Juvenile delinquency in youths from residential care

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ABSTRACT

This article presents a comparative analysis of the profile of youths from residential care and their peers in the juvenile justice system.

We analyzed all files in juvenile detention centers in Catalonia. There were 255 subjects in juvenile detention centers, of which 247 were male and only 8 female. Of this group, 34.5% are youths from residential care centers and the remaining 65.5% are non-protected youths. Descriptive tests, t-tests, analysis of variance and chi-square tests were used for the analysis. The results corroborate with previous studies and reveal that there is a high population of youths in care in juvenile detention centers, and that more than half of them are of immigrant origin.

Youths from residential care present differences when compared with youths who are not in care in terms of background, delinquency profile and the consumption of toxic substances.

Immigrant youths from residential care mainly come from North Africa. On the contrary, the biggest immigrant group among youths who are not in care is from Latin America. Youths from residential care begin to commit offences (on average) a year later and commit more offences, mostly without interpersonal confrontation from their peers. Specifically, they commit more robberies with and without violence, but commit crimes against authorities and fewer murders. There are some differences in the consumption of toxic substances between both groups. Youths from residential care consume less hashish and alcohol.

Key Words

Residential care, youths in care, juvenile justice system, delinquency profile

1. INTRODUCTION

In the unfortunate situation of biological parents not providing for the needs of their children, the state authorities in many countries opt to have these children raised in residential care. The number of children in residential care increased sharply during the 1980s (Wells 1988; Wells & Whittington, 1990; Wells 1991). Currently, there are important differences in the use of this resource between different European countries. For example, France, Romania, Spain and Belgium had the highest numbers of children placed in institutions (each having over 2,000 children) (Browne, 2005). In contrast, at the beginning of the 21st century, some countries such as Norway, Iceland, Slovenia and the UK had a successful policy to provide
foster homes for all young children rather than use institutions (Browne, Hamilton-Giachritis, Johnson and Ostergren, 2006).

In Europe, the practice of being raised in residential care has not escaped criticism (Cliff and Berridge, 1991; Colton and Helinckx, 1994; Helinckx, 2002; Pringle, 1998). Many of these criticisms are based on the pioneer works of Spitz (1945a, 1945b), Goldfarb (1943, 1944, 1945, 1947, 1955) and Bowlby (1953), who criticized the difficulties encountered by centers in their quest to meet the physical, psychological and emotional needs of children. Currently, different specific scientific research in some European countries show that boys and girls who come from the public system of social protection for children are overrepresented in almost all indicators of social disadvantage in the EU, including poverty, housing problems, unemployment, crime and teenage pregnancy (Christoffersen, 1993, Simon and Owen, 2006).

In general, youths in care have more problematic conducts (Attar-Schwartz, 2008) than their peers. These problematic conducts are more common in children raised in residential centers than in those raised in foster homes (Marinkovic and Backovic, 2007). At the same time, youths in residential care have more socioeconomic problems, difficulties obtaining stability in the workplace and few opportunities to aspire to anything other than unskilled labor (Fernández de Valle, Álvarez and Fernanz, 1999; Sala, Villalba, Jariot, Rodríguez, 2009), in addition to 30.4% of girls getting pregnant before the age of 20 (Sala, Villalba, Jariot, Rodríguez, 2009).

Kendrick (2005) reviewed the follow-up studies of youths who had resided in residential care centers and reaffirmed that these youths experience more difficulties in terms of social integration compared with the rest of the population. The fact that these youths often have little contact with their biological families should definitely be taken into account. Studies by Conger and Ross (2001) in the United States concluded that youths in care were more prone to being detained than peers who lived with their biological families. This conclusion was corroborated by other studies by Freundlich and Morris (2004). They observed that youths in care received discriminatory treatment from the justice system when compared with their peers. This situation is further compounded for youths in residential care and many studies consider residential care to be one of the factors associated with adolescent delinquency in the child welfare system (Ryan & Testa, 2005; Ryan, Testa, & Zhai, 2008). Nevertheless, there are countries like Finland with a low rate of juvenile incarceration, where offending is a major consideration in the decision to remove youths from their homes in around 40% of cases. Most of these young offenders are placed in special institutions because welfare institutions consider that their offending behaviors are caused by school problems or psychiatric disorders (Pitts, 2012).

In Spain, in 1978 there was a decentralization of responsibilities for social services and systems of child protection and these responsibilities were assumed by the autonomous communities (Casado, 2010; Casas, 1994). According to data from all autonomous communities, Spain is one of the countries in the EU where residential care is one of the most used resources. In Catalonia, the data of youths in residential care are similar to those of the whole of Spain. 33.8% of the total number of protected children lived in residential care, 48.3% were being raised in kinship foster care and 17.9% in a foster family (Sindic de Greuges, 2009). A study conducted by Fernández de Valle, Álvarez and Fernanz (1999) researched 188 youths living in residential care in Asturias between 1989 and 1995. The results showed that 19% had had problems either with the law or in relation with social transgressions; 2.7% had been or were in prison (for the rest of the population, this figure was much lower at 0.1%). Approximately 37% of the subjects had been unable to secure an acceptable and stable economic situation: 10% of boys and 26.6% of girls lived in marginal situations (problems with the law, drug dependencies, prostitution, etcetera), and 26.6 % of boys and 23.6% of girls depended on social services and in many cases had no residence. These results were corroborated by studies that found that youths under state protection had more problems with the law than other youths (Benedict et. Al., 1996; Cook, McLean and Anselm, 1991; Courtney, Dworsky, Ruth, Keller, Havlicek and Bost, 2005; Fernández de Valle, Álvarez and Fernanz, 1999; Vilalba, Jariot, Rodríguez, 2009).

In short, the data obtained in the international and Spanish context show that delinquency is one of the biggest problems facing youths in residential care. Different studies have focused on youths from the care system in juvenile justice (Archwamety and Katsiyannis, 1998; Katsiyannis and Archwamety, 1997; Ryan and Testa, 2005; Ryan, 2006; Ryan, Hernandez and Herz, 2007). For example, in a study conducted by Ryan, Hernandez and Herz (2007), they observed that the relative risk of delinquency is approximately two
and a half times greater for adolescents with at least one residential care placement, compared with youths in foster care settings. Ryan and Testa (2005) found that approximately 16% of children placed in substitute care experience at least one delinquency petition compared to 7% of all maltreatment victims who are not removed from their family. These data indicate that youths coming from residential care have more justice problems than their peers with other protective measures.

In Spain, since the adoption of Convention on the Rights of the Child (United Nations, November 20, 1989), both child protection and the field of juvenile justice changed their beneficence policy into a socio educative system that sought to make minors active members of society. For this reason, as is the case in other European countries like Germany, Austria and the Netherlands, the juvenile justice system seeks to conduct an educational intervention with young offenders, providing a balance between control, education and reintegration (Panchón, Petrus, Costa and Gil, 2005).

According to the law, criminal responsibility of minors in Catalonia starts at the age of 14. These measures are alternatives to the closed regime (incarceration) and are less restrictive: probation, overnight attendance of a juvenile justice center, weekend stays in juvenile justice centers, community services and warnings. The use of open regime measures is increasing in the Spanish justice system (Garcia, 2008; Bravo, Sierra and Del Valle, 2009). However, we still observe that in some communities such as Catalonia, incarceration is applied in the case of more than 15% of youth offenders (Sindic de greuges 2009).

**Objectives**

This study aims, on the one hand, to determine the number of youths in juvenile detention centers who come from residential care backgrounds and, on the other hand, to analyze their delinquency profiles compared with youths who are in juvenile detention centers but who have not come from residential care.

### 2. METHOD

#### 2.1. Sample

To develop this study, files on all youths confined in juvenile correction centers in Catalonia in January 2011 were reviewed. During this period 255 youths were interned, of which 247 were boys and only 8 were girls, all aged between 14 and 18 years old, which are the ages of criminal juvenile justice in Spain.

#### 2.2. Instruments

A documentary analysis was made of the Department of Justice’s database. All the files and reports on youths in juvenile detention centers in Catalonia were reviewed and data were collected.

In order to analyze the delinquency profile of youths in care and then compare it with the other interns, the following variables were taken into account: Age, sex, background, age when they were put into state protection, number of centers and/or foster homes the child had experienced, type of crime committed, date of the first crime committed and their consumption of drugs and alcohol.

#### 2.3. Procedure

The Department of Justice of the Government of the Autonomous Community of Catalonia was asked for permission to consult their database. The intervention was designed and carried out in accordance with the ethical standards of the Department of Juvenile Justice and the Department of Child Protection of the Government of the Autonomous Community of Catalonia. All the psychosocial reports and files on the 255 youths interned in the 7 juvenile detention centers in Catalonia in January 2011 were examined.

#### 2.4. Data Analysis

The data analysis was performed by taking into account whether there were differences in criminal profiles by virtue of being dependent and their origin.
Due to the large number of existing crimes, we decided to group them into different categories as agreed by the research group, and in accordance with the opinion of experts in criminal law. Many of the crimes are distinguished by the type of weapon used or by differentiating types of theft. Given that the crimes varied widely, they were grouped into different categories to prevent the results from being too disperse:

1. Crimes committed without direct confrontation with anyone.
2. Crimes committed with direct confrontation with someone but without physical aggression.
3. Crimes committed with physical aggression against another person.

The statistical analysis was performed using the SPSS statistics package for PC. Descriptive tests, t-tests, analysis of variance and chi-square tests were used.

3. RESULTS

In this section, we first provide a general description of the group and the profile of crime. Afterwards, the differences between those youths who had been in residential care and those who had not are analyzed. Finally, the impact of the background and substance abuse on the profile of crimes is analyzed. This final stage of the analysis was used to interpret the data obtained in the second stage.

3.1. General Data

According to current legislation in Spain, internment in a juvenile detention center, whether preventive or definitive, is one of the penal measurements that can be applied to offenders aged between 14 and 18 years old. In accordance with said legislation, the priority in the penal system is to promote alternative penal measures. Thus, internment is reserved for extreme cases including serious and/or repeated offences.

Internment in a juvenile detention center is the measure applied to 15.3% of the total offenders in Catalonia. 54.7% of offenders are in partial freedom and 30% are in a mediation process. Consequently, it is worth mentioning that the data presented in this study do not correspond to the totality of the open records within the juvenile justice system. So there is probably a higher percentage of youth in care with delinquent behaviors. The total interns in juvenile detention centers in Catalonia in January 2011 represent 255 subjects (247 boys and 8 girls). Of this group, 34.5% are youths from residential care and the remaining 65.5% are not.

These youths in care were first put into a residential care center when they were on average 12.8 years old. They had been placed in 1.7 centers (on average) for 2.13 years (on average) before committing the crime for which they had been confined. They may have committed other offences but these are not included in their files because of the mediation process. The time in residential care before the first crime was committed is lower for North African youths (M= 1.6 years) than for Latin American and Spanish youths or youths from other European countries (3, 3.3 and 4 years, respectively).

3.2. Country of Origin

The countries of origin of the subjects are diverse. The biggest group comprises 101 Spanish youths (39.6% of the total) followed by the North African group (94 youths, 36.9%). These youths come from Morocco (91) and Algeria (3). The group of 45 Latin American youths represents 17.6%, who are from Ecuador (16), Columbia (11), the Dominican Republic (9), Bolivia (4), Peru (1), Chile (1), Venezuela (1), Paraguay (1) and Honduras (1). There is also a small group (5.1%) from other parts of Europe. Most of them are from Romania (9), although there are also youths from Germany (2), Poland (1) and Bulgaria (1). Finally, there was one youth from China and another from Georgia.

The distribution of youths from residential care according to country of origin is significant (Chi-square (4.255) = 61.86, P<0.001) (table 1). The condition of being state-protected is mostly associated with North African interns (62.8%). There are a significant number of interns in this condition in the group of Spaniards (26.7%) and there are very few state-protected youths from other countries.
On the whole, we can observe that the greatest number of youths from residential care are from North Africa (67%) followed by Spain (30.07%). A tiny portion (1.76%) is from Latin America. The origins of the group who are not under state protection produce a significantly different map; youths from Spain comprise the largest group (44.3%) followed by those from Latin America (26.3%), while the third largest group is composed of youths from North Africa (21%).

<table>
<thead>
<tr>
<th>Dependent Youths</th>
<th>Spain</th>
<th>Other European Countries</th>
<th>North Africa</th>
<th>Latin America</th>
<th>Asia</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of dependent</td>
<td>30.7%</td>
<td>1.1%</td>
<td>67.0%</td>
<td>1.1%</td>
<td>0%</td>
</tr>
<tr>
<td>% of that</td>
<td>26.7%</td>
<td>7.7%</td>
<td>62.8%</td>
<td>2.2%</td>
<td>0%</td>
</tr>
<tr>
<td>nationality</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-dependent</td>
<td>44.3%</td>
<td>12.2%</td>
<td>21.0%</td>
<td>26.3%</td>
<td>1.2%</td>
</tr>
<tr>
<td>% of non dependent</td>
<td>73.3%</td>
<td>92.3%</td>
<td>37.2%</td>
<td>97.8%</td>
<td>100.0%</td>
</tr>
<tr>
<td>% of that</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>nationality</td>
<td></td>
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</tr>
</tbody>
</table>

Table 1. Percentage of dependent and non-dependent youths based on country of origin.

### 3.3. Types of Crime and Consumption of Toxic Substances

#### a) General description

Most of the youths had more than one crime on their file. The crimes that were recorded were: robbery with violence (63.9% of the youths had committed this offence); injury (60.9%); theft (31.8%); robbery with intimidation (27.8%); petty-theft (27.1%); threats and coercion (24.8%); crimes against authorities (23.1%); use of a motor vehicle and road safety offence (14.5%); domestic abuse and violence (9.4%); crimes against public health (1.6%); reckless conduct (6.3%); sexual aggression (6.3%); possession of weapons (4.3%); public disorder (3.5%); vexations (2%); arson (1.6%); begging (1.6%); fraud (1.2%); murder (9%); breaking and entering (0.8%) and encroachment of a dwelling (0.4%).

Given the wide diversity of crimes, they were grouped into three categories: crimes without confrontation, crimes with confrontation but without aggression and crimes with confrontation and aggression. The most common typology in the reports was crimes with confrontation and aggression (88.6% of the youths had committed this type of crime) and the second was crimes with or without confrontation, but without aggression (60.4% and 62.4% respectively). The high level of aggression in the offences is comprehensible considering that minor offences were dealt with by means of mediation and/or community service.

61% percent of the young interns consume toxic substances. According to the files analyzed, 32.9% consume hashish, 22.4% alcohol, 5.9% cocaine and finally, 4.3% inhale solvent.

#### b) Analysis of the differences in delinquency profile and the consumption of toxic substances by youths from residential care and youths who are not in care

The age at which the first offence was committed is one year later among youths from residential care than the other youths (M = 15.08 vs. M = 14.40; P<0.001). Nevertheless, the average total offences committed by youths from residential care (M = 4.1) is higher than it is for the group youths who are not in care (M = 3.1; P<0.001). There is also a difference in the criminal profile. If the three groups of offences are analyzed, it can be observed that youths in care registered a higher amount of offences without confrontation (M = 1.13 vs. M = 0.72; P<0.001) than their non-state-protected counterparts.

If we analyze the differences for each type of crime (table 2), it can be observed that there are more youths in the residential care group than in the other youths group who have committed theft without violence [chi-square (2.255) = 24.2; P<0.001], with violence [chi-square (3.255) = 15.57; P<0.01] and crimes against authority [chi-square (2.255) = 24.2; P<0.001]. However, less youths from residential care have committed murders (1.255 = 10.18; P<0.001).
As a whole, there are no significant differences regarding the consumption of toxic substances between youths from residential care and the other youths. However, youths from residential care consume less hashish [19.3% vs. 40.1%; chi-square (1.255 = 11.28; P<0.001] and alcohol [2.3% vs. 32.9%, chi-square 1.255 = 11.22; P<0.001]; but consume more solvent [10.2% vs. 1.2%; chi-square (1.255) = 11.38; P<0.01].

c) Analysis of the differences in the criminal profile and the consumption of toxic substances according to country of origin.

Significant differences have been observed in the offences committed without confrontation [F (4.255) = 2.90; P<0.05] and with confrontation depending on the country of origin [F (4.255) = 3.26; P<0.05]. The group of Latin American youths committed fewer offences without confrontation and the group of European youths, contrarily, committed fewer offences with confrontation. The group of Latin Americans has a higher average for offences with aggression. However, this difference is not statistically significant, although this group committed more murders (24.4%) [chi-square (4.255) = 24.4; P<0.001] (Table 3).

<table>
<thead>
<tr>
<th></th>
<th>THEFT WITHOUT VIOLENCE</th>
<th>THEFT WITH VIOLENCE</th>
<th>CRIMES AGAINST AUTHORITY</th>
<th>MURDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPENDENT</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>% dependents</td>
<td>38***</td>
<td>68**</td>
<td>35***</td>
<td>1***</td>
</tr>
<tr>
<td>% offence</td>
<td>43.18%</td>
<td>77.27%</td>
<td>39.77%</td>
<td>1.14%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NON DEPENDENT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% non dependents</td>
<td>41***</td>
<td>95**</td>
<td>24***</td>
<td>22***</td>
</tr>
<tr>
<td>% offence</td>
<td>24.55%</td>
<td>56.89%</td>
<td>14.37%</td>
<td>13.17%</td>
</tr>
</tbody>
</table>

Table 2. Percentage of dependent and non-dependent youths who committed offences that register a notable difference between the two groups (*P<0.05; **P<0.01; ***P<0.001)

If the differences between the youths in residential care within each group of countries of origin are analyzed, it can be observed that Spanish youths in care committed more offences (m = 4 vs. m = 3.11; P<0.001), specifically more offences without confrontation (m = 1.11 vs. m = 0.7; P<0.05), than Spanish youths who are not in care. Within the community of North Africans, youths from residential care also registered a larger number of offences (m = 4.15 vs. m = 3.23; P<0.01), although in this case, confrontation with aggression was more frequent (m = 1.76 vs. m = 1.43; P = 0.05) than it was for their peers. It was not possible to analyze the differences within the other groups of countries of origin, because there were too few subjects.
If the differences between each type of offence are examined, some elements are observed that help to outline a more exact criminal profile (table 4). Spanish born subjects were mostly interned for robbery with violence and injuries. The most common offence committed by youths from other countries in Europe was petty-theft, robbery with violence and injuries, and sexual aggression. The records of young North African interns mainly presented theft with violence and injuries, and they commit more crimes against authority. Latin American youths mostly find themselves in juvenile correction centers due to injuries and theft with violence, and they commit more murders.

<table>
<thead>
<tr>
<th>Offence Description</th>
<th>Spanish</th>
<th>Other Europe</th>
<th>North African</th>
<th>Latin American</th>
</tr>
</thead>
<tbody>
<tr>
<td>robbery with violence</td>
<td>56.5</td>
<td>46.2</td>
<td>77.6</td>
<td>57.8</td>
</tr>
<tr>
<td>injury</td>
<td>57.4</td>
<td>46.2</td>
<td>63.8</td>
<td>66.7</td>
</tr>
<tr>
<td>theft</td>
<td>2</td>
<td>7.7</td>
<td>1.1</td>
<td>0</td>
</tr>
<tr>
<td>robbery with intimidation</td>
<td>29.7</td>
<td>7.7</td>
<td>27.6</td>
<td>31.1</td>
</tr>
<tr>
<td>petty-theft</td>
<td>17.8</td>
<td>76.9</td>
<td>35.1</td>
<td>17.8</td>
</tr>
<tr>
<td>threats and coercion</td>
<td>27.8</td>
<td>23.1</td>
<td>23.4</td>
<td>20</td>
</tr>
<tr>
<td>crimes against authorities</td>
<td>15.9</td>
<td>0</td>
<td>37.2</td>
<td>15.6</td>
</tr>
<tr>
<td>use of a motor vehicle and road safety offence</td>
<td>20.8</td>
<td>0</td>
<td>10.6</td>
<td>11.1</td>
</tr>
<tr>
<td>domestic abuse and violence</td>
<td>10.9</td>
<td>0</td>
<td>2.1</td>
<td>6.7</td>
</tr>
<tr>
<td>crimes against public health</td>
<td>1</td>
<td>0</td>
<td>3.2</td>
<td>0</td>
</tr>
<tr>
<td>reckless conduct</td>
<td>13.9</td>
<td>0</td>
<td>2.1</td>
<td>2.2</td>
</tr>
<tr>
<td>sexual aggression</td>
<td>4</td>
<td>24.1</td>
<td>5.3</td>
<td>6.7</td>
</tr>
<tr>
<td>possession of weapons</td>
<td>4</td>
<td>0</td>
<td>5.3</td>
<td>4.4</td>
</tr>
<tr>
<td>public disorder</td>
<td>5</td>
<td>0</td>
<td>2.1</td>
<td>4.4</td>
</tr>
<tr>
<td>vexations</td>
<td>2</td>
<td>0</td>
<td>3.2</td>
<td>0</td>
</tr>
<tr>
<td>arson</td>
<td>2</td>
<td>0</td>
<td>2.1</td>
<td>0</td>
</tr>
<tr>
<td>begging</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>fraud</td>
<td>3</td>
<td>0</td>
<td>8.5</td>
<td>2.2</td>
</tr>
<tr>
<td>murder</td>
<td>8.9</td>
<td>7.7</td>
<td>1.1</td>
<td>24.4</td>
</tr>
<tr>
<td>breaking and entering</td>
<td>1</td>
<td>0</td>
<td>2.1</td>
<td>0</td>
</tr>
<tr>
<td>encroachment of a dwelling</td>
<td>26.8</td>
<td>23.1</td>
<td>32</td>
<td>15.5</td>
</tr>
</tbody>
</table>

Table 4. Percentage of every offence type

An analysis of each type of crime committed demonstrates significant differences: youths from the rest of Europe committed the largest percentage of petty thievery [chi-square (8.255) = 29.2; P<0.001]). The young Spanish interns had more reckless conduct offences on their records [chi-square (4.255) = 12.48; P<0.05]. The interns from North Africa committed most crimes against authorities [chi-square (8.255) = 23.28; P<0.01)]. Regarding theft with violence, young North African interns registered the highest incidence followed by Latin American youths, Spanish youths and finally the group of interns from the rest of Europe [chi-square (12.255) = 22.6; P<0.05]. Differences were also found regarding the perpetration of sexual
aggression. The interns from the rest of Europe mostly committed this crime [chi-square (8.255) = 22.05; P<0.01]. Murders were committed mostly by Latin American interns [chi-square (4.255 = 24.4; P<0.001].

Significant differences were also noted in the consumption of toxic substances depending on the country of origin (chi-square (4.255) = 12.08; P<0.05). The Latin American interns consumed the largest amount of toxic substances (71.1%) followed by the North Africans (67.7%), Spaniards (54.5%) and other Europeans (25%).

When analyzing the types of toxic substance used, differences in the consumption of alcohol [chi-square (4.255) = 18.34; P<0.001] and solvent [chi-square (4.255 = 10.3; P<0.05] can be observed. 40% of Latin American interns consume alcohol compared with 25.7% of Spaniards, 12.8% of North Africans and 0% of youths from the rest of Europe. Solvent is consumed only by the North African (9.6%) and Spanish interns (2%).

3.4. Relationship between a delinquency profile and the consumption of toxic substances

A relationship was found between the consumption of substances and offences. The average offences involving confrontation without aggression is higher among interns who consume toxic substances (0.97 vs. 0.65; P<0.001). If each specific toxic substance is analyzed, the only significant observation is that interns who consume solvent commit more crimes with aggression (m = 2.18 vs. m = 1.57; P<0.001).

4. DISCUSSION

The results of this study show that the percentage of youths from residential care who are confined in juvenile detention centers is much higher than it is for the general population. 34% of the interns in these centers are youths from residential care. This data is in accordance with other Spanish studies. For example, in a previous study (Sala et al. 2009) it was observed that the delinquency index among youths in care was four times higher than it is for the general population. Other research conducted by Fernández del Valle, Álvarez and Fernanz (1999) found that 19% of youths from residential care will have trouble with the law or social transgressions.

The average age when an intern enters state protection is some time during early adolescence. These data are common in most European countries where the age of entry to residential care centers has increased to preadolescence (Colton and Hellinckx, 1995; Ryan et al., 2007). Specifically in Spain, the average age of 70% of children in care is over 13 years old (Bravo and Del Valle, 2001). This situation is likely to have been provoked by the fact that a large proportion of immigrant state-protected minors initiate their migration during early adolescence, an aspect that will be discussed in more detail later in this article. This increase in the age of minors being cared for makes educational work more difficult due to the conflicts and behavioral problems frequently present in adolescence.

The compiled data indicate that state-protected minors begin their delinquent behavior a year later than their non-state-protected peers do. This information can be interpreted in different ways. On the one hand, it could be concluded that the work being carried out in residential care centers is positive as they have successfully achieved their goal of containing this type of behavior. This difference could indicate that youths from residential care had not committed any offence before their first crime was registered; or that previous crimes were committed but educators opted for mediation and alternative justice processes and the offences were not registered.

On the other hand, there is also a negative interpretation that raises the suspicion that the delinquent behavior was formed while the minor was interned in a residential center. If so, residential care would be a source of risk. A more in-depth study is needed to clarify the role that residential care centers play in the delinquent behavior of youths from residential care.

Most youths from residential care in juvenile detention centers are from Spain or North Africa. This statement is understandable due to the large influx of immigrants who migrated to Spain in the late 90s. Spain has found itself in the unexpected role of recipient of major migration flows, initially from nearby Morocco, and subsequently from Latin American countries, Eastern Europe, and even Asia (Carvajal and...
These youths are normally between the ages of 10 and 18. Numerous investigations have shown that this group tends to come from impoverished or very impoverished families that emigrated to the cities and barely have the resources to survive in their country (Suárez, 2004). This explains the high percentage of North African youths in the residential care youth group. These youths are called “non-accompanied undocumented foreign minors”. As they are minors, the administration must initiate the process of state protection.

According to official data, the autonomous communities of Spain had 11,411 non-accompanied immigrant minors under administrative protection between January 2004 and June 2005 (Bueno and Belda, 2005). Spanish legislation gives protection to any neglected or abandoned children. The North African minors arrive in Spain without documentation, they cannot be repatriated to their country of origin and as a result the welfare system must take care of them. So, they enter residential care centers. During this internship, the educators help the minors to obtain legal residency in Spain and this becomes a magnet effect, encouraging minors from North Africa to use this form of emigration to obtain their legal residence. This type of immigration is increasing and is having a major impact on the child protection system in Spain (Lázaro, 2007). Many centers are saturated, and caring for this group, which has such a different profile, requires additional effort by the administration and staff of residences (Bravo and Del Valle, 2009).

This added difficulty requires special attention because of the extreme vulnerability of such immigrants and their increasing numbers throughout Europe. Similar to North America, racial differences increase the risk factors due to the gap between social-economic status (Engelen, Steen and Bridges, 2002). Undocumented minors experience triple vulnerability (Biocchi and Levoy, 2007) because of their condition of being minors, immigrants and not having documentation. In Spain, almost 90% are males originally from North Africa of approximately 16 years of age (Fernández García, 2010). Diverse studies indicate that this migratory pattern began to become significant around the year 1996 (Goenechea, 2006; Muñoz and Empez, 2007).

The case of Latin American youths in Spain is radically different to that of their North African peers. Most are children of immigrants who left them in the care of their grandparents or other family members in order to come to Spain to set themselves up. After years of work, and once they have managed to stabilize their economic situation, the parents regroup the family, bringing their now adolescent children to Spain. In many cases, these youths arrive with serious problems that were cultivated in their country of origin and made worse by the situation of abandonment that they experienced. Some of them had affiliated themselves with violent gangs (Nilan and Feixa, 2006). Their arrival in Spain is frequently a high stress situation because of social integration difficulties, and thereby generates problematic behavior. Their parents are incapable of helping them due to the lack of authority that has been generated after years of separation and this aggravates even further the situation of the teenager and provokes him/her to become a delinquent. The act of entering the gang favors the adherence to an identity and recognition (Feixa and Porzio, 2006, Nilan and Feixa, 2006). The sense of pertaining to a group encourages the development of delinquent behavior as the peer group often leads them.

The accumulation of psychosocial stress combined with difficulties in the integration process explains to a large extent the problems this group has with the law. The group that includes unaccompanied minors from North Africa, Latin America and Spain consumes the most toxic substances. Vulnerability associated with the loss of self-esteem and self-confidence would explain the abuse of substances. In the case of unaccompanied minors, this group shows a tendency to consume solvent due to the low cost of this substance.
Another relevant piece of information is that which is revealed when comparing the results between a delinquency profile and the country of origin. It has been observed that there are significant differences among the group from Latin America, whose records included fewer offences without confrontation and therefore presented a higher percentage of aggression, although this difference is not statistically significant. Contrarily, those interns from Europe (outside of Spain) commit fewer offences with confrontation. Youths from South America experience a strong sense of social exclusion. The gangs provide a point of support and provide these teenagers with a sense of identity and status (Nilan and Feixa, 2006).

The phenomenon of Latin gangs in Spain is more similar to the situation in the USA, where there is a disproportionately larger number of Latin American and African-American youths reported in survey and officially recorded statistics on gang membership (Esbensen and Winfree, 1998; National Youth Gang Survey 2009). In Europe, there is heterogeneity in cultural origin of the band members in different countries. However, the research of gangs found overwhelming similarities in the gangs from all the countries (Klein, Weerman, & Thornberry, 2006). Gang members have been found to come from a low socioeconomic background (Spergel, 1995; Rizzo, 2003), neighborhoods with existing gangs and high levels of juvenile delinquency (Hill, Lui, & Hawkins, 2001). A recent study of violence and gang adherence in Europe (Klein, Weerman and Thornberry, 2006) indicates that there is a growth in problems caused by juvenile gangs. The study by Klein, Weerman and Thornberry, (2006) maintains that the amount of violence exercised by gang members is much higher than among non-gang members. Adherence to a gang represents more possibilities of using a weapon and/or committing crimes with confrontation and violence.

5. LIMITATIONS

In this study, the files of youths in juvenile justice system were analyzed. The data contained in these files do not provide information on how these crimes were committed or the criminal trajectories of these youths (the influence of the family setting, friends, residential care centers, etc.). Consequently, qualitative studies are needed in which the youths are interviewed to analyse their criminal trajectories and set out delinquency preventive actions in the residential care centers.

6. CONCLUSIONS

The analysis of the data confirms a wide presence of youths from residential care in the juvenile justice system. These results confirm the need to develop delinquency prevention programs in residential care centers. It should be noted that in most European countries the age of entry to residential care centers has increased to preadolescence (Colton and Hellinckx, 1995; Ryan et al., 2007). This implies the existence of new profiles of youths in the centers and consequently, new needs to be taken into consideration in the intervention by social workers. More studies are needed to enable us to perform a thorough analysis of the trajectories of youths coming from residential care and who currently are in juvenile justice centers to improve the intervention in centers and avoid the high levels of social exclusion in this population.

Furthermore, the delinquency profile of delinquents from residential care and other criminals is also different. Youths from residential care began to commit offences (on average) a year later than the others; committed more offences; committed more offences without confrontation or with confrontation but without aggression. Specifically, there was more misappropriation, theft with force and violence, and fewer attempts against authority and murders among this group. We also want to highlight these data because they suggest that in most cases, social workers in residential care provide an important emotional support for these youths, despite being unable to prevent criminal acts. These youths reveal an average stay of two years in the centers before committing the crime and most have lived in more than one center. These data should make us reflect on the need to provide stable and socio-emotional environments and prevent frequent changes of centers. Interventions to prevent criminal acts should be initiated as soon as the youths come into the center, as many of them present behavioral, emotional and affective problems. In a previous study conducted by our group (Soldevila, Peregrino, Oriol & Filella, 2013) into the perception of adolescents in residential care, we observed that youths claimed to have more emotional involvement with social workers and more contact with their families. In addition, youths in residential care often go to more than two or three centers. The centers are currently meeting the basic needs of youths, but in many cases are not
preventing them from committing offences, as opposed to other protection measures. We therefore proposed an intervention based on reinforcing affective ties between social workers in centers and youths. This affective base should enable youths in residential care to develop more socioemotional skills and thus reduce their aggression and behavioral problems.

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8. REFERENCES


