Child maltreatment and criminal convictions in youth: The role of gender, ethnicity and placement experiences in an Australian population

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A B S T R A C T

A number of previous studies have shown that out-of-home care (OHC) placement experiences can influence the pathway from maltreatment to offending, and that these pathways may differ depending on gender and ethnic backgrounds. Even though Australian welfare and justice systems are unique in terms of the over-representation of Indigenous (Aboriginal and Torres Strait Islander) young people, there have been few Australian longitudinal studies that explore the role of placement experiences in examinations of the maltreatment-offending association. The present study uses linked child protection and youth justice data for 17,871 young people and aims to provide insight into the way ethnicity, as well as gender, moderates the association between maltreatment, placement in OHC and youth convictions. The data were analyzed using logistic regression and the findings varied systematically depending on the type of conviction examined. There was some strong evidence that gender, ethnicity and placement factors moderated the relationship between maltreatment and convictions in general, and for violent convictions more specifically. Interaction effects revealed that placement experiences were more consequential for female than for male youth, but less consequential for Indigenous than for non-Indigenous youth. A one-size-fits-all approach to understanding, treating and preventing the consequences of child maltreatment could not be considered the most appropriate best practice given the gender- and ethnic-specific pathways found in this study.

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Although there is substantial evidence that young people who have experienced childhood maltreatment are more likely to engage in criminal behavior, both as adolescents and as adults (Jonson-Reid, 2002; Ryan & Testa, 2005; Smith & Thornberry, 1995; Thornberry, Henry, Ireland, & Smith, 2010; Widom, 1989), it is also clear that the pathways from maltreatment to offending are complex (Lansford et al., 2007; Mersky & Reynolds, 2007; Smith, Park, Ireland, Elwyn, & Thornberry, 2013; Verrecchia, Fetzer, Lemmon, & Austin, 2010). For example, it is well established that the vast majority of young people who have experienced maltreatment do not go on to commit crime (DeGue & Widom, 2009; Widom, 1985), and a range of risk and protective factors have been shown to influence these developmental pathways (for detailed reviews see Kerig & Becker, 2015; Malvaso, Delfabbro & Day, 2016).

A life event that is frequently identified as contributing to youth crime and delinquency is placement in out-of-home, or substitute, care (OHC) (Goodkind, Shook, Kim, Pohlig, & Herring, 2012; Ryan & Testa, 2005). Although this is intended to provide a safe, therapeutic and stable home environment for children who have been maltreated, those who are placed into OHC often have poorer developmental outcomes and are exposed to a range of additional risks (Sawyer, Carbone, Searle, & Robinson, 2007; Vig, Chinitz, & Shulman, 2005). While some of these outcomes are likely to be a direct consequence of the maltreatment experienced (and other previous adverse circumstances), there is also evidence that poorer outcomes, including delinquency, result when placement does not occur (e.g., victims of maltreatment who remain with their families and receive in-home services; see Bright & Jonson-Reid, 2008). As emphasized by Doyle (2013), it is clear that placement decisions represent important policy questions about removing children from their home environments. In order to ensure young people are placed in the most appropriate alternative care arrangements, a deeper understanding of the potential consequences of, and long-term outcomes associated with, different placement types is needed.

Placement experiences are not homogenous; young people are placed in different types of substitute care arrangements, at different ages and for varying amounts of time. Although there appears to be some evidence for the negative effects of placement in both foster care (e.g., Doyle, 2008) and kinship care (e.g., Ryan, Hong, Herz, & Hernandez, 2010), it is placement in residential care (also known as group homes or congregate care) that appears to be most strongly associated with delinquent behavior (Baskin & Sommers, 2010; Ryan, 2012; Ryan, Marshall, Herz, & Hernandez, 2008).
Gender and ethnic differences have also been reported, with studies by Goodkind et al. (2012), Malvaso and Delfabbro (2015), and Ryan et al. (2010) all finding that group home or residential care placement was more consequential in the offending behavior of females than males. Both Ryan and Testa (2005) and Goodkind et al. (2012) also reported that African American males who were placed in OHC had a greater likelihood of delinquency than White males. However, in the Goodkind study, the negative effects of congregate care placement in particular were more consequential for white youth than African American youth; with the former more likely have contact with the juvenile justice system. Similarly, Jonson-Reid (2002) found that white youth who were placed in foster care were more likely to enter the correctional system than non-white youth.

It has been suggested that young people who are placed in residential care (and to a lesser extent foster care) are at increased risk of offending as a direct result of the difficult or disruptive behaviors that lead them to being placed in care. There is evidence, for example, that young people who enter care due to a combination of maltreatment and behavior problems are more likely to experience group home placements (DeGue & Widom, 2009), and that those who have behavioral problems are more likely to offend (Vinnerljung & Sällnäs, 2008). However, it is also possible that features of the placement itself can exacerbate risk. For example, being placed in close proximity with deviant peers who reinforce antisocial attitudes and beliefs may increase antisocial behavior (Grogan-Kaylor, Rufolo, Ortega, & Clarke, 2008). Indeed, there is evidence that grouping young people with antisocial behavior together leads to increased opportunities for deviant conversations, which in turn contribute to further involvement in delinquent acts (Dishion, McCord, & Poulin, 1999; Dishion, Nelson, & Bullock, 2004; Mahoney, Stattin, & Lord, 2004).

Youth in care may also be subject to disproportionate police attention for minor incidents that would be dealt with differently in ordinary family settings (Schofield et al., 2012). In support of this suggestion, McFarlane (2010) found that property damage in care homes was one of the most common reasons that young people in OHC faced court. Furthermore, young people in OHC have been shown to experience particular difficulty in meeting bail and order conditions, creating a situation where breaches and an ongoing cycle of correctional responses are likely (Sprott & Myers, 2011). Cashmore (2011) has also described how courts in Australia are sometimes limited in their options to grant bail when foster families or care homes are unable, or unwilling, to remain involved, resulting in more youth being remanded in custody or placed in secure care. These factors have been identified as trapping young people into a cycle of offending that they are less able to escape (Malvaso & Delfabbro, 2015; Ryan, Herz, Hernandez, & Marshall, 2007).

Others have argued that it is not placement in care per se that results in offending behavior, but that other placement characteristics, such as the age at time of first placement or the placement duration or stability, exacerbate risk (Kolivoski, Shook, Goodkind, & Kim, 2014; Ryan & Testa, 2005; Yampolskaya, Armstrong, & McNeish, 2011). There is mixed evidence regarding the effects of placement duration. On one hand, some studies have concluded that young people who have been in OHC for longer periods of time are less likely to offend (Kolivoski et al., 2014), while on the other there is evidence that extended durations in care are associated with increases in offending (Ryan et al., 2010). However, the findings regarding age at time of first placement and placement instability are robust. That is, those who are placed in OHC at an older age, and those who experience a number of different placements, are more likely to offend (Baskin & Sommers, 2010; DeGue & Widom, 2009; Goodkind et al., 2012; Jonson-Reid, 2002; Ryan, 2012; Ryan et al., 2010; Vinnerljung & Sällnäs, 2008; Yampolskaya & Chuang, 2012). This may be because those who enter care at an older age are more likely to have pre-existing and more intense behavioral and emotional problems, and may have been exposed to child maltreatment or adverse family circumstances for longer periods of time (Delfabbro, Barber, & Cooper, 2001). Relatedly, young people with behavioral problems are more likely to experience placement changes, although a number of studies have demonstrated that placement instability often precedes problematic behavior (DeGue & Widom, 2009; Jonson-Reid & Barth, 2003). Thus disruptive or delinquent behavior may be both a cause and a consequence of placement instability, and a deeper understanding of how instability or unpredictability in placements contributes to behavior is needed.

Few longitudinal studies have considered how placement factors are related to different types of crime. As noted above, Jonson-Reid and Barth (2000) found that youth who were older in age at time of placement and who experienced multiple placement changes were more likely to be incarcerated for serious or violent offenses. Furthermore, Baskin and Sommers (2010) examined the differences between violent and non-violent arrests and found that while placement instability, older age at time of first placement, and longer periods of time in care were associated with increased risk, foster care and group home placement were only associated with an increased risk for non-violent arrests.

There is clearly a need to collect local data that can inform the development of both theory and interventions that aim to reduce the association between childhood maltreatment, placement in OHC, and offending behavior. The present study aims to establish the links that exist between OHC and youth crime convictions in an Australian sample of maltreated young people and to examine the influences of different placement factors on a broad range of crimes. Recent reports suggest that the number of young people placed in OHC is increasing (AIHW, 2016). This is a likely consequence of increases in child abuse reports and investigations, which can be largely attributed to the legislation of mandatory reporting policies. Although these policies vary by jurisdiction, the most recent report suggested that in 2014–15, approximately 22 in 1000 young people were subject of an investigation, and 10 in 1000 were placed in OHC (AIHW, 2016).

Although the juvenile court’s jurisdiction in Australia is similar to that of countries part of the United Nations Convention on the rights of the child (e.g., the minimum age of criminal responsibility is ten years old), the Australian youth justice system differs from some other countries in that greater use is made of a welfare model for dealing with young people who commit crime (Day, 2011). Contrasting with some of the more punitive driven models that operate in parts of Europe and the United States, welfare-informed approaches emphasize the need to consider the young person and their best interests (Muncie, 2008).

Longitudinal studies that examine the association between maltreatment, placement in OHC and offending are relatively scarce in Australia, although Australian welfare and justice systems are characterized by an over-representation of Indigenous (Aboriginal and Torres Strait Islander) young people. The entrenched disadvantage and suffering of Indigenous peoples is an undisputable broader problem within Australian society, with economic hardship, access to opportunities, and prevalence of substance abuse and mental health issues likely consequences of colonization among this cultural group. Although the trauma resulting from forced separation of some Indigenous children from their families is recognized in the Aboriginal Child Placement Principle legislated in all Australian jurisdictions (i.e., the preference to place Indigenous young people with extended family, within the Indigenous community, or with other Indigenous people), it is not always possible to adhere to this placement principle on all occasions (see Arney et al., 2015 for more detail). Therefore, this study aims to provide additional insight into the way ethnicity, as well as gender, moderates the association between maltreatment, placement in OHC and youth offending. Specifically, this study aims to examine these relationships by addressing the following research questions:

1. Do the relationships between OHC placement and convictions vary depending on gender or ethnicity?
2. Which placement factors, or interactions between placement factors and gender or ethnicity, best predict convictions?
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