

A Broken Web: Improved Interagency Collaboration is Needed for D.C.'s Crossover Youth

May 28, 2024

A report by the Council for Court Excellence for the Office of the D.C. Auditor.



Audit Team
The Council for Court Excellence



Kathleen Patterson, District of Columbia Auditor
www.dcauditor.org

Executive Summary

While considerable attention has been focused recently on illegal behavior by young people in D.C., little is known about the life experiences and circumstances of these youth. One characteristic that many justice-involved young people are known to share is involvement in the child welfare system due to abuse and neglect. Young people who have been or are involved with both the child welfare and delinquency (often called juvenile or youth justice) systems are referred to as *crossover youth*.

The Office of the D.C. Auditor (ODCA) commissioned the Council for Court Excellence (CCE), a non-profit organization focused on justice system improvement in D.C., to investigate and report on how effectively the District of Columbia serves crossover youth. Although these young people are likely to have had interactions with many different governmental entities, this audit focuses on two key District agencies: Child and Family Services Agency (CFSA), D.C.'s child welfare agency; and the Department of Youth Rehabilitation Services (DYRS), the District agency to which youth who have engaged in serious delinquent behavior are committed. Below is a summary of the full audit report. The full report includes additional data tables and visualizations and other information; citations and methodology for all analyses; and recommendations on ways the audited agencies can reform their systems to improve outcomes for young people in the District who are, or who are at risk of becoming, crossover youth.

CROSSOVER YOUTH OVERVIEW

Youth enter the child welfare system when there is a substantiated report that they have been maltreated – that is, they had their basic needs neglected and/or were physically, sexually or psychologically abused by a parent or guardian. Young people are in the delinquency system when they have been arrested for behavior considered illegal generally or for a “status offense” – that is, something not permitted for people under the age of 18, such as being truant from school. Child development experts have found that the trauma of being maltreated plays a key role in youth crossing over to the delinquency system. They have identified about a dozen key Adverse Childhood Experiences (ACEs) that can have negative impacts, including greater risk of justice involvement; five ACEs involve childhood abuse and neglect. Research has found that the more ACEs a child experiences, the more likely they are to engage in serious delinquent behavior.¹

There is no national data on crossover youth. However, researchers estimate about 30% of youth involved in the child welfare system become involved in the delinquency system, and several jurisdictions have reported that about two-thirds of youth involved in their delinquency systems had been involved in their child welfare systems. A number of social factors can also impact involvement in either or both systems; for example, living in poverty is correlated with both increased risk of abuse and neglect and involvement in the delinquency system.² Youth in the child welfare system are more likely than non-foster care youth to experience school discipline issues and poor academic performance and be chronically absent, all of which are correlated with youth becoming

justice involved.³ Youth in foster care are also at higher risk for crossing over as they may have law enforcement called for behavior that would not be considered delinquent in a family home.⁴

CROSSOVER YOUTH IN D.C.

Because the District has a uniquely organized legal system, multiple D.C. and federal entities besides the two that are the focus of the audit have involvement with crossover youth and will be referred to in this report. These include: *Metropolitan Police Department* (MPD), the primary law enforcement agency for the District; *Office of the Attorney General* (OAG), an independent agency that handles all abuse and neglect litigation on behalf of CFSA and is the chief juvenile prosecutor for D.C.; *D.C. Superior Court*, a federally controlled local court with a Family Court branch that receives and processes both juvenile delinquency and child abuse and neglect cases; *Court Social Services Division* (CSSD), a federal agency that assesses youth who are newly arrested and serves as the District’s youth probation agency; *Office of the Ombudsperson for Children* (OFC), an independent D.C. agency responsible for collecting and reporting on data on crossover youth; and the *Criminal Justice Coordinating Council* (CJCC), an independent D.C. agency that conducts research and analysis and facilitates interagency collaboration and information sharing.

The statute creating OFC defines a crossover youth as a person 21 years of age or younger who is or was involved with or is otherwise known to CFSA, and has a current or closed delinquency case filed by the OAG or another jurisdiction.⁵ For this audit, CCE restricted its definition to a person 21 years of age or younger who is or was the subject of a substantiated case of abuse or neglect and who is or was the subject of a delinquency petition in D.C. Young people involved in both systems at the same time are referred to as “dual-jacketed” youth both generally and in this report.

8 Number of crossover youth reported in FY 2023
OFC report (all dual-jacketed DYRS & CFSA)

93 Number of crossover youth with open
delinquency and/or neglect cases on 9/20/2022

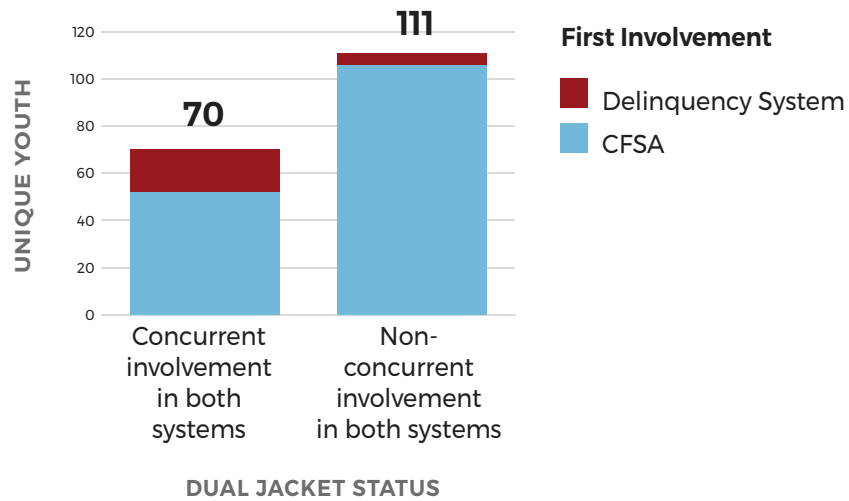
CCE determined that there is no official data currently available on the full population of crossover youth in D.C. In response to audit data requests, as well as in their reporting to OFC, CFSA and DYRS provided the number of dual-jacketed youth with active cases with both agencies at specific points in time. The most recent data provided to the OFC from the two audited agencies reported that, at the end of December 2023, there were eight dual-jacketed youth. No data was reported on crossover youth who had a current case in one system and a closed case in the other.

To supplement this limited data, CCE analyzed existing public reports and data sources, requested and received information from CFSA, DYRS and the D.C. Superior Court, and spoke with former crossover youth and adults who worked with or cared for them.

Regarding information in published reports, a 2020 study by CJCC points to the number of crossover youth in D.C. being higher than agency numbers reported to OFC. Among the high schoolers

in the study's sample, 49% of justice-involved youth had a history of neglect compared to 18.9% of youth who were not justice-involved. Additionally, 19.2% of justice-involved youth in the CJCC study group had a history of abuse, compared to 6.2% of youth who were not justice-involved. Additionally, a 2020 report by the Child Fatality Review Committee identified a child's involvement in the child welfare and delinquency involvement as the two primary risk factors in becoming a victim of homicide.

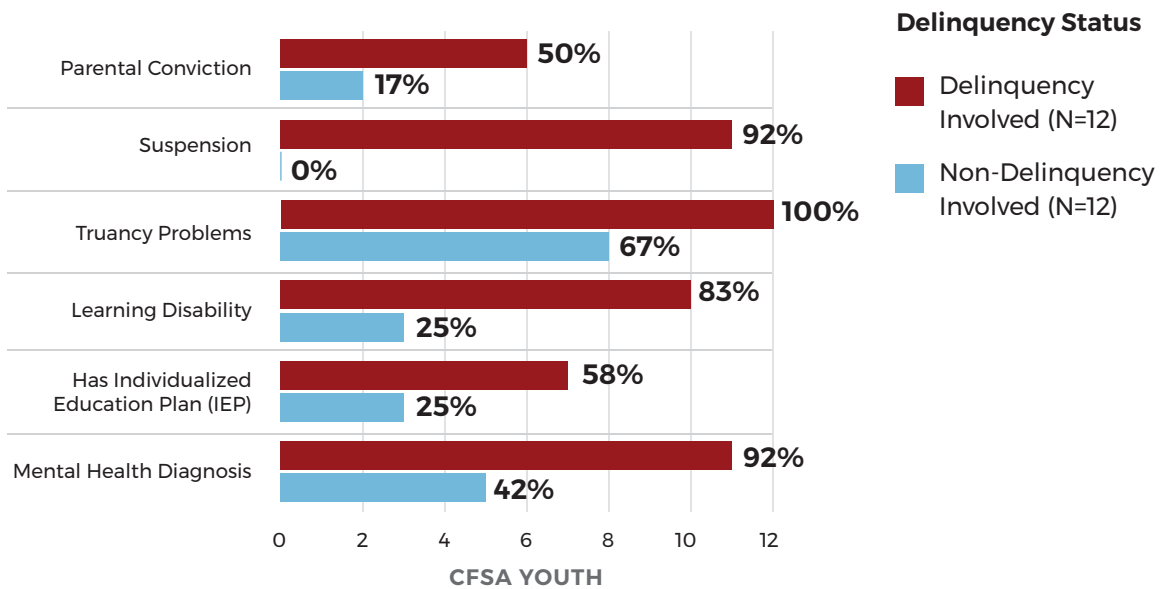
Crossover Youth by Dual-Jacket Status, First System Involvement, 2018-2022



Source: CCE analysis of D.C. Superior Court Data, 2018-2022.

CCE analyzed Superior Court records of youth with active delinquency cases from 2018 through 2022 whose families also had substantiated abuse or neglect cases at any point. On September 30, 2022, there were 93 unique crossover youth, 13 of which were dual-jacketed. Overall, CCE found there were 181 different crossover youth with an active delinquency case and current or past CFSA case during the audit period, of which 111 were not concurrent – that is, they were crossover youth but not dual-jacketed. Court records identified all but 10 crossover youth as being Black; this finding is unsurprising, as Black children in D.C. are over-represented in both the child welfare and delinquency systems.

Experiences of CFSA Youth by Delinquency Involvement



Source: CCE analysis of 24 CFSA cases of youth over age 10

CCE also analyzed case files provided confidentially by DYRS and CFSA. Among the 24 CFSA case files reviewed, half were identified as crossover youth. As the chart at right shows, crossover youth were more likely than CFSA involved youth without delinquency involvement to have school issues, diagnoses of a mental health issue or learning disability, and justice-involved parents.

DYRS files reviewed by CCE included 25 cases randomly selected from those identified in court data as being crossover youth – that is, having an open DYRS case and an open or closed CFSA case. CCE analyzed the DYRS cases according to the formal measures for Adverse Childhood Experiences (ACEs) and found that two in three had an ACEs score of four or higher out of 11; the most common ACEs were neglect, having a household member with a mental illness, and having a household member who was a problem drinker or used street drugs.

“It seems like the child turns twelve and suddenly everything is blamed on the child.”

– Quote from focus group of professionals working with crossover youth

CCE also conducted focus groups and interviews with young adults who had been crossover youth and caregivers and professionals working with crossover youth, to hear first-hand about their experiences. Some of the findings include: crossover youth can require a high level of services, which caregivers and systems aren’t always able to provide; the lack of interagency coordination and information sharing can lead to negative outcomes for youth, including being put in harm’s way; when maltreated youth reach their teens, the impact of past abuse and neglect is often forgotten and youth are blamed for behavior tied to this earlier maltreatment; and crossover youth placed in

foster care or with a delinquency case in another jurisdiction face interstate challenges that can push them deeper into the system. Some programs, such as the Credible Messenger program, were identified as valuable in providing positive adult connections.

FINDINGS AND CONCLUSION.

Consistent with the scope of the D.C. Auditor’s authority, this report’s findings and recommendations focus primarily on two District agencies—CFSA and DYRS—but also notes the role of other critical actors, and recommends coordination between DYRS, CFSA, and other D.C. and federal agencies, as well as the state of Maryland, where half of D.C. youth in foster care are placed. This report makes five top-line findings, each of which includes specific recommendations for law, policy, or practice changes, along with relevant supportive commentary and evidence. The key findings are:

1. CFSA and DYRS fail to utilize a definition of “crossover youth” consistent with D.C. Code and, therefore, fail to identify the full population of crossover youth.
2. Neither CFSA nor DYRS (a) identifies crossover youth as statutorily defined in any guiding documents, data management systems, policies or practices; or (b) recognizes that crossover youth have unique needs requiring specialized case management and programming.
3. There is insufficient communication, collaboration, and data-sharing among agencies regarding crossover youth in D.C.
4. CFSA and DYRS should develop and utilize evidence-based protocols, policies, programs, and services specific to crossover youth and for preventing crossover.
5. CFSA and DYRS have some well-regarded and promising programs that offer opportunities for positive childhood experiences, but gaps have been identified in serving youth with acute behavioral health issues; more information is needed to understand the overall capacity and effectiveness of existing programs and what additional services are required to adequately address the needs of crossover youth.

In short, the fundamental finding of the audit is that the District lacks a unified approach to addressing the needs of these vulnerable young people. To the extent that the audited agencies are communicating about and coordinating services for crossover youth, it is only for the subset who simultaneously are committed to DYRS and have an open CFSA case. As a result, D.C. leaders are unable to accurately identify the number and traits of crossover youth in our community, to coordinate the services being offered or supervision being provided, to target specialized programming for these youth, and provide resources for their families and caregivers. Better coordination and programming by D.C.’s key youth-serving agencies, relevant federal partners, and states where crossover youth live or have active delinquency cases, would help these young people thrive. And by identifying and addressing those risk factors for crossover, the District can help agencies, families and caregivers prevent future delinquent behavior and involvement with the justice system.

CFSA, DYRS, and the District as a whole have a real opportunity to lead in the creation of a system that truly supports crossover youth – helping improve the lives of some of our most vulnerable young people and their families and making our community safer overall. To turn this opportunity in reality, however, will require a robust, sustained and strategic focus on these youth both now and in the years ahead.