

Chapin Hall Research Brief



Memo from CalYOUTH: Trends in Justice System Involvement from Ages 17 to 21

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Given the documented link between child maltreatment and later delinquency (Currie & Tekin, 2012), it is not surprising that transition-age foster youth face higher rates of contact with the justice system. Several studies have found that transition-age foster youth are more likely than their nonfoster peers to engage in delinquent behaviors and become involved with the justice system (Courtney, Terao, & Bost, 2004; Courtney et al., 2005; Cusick & Courtney, 2007; Vaughn, Shook, & McMillen, 2008). For example, at age 21, foster care alumni participating in the Midwest Study reported statistically significant higher rates of criminal justice system involvement than their same-aged peers in the nationally representative Add Health study (Courtney et al., 2007). For males in the Midwest Study, 79% had ever been arrested (vs. 20% for males in Add Health) and 53% had ever been convicted of a crime (vs. 12% of Add Health males). For females, about 57% of Midwest Study participants had ever been arrested (vs. 4% of females in Add Health) and 25% had ever been convicted of a crime (vs. 1% of Add Health females).

Studies have reported differences in justice system involvement based on certain demographic characteristics among transition-age foster youth. A study by Vaughn and colleagues (2008) explored different degrees of risk for justice system involvement of foster youth between the ages of 17 and 19, and found that females made up a larger proportion than males of the group classified as “low risk.” The Midwest

Study also found that males were more likely than their female counterparts to engage in criminal behavior and to have formal involvement in the criminal justice system at ages 19, 21, and 23 (Courtney et al., 2005; Courtney et al., 2007; Courtney, Dworsky, Lee, & Raap, 2010).

Additionally, general delinquency research consistently finds that youth of color have higher rates of justice system involvement than white youth (e.g., Leiber & Peck, 2015). Research on foster youth documents similar patterns of racial differences in legal system involvement. For example, studies have found that the risk of delinquency and the likelihood of being involved in the juvenile justice system were higher for African American youth in foster care than youth of other racial groups (Ryan & Testa, 2005; Ryan, Herz, Hernandez, & Marshall, 2007). Similarly, in an analysis of older foster youths' justice system involvement through their early 20s, the Midwest Study found that black men encountered significantly higher rates of incarceration than did white men (Lee, Courtney, & Hook, 2012).

Considering the long-lasting disadvantages and adverse consequences of justice system involvement for young people on their future life opportunities and adult functioning (Crutchfield, 2007; Raphael, 2007), as well as public concerns about the overrepresentation of racial/ethnic minority youth in both the child welfare and justice systems, this memo adds to the existing knowledge by reporting justice system involvement among foster youth transitioning to adulthood in California. The memo examines rates of arrest, incarceration, and conviction of a crime across ages for young people participating in the CalYOUTH Study. We also report findings on the types of offenses youth were arrested for or convicted of, and explore demographic differences in rates of justice system involvement.

Study Methods

This memo analyzes longitudinal data collected from the first three interview waves of the California Youth Transitions to Adulthood Study (CalYOUTH). Individuals eligible for CalYOUTH included adolescents between 16.75 and 17.75 years old in December 2012 who had been in California child-welfare-supervised foster care for at least six months. State child welfare administrative data were used to identify all youth meeting these criteria ($n = 2,583$). A stratified random sample was then drawn to identify 880 youths who were recruited for the study. Of the 880 youths, 117 were deemed ineligible to participate (e.g., returned home, had run away for more than two weeks, etc.) and baseline interviews were completed in 2013 with 727 youths. Of the 727 youths who completed the baseline survey, 611 completed the second survey in 2015 and 616 completed the third survey in 2017. On average, participants were 17 years old during the first survey, 19 years old during the second survey, and 21 years old during the third survey. For more information on the study design and sampling procedures, see Courtney and colleagues (2014) for Wave 1, Courtney and colleagues (2016) for Wave 2, and Courtney and colleagues (2018) for Wave 3.

At each survey wave, data were collected from structured in-person interviews on a wide range of developmental areas (e.g., education, employment, health, children, and parenting). This memo focuses on information collected on CalYOUTH participants' contact with the justice system. In the baseline interview ("age-17 interview"), participants were asked about their history of arrest, incarceration, and conviction. For arrest, youth were asked, "Have you ever been arrested?" For incarceration, the question stated, "Have you ever been confined in a jail, prison, correctional facility, or juvenile or community detention facility, in connection with allegedly committing a crime?" For conviction, youth were asked,

“Have you ever been convicted of a crime?” Given their sensitive nature, these questions were asked using Audio-Enhanced, Computer-Assisted Self-Interviewing (ACASI) technology. Youth were provided headphones and a laptop computer so they could listen to and respond to the questions privately.

During the two follow-up interview waves conducted in 2015 (“age-19 interview”) and 2017 (“age-21 interview”), participants were also asked questions about arrest, incarceration, and conviction. The questions asked about new instances of criminal justice involvement since the time of participants’ last CalYOUTH interview. The age-19 interview asked about criminal justice involvement that occurred after youths’ baseline interview. The age-21 interview asked about criminal justice involvement since youths’ most recent CalYOUTH interview.¹ In this memo, we combined data collected from the age-19 and age-21 interview waves to create measures of youths’ arrest, incarceration, and conviction of a crime during early adulthood. Thus, the measure captures justice system involvement that occurred between the age-17 and age-21 interviews, which is a span of roughly 4 years.² The age-19 and age-21 interviews also collected information on the types of crimes that youth had been arrested for or convicted of. This includes arrests and convictions due to a property crime (i.e., burglary, theft, or motor vehicle theft), a violent crime (i.e., rape, sexual assault, aggravated assault, or robbery), and a drug-related crime (i.e., selling or possessing illegal drugs).

This memo first examines CalYOUTH participants’ justice system involvement within two timeframes: (1) involvement before their age-17 interview and (2) involvement between their age-17 and age-21 interviews. Next, we report findings on the types of crimes that youth had been arrested for or convicted of between the age-17 and age-21 interviews. Finally, we examine differences in rates of justice system involvement by gender and race/ethnicity. In all of the tables, we report unweighted sample sizes (“unweighted *n*”) and percentages that are weighted to the state population of foster youth who met the CalYOUTH eligibility criteria (“weighted %”).

Findings

Table 1 displays some of the demographic characteristics of the samples. The columns on the left display the unweighted sample sizes and weighted percentages for the age-17 interview, while the columns on the right display unweighted sample sizes and weighted percentages for the age-21 interview. There was a higher percentage of females at both interviews, and the samples are racially and ethnically diverse. Nearly half of the participants identified as Hispanic. The smallest group consisted of youth who identified as Asian, Pacific Islander, Hawaiian, or Alaskan Native (Asian/PI/HI/AK).

¹ For participants who did not complete the age-19 interview, these questions asked about criminal justice involvement occurring between their age-17 interview and age-21 interview (a span of about 4 years). For participants who did complete the age-19 interview, these questions asked about criminal justice involvement occurring between their age-19 interview and age-21 interview (a span of about 2 years).

² The average number of years between the age-17 and age-21 interview waves was 4.06 years (standard deviation = 0.22, median = 4.03).

Table 1. Demographic Characteristics of the Samples

Demographic Characteristic	Age-17 interview (<i>n</i> = 727)		Age-21 interview (<i>n</i> = 616)	
	<i>n</i>	%	<i>n</i>	%
Gender				
Female	429	59.4	375	62.1
Male	298	40.6	241	37.9
Race/ethnicity				
White	168	17.8	146	18.5
Black/African American	108	17.6	89	17.1
Multiracial	107	15.5	93	16.1
Asian/PI/HI/AK	24	2.5	21	2.1
Hispanic	319	46.7	266	46.2

As displayed in Table 2, about two in five CalYOUTH participants reported having ever been arrested before their age-17 interview, about one in four had ever spent a night in jail, and a little more than one in five had ever been convicted of a crime. Overall, about 44% of youth had any of the three types of justice system involvement prior to their age-17 interview. The bottom half of the table reports the incidence rates for new criminal justice system involvement that occurred after their age-17 interviews and before their age-21 interviews. More than one in five youth reported having been arrested during this 4-year timeframe, and fewer than one in five had been incarcerated or convicted of a crime. About a quarter of youth had any justice system involvement between interviews.

Table 2. Rates of Justice System Involvement

Outcome	Unweighted <i>n</i>	Weighted %
Before age 17 (<i>n</i> = 727)		
Arrested (<i>n</i> = 705)	283	40.1
Incarcerated (<i>n</i> = 703)	178	25.6
Convicted (<i>n</i> = 698)	150	22.0
Any justice system involvement	314	44.2
Between ages 17 and 21 (<i>n</i> = 616)		
Arrested (<i>n</i> = 610)	147	22.1
Incarcerated (<i>n</i> = 610)	139	19.5
Convicted (<i>n</i> = 608)	93	14.0
Any justice system involvement	170	24.7

Table 3 displays more detailed information on the types of crime youth were arrested for (top of table) and convicted of (bottom of table) between the age-17 and age-21 interviews. Youth could have selected more than one answer. Among the respondents who had been arrested between ages 17 and 21, arrests for property crimes were the most prevalent, followed by arrests for violent crimes and drug-related crimes. A similar ordering is found for reasons for conviction among youth who had been convicted of a crime between ages 17 and 21; property crimes were the most common, followed by violent crimes and drug-related crimes. Lastly, among those who had been convicted, less than half reported that the conviction was a felony offense.

Table 3. Type of Offense for which Youth was Arrested or Convicted

Outcome	Unweighted <i>n</i>	Weighted %
Among youth arrested between Ages 17 and 21 (<i>n</i> = 147)^a		
Arrested for property crime	38	26.5
Arrested for violent crime	30	23.3
Arrested for drug-related crime	32	21.4
Among youth convicted between Ages 17 and 21 (<i>n</i> = 93)^b		
Convicted of property crime	29	34.2
Convicted of violent crime	25	27.3
Convicted of drug-related crime	19	19.1
Was any conviction a felony	39	45.6

^a In total, 147 youths had been arrested between ages 17 and 21, but each item had missing data. Nine youths answered “don’t know” or “refused” for the question about arrest for a violent crime (*n* = 138), eight youths answered “don’t know” or “refused” to the question about arrest for a property crime (*n* = 139), and eight youths answered “don’t know” or “refused” to the question about arrest for drug-related crime (*n* = 139).

^b In total, 93 youths had been convicted of a crime between ages 17 and 21, but three youths answered “don’t know” or “refused” to each of the four conviction questions listed in the table. The sample size for these four questions is 90.

Table 4 reports rates of justice system involvement by gender. The column on the right displays the *p*-values from statistical tests that examined whether gender differences were statistically significant (*p* < .05). In terms of justice system involvement that occurred before the age-17 interviews (see top of Table 3), males were significantly more likely than females to have been incarcerated and convicted of a crime. The prevalence rate of any justice system involvement did not significantly differ between males and females prior to their age-17 interviews. For justice system involvement between the age-17 and age-21 interviews (see bottom of Table 4), gender differences were found for all three types of justice system involvement. The arrest rate for males was nearly double the rate for females. Males were more than twice as likely as females to have spent a night in jail and to have been convicted of a crime between ages 17 and 21. Overall, nearly one-third of males experienced any justice system involvement between ages 17 and 21 compared to one-fifth of females.

Table 4. Rates of Justice System Involvement by Gender (weighted %)

Outcome	Female (%)	Male (%)	<i>p</i>
Before Age 17^a			
Arrested (<i>n</i> = 705)	38.5	42.4	.355
Incarcerated (<i>n</i> = 703)	22.3	30.6	.028
Convicted (<i>n</i> = 698)	18.6	26.9	.025
Any justice system involvement (<i>n</i> = 701)	41.4	48.2	.115
Between Ages 17 and 21^b			
Arrested (<i>n</i> = 610)	17.4	29.9	.002
Incarcerated (<i>n</i> = 610)	14.0	28.5	<.001
Convicted (<i>n</i> = 608)	9.3	21.7	<.001
Any justice system involvement (<i>n</i> = 596)	19.8	32.6	.002

^a A total of 727 youths participated in the Age 17 interviews, but seven youths were not asked the three justice involvement questions. Additionally, some respondents gave “don’t know” or “refused” to the question about arrest (*n* = 15), incarceration (*n* = 17), and conviction (*n* = 22). The sample sizes in parentheses are the number of youths who were asked the question and who gave a “yes” or “no” reply

^b A total of 616 youths participated in the Age 21 interviews. More than 95% of participants replied “yes” or “no” to each of the Age 21 justice system involvement questions. However, information was missing for some youth either because they were not asked the justice system questions (*n* = 10) or because they replied “don’t know” / “refused” at Age 21 (*n* = 16 for arrest, *n* = 13 for incarcerated, and *n* = 11 for conviction). Several of the youth who were missing justice system involvement data in the Age 21 interview reported that they had been involved in the criminal justice system during their Age 19 interview. These youths were included in the samples in the parentheses.

Table 5 displays differences in justice involvement by race and ethnicity. For justice system involvement before the age-17 interviews (top of Table 5), no statistically significant differences were found by race and ethnicity for any type of justice system involvement. For justice system involvement between the age-17 and age-21 interviews (bottom of Table 5), statistically significant differences were found in rates of arrest and rates of any justice system involvement. Black youth were significantly more likely to have been arrested than white youth, Asian/Pacific Islander/Hawaiian/Alaska Native youth, and Hispanic youth (all $p < .05$).³ Similarly, the prevalence rate of any justice system involvement was significantly higher for Black youth than for youth in all of the other groups except the multiracial group (all $p < .05$). Statistically significant differences by race/ethnicity were not found for incarceration or conviction.

³ The difference in arrest rate between Black youth and multiracial youth was marginally statistically significant ($p = .079$).

Table 5. Rates of Justice System Involvement by Race/Ethnicity (weighted %)

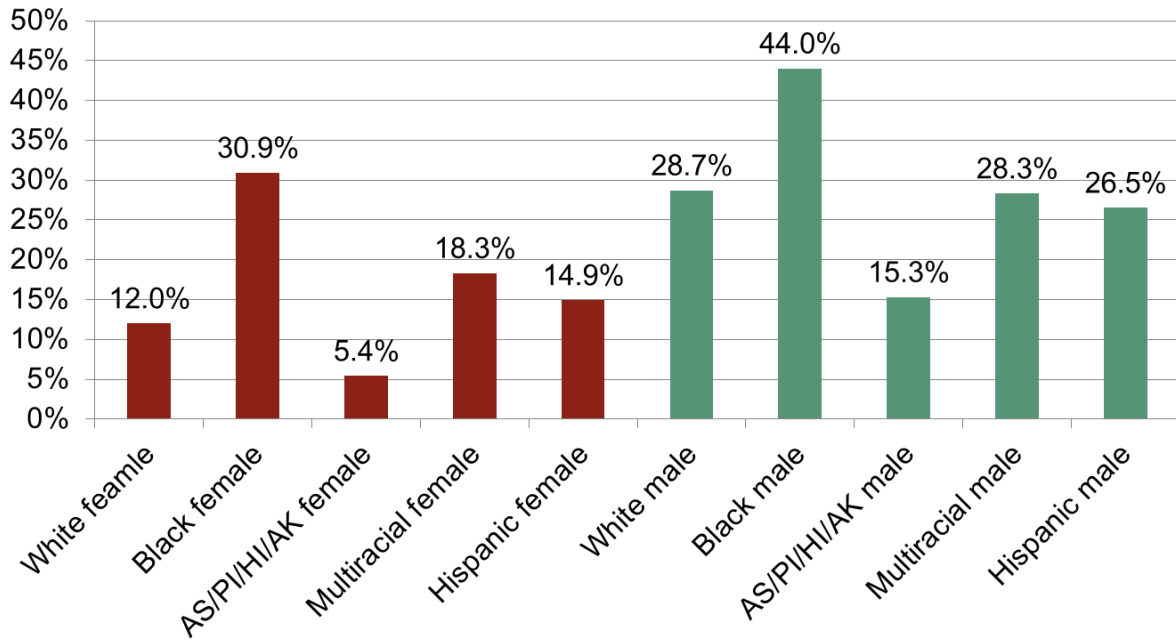
Outcome	White	African American/Black	Asian/PI/HI/AK	Multi-racial	Hispanic	p
Before Age 17						
Arrested (<i>n</i> = 705)	34.6	41.4	29.5	46.3	40.1	.434
Incarcerated (<i>n</i> = 703)	23.0	33.2	18.8	26.9	23.7	.296
Convicted (<i>n</i> = 698)	20.5	27.2	16.8	23.1	20.4	.609
Any justice system involvement (<i>n</i> = 701)	39.1	45.2	31.6	51.8	43.8	.347
Between Age 17 and 21						
Arrested (<i>n</i> = 610)	18.3	35.9	10.6	22.3	19.1	.011
Incarcerated (<i>n</i> = 610)	16.5	28.1	10.6	20.1	17.8	.186
Convicted (<i>n</i> = 608)	12.9	21.6	10.6	11.8	12.6	.274
Any justice system involvement (<i>n</i> = 596)	20.8	37.8	10.6	25.8	21.7	.019

In addition to the results presented in the tables above, we also examined race/ethnicity differences separately by gender (not shown). We found several statistically significant differences ($p < .05$). For females, multiracial youth (47.4%) were more likely than white youth (29.1%) to have been arrested before age 17. Black females (30.4%) had higher rates of conviction before age 17 compared to white females (12.6%), Asian/Pacific Islander/Hawaiian/Alaska Native youth females (7.3%), and Hispanic females (15.6%). Between ages 17 and 21, one statistically significant difference in justice involvement was found for females. Black females (30.9%) were more likely than white females (12.0%) and Hispanic females (14.9%) to have been arrested between the age-17 and age-21 interviews.

For males, there were few statistically significant differences by race/ethnicity. No statistically significant race/ethnicity differences in rates of the three types of justice involvement that occurred before age 17 were found for males. The only statistically significant ($p < .05$) difference that occurred between ages 17 and 21 was that Black males (37.4%) were more likely than Hispanic males (18.4%) to have been convicted of a crime.

Taking a closer look at arrests specifically between ages 17 and 21, Figure 1 illustrates the trends reported above that were found by gender and race/ethnicity. As noted above, males (green bars) were significantly more likely than females (red bars) to have been arrested during this time. Within gender, statistically significant racial differences were only found among females (red bars). Racial/ethnic differences in arrest rates among males (green bars) were not found to be statistically significant.

Figure 1. Rates of Arrest between Ages 17 and 21, by Gender and Race/Ethnicity (n = 595)



In summary, most of the statistically significant differences in justice system involvement were found by gender, with males being significantly more likely than females to experience justice system involvement. A few statistically significant differences were also found by race/ethnicity in arrests and any justice system involvement between ages 17 and 21, when looking at males and females together. More racial/ethnic differences emerged when considering males and females separately. Black females reported higher rates of arrest and conviction, and multiracial females reported higher rates of early arrest. Black males reported higher rates of conviction at older ages compared to Hispanic males.

Limitations

A few limitations should be kept in mind when interpreting the findings of this memo. First, although the majority of youth who completed the age-17 interviews also participated in the age-21 interviews (84.7%), there were 111 youths who were not interviewed at age 21. It may be that these 111 nonrespondents may differ from the respondents in their rate of criminal justice system involvement. For example, if nonrespondents had higher rates of justice system involvement than respondents, then the estimates of justice involvement between ages 17 and 21 would have been higher than the rates reported in Table 2.⁴ Additionally, at each of the three interview waves, a small number of youths were incarcerated and unable to be interviewed; had they been included, the reported justice involvement

⁴ We compared the age-21 respondents ($n = 616$) and nonrespondents ($n = 111$) on the rates of justice system involvement that were captured by the age-17 interviews. We did not find differences that were statistically significant at the .05 level, however, there were differences that were marginally statistically significant ($p < .10$). Compared to age-21 respondents, age-21 nonrespondents were marginally significantly more likely to have been arrested before age 17 (38.4% vs. 48.9%), to have spent a night in jail before age 17 (24.1% vs. 33.6%), and to have been convicted of a crime (20.5% vs. 29.3%).

rates would have been higher.⁵ A second caveat has to do with limitations in our statistical power to detect differences by gender and race/ethnicity. This is particularly the case when race/ethnicity differences were examined separately by gender. Some subgroups had small samples, which limits the statistical power to find statistically significant differences when they truly exist. A third caveat pertains to the sample criteria for the study. CalYOUTH participants include foster youth supervised by child welfare departments. California has a separate system for foster youth who are supervised by probation departments, and it was not feasible to include these youths in the study (see Courtney et al., 2014). Had these probation-supervised foster youths been included in the study, rates of juvenile justice system involvement prior to age 17 would be higher and rates of adult criminal justice system involvement would likely be higher. Finally, the results are based on the presumption that youth accurately and reliably reported their justice system involvement during the interviews.

Conclusion and Implications

Prior studies have estimated that about one-third to one-half of foster youth experience justice system involvement during their transition to adulthood (Hughes et al., 2008; Singer, 2006). Our findings are consistent with previous research that documents the high rates of justice system involvement among young people in foster care. Similar to earlier research on age–crime trends in the general population (e.g., Laub & Sampson, 2003) and among youth transitioning to adulthood from foster care (Courtney et al., 2007), a downward trend in justice system involvement was also observed among CalYOUTH participants as they entered adulthood; self-reported involvement with the justice system in the study sample dropped by nearly half over time from age 17 to 21. These findings provide further evidence that the tendency of desistance during early adulthood for the general population is also found for a foster youth population.

This study also finds subgroup differences in justice system involvement based on youth demographic characteristics. We find that both gender and race were associated with youths' justice system involvement. Males reported higher rates of justice system involvement than females across ages, but relatively few racial or ethnic differences emerged in this study. The only significant racial differences were in system-involvement outcomes when youth were older, with black youth experiencing higher rates of arrests and overall justice system involvement than youth in other racial groups. Overall, this is in line with several studies showing that males and racial minority youth in foster care encounter higher risks of justice system involvement compared to their counterparts (Ryan, Abrams, & Huang, 2014; Vidal et al., 2017).

However, findings also suggest that most racial differences were limited to females. The findings provide only some evidence of racial differences in justice system involvement among males, with black males reporting higher conviction rates than Hispanic males between ages 17 and 21. This may be in part due to small sample sizes when the study sample is broken down by gender, limiting the statistical power to detect differences that surpass the $p < .05$ threshold, particularly for the relatively small group of young men interviewed at age 21 (see Table 1). Further research is needed to better describe and

⁵ A total of 13 youths were incarcerated at the time of the Age 17 interviews and were excluded from the study. During the Age 19 interviews, 4 of the 9 incarcerated participants could not be interviewed. During the Age 21 interviews, 12 of the 17 incarcerated participants could not be interviewed.

explain gender, race, and ethnic disparities in justice system involvement of youth transitioning to adulthood from foster care. This is particularly important given the enduring racial and ethnic disparities in justice system involvement of young people as a whole (Bilchik & Weber, 2018; Knoll & Sickmund, 2010, Sarri, 2014).

Consistent with the findings of research on the overall population of young adults (e.g., Laub & Sampson, 2003), our findings suggest that young people transitioning to adulthood from care are more likely to commit property crimes than to commit violent crimes. We also found that about one in five youth experiencing justice system involvement reported that it was due to a drug-related crime. This finding is similar to earlier studies showing that marijuana use and possession of substances were the most common charges among foster youth (Ryan, 2006; Snyder & Smith, 2015). Most of the crimes the young people in our study reported committing were misdemeanors, not felonies.

Over the past decade, the U.S. has seen a historic decline—by more than half—in juvenile arrests and incarceration (Office of Juvenile Justice and Delinquency Prevention, 2017). California saw an even steeper decline in total delinquency petitions in recent years, from 23 per thousand in 2006 to 7.7 per thousand in 2016 (Park, under review). In recognition of the fact that most youth offenses are not serious felonies, recent justice reform policy in California included state efforts to prioritize rehabilitation and community-based programs for young people over formal processing and incarceration (Steinhart, 2018). Partially in response to these justice reform efforts, many communities began to respond to crime differently. This resulted more youth being diverted from the justice system on the front end (California Department of Justice, 2016). Taken as a whole, our findings regarding the nature of justice system involvement of youth currently or formerly in foster care are supportive of these developments in justice system policy. While acknowledging public concern about balancing public safety and juvenile justice reform, prior research has found little evidence that justice system involvement of low-risk offenders reduces crime and recidivism; instead, this draws public resources away from youth who are most in need of services (Bilchik & Weber, 2018). Our findings support the call for realignment of resources to emphasize prevention, treatment, and supervision.

Such a realignment of resources in the child welfare system calls for an honest acknowledgment of the frequent involvement of youth in foster care with the juvenile justice system; over two-fifths of the youth in foster care at age 17 in this study reported prior involvement with the justice system. In the past three decades, states have developed policies to address the complex needs of young people who come into contact with both the child welfare and justice systems. However, how these systems can best provide youth with the services and supports needed to reduce justice system involvement needs to be explored further. This calls for ongoing development and rigorous evaluation of strategies for reducing the involvement of foster youth with the juvenile justice system.

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