



## Research article

# The child protection and juvenile justice nexus in Australia: A longitudinal examination of the relationship between maltreatment and offending



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## ABSTRACT

There is convincing evidence that many young people who are in the justice system have had contact with child protection services and that victims of childhood maltreatment are at increased risk of subsequent youth justice involvement. In Australia, however, there have been few longitudinal studies that have examined these associations and relatively less is known in this area. This study examines the overlap between the child protection and youth justice involvement in South Australia, and determines how substantiated maltreatment and variations in these experiences (e.g., the type, timing and recurrence of maltreatment) relate to criminal convictions as a youth. The results show that although the majority of child-protection involved youth do not become convicted offenders, the odds of subsequent convictions are significantly greater both for those with notifications and substantiated maltreatment and for those who had been placed in out-of-home care. Multivariate analyses revealed that the strongest predictors for receiving a conviction among maltreated youth were: male gender, Aboriginal and Torres Strait Islander ethnicity, experiences of physical abuse and emotional abuse, a greater number of substantiations (recurrence), experiencing maltreatment that commenced in childhood and continued into adolescence, and placement in out-of-home care. The mechanisms through which maltreatment might be linked with behavior are then considered, along with directions for future research in this area.

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## 1. Introduction

Studies that have compared groups of non-maltreated youth, or which have used general population estimates for comparison, have concluded that the relative risk of youth offending is increased among maltreated youth (Baskin & Sommers, 2010; Bright & Jonson-Reid, 2008; Widom, Schuck, & White, 2006). And yet, findings about the strength of the association between maltreatment and youth offending have been shown to systematically vary according to the specific research methodology that is adopted, particularly in relation to whether the design is retrospective or prospective (Malvaso, Delfabbro, & Day, 2015; Wilson, Stover, & Berkowitz, 2009). Retrospective analyses (e.g., Flannery, Singer, & Wester, 2001) usually involve taking a sample of offenders and examining the likelihood that they have been previously involved with the child protection system or have experienced maltreatment, whereas prospective methods (e.g., Thornberry, Ireland, &

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Smith, 2001) typically involve analyses of data collected from community samples or samples of child protection involved or maltreated youth to determine the likelihood that they will subsequently become young offenders. Although retrospective analyses deepen our understanding of the possible accumulation of risk factors for young offenders relative to youth in the general population, prospective examinations provide more valid insights into the predictive relationship between maltreatment and co-existing socio-demographic factors on future offending behavior. Such prospective analyses clearly show that only a small proportion of children subject to abuse is at risk of subsequent offending behavior. Furthermore, these studies have identified a range of factors other than, or in combination with, maltreatment (such as gender, ethnicity and socioeconomic status) that can influence this relationship (for a review see Malvaso et al., 2015).

Maltreatment experiences are not homogenous; young people experience different types of maltreatment, at different times, and at varying levels of severity or chronicity. These variations, and how they are associated with offending outcomes, have been the subject of longitudinal research (Mersky & Reynolds, 2007; Thornberry, Henry, Ireland, & Smith, 2010; Widom & Massey, 2015), although many of these studies used only a single category of maltreatment (e.g., neglect; Verrecchia, Fetzer, Lemmon, & Austin, 2010) or a composite measure that combines different types of maltreatment into a single aggregated category (e.g., Smith, Park, Ireland, Elwyn, & Thornberry, 2013). There have been relatively few considerations of the consequences of multi-type maltreatment, or the experience of more than one type of maltreatment. As a result, determining the unique effects of different types of maltreatment on offending is limited. However, associations have been reported between physical and sexual abuse and offending (Mersky & Reynolds, 2007; Smith, Ireland, & Thornberry, 2005; Widom & Ames, 1994), with neglect also increasingly identified as a strong predictor (Maxfield & Widom, 1996; Mersky & Reynolds, 2007; Smith et al., 2005).

Another area that has attracted the attention of researchers is the effect of maltreatment recurrence (sometimes also referred to as chronicity or severity) and the timing of maltreatment (Lemmon, 2006; Mersky, Topitzes, & Reynolds, 2012; Ryan & Testa, 2005; Verrecchia et al., 2010). Recurrence is commonly measured by the number of maltreatment incidents, reports or substantiations accrued by an individual. However, various issues in definition and measurement of recurrence have made it difficult to compare findings across studies and these problems might help to explain inconsistent findings in this area (for a review see Malvaso et al., 2016). Consistent with theories of cumulative harm, it is plausible that repeated maltreatment is linked with poorer outcomes due to extended, and potentially more severe, exposure to maltreatment (Masten & O'Dougherty Wright, 1998). Alternatively, the effects of recurrent maltreatment may be attenuated through the intervention of services, such as placement in out-of-home care (OHC; Lemmon, 2006). However, a number of studies have also demonstrated that placement in OHC leads to an increased risk of a range of negative behavioral outcomes in youth, especially in relation to juvenile justice involvement (Baskin & Sommers, 2010; Doyle, 2008; Goodkind, Shook, Kim, Pohlig, & Herring, 2012; Ryan, 2012). Although some of these adverse outcomes are likely to be a direct consequence of maltreatment and other confounding risk factors, it might be that placement compounds initial behavioral difficulties, thus increasing the risk of delinquent behavior over time.

In terms of the timing of maltreatment, most previous studies have only considered the age at time of first maltreatment report or substantiation, with some reporting that as the age at time of maltreatment increases, so does the risk of offending (Bright & Jonson-Reid, 2008; Leiter, Myers, & Zingraff, 1994). However, it is also important to note that although age at time of substantiation has often been used as a proxy for age at time of maltreatment, this indicator might reflect other underlying confounding factors. For example, it might be that maltreatment reported and substantiated later in childhood is indicative of a later age of onset of maltreatment. Alternatively, it might also be that: there has been a delay in maltreatment recognition or that the reported incident took some time to reach a point of severity to justify a substantiation. Some types of maltreatment may also be more readily identified or investigated earlier than others to allow for substantiation (e.g., neglect is often more difficult to identify, quantify or substantiate compared to instances of physical or sexual abuse where tangible evidence in the form of injuries might be present). Other studies have sought to examine the timing of abuse in more detail by breaking it down into three groups: childhood-limited maltreatment, adolescent-limited maltreatment, and persistent maltreatment (i.e., maltreatment occurring both in childhood and adolescence). Studies by Thornberry, Ireland, Smith and colleagues, for example, have provided evidence that maltreatment that either starts or continues into adolescence is more consequential in the development of offending behaviour as opposed to maltreatment that is limited to the childhood years (Smith et al., 2005; Thornberry et al., 2001; Thornberry et al., 2010). However, another study that investigated this issue in a similar way concluded that childhood-limited maltreatment was also associated with offending (Mersky et al., 2012).

It is clear from the preceding literature that the effects of maltreatment on youth offending behavior are not simple and theoretical explanations of the mechanisms that underpin the maltreatment-offending association are often poorly articulated. Although a number of psychological and criminological theories of offending have been advanced (for a review see McGuire, 2002), it might be that pathways from maltreatment to offending are too heterogeneous to be explained by any single set of risk or protective factors, or any one theory. This is one of the main premises of developmental and life course (DLC) theories which propose that human development is multiply determined by interconnections between a person's environment and their individual cognitive decision-making processes, with these influences varying over the course of the lifespan (Farrington, 2007). For example, from a developmental perspective, it has been suggested that maltreatment occurring in the early childhood years is more critical because it disrupts age-appropriate development (Cicchetti & Toth, 1995). Although not undermining the importance of negative childhood events, a lifecourse approach emphasizes the salience of events and situations occurring in adolescence and adulthood in changing behavior (Sampson & Laub, 2005). This perspective proposes that proximal events may be more influential than distal experiences, and this has been used to explain why

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