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The thin line between protection and conviction: Experiences with child protection services and later criminal convictions among a population of adolescents[☆]



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ABSTRACT

Relying on official data provided by the Québec City Youth Center, Canada, we explore the nature and intensity of officially known criminality for all youth (N = 5399) found guilty under the provisions of the Youth Criminal Justice Act between 2003 and 2012 and assess the relationship between criminality and previous episodes of child maltreatment. This article proposes to further verify the general hypothesis stating that there are empirical links between these two phenomena. The results suggest that those youth victims of specific types of child maltreatment (physical abuse, sexual abuse) seem to be found guilty of criminal acts that are significantly in line with these earlier episodes of maltreatment. These results might help to prevent potential occurrences of such a phenomenon and also contributes to the ongoing development of psychological and criminological theories assessing why and to what extent a child victim of maltreatment might later commit criminal offenses.

Since the pioneering work of Sheldon and Eleonor Glueck in *Unraveling Juvenile Delinquency* (1957), much has been written about classifying youth delinquency and youth trajectories through delinquency (Farrington & Loeber, 2012; Mass, Herrenkohl, & Sousa, 2008; Moffitt & Caspi, 2001). While both criticized (Caspi, Lynam, Moffitt, & Silva, 1993) and praised (Laub & Sampson, 1993; 1988), the work achieved by the Gluecks sheds light on questions and debates that are still prevalent in diverse fields. Specialists in criminology, sociology and psychology seem to agree that while a majority of youth will engage in at least one minor transgression during adolescence, that same majority will not commit another (Crooks, Scott, Wolfe, Chiodo, & Killip, 2007; Kim, Tajima, Herrenkohl, & Huang, 2009; Lemmon, 1999; Salzinger, Rosario, & Feldman, 2007). As the data explored in this article clearly show, recidivism is quite limited, most youth showing an average of a little over 1.4 official criminal convictions, further confirming the idea that committing minor transgressions goes hand in hand with the maturation processes typical of the adolescence period.

It is also well documented – and accepted by a majority of social scientists – that a minority of youth will commit more than one transgression of the law (and some will even go to such extremes that even the most severe penal measures our systems have designed have no effect on recidivism).¹ The existence of this minority raises numerous questions. For instance, are these juvenile delinquents

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¹ While this controversy is not completely over, meta-analysis and large cohort studies have gradually made it possible to go from Martinson's (1970) famous "Nothing works" to determining with increasing certitude "What works" (Guay & Lafortune, 2015).

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“crime specialists” or “crime generalists”? The debate opposes those who defend a general theory of crime (Gottfredson & Hirschi, 1990) to those who argue for multiple sub-categories of delinquents, with some more specialized in specific crime activities than others (Caspi et al., 2002). Other authors (Jones & Nagin, 2007; Jones, Nagin, & Roeder, 2001; Nagin & Tremblay, 2005; Moffitt, 1993) present typologies of juvenile delinquents into which different characteristics are used to create different profiles: age at first criminal offense, variety and frequency of offenses. Brownfield and Sorenson (1987) were among the first to rely on the latent class analysis model to identify sub-categories of delinquents with common characteristics in order to produce three profiles: “conformists,” “moderates,” and “serious delinquents.” Since their study, numerous other researchers (Odgers et al., 2007) have added new insights about what considerations should be taken into account in creating profiles: how the delinquent act was measured (self-reported, reported by parents, part of an official registry, etc.; Stewart, Livingston, & Dennison, 2008), the sampling procedure involved (how representative samples are of the general population; Trickett, Negri, Ji, & Peckins, 2011) and the categories considered in developing the samples (age, sex, level of social integration, and so on).

In a comprehensive meta-analysis of studies that rely solely on latent class analysis in identifying profiles of delinquents, Jennings et al. (2012) found that 105 selected studies proposed between two and seven different profiles that differed in terms of sample composition and the measures used by the researchers. At the end of their systematic review, Jennings et al. (2012) made three general recommendations: (1) researchers should consider whether it is necessary to create “new” youth delinquent profiles, given the very abundant literature already available on this subject; (2) any future research should abandon simple descriptive efforts in order to rather address identifiable risk factors and be more precise when assigning a youth to a specific profile; (3) future studies should address policies and intervention strategies that can contribute to preventive efforts. The results presented in this article address the first two issues (1) by shedding new light on youth delinquent profiles through a more effective integration of previous child abuse and maltreatment; (2) by considering and delineating the nature and seriousness of abuse/maltreatment events and their relationship with youth delinquency.

1. The relationships between youth delinquency and child abuse and maltreatment: a survey of the existing literature

The links between child abuse, maltreatment and delinquent behaviour at later stages of life have been clearly established since the mid-sixties (Mersky, Topitzes, & Reynolds, 2011; Wigg, Widom, & Tuell, 2003). However, we still know relatively little about the nature and intensity of these links (Ryan, Herz, Hernandez, & Marshall, 2007). Recent research (Trickett et al., 2011; Yun, Ball, & Lim, 2011) shows that particular forms of maltreatment and their level of intensity are significant risk factors for delinquent behaviour during adolescence. However, it is also well documented that delinquent behaviour may appear in individuals where there has been no indication of maltreatment or child abuse; our data clearly show the presence of these two, apparently contradictory, situations.

1.1. Theoretical links between child abuse/maltreatment and delinquency: contributions from psychology and micro-sociology

Steele and Pollock (1968) are considered to be the first to have undertaken empirical research on maltreatment experiences during childhood as a predictor of future delinquency during adolescence (Widom & Ames, 1994). As Smith and Thornberry (1995) show, the vast majority of research conducted before the 1990s (Silver, Dublin, & Lourie, 1969; Steele, 1976; Wick, 1981; Mouzakis, 1981; Kratcosky, 1982; 1985) relied on retrospective designs and estimated that from 10% to 85% of delinquent adolescents had been victims of abuse/maltreatment during childhood. By the end of the 1990s, researchers, relying on vast databases and prospective designs, had concluded that the proportion of delinquent adolescents previously seen by child protection agencies was between 40 and 45% (Cicchetti, 1989; Garbarino & Plantz, 1986; Howing, Wodarski, Kurtz, Gaudin, & Herbst, 1990), a percentage very close to what our own data reveal. Smith and Thornberry (1995), and more recently, Cashmore (2011) as well as Currie and Tekin (2006), reviewing data from prospective research protocols, propose that the significant links between child abuse/maltreatment and delinquency rely on three general theoretical propositions:

- (1) Social learning theory (Akers, 1985; Bandura, 1973), which suggests that the child develops violent and delinquent behaviour through imitation;
- (2) Social control theory (Sampson & Laub, 1994; Zingraff, Leiter, Johnsen, & Myers, 1994), which sees the maltreated child as gradually losing his/her own capacity to auto-regulate social behaviour in response to the absence or significant lack of privileged social bonds;
- (3) Social-psychological strain theory (Agnew, 2005), which holds that the maltreated child, who has experienced prolonged stress episodes, gradually becomes prone to risky, auto-destructive and aggressive behaviours (Hollist, Hughes, & Schaible, 2009; Widom, 1991).

However, preliminary analysis of the database our team was able to exploit leads us to believe that none of these three theoretical proposals is necessarily better than the others. It seems, instead, that each of these explanations may be better for understanding one specific type of delinquency path than the other two. Additionally, there is one phenomenon which these three explanations almost completely ignore, a fundamental element that neither the youth nor the family can directly influence: the potential labelling effect that intervention by formal social institutions has on these youth and their families.

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