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Understanding racial disproportionality affecting African American Youth who cross over from the child welfare to the juvenile justice system: Communication, power, race and social class☆

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ABSTRACT

This qualitative study, part of a larger ethnography, examines reasons for racial disproportionality affecting African American youth who cross over from child welfare to juvenile justice system involvement from the perspectives of professionals who work within these systems. During individual, semi-structured, audio-recorded interviews, 33 African American and European American child welfare, law enforcement and court professionals discussed why African American youth are disproportionately represented among crossover youth. Responses were analyzed from the perspective of ecological systems theory informed by sociocultural/social language and critical race theories. Professionals described differences in the routine, culturally-based patterns of face-to-face communications of lower-income, African American youth and their families and professionals working within the child welfare and juvenile justice systems that contribute to racial disproportionality among crossover youth. More specifically, when youth and their families employ language and behaviors that are not preferred in child welfare and juvenile justice contexts, professionals may make negative assumptions about them and sanction them more severely than called for by their offenses. Such negative outcomes are more likely to occur when professionals are working in highly stressful or dangerous situations. When problematic interactions and outcomes seem consonant with longstanding patterns of racial tension within the community, some youth and family members can develop distrust, hostility and resistance towards professionals. Some professionals are resistant to addressing issues of race relations. Understanding patterns of communication, power and race relations in the contexts of child welfare, law enforcement, and the courts generates fresh insights for explaining racial disproportionality affecting African American youth and has implications for professionals working towards positive change for youth and families.

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1. Introduction

This study considers why African American youth are at greater risk than European American youth for "crossing over"[1] from involvement in the child welfare to the juvenile justice system from the perspectives of professionals who work within these systems. Contemporary research conducted with diverse samples throughout the nation indicates that African Americans experience deeper entrenchment than European Americans in both the child welfare and juvenile justice systems even after controlling for age, gender, neighborhood poverty, types of maltreatment and criminal offense (Ards, Myers, Malkis, Sugrue, & Zhou, 2003; Needell, Brookhart, & Lee, 2003; Ryan, Herz, Hernandez, & Marshall, 2007). In addition, youth from the child welfare system are at a 47% greater risk for becoming involved in the juvenile justice system than youth from the general population (Ryan & Testa, 2005). African American youth involved in the child welfare system are even more likely than their European American counterparts to become involved in the juvenile justice system (Center for the Study of Social Policy, 2009; Herz & Ryan, 2008a; Huang, Ryan, & Herz, 2012; Ryan & Testa, 2005) with findings in specific locales ranging from one-third (Halemba, Siegel, Lord, & Zawacki, 2004) to thirteen times (Saeteurn & Swain, 2009) more likely.

1.1. The problem

Crossing over from child welfare and juvenile justice system involvement is of concern to youth advocates and others because it can increase youth's risks for poor developmental outcomes. Involvement in the child welfare system can place vulnerable youth at additional risk for mental health, educational and vocational problems (Dworsky & Courtney, 2010; Goerge et al., 2002; Myers, 2011). Involvement in the juvenile justice system can further compound youth's risk for poor developmental outcomes through exposure to delinquent peers and stigmatization (Chapin & Griffin, 2005; Redding, Lexcen, & Ryan, 2005). In addition, youth involved in the child welfare system generally receive harsher treatment within the juvenile justice system. For example, they are less likely to receive probation and more likely to be placed in group homes or correctional facilities than delinquent youth without maltreatment histories (Ryan et al., 2007). Given multiple risk factors, it is not surprising that an estimated 56% of crossover youth have mental health problems (Herz, Ryan, & Bilchik, 2010). In addition, juvenile offenders with maltreatment histories are at greater risk for reoffending and being re-referred for

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[1] Following the Center for Juvenile Justice Reform (2012) we define crossover youth as youth who have been involved in the child welfare and juvenile justice systems. Ninety-two percent of youth cross over from child welfare to juvenile justice involvement (Huang et al., 2012). In this study, our focus is on these youth.

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maltreatment than juvenile offenders without maltreatment histories (Herz et al., 2010; Huang et al., 2012; Ryan et al., 2007).

Despite concern with crossover youth (e.g., Morris & Freundlich, 2004; Ross, 2009), relatively little is known about the reasons for racial disproportionality[2] in crossing over (Herz & Ryan, 2008b). Some research suggests that the social bonds and social controls experienced by African American youth may be weak relative to those experienced by their white counterparts. Consistent with this explanation, African American youth in foster care have more placement instability and are more likely to be placed in congregate care settings (Ryan, Marshall, Herz, & Hernandez, 2008; Ryan & Testa, 2005). In such contexts, youth may be less likely to form positive relationships with adults and mainstream institutions that support conformity with social norms, which may increase their risk for engaging in delinquency. Moreover, the social strain experienced by African American youth and their families involved in the child welfare system may be greater than that experienced by their European American counterparts due not only to the compounded strains of poverty, violence, crime and poor schools, but racism as well (see Agnew, Brezina, Wright, & Cullen, 2002; Thomlison, 2004).

Yet social strain and weak social bonds and control can explain racial disproportionality among crossover youth only if they lead to more delinquent behavior among African American youth involved in the child welfare system relative to their European American counterparts. Existing data are sparse and rely on self-reports, but suggest that African American youth involved with the child welfare system are no more likely than their European American counterparts to engage in delinquent behavior (Grogan-Kaylor, Ruffolo, Ortega, & Clarke, 2008). More research on delinquency rates of African American and European American youth involved in the child welfare system is needed. In addition, other potential contributors to the complex and multilayered problem of racial disproportionality among crossover youth should be considered.

1.2. Theoretical perspective

Our goal was to understand the perspectives of the participants on racial disproportionalities among crossover youth. We entered these conversations sensitized by concepts from ecological systems (Bronfenbrenner, 1979), sociocultural/social language (e.g., Miller, Koven, & Lin, 2012; Vygotsky, 1962; Wertsch, 1991) and critical race (e.g., Delgado & Stefancic, 2011) theories.

1.2.1. Ecological systems theory and crossover youth

Given participant responses (described in the results), we focus on mesosystem level issues of communication and power. Following Bronfenbrenner (e.g., 1979), we define the mesosystem as "the set of interrelationships between two or more settings in which the developing person becomes an active participant" (p. 209). The quality of the mesosystem impacts youth development, including the extent to which communication between settings are "bidirectional, sustain and enhance mutual trust and goal consensus, and exhibit a balance of power favorable to those linking parties who facilitate action on behalf of the developing person." (p.218). For crossover youth, mesosystem linkages are complex and include a variety of settings: their home, the child welfare system, the juvenile justice system, and a multitude of individuals with varying degrees of power involved in varying levels of conflict. In this study, we will consider the quality of the mesosystem linkages formed during face-to-face interactions between youth and family members and professionals. These mesosystems interact with and within the larger macrosystem. In this study, the macrosystem is the historical context of race and social class relations in a Midwestern community.

1.2.2. Critical race theory and crossover youth

For youth involved in the child welfare and juvenile justice systems, issues of poverty often intersect with race (see Wulczyn, 2009, for example). In addition to poverty, African American youth in the child welfare and juvenile justice systems may be affected by white privilege and racial oppression perpetuated through the structures of our social institutions, and the intentional or unintentional policies and practices of professionals (e.g., Alexander, 2012). An important aspect of white privilege is that the behavior, language and values of the white middle-class are seen as the norms against which others' cultural beliefs, language and practices are measured (e.g., DuBois, 1935; Jones, 1997; Wise, 2013).

1.2.3. Sociocultural/social language perspectives and crossover youth

Sociocultural and social language perspectives suggest mesosystem processes through which macro cultural patterns, such as racism and poverty, are perpetuated or altered through routine social interactions involving African American youth and their families with low incomes and middle class child welfare and juvenile justice professionals. Sociocultural scholars working within the tradition of language socialization focus on patterns of language used in specific contexts (see Duranti, Ochs, & Schieffelin, 2012). Language can facilitate or impede the formation of supportive mesosystems among African American youth and their families with low incomes and social institutions. In his ethnographic work, for example, Dimitriadis (2009) identified southern rap music as one of the resources urban, African American male adolescents drew upon in constructing their identities. The ways in which African American adolescent peer groups assert their identity through such culturally-based patterns of communication, however, may signal opposition, or even danger, to adult authority figures including those working within the education, child welfare and juvenile justice systems thus impeding the formation of supportive mesosystems.

Language socialization researchers (e.g., Miller et al., 2012) have examined mesosystem formation from a social language perspective. Mikhail Mikhailovich Bakhtin (1895–1975), a Russian philosopher of language and literary critic, argued that within any given national language (e.g., English) there are multiple social languages, such as of the church, the family; and professional/occupational, ethnic, and age groups. We all have several social languages that we employ in specific social situations such as in the home or court. In choosing to use particular social languages, we bring other voices, for example, of peers or systems of authority, alongside our own voice. Certain social voices are privileged, or viewed as more appropriate within particular social settings, while other voices may be suppressed (Wertsch, 1991).

The concept of narrative inequality refers to the systematic privileging of some voices over others (see Miller et al., 2012). Differential access to or use of privileged ways of narrating experience is one way in which racial inequalities and other dimensions of status and power are reflected, enacted and perpetuated. This occurs when certain narratives, and the points of view communicated therein, are suppressed or punished. In studies of racial and social class disproportionalities in school functioning, scholars working within the tradition of language socialization have shown how social power and culturally-based discrepancies in patterns of communication, such as anger, among youth from lower income and African American communities and middle-class educators can result in conflict, suppressed narratives and poorer educational outcomes for black children (see Smitherman, 2000 and classic ethnographies by Heath, 1983 and Miller, 1982 among others). For example, Corsaro, Molinari and Brown Rosier (2002) followed the educational transitions of Zena, an African American child who excelled in her local Head Start program through kindergarten. Her black Head Start teachers viewed her academic performance favorably, and her verbal skills at narration and oppositional speech allowed her to take leadership roles with her black peers. In first grade, Zena transitioned to a predominantly white, middle-class school. In this context, the same verbal skills that had allowed her to flourish in Head Start were viewed as offensive, and Zena was seen as bossy and moody. The many conflicts she experienced with her white peers and teachers had a negative impact on her peer group status and school engagement.

Parallel social and communicative processes may occur with older African American youth and their families with low incomes in other institutions, such as the child welfare and juvenile justice systems. In addition, older youth and their families may actively resist or otherwise react to perceptions of racial bias. When African Americans expect racial discrimination, they may resist accommodating their social language to that preferred by child welfare and juvenile justice professionals to differentiate themselves from European American, middle-class professionals. For example, when African American youth feel that their racial identities are the direct cause of police decisions to stop them, they may expect unfair, oppressive treatment, become defensive, and resist "code switching" to the social language preferred in law enforcement and criminal justice contexts. This behavior may contribute to authorities' perceptions of them as noncompliant, as well as their decision to use force or impose other negative sanctions (Dixon, Schell, Giles, & Drogos, 2008).

1.3. The current study

Racial disproportionality affecting African American crossover youth clearly is a complex, multilayered, and persistent problem in many communities. Racial disproportionalities occur at multiple points in the child welfare and juvenile justice systems. For example, African American youth comprise 14% of the general youth population, but 26% of the foster care population and 32% of youth arrests, while white youth comprise 68%, 40%, and 65% of said populations, respectively (U.S. Census Bureau, 2012; Administration on Children, Youth and Families, Adoption and Foster Care Analysis and Reporting System, 2013; Federal Bureau of Investigation, 2012). Reasons for racial disproportionalities in the child welfare and juvenile justice systems are being actively investigated, for example, by scholars using the National Survey of Child and Adolescent Well-Being (NSCAW) (e.g., Font, Berger, & Slack, 2012) and administrative databases (e.g., Jonson-Reid, 2002). Important scholarship has examined and critiqued characteristics of case processing in child welfare and juvenile justice systems that may contribute to disproportionality affecting African American youth in the child welfare and juvenile justice systems (e.g., Bishop, Leiber, & Johnson, 2010; Roberts, 2002). In the current study, we take another approach. We invited knowledgeable child welfare, law enforcement and court professionals to reflect on their own professional experiences and interpret why a disproportionate number of African American youth cross over from involvement in the child welfare system to the juvenile justice system. To our knowledge this is the first study to focus on how front line professionals understand racial disproportionality affecting African American crossover youth. Their perspectives can provide fresh insights into racial disproportionality among crossover youth and generate viable hypotheses for ongoing research.

2. Method

This study is part of a larger ethnography. Ethnographic fieldwork by the first author over a one-year period included "ride-alongs" with different police officers; attendance at multiple forums on disproportionalities in the child welfare, juvenile justice, and education systems; attendance

[2] Racial disproportionality is defined as the overrepresentation of individuals of color in social institutions, such as the child welfare and juvenile justice systems, compared with racial group proportions in the general population (Washington State Institute for Public Policy, 2008).

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