https://doi.org/10.1080/10705519909540118>
- In re Gault, 387 U.S. 1 (1967).

- Kaban, B., & Quinlan, J. C. (2004). Rethinking a “knowing, intelligent and voluntary waiver” in Massachusetts’ juvenile courts. *Journal of the Center for Families, Children, and the Courts*, 5, 35–55.
- Kellough, G., & Wortley, S. (2002). Remand for plea. Bail decisions and plea bargaining as commensurate decisions. *British Journal of Criminology*, 42(1), 186–210.
<https://doi.org/10.1093/bjc/42.1.186>
- Kokkalera, S. S., Tallas, A., & Goggin, K. (2021). Contextualizing the impact of legal representation on juvenile delinquency outcomes: A Review of research and policy. *Juvenile and Family Court Journal*, 72(1), 47–71. <https://doi.org/10.1111/jfcj.12192>
- Kramer, G. M., Wolbransky, M., & Heilbrun, K. (2007). Plea bargaining recommendations by criminal defense attorneys: Evidence strength, potential sentence, and defendant preference. *Behavioral Sciences & the Law*, 25(4), 573–585.
<https://doi.org/10.1002/bsl.759>
- Larson, R. W., Richards, M. H., Moneta, G., Holmbeck, G., & Duckett, E. (1996). Changes in adolescents’ daily interactions with their families from ages 10 to 18: Disengagement and transformation. *Developmental Psychology*, 32(4), 744–754.
<https://doi.org/10.1037/0012-1649.32.4.744>
- Leslie, E., & Pope, N. G. (2017). The unintended impact of pretrial detention on case outcomes: Evidence from New York City arraignments. *The Journal of Law and Economics*, 60(3), 529–557. <https://doi.org/10.1086/695285>
- MacCallum, R. C., Browne, M. W., & Sugawara, H. M. (1996). Power analysis and determination of sample size for covariance structure modeling. *Psychological Methods*, 1(2), 130–149. <https://doi.org/10.1037/1082-989X.1.2.130>

- Mahoney, A. R. (1985). Time and process in juvenile court. *The Justice System Journal*, 10(1), 37–55.
- Malloy, L. C., Shulman, E. P., & Cauffman, E. (2014). Interrogations, confessions, and guilty pleas among serious adolescent offenders. *Law and Human Behavior*, 38(2), 181–193. <https://doi.org/10.1037/lhb0000065>
- Malone, C. (2020). Plea bargaining and collateral consequences: An experimental analysis. *Vanderbilt Law Review*, 73(4), 1161–1208.
- Marcia, J. E. (1980). Identity in adolescence. In J. Adelson (Ed.), *Handbook of adolescent psychology* (pp. 109–137). New York Wiley.
- McConnell, S. (2023). Sentenced to prison, not to death: Home confinement during the pandemic and moving beyond COVID-19. *Arkansas Law Review*, 75(4).
- McCoy, C. (2005). Plea bargaining as coercion: The trial penalty and plea bargaining reform. *Criminal Law Quarterly*, 50(Issues 1 & 2), 67–107.
- McDonald, R. P., & Ho, M.-H. R. (2002). Principles and practice in reporting structural equation analyses. *Psychological Methods*, 7(1), 64. <https://doi.org/10.1037/1082-989X.7.1.64>
- McKeiver v. Pennsylvania, 403 U.S. 528 (1971).
- Metcalfe, C. (2021). Toward a method for evaluating court actor influences on plea negotiations: A preliminary exploration of public defenders. *Behavioral Sciences & the Law*, 39(3), 345–357. <https://doi.org/10.1002/bsl.2517>
- Miller, V. A., Ittenbach, R. F., Harris, D., Reynolds, W. W., Beauchamp, T. L., Luce, M. F., & Nelson, R. M. (2011). The Decision Making Control Instrument to assess voluntary consent. *Medical Decision Making*, 31(5), 730–741. <https://doi.org/10.1177/0272989X11398666>

- Modecki, K.L. (2008). Addressing gaps in the maturity of judgement literature: Age differences and delinquency. *Law and Human Behavior*, 32(1), 78–91.
<https://doi.org/10.1007/s10979-007-9087-7>
- Monahan, K.C., Steinberg, L., Cauffman, E., & Mulvey, E.P. (2009). Trajectories of antisocial behavior and psychosocial maturity from adolescence to young adulthood. *Developmental Psychology*, 45(6), 1654–1668. <https://doi.org/10.1037/a0015862>
- Monahan, K.C., Steinberg, L., Cauffman, E., & Mulvey, E.P. (2013). Psychosocial (im)maturity from adolescence to early adulthood: Distinguishing between adolescence-limited and persisting antisocial behavior. *Development and Psychopathology*, 25(4-1), 1093–1105.
<https://doi.org/10.1017/s0954579413000394>
- Muthén, L.K. & Muthén, B.O. (1998-2017). Mplus User’s Guide. Eighth Edition. Los Angeles, CA: Muthén & Muthén.
- National Juvenile Defenders Center. (2017). Access denied: A national snapshot of states’ failure to protect children’s right to counsel.
- NeMoyer, A., Kelley, S., Zelle, H., & Goldstein, N. E. S. (2018). Attorney perspectives on juvenile and adult clients’ competence to plead guilty. *Psychology, Public Policy, and Law*, 24(2), 171–179. <https://doi.org/10.1037/law0000157>
- Novak, A., & Hartsell, E. (2022). Does speed matter? The association between case processing time in juvenile court and rearrest. *Criminal Justice Policy Review*, 33(3), 317–343.
<https://doi.org/10.1177/08874034211035500>
- Nurmi, J.E. (1991). How do adolescents see their future? A review of the development of future orientation and planning. *Developmental Review*, 11(1), 1–59.
[https://doi.org/10.1016/0273-2297\(91\)90002-6](https://doi.org/10.1016/0273-2297(91)90002-6)

- Office of Juvenile Justice and Delinquency Prevention. (2014). *Home confinement and electronic monitoring literature review*.
- Ostrom, B. J., & Hanson, R. A. (2000). *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts*. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.
- Padilla v. Kentucky, 559 U.S. 356 (2010).
- Petersen, N. (2020). Do detainees plead guilty faster? A survival analysis of pretrial detention and the timing of guilty pleas. *Criminal Justice Policy Review*, 31(7), 1015–1035.
<https://doi.org/10.1177/0887403419838020>
- Pierce, C. S., & Brodsky, S. L. (2002). Trust and understanding in the attorney–juvenile relationship. *Behavioral Sciences & the Law*, 20(1–2), 89–107.
<https://doi.org/10.1002/bsl.478>
- Preacher, K. J. (2011). Multilevel SEM strategies for evaluating mediation in three-level data. *Multivariate Behavioral Research*, 46(4), 691–731.
<https://doi.org/10.1080/00273171.2011.589280>
- Preacher, K. J., & Coffman, D. L. (2006, May). Computing power and minimum sample size for RMSEA [Computer software]. Available from <http://quantpsy.org/>.
- Preacher, K. J., Zyphur, M. J., & Zhang, Z. (2010). A general multilevel SEM framework for assessing multilevel mediation. *Psychological Methods*, 15(3), 209–233.
<https://doi.org/10.1037/a0020141>
- Puzzanchera, C., & Hockenberry, S. (2021). *Trends and Characteristics of Delinquency Cases Handled in Juvenile Court, 2019*. Office of Juvenile Justice and Delinquency Prevention.
https://www.ojjdp.gov/ojstatbb/snapshots/DataSnapshot_JCS2019.pdf

- Rajack-Talley, T., Talley, C. R., & Tewksbury, R. (2005). The knowledge of detained juveniles about the juvenile justice system. *Juvenile and Family Court Journal*, 56(3), 29–39.
<https://doi.org/10.1111/j.1755-6988.2005.tb00107.x>
- Rasmussen, A. (2004). Teen court referral, sentencing, and subsequent recidivism: Two proportional hazards models and a little speculation. *Crime & Delinquency*, 50(4), 615–635. <https://doi.org/10.1177/0011128703261616>
- Redlich, A. D., Bibas, S., Edkins, V. A., & Madon, S. (2016). The psychology of defendant plea decision making. *American Psychologist*, 72(4), 339–352.
<http://dx.doi.org/10.1037/a0040436>
- Redlich, A., & Bonventre, C. (2015). Content and comprehensibility of juvenile and adult tender-of-plea forms: Implications for knowing, intelligent, and voluntary guilty pleas. *Law and Human Behavior*, 39(2). <https://doi.org/10.1037/lhb0000118>
- Redlich, A. D., Bushway, S. D., & Norris, R. J. (2016). Plea decision-making by attorneys and judges. *Journal of Experimental Criminology*, 12(4), 537–561.
<https://doi.org/10.1007/s11292-016-9264-0>
- Redlich, A., & Shteynberg, R. (2016). To plead or not to plead: A comparison of juvenile and adult true and false plea decisions. *Law and Human Behavior*, 40(6), 611–625.
<https://doi.org/10.1037/lhb0000205>
- Redlich, A., & Summers, A. (2011). Voluntary, knowing, and intelligent pleas: Understanding the plea inquiry. *Psychology, Public Policy, and Law*, 18(4), 626–643.
<https://doi.org/10.1037/a0026066>

- Redlich, A.D., & Goodman, G.S. (2003). Taking responsibility for an act not committed: The influence of age and suggestibility. *Law and Human Behavior*, 27(2), 141–156.
<https://doi.org/10.1023/A:1022543012851>
- Roberts, J. (2009). Ignorance is effectively bliss: Collateral consequences, silence, and misinformation in the guilty-plea process. *Iowa Law Review*, 95, 119.
- Romer, D. (2010). Adolescent risk taking, impulsivity, and brain development: Implications for prevention. *Developmental Psychobiology*, 52(3), 263–276.
<https://doi.org/10.1002/dev.20442>
- Romer, D., & Hennessy, M. (2007). A biosocial-affect model of adolescent sensation seeking: The role of affect evaluation and peer-group influence in adolescent drug use. *Prevention Science*, 8(2), 89–101. <https://doi.org/10.1007/s11121-007-0064-7>
- Sacks, M., & Ackerman, A. R. (2012). Pretrial detention and guilty pleas: If they can't afford bail they must be guilty. *Criminal Justice Studies*, 25(3), 265–278.
<https://doi.org/10.1080/1478601X.2012.705536>
- Schmidt, M. G., Reppucci, N. D., & Woolard, J. L. (2003). Effectiveness of participation as a defendant: The attorney-juvenile client relationship. *Behavioral Sciences & the Law*, 21(2), 175–198. <https://doi.org/10.1002/bsl.532>
- Schneider, R. A., & Zottoli, T. M. (2019). Disentangling the effects of plea discount and potential trial sentence on decisions to plead guilty. *Legal and Criminological Psychology*, 24(2), 288–304. <https://doi.org/10.1111/lcrp.12157>
- Schubert, C. A., Mulvey, E. P., Steinberg, L., Cauffman, E., Losoya, S. H., Hecker, T., et al. (2004). Operational lessons from the pathways to desistance project. *Youth Violence and Juvenile Justice*, 2, 237–255. <https://doi.org/10.1177%2F1541204004265875>

- Schulman, E.P., Smith, A.R., Silva, K., Icenogle, G., Duell, N., Chein, J., & Steinberg, L. (2016). The dual systems model: Review, reappraisal, and reaffirmation. *Developmental Cognitive Neuroscience, 17*, 103–117. <https://doi.org/10.1016/j.dcn.2015.12.010>
- Sickmund, M. (1997). *The Juvenile Delinquency Probation Caseload, 1985–1994*. Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/library/publications/juvenile-delinquency-probation-caseload-1985-1994>
- Steinberg, L. (2010). A dual systems model of adolescent risk-taking. *Developmental Psychobiology, 52*(3), 216–224. <https://doi.org/10.1002/dev.20445>
- Steinberg, L., & Cauffman, E. (1996). Maturity of judgment in adolescence: Psychosocial factors in adolescent decision making. *Law and Human Behavior, 20*(3), 249–272. <https://doi.org/10.1007/BF01499023>
- Steinberg, L., & Monahan, K.C. (2007). Age differences in resistance to peer influence. *Developmental Psychology, 43*(6), 1531–1543. <https://psycnet.apa.org/doi/10.1037/0012-1649.43.6.1531>
- Steinberg, L., Cauffman, E., Woolard, J., Graham, S., & Banich, M. (2009). Are adolescents less mature than adults? Minors’ access to abortion, the juvenile death penalty, and the alleged APA “flip flop.” *American Psychologist, 64*(7), 583–594. <https://doi.org/10.1037/a0014763>
- Steinberg, L., Graham, S., O’Brien, L., Woolard, J., Cauffman, E., & Banich, M. (2009). Age differences in future orientation and delay discounting. *Child Development, 80*(1), 28–44. <https://doi.org/10.1111/j.1467-8624.2008.01244.x>

- Steinberg, L.D. (1981). Transformation in family relations at puberty. *Developmental Psychology*, 17(6), 833–840. <https://doi.org/10.1037/0012-1649.17.6.833>
- Stemen, D., & Escobar, G. (2018). Whither the prosecutor? Prosecutor and county effects on guilty plea outcomes in Wisconsin. *Justice Quarterly*, 35(7), 1166–1194. <https://doi.org/10.1080/07418825.2018.1548637>
- Texas Penal Code, 12.3 (1994).
- Tomarken, A. J., & Waller, N. G. (2005). Structural equation modeling: Strengths, limitations, and misconceptions. *Annual Review of Clinical Psychology*, 1(1), 31–65. <https://doi.org/10.1146/annurev.clinpsy.1.102803.144239>
- Ulmer, J. T., Eisenstein, J., & Johnson, B. D. (2010). Trial penalties in federal sentencing: Extra-guidelines factors and district variation. *Justice Quarterly*, 27(4), 560–592. <https://doi.org/10.1080/07418820902998063>
- Viljoen, J. L., McLachlan, K., Wingrove, T., & Penner, E. (2010). Defense attorneys' concerns about the competence of adolescent defendants. *Behavioral Sciences & the Law*, 28(5), 630–646. <https://doi.org/10.1002/bsl.954>
- Viljoen, J.L., & Roesch, R. (2005). Competence to waive interrogation rights and adjudicative competence in adolescent defendants: Cognitive development, attorney contact, and psychological symptoms. *Law and Human Behavior*, 29(6), 723–742. <https://doi.org/10.1007/s10979-005-7978-y>
- Viljoen, J.L., Klaver, J., & Roesch, R. (2005). Legal decisions of preadolescent and adolescent defendants: Predictors of confessions, pleas, communication with attorneys, and appeals. *Law and Human Behavior*, 29(3), 253–277. <https://doi.org/10.1007/s10979-005-3613-2>

- Walsh, A. (1990). Standing trial versus copping a plea: Is there a penalty? *Journal of Contemporary Criminal Justice*, 6(4), 226–236.
<https://doi.org/10.1177/104398629000600404>
- Weinberger, D.A., and Schwartz, G.E. (1990). Distress and restraint as superordinate dimensions of self-reported adjustment: a typological perspective. *Journal of Personality*, 58(2), 381–417. <https://doi.org/10.1111/j.1467-6494.1990.tb00235.x>
- Woestehoff, S. A., Redlich, A. D., Cathcart, E. J., & Quas, J. A. (2019). Legal professionals' perceptions of juvenile engagement in the plea process. *Translational Issues in Psychological Science*, 5(2), 121–131. <https://doi.org/10.1037/tps0000195>
- Work, M. (2014). Creating constitutional procedure: Frye, Lafler, and plea bargaining reform. *The Journal of Criminal Law & Criminology*, 104(2), 457–488.
- Yan, S. (2020). What exactly is the bargain? The sensitivity of plea discount estimates. *Justice Quarterly*, 1–22. <https://doi.org/10.1080/07418825.2019.1707856>
- Yan, S., & Bushway, S. D. (2018). Plea discounts or trial penalties? Making sense of the trial-plea sentence disparities. *Justice Quarterly*, 35(7), 1226–1249.
<https://doi.org/10.1080/07418825.2018.1552715>
- Zottoli, T. M., & Daftary-Kapur, T. (2019). Guilty pleas of youths and adults: Differences in legal knowledge and decision making. *Law and Human Behavior*, 43(2), 166–179.
<https://doi.org/10.1037/lhb0000314>
- Zottoli, T. M., Daftary-Kapur, T., Winters, G. M., & Hogan, C. (2016). Plea discounts, time pressures, and false-guilty pleas in youth and adults who pleaded guilty to felonies in New York City. *Psychology, Public Policy, and Law*, 22(3), 250–259.
<http://dx.doi.org/10.1037/law0000095>

Zuckerman, M. (1979). Sensation seeking and risk taking. In C.E. Izard (Ed.), *Emotions in personality and psychopathology* (pp. 161–197). Springer.

https://doi.org/10.1007/978-1-4613-2892-6_7

Vita

Isabelle M. Clough is a PhD candidate in the Legal Psychology Program at The University of Texas at El Paso (UTEP). She received a Bachelor of Science in Psychology and Bachelor of Arts in Sociology with concentration in Criminology (summa cum laude) from Christopher Newport University in 2018, and a Master of Arts in Experimental Psychology from UTEP in 2020. She is expected to complete her Doctor of Philosophy in Psychology in May 2023.

Isabelle's research has primarily focused on how juvenile psychosocial maturity can influence their engagement with and treatment in the juvenile justice system. She has co-authored 4 peer-reviewed publications in adolescent development and juvenile justice journals. Isabelle is currently employed as a Research Analyst II at the Minnesota Judicial Branch.

Contact Information: isabelle.clough@courts.state.mn.us