



Crossover Youth and Juvenile Justice Processing in Los Angeles County

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As a growing number of counties and local superior courts examine the issue of youth involved in both the juvenile delinquency and dependency systems, they find that little data are available to inform decision making. Researchers from California State University, Los Angeles, and the University of Illinois at Urbana-Champaign partnered with the Superior Court of Los Angeles County and the Los Angeles County Department of Children and Family Services to examine the characteristics and processing of crossover youth who entered the juvenile delinquency system from the juvenile dependency system in Los Angeles County.

The term “crossover” refers to youth who are simultaneously involved with both child welfare and juvenile justice, presenting a variety of complex legal, jurisdictional, and service delivery challenges. Although crossover can go in either direction, meaning delinquent youth can become dependent youth and vice versa, this study focused on youth who had first entered the dependency system and then committed an offense that brought them to the delinquency system.

This research brief describes the characteristics of crossover youth in Los Angeles over a period of three years, compares them to other youth in the delinquency system, and details the particular risks to which these youths are subject. Local courts, county child welfare agencies, state governments, and youth-serving organizations across the United States are currently struggling with how best to serve the

relatively large number of youth simultaneously involved with both child welfare and juvenile justice systems.¹

Key Characteristics of Crossover Youth in Los Angeles County

Crossover youth in Los Angeles have unique characteristics compared to youth coming to juvenile justice from other referral sources:

- Crossover youth are on average six months younger than non-crossover youth in the delinquency system.
- A high proportion of crossover youth are girls compared to the proportion of girls in general delinquency populations.
- African-American youth are overrepresented in crossover cases from dependency to delinquency.
- The child welfare system and the characteristics associated with crossover youth significantly contribute to disproportionate minority contact (DMC) in the juvenile justice system.
- Crossover youth are more likely to be arrested for a violent or threat-related offense than other youth in the delinquency system.
- Crossover youth are just as likely to have their cases dismissed as other youth; however, a disproportionate number of Caucasian and Asian youth are more likely than African-American and Hispanic youth to have their cases dismissed.
- Crossover youth are more likely than other youth to be given restrictive placements as first-time offenders—either in group homes or juvenile camps.

Assembly Bill 129

With the passage of Assembly Bill 129 in 2005, counties now have an additional option for crossover youth.

Section 241.1(a) of the California Welfare and Institutions Code already required that counties have a protocol to determine whether youth who come under the jurisdiction of both the dependency and the delinquency systems should be placed in one system or the other. AB 129 amended section 241.1 to add subdivision (e), which allows each county's probation department and child welfare department, in consultation with the presiding judge of the juvenile court, to develop a written protocol permitting a youth who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court, or dual-status youth.

The goal of dual status is to provide services from both the probation department and child welfare department to families with multiple issues. Dual status also allows parents who have been found to be abusive or neglectful to be held accountable at the same time that their children's illegal behavior is

¹ G. Siegel and R. Lord, *When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases* (Pittsburgh, PA: National Center for Juvenile Justice, 2004).

addressed. In addition, dual status allows youth in placement who have successfully completed the terms of their probation but do not have parents with whom to reunite to be placed in foster care and have probation dismissed.

A requirement of AB 129 was that the Judicial Council prepare an evaluation of the implementation of the protocols. This evaluation is available at www.courtinfo.ca.gov/programs/cfcc/pdf/files/AB129REPORT113007-edited.pdf.

Background

Prior research indicates that youth who are victims of physical abuse and neglect are at an increased risk of engaging in delinquency. Delinquency rates, for instance, are approximately 47 percent greater for youth associated with at least one substantiated report of maltreatment.² Group homes, placement instability, and weak social bonds are the most frequently identified factors associated with delinquency for youth in the child welfare system.³ Many important questions remain unanswered, however, about the adjudication of youth in the dependency system and their experiences in the delinquency system:

- Do victims of child abuse and neglect represent a unique subgroup within the juvenile justice system?
- What happens to victims of maltreatment after their arrest?
- Do maltreated youth follow similar pathways through the juvenile justice system relative to their nonmaltreated counterparts?

Data and Methods

Several sources of data are used in the current brief, including administrative records for all children and families involved with Los Angeles's Department of Probation and the child welfare agency, the Department of Children and Family Services (DCFS).⁴ Child welfare data included demographic information, allegations of maltreatment, and placement with child welfare services. The child welfare records included all youth (n = 91,860) involved with DCFS between 2002 and 2005. The delinquency records originated with the Los Angeles County Department of Probation and included 230,259 arrests of 82,376 youth in Los Angeles County between 2002 and 2005. The delinquency records included demographic characteristics, arrest date, offense type, and judicial dispositions. The child welfare and juvenile justice records did not share a common unique identifier (e.g., social security number). Thus, records were linked by common identifiers (e.g., last name, first name, date of birth, race, gender) using probabilistic matching software. The sample analyzed in this report includes all first-time offenders between 2002 and 2005 (n = 69,009).

² J. P. Ryan and M. F. Testa, "Child Maltreatment and Juvenile Delinquency: Investigating the Role of Placement and Placement Instability" (2005) 27 *Children and Youth Services Review* 227–249.

³ D. English, C. Widom, and C. Branford, *Childhood Victimization and Delinquency, Adult Criminality, and Violent Criminal Behavior: A Replication and Extension* (Washington, DC: National Institute of Justice, 2001); J. P. Ryan and M. F. Testa, "Child Maltreatment and Juvenile Delinquency: Investigating the Role of Placement and Placement Instability" (2005) 27 *Children and Youth Services Review* 227–249; J. P. Ryan, M. F. Testa, and F. Zhai, "African American Youth in Foster Care and the Risk of Delinquency: The Value of Social Bonds and Permanence" (in press) *Child Welfare*.

⁴ The child welfare agency in individual counties may be called by different names. In Los Angeles County, however, the child welfare agency is called DCFS.

Social scientists frequently encounter data that include a limited number of “treatment” cases and a generally larger number of comparison cases. For example, in the current study approximately 5,000 individuals were simultaneously involved with both child welfare and juvenile justice. In contrast, approximately 65,000 individual youth were involved only with juvenile justice during the observation period. When comparing these two potentially distinct sets of individuals, one can employ a variety of methods to control for initial differences. In the current study we use propensity score matching (PSM) procedures to minimize bias and to test whether the status as a youth in the child welfare system is associated with a more serious outcome in the juvenile court. Matching is a technique used to select control subjects (i.e., not in child welfare) who are “matched” with the treated subjects (i.e., in child welfare) with similar backgrounds.

Differences Between Crossover Youth and Noncrossover Youth in the Delinquency System in Los Angeles

Of the 69,009 youth entering the juvenile justice system for the first time in Los Angeles County between 2002 and 2005, 7 percent (4,811) had an open child welfare case. We compared these youth entering the juvenile justice system from child welfare to all the other youth entering the system (see Table 1). Compared to the non-child-welfare youth, youth entering from the child welfare system were

- Twice as likely to be African American (46 percent of crossover youth vs. 21 percent for all others);
- Significantly younger (median 15.0 years of age vs. 15.6);
- More likely to be a female offender (37 percent vs. 24 percent); and
- More likely to be associated with a violent (22 percent vs. 16 percent) or threat-related (5 percent vs. 3 percent) offense.

The differences with regards to age, gender, and race remain, even when we use more sophisticated multivariate statistical models.

Age

The implication that victims of maltreatment engage in delinquency at an earlier age than other youth is important to note. Young offenders (i.e., youth under age 13) are approximately three times more likely than others to become serious violent offenders and to require a disproportionate amount of resources from justice-related departments, health-related agencies, and schools.⁵ To prevent youth from offending, it is critical that child welfare agencies identify the factors that connect maltreatment with an individual’s experience in the child welfare system and with the eventual involvement with juvenile justice.

Gender

In addition to age, gender is associated with youthful offending. Female offenders under age 18 represent the fastest growing segment of the juvenile justice population; their arrests have increased by

⁵ B. Burns, J. Howell, J. Wiig, L. Augimeri, B. Welsh, R. Loeber, et al., *Treatment, Services, and Intervention Programs for Child Delinquents*, Child Delinquency Bulletin (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2003).

72 percent between 1983 and 2002 compared to 30 percent for male offenders under 18 years of age.⁶ Female offenders are also more likely to be held for technical violations and status offenses compared to male offenders in the juvenile justice system.⁷ Once in the juvenile justice system, female offenders are more likely than male offenders to be identified with mental problems such as posttraumatic stress disorder (PTSD), suicidal behavior, dissociative disorder, and borderline personality disorder.⁸ Gender-specific findings within the maltreatment and delinquency literature are scant, but some evidence suggests that different factors explain the movement from child welfare to juvenile justice for female offenders. In a recent study of maltreatment and delinquency in Illinois, for example, findings indicated that placement instability, or having multiple placements, increased the risk of delinquency for male foster youth but not for female foster youth.⁹

Race and Disproportionate Minority Contact

Disproportionate minority contact (DMC) also seems to be a factor in crossover youth; the analysis indicated that child welfare is a contributing source of the overrepresentation of African-American youth in the juvenile justice system. The current study found that youth originating in child welfare accounted for 7 percent of all new arrests between 2002 and 2005. Yet they accounted for 14 percent of all new arrests of African Americans between 2002 and 2005. As a point of reference, the overall population of persons under 18 years old in Los Angeles County in 2003 was 14 percent African American and 55 percent Hispanic (see Figure 1).

As in previous studies of judicial processing,¹⁰ significant race effects emerged in the frequency of case dismissal in this study. Specifically, controlling for a variety of covariates, including age, gender, and offense type, African-American youth and Hispanic youth were less likely to have their cases dismissed than were Caucasian and Asian youth.

In a recent report produced by the Department of Justice on DMC, four areas were identified as contributing sources to overrepresentation: the justice system (i.e., arrest practices), education, family, and low-income neighborhood.¹¹ There was no reference to the child welfare system as a potential target for intervention. Yet the findings of the current study make it clear that the child welfare system should be viewed as a significant contributing source.

Crossover Youth and Processing Differences in Los Angeles

After arrest, do crossover youth have different outcomes at the key decision points of dismissal or placement? To our knowledge, only one published study attempts to understand processing outcomes for

⁶ H. N. Snyder, *Juvenile Arrests 2000* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2002).

⁷ M. Sickmund, *Juveniles in Corrections* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2004).

⁸ E. Cauffman, S. Feldman, J. Waterman, and H. Steiner, "Posttraumatic Stress Disorder Among Incarcerated Females" (1998) 37 *Journal of the American Academy of Child & Adolescent Psychiatry* 1,209–1,216.

⁹ J. P. Ryan and M. F. Testa, "Child Maltreatment and Juvenile Delinquency: Investigating the Role of Placement and Placement Instability" (2005) 27 *Children and Youth Services Review* 227–249.

¹⁰ D. Bishop and C. Frazier, "Race Effects in Juvenile Justice Decision-Making: Findings of a Statewide Analysis" (1986) 86 *Journal of Criminal Law and Criminology* 392–413; R. C. Sarri, "Gender and Race Differences in Criminal Justice Processing" (1986) 9 *Women's Studies International Forum* 89–99; B. Wu, S. Cernkovich, and C. Dunn, "Juvenile Justice Processing: The Effects of Race, Class, and Community Context" (1997) 25 *Journal of Criminal Justice*.

¹¹ P. Devine, K. Coolbaugh, and S. Jenkins, "Disproportionate Minority Confinement: Lessons Learned From Five States" (1998) *Juvenile Justice Bulletin*, U.S. Department of Justice, Washington, D.C.

dependent youth in the juvenile justice system, and this work is limited to detention practices.¹² In this report, we extend this work and focus on two subsequent decision points. First, we model the likelihood of case dismissal. We then limit our analyses to all cases that are not dismissed and model the likelihood of an individual youth receiving probation or placement in either group homes or the more restrictive settings of juvenile justice camps or placement with the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ). About 60 percent of first-time juvenile offenders in the United States receive probation.¹³

Child Welfare Status and Case Dismissal

The current study found that 24 percent of all first arrests in Los Angeles County were dismissed. The likelihood of having one's case dismissed is not related to child welfare status. That is, youth coming to the juvenile justice system from the child welfare system are just as likely to have their first delinquency case dismissed as delinquent offenders coming from other referral sources. We did find that other youth characteristics help explain the likelihood of case dismissal, however. Controlling for important covariates, including age and type of offense, African-American and Hispanic youth were less likely to have their case dismissed compared to Caucasian and Asian youth. The odds of dismissal also decreased by 25 percent for African-American youth and by 43 percent for Hispanic youth. Three offense-related variables also help explain whether cases are dismissed. Youth with two or more charges and youth associated with a violent offense were less likely than other youth to have their case dismissed. There is no effect associated with an individual's child welfare status.

Child Welfare Status and Probation

Concerning probation, three outcomes or dispositions are of interest: home probation (66 percent), group homes (16 percent), and ranches/camps/DJJ (18 percent). Youth coming to juvenile justice from the child welfare system are much more likely than other youth to receive a placement in a group home, camp, or DJJ and much less likely to receive home on probation. This is problematic on two fronts. First, residential programs are significantly less effective for reducing the likelihood of continued delinquent offending compared to court-supervised probation and community-based programs.¹⁴ Second, it is not clear how residential programs within juvenile justice systems address issues related to family violence and child safety.

These differences in dispositions continue even after controlling for important covariates including age, race, gender, and offense type. African-American and Hispanic youth are also more likely to enter a correctional placement than are Caucasian and Asian youth. Figure 2 displays the relative probabilities and the differences between crossover and non-DCFS delinquents. We used multinomial logistic regression to better understand the effect of child welfare status (see Table 2). The probation group is the contrast group, or the group that is left out, and is displayed in the Probation column for comparison purposes.

¹² D. Conger and T. Ross, *Reducing the Foster Care Bias in Juvenile Detention Decisions: The Impact of Project Confirm* (New York, NY: Vera Institute of Justice, 2001).

¹³ H. Snyder and M. Sickmund, *Juvenile Offender and Victims: 2006 National Report* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2006).

¹⁴ M. Lipsey, "Juvenile Delinquency Treatment: A Meta-Analytic Inquiry into the Variability of Effects." In T. D. Cook, H. Cooper, D. S. Cordray, H. Hartmann, L. V. Hedges, et al., eds., *Meta-Analysis for Explanation: A Casebook* (New York, NY: Russell Sage Foundation, 1992).

Conclusion

Juvenile offenders are best served in community-based programs that improve prosocial skills, focus on problem solving with the youth and his or her family, and are highly structured and intensive. The evidence suggests that probation and augmented forms of probation (e.g., restitution) are the most effective.¹⁵ Yet youth entering the juvenile justice system via child welfare in Los Angeles County are less likely to receive such programming, regardless of the crime committed. Instead, crossover youth enter group homes and other residential settings. Such environments increase the likelihood of associating with deviant peer groups and reinforcing antisocial attitudes, values, and beliefs.¹⁶ Moreover, youth leaving these programs are at an increased risk of recidivism and of entering the adult correctional system.¹⁷ In short, the status of coming to juvenile justice from child welfare is associated with both short-term (closing of the child protection case) and long-term (recidivism) consequences.

Regarding family violence and child safety, youth coming to juvenile justice from the child welfare system have a documented history of maltreatment and an open case with child protection. Most crossover youth come to juvenile justice directly from a child welfare placement, as opposed to an intact family case (i.e., child and family are receiving in-home services). For many cases in California, the child protection case is closed and a delinquency case is opened for adjudicated youth. Since closing the child welfare case does not affect the issues that prompted removal from the family home and the continuing issues that prevented family reunification, it is not clear whether the juvenile justice system is adequately equipped to simultaneously address two distinct and complex problems: offending behavior of the youth and safety issues within the family home. This concern is not limited to California. A national survey of public juvenile justice agencies revealed that less than 10 percent had developed or implemented any collaborative efforts to address the unique needs of youth who are both dependent and delinquent.¹⁸

Pushing crossover youth deeper into the secure facilities within the juvenile justice system is unnecessary and unlikely to resolve the complex needs associated with maltreatment and juvenile offending. To date, few innovative approaches to working with crossover youth exist. Yet with the passage of AB 129, the opportunities to develop innovative approaches now exist in California. AB 129 permits counties to create a dual-status protocol with the agreement of the court and various county agencies. This protocol allows youth to simultaneously retain both a dependency and a delinquency status. Currently, seven counties, including Los Angeles County, have developed dual-status protocols to improve the handling of crossover youth in their jurisdictions.¹⁹ Los Angeles County, for example, is piloting a multidisciplinary team approach to improve preadjudication assessment and postadjudication case management. Ultimately, findings from evaluations of dual-status protocols initiated under AB 129 may hold the key to informing policymakers and practitioners about how social service systems can

¹⁵ *Ibid.*

¹⁶ K. Dodge, T. Dishion, and K. Landsford, *Deviant Peer Influences in Programs for Youth: Problems and Solutions* (Guilford Press, 2006).

¹⁷ M. Lipsey, "Juvenile Delinquency Treatment: A Meta-Analytic Inquiry into the Variability of Effects." In T. D. Cook, H. Cooper, D. S. Cordray, H. Hartmann, L. V. Hedges, R.J. Light, et al. , eds., *Meta-Analysis for Explanation: A Casebook* (New York, NY: Russell Sage Foundation, 1992).

¹⁸ J. Wiig, C. S. Widom, and J. Tuell, eds., *Understanding Child Maltreatment and Juvenile Delinquency: From Research to Effective Program, Practice, and Systematic Solutions* (Washington, DC: CWLA Press, 2006).

¹⁹ For a list of counties with developed Welfare and Institutions Code section 241.1(e) protocols, see www.courtinfo.ca.gov/programs/cfcc/programs/description/AB129-CountyList.htm.

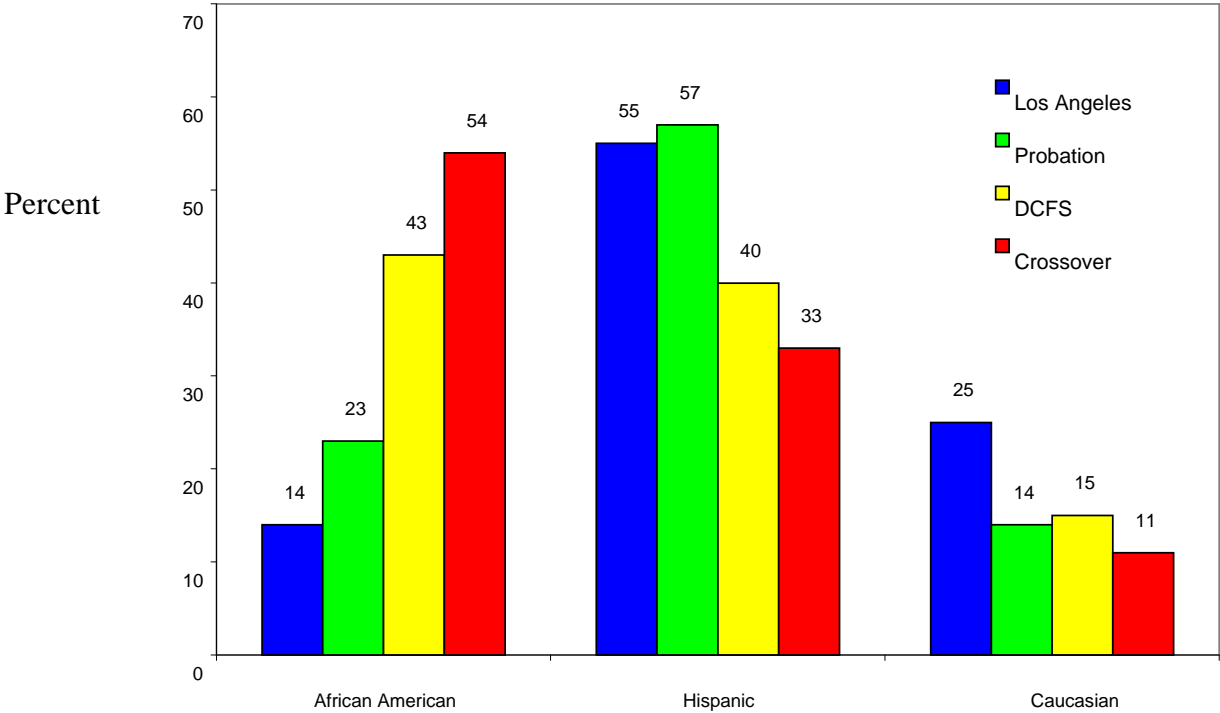
most effectively and efficiently address the complex needs of youth moving between child welfare and juvenile justice.

Table 1. Comparing First-Time Crossover and Non-DCFS Delinquents (n = 69,009)

	Crossover	Non-DCFS	Overall
	%	%	%
Race			
African American**	46	21	23
Hispanic**	39	59	57
Caucasian**	11	14	14
Asian**	1	2	2
Sex			
Female**	37	24	25
Male**	63	76	75
Type of Offense			
Burglary	18	17	17
Drugs**	5	8	8
Violent**	22	16	16
Sexual**	4	2	3
Threats**	5	3	3
Weapons**	5	7	7
	Crossover	Non-DCFS	Overall
	Mean (SD)	Mean (SD)	Mean (SD)
Age at first arrest**	15.0 (1.67)	15.6 (1.60)	15.5 (1.61)
Number of charges at first arrest**	1.24 (0.60)	1.27 (0.65)	1.27 (0.65)

**p < .01

Figure 1. Patterns of Overrepresentation in Los Angeles County



Note: percentages do not total 100 due to missing racial and ethnic groups.

Figure 2. Crossover Status and Judicial Disposition

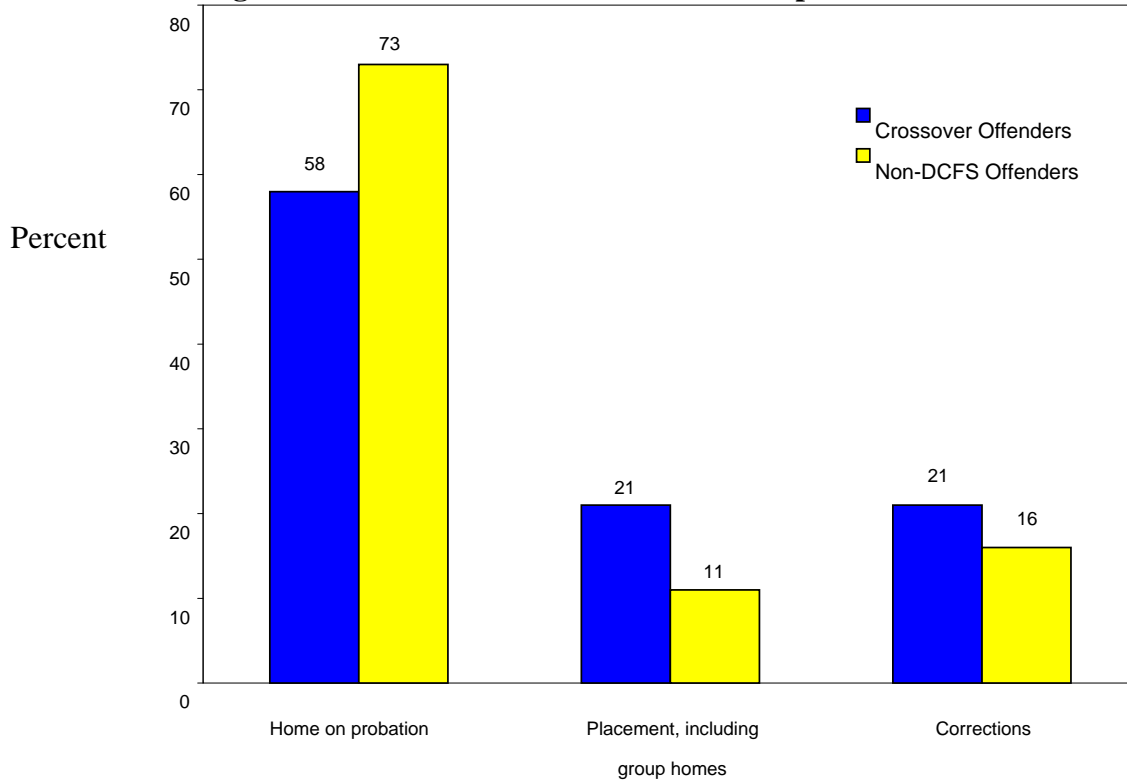


Table 2. Multinomial Model: Probation versus Suitable Placement and Corrections (n = 4,669)

	Probation Coefficients	Placement Coefficients	Corrections Coefficients
Child Demographics			
Age at arrest	---	-0.01	0.13**
African American	---	0.26	0.67**
Hispanic	---	0.29	0.48**
Male	---	-0.21*	0.35**
Type or Frequency of Offense			
Drugs	---	0.28	0.46*
Sexual	---	1.85**	0.13
Threats	---	0.43*	0.26
Weapons	---	0.15	-0.11
Violent	---	-0.30	0.05
Two charges	---	0.07	0.14
Three or more charges	---	-0.11	0.13
Dependency Status			
DCFS**	---	0.87**	0.53**

*p < .05, **p < .01

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