



Girls in the Juvenile Justice System:
Perspectives
on Services and
Conditions of Confinement

Girls'
Justice
Initiative

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A Report of the Girls' Justice Initiative

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Girls' Justice Initiative

The **Girls' Justice Initiative** is a national collaboration of organizations and individuals dedicated to promoting equity and justice for girls involved in the juvenile justice and related systems. Through research, public education, and advocacy, the **Girls' Justice Initiative** identifies areas for reform, develops policy recommendations, and promotes gender responsive policies and practices so that fewer girls enter the justice system and those in the system receive just treatment which is responsive to their needs and nurtures their strengths.

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ACKNOWLEDGEMENTS

We are grateful to Dr. Dana Nurge for her assistance designing the surveys for attorneys and judges and analyzing the quantitative data which forms the basis of this report. We also thank Susan Snyder and Jessica Budnitz for their hard work compiling the data in this report, and the students in the Juvenile Rights Advocacy Project at Boston College Law School for gathering and inputting data. We thank Legal Services for Children in San Francisco, Northeastern Family Institute in Boston, The Philadelphia Department of Juvenile Justice and Philadelphia Defenders Association, the Washington County Public Defenders Office in Minnesota, and the Washington University Civil Rights and Community Justice Clinic for their assistance interviewing girls for this report. Finally, we thank the attorneys and judges who took the time to respond to our surveys and the girls who were kind enough to share their perspectives with us.

**For identification purposes only. The views expressed do not necessarily represent the views of the Public Defender Service, nor of any litigant(s) represented by the Public Defender Service.*



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EXECUTIVE SUMMARY

Girls in the Juvenile Justice System: Perspectives on Services and Conditions of Confinement is the first of three reports exploring justice system practices and programs and their impact on girls. The second report will explore the impact of the lack of cross-system and community collaboration on girls in the justice and related systems, and the third will examine the impact of juvenile court processing on girls. In this publication we discuss gaps in services for system involved girls, as well as failures in conditions of confinement for girls who are detained or in out of home placements. Finally, we devote a chapter in this report to differences in the perceptions of juvenile court judges and juvenile defense counsel responding to our surveys and the significance of these different perspectives for policy development.

The conclusions and recommendations in this report are based on surveys of juvenile defense counsel and juvenile court judges, as well as site visits and interviews with incarcerated girls in five jurisdictions. In many places our interviews with girls identified issues that we were either unaware of or that we previously considered minor. We organized the report to reflect these issues. Fundamentally, our findings are driven by our conversations with girls in the system.

We are writing this series of reports to highlight some key limitations and inequities for girls in the juvenile justice and related systems. We hope to promote awareness of the particular needs of system involved girls and foster gender responsive practices and policies. Finally, we hope that by identifying ways in which judges' and defense counsel's perspectives differ, each group will better understand the other and be motivated to work together to promote gender equity.

Part 1: SERVICES FOR GIRLS

Attorneys, judges and girls agree that the juvenile justice system does not consistently provide girls with adequate services. Though there was agreement on this point, judges and attorneys disagreed as to the degree of the deficiency, with 89% of attorneys and 61% of judges concluding that services for girls are inadequate.

Attorneys and judges agree that the three most significant gaps in community and probation services for girls are:

- Education about sex, sexuality, and services related to pregnancy and parenting;
- Vocational training and education; and
- Mental health services and therapeutic programming.

There was agreement that placements and parenting programs were needed for girls with babies and that programs to address sexual victimization among system involved girls were also needed. The girls we spoke with were particularly concerned that prostitution be addressed in community-based programs and through the services they receive in placement. Consistent with national data, these girls identified prostitution as a source of danger and trauma in their lives. (Estes & Weiner, 2001). Girls were also eager for sex education and wished programs would address issues of sexual preference that arise routinely in placement. On the whole, girls were remarkably forthcoming about their sexual experiences and wanted better education and support in this area.

Attorneys, judges and girls agreed that vocational education and training is critical, yet generally unavailable to system involved girls. Many girls we interviewed expressed an interest in training and employment opportunities that went beyond gender stereotypes. For example, girls spoke of wanting training in construction work, yet did not know where to obtain it. Though states are now implementing federal re-entry initiatives, which may fill this need, attorneys and judges were unaware of these resources in their jurisdictions.

Attorneys, judges and girls agree that mental health services and therapeutic programming are inadequate in their jurisdictions. National studies indicate that rates of depression and post traumatic stress disorder are high among girls in the justice system. (Cauffman, 1998). Attorneys and judges see this need among system involved girls, yet all agree that there are too few mental health services available. The girls we interviewed candidly described their personal struggles and needs for therapeutic interventions. They also found these services unavailable and expressed frustration with probation officers and case workers, who they believed should be offering support but who did not understand the depth of the girls' needs.

Strikingly, while attorneys and judges were aware of many of the deficit-based services for girls, such as mental health and sexual assault counseling, they were unaware of community-based programs designed to support and cultivate girls' strengths. Because judges and attorneys were unaware of strengths-based services, they were not able to facilitate girls' connections to those services. Girls spoke positively about community-based programs, which they considered safe and helpful. Although strengths-based services have demonstrated a higher success rate with delinquents and do exist in the communities, the juvenile justice system does not routinely access or rely on them.

Part 2: CONDITIONS OF CONFINEMENT

Attorneys and judges agree that the overall quality of services for girls in placement is poor. Though there has been a federal spotlight on the need for gender responsive programming since 1992, attorneys and judges agree that those programs remain deficient.

There was some disagreement as to the degree of the deficiencies, with a greater percentage of attorneys than judges finding programs consistently inadequate. Nonetheless, attorneys and judges agree that the four most problematic areas for girls are:

- Inadequate diagnosis and treatment of mental health needs;
- Overcrowding and inadequate physical space;
- Inadequately trained staff; and
- Inadequate treatment of physical and medical needs.

Attorneys and judges were in greatest agreement that girls' mental health needs are inadequately diagnosed and treated in placement. Girls agreed with this assessment and were frustrated at the "dead time" in detention, for example, when they had no access to community or on-site services to address their mental health issues.

There was similar consensus that the physical space in detention and placements was inadequate and that detention in particular was overcrowded. This assessment makes sense given the national data that in 1999 juvenile courts detained 50% more girls than they did in 1990. (Sickmund, 2002).

Though there was disagreement as to degree, both attorneys and judges agreed that staff in girls' detention units and placements were inadequately trained. This is consistent with OJJDP's efforts of the late 1990s to offer technical assistance to states to support gender responsive staff training. Girls were consistently upset with the quality of staff in detention and placements, complaining staff "gossiped" and cultivated a climate of disrespect and humiliation that many girls found deeply disturbing.

Finally, attorneys, judges and girls agree that girls' physical and medical needs are being neglected in detention and placement. Particular concern was expressed about poor nutrition, inattention to pregnant girls, and failure to identify and treat sexually transmitted diseases.

Part 3: DIFFERENT PERSPECTIVES: JUVENILE COURT JUDGES AND DEFENSE COUNSEL

Though Parts 1 and 2 of this report address areas in which there was overall consensus among juvenile court judges, defense counsel and girls in the system, there were a number of areas in which the different perspectives of juvenile court judges and defense counsel were apparent.

On the whole, juvenile court judges were more positive than were attorneys about conditions of confinement for girls. Attorneys thought practices such as misuse of authority in placement and use of restraints and isolation to maintain control, were more prevalent than did judges. Consistent with this, judges thought that staff in girls' detention units and placements were better trained than did defense counsel.

The greatest differences of opinion between judges and defense counsel were over how the juvenile court process affected girls and whether there was a "gender bias" in juvenile court processing. For example, a much smaller percentage of judges than attorneys believed that girls were detained for other than lawful reasons. Almost half of attorneys said that girls were detained for contempt or violations of valid court orders, probation violations, or misdemeanors in an effort to obtain services for them. In contrast, approximately 20% of judges said that girls were detained for violations of probation while less than 15% of judges thought that girls were detained for contempt or violations of court orders, or misdemeanors. There was also a difference of opinion as to whether there was "gender bias" in these decisions, with a significantly greater percentage of attorneys than judges responding that these practices had a greater impact on girls than on boys.

Finally, questions have been raised about whether the dramatic increase in arrests of girls for simple and aggravated assault is related to changes in policies around domestic violence. When asked about the practice of charging girls with assault for household fights, attorneys and judges disagreed. A greater percentage of attorneys than judges (64% as compared with 18%) believed that girls were charged with assaults for fights among household members, and there was a similar difference (46% of attorneys compared with 9% of judges) over whether this practice reflected gender bias.

These findings suggest that more research is needed to determine the exact impact of the juvenile court process on girls, so that the issues are understood and policies can be accurately targeted. Moreover, it is clear from these findings that juvenile court judges and defense counsel interested in improving policies and practices for system involved girls should work together to reach common understandings. It is a mistake for either group to assume that others working in the system share their views on these complex issues.

METHODOLOGY

The findings in this study are based on analysis of survey and interview data. Surveys were conducted of juvenile defense attorneys and juvenile court judges in the winter of 2001 and the spring of 2002. Five hundred thirty-nine surveys were distributed to juvenile defense attorneys who were affiliated with the American Bar Association National Juvenile Defender Center. One hundred and eighteen, or 22%, of those surveys were collected and analyzed. Two hundred and nineteen surveys were distributed to juvenile court judges identified by juvenile defense attorneys as interested in girls' issues and likely to respond to the survey. Ninety-seven, or 44%, of the judges' surveys were returned and analyzed for this report. Data from the surveys was analyzed using SPSS.

The findings in this report are also based on interviews with girls in detention or residential programs in St. Louis, Boston, Philadelphia, San Francisco and Wayne County, Minnesota. The interviews were conducted by local attorneys, law students, or social workers experienced working with girls in the juvenile justice system. All interviews followed a consistent protocol and many of the interviews were audio taped. Transcripts and notes from the surveys were analyzed using qualitative methods.

PART 1: SERVICES FOR GIRLS

We deserve more than we get. That's how I feel.

—Kanika, 17 years old¹

Gender responsiveness requires that each step of the juvenile justice process be assessed for its impact on girls. It requires attention to the needs of girls so that programs and policies can address girls' development and help them to establish and sustain consistent, supportive relationships. Gender responsive programming provides girls with a safe opportunity to heal from trauma without fear that disclosure and discussion will carry negative consequences. It also provides girls with opportunities for success in which they can produce something of value to themselves and those around them.

That girls develop differently than boys has been well documented. Accordingly, every stage of the juvenile justice system should be guided by girls' development and the unique needs of girls: foster-care, probation, detention, placement, and re-entry must all be gender responsive.

Girls' Justice Initiative surveys of 118 attorneys and 97 judges, and interviews of girls in five jurisdictions across the country sought to determine whether these groups thought girls were receiving gender responsive services, both in the community and while in detention units, secure facilities and residential programs. Similarly, girls were asked what, if any, services they thought they needed and how those services could be provided by probation and program staff.

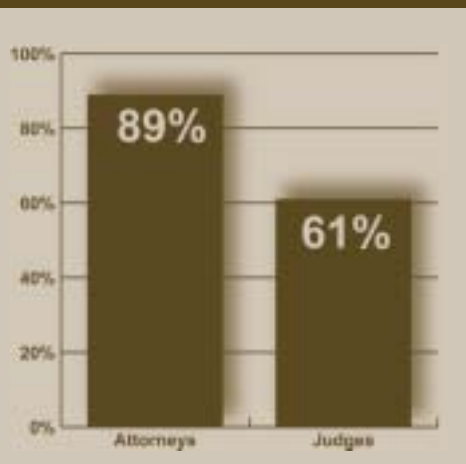
The questions explored traditional services, such as mental health, trauma and loss, and physical health, as well as non-traditional services, such as empowerment programs and art programs. Both traditional and non-traditional services should be combined to foster healthy development among system-involved girls.

Part 1 of the report focuses on the respondents' assessments of gender responsive services in communities as well as services within programs where they are relevant. A more comprehensive assessment of services within programs is provided in Part 2, which addresses conditions of confinement for girls.

Attorneys, judges, and girls agree that the juvenile justice system does not consistently provide girls with adequate services.

Significant numbers of judges and attorneys acknowledged that the system does not consistently provide girls with adequate services. Almost 90% of attorneys and over half of judges report that, at least sometimes, the juvenile justice system does not provide adequate services and programming for girls. Though there was general agreement that services were not adequate, there was disagreement as to degree. Fifty-one percent of attorneys believed that girls rarely or never received appropriate services while less than one-fifth (18%) of judges described the problem in this magnitude.

Does the Justice System Provide Adequate Services for Girls?



Services are Inadequate at Least Sometimes

The girls we interviewed also wanted more and better programming. Girls want probation to provide more services and take more of an interest in their lives. One girl noted that probation officers, "...should talk to you more instead of looking at your file." Another explained that "[probation officers] just need to pay attention to us more."

There was a sense among the girls that probation officers and others in the system only paid attention to them when they made mistakes. This approach upset the girls we interviewed, who want the benefit of services before they make mistakes. One girl noted that probation officers' lack of attention results in their failure to understand the girls' problems, "We go through depression and all that. They...know nothing about that. They only know that we get into trouble. But why do we get into trouble?"

Some girls described adversarial relationships with probation officers, whom they felt wielded authority without explanation, "My probation officer...she didn't help me. She just kept telling me what to do. If you really want to help somebody, you try to help them. You don't tell them. You don't demand them, 'Oh you have to or else we are going to lock you up.' We're teenagers."

The tension girls expressed over probation may be a reflection of high probation caseloads, which are the norm in most jurisdictions. Some jurisdictions have addressed the need for gender responsive probation practices and greater specialization of probation services to girls through probation units focusing exclusively on girls. Probation officers in these units generally have lower caseloads. (Daniels, 2000; NCCD, 1999).

¹ The names of girls have been changed throughout this report.

The absence of preventative, asset-based services was apparent to the girls, “When you are on the out nobody pays attention to the stuff that you need. Now they’re paying attention cause we’re locked up. They pay attention to everything we do, like, ‘Oh I see an attitude, she needs anger management.’”

The abilities of the girls we interviewed to maturely express their needs for support, prevention services, and community-based services were striking.

Attorneys, judges and girls agree that the three most significant gaps in community and probation services for court-involved girls are:

- 1) **Education about sex and sexuality and services related to pregnancy and parenting;**
- 2) **Vocational training and education; and**
- 3) **Mental health services and therapeutic programming.**

Education about sex and sexuality and services related to pregnancy and parenting

When asked to identify specific gaps in girls’ programming, attorneys, judges, and girls all listed education about sex and sexuality and services related to pregnancy and parenting as a critical unmet need. Significant numbers of judges and attorneys found these programs lacking in their jurisdictions:

- **Placements for girls with babies:** 73% of attorneys and 51% of judges said their jurisdictions did not have sufficient programming in this area.
- **Programming relating to sexual victimization:** 70% of attorneys and 44% of judges said their jurisdictions did not have sufficient programming in this area.
- **Parenting programs:** 65% of attorneys and 35% of judges said their jurisdictions did not have sufficient programming in this area.

Girls also found these services lacking, particularly in detention and placements.

Prostitution

Prostitution was an issue of particular concern for many of the girls we interviewed, but was discussed most openly by girls in San Francisco. The Director of the Girls’ Services Unit at “Juvenile Hall,” San Francisco’s female detention center, explained that many of the girls in her unit are being held on prostitution or drug related charges. Despite significant numbers of detained girls involved in prostitution, staff at the San Francisco facility noted that they lacked the gender and culturally responsive programming needed to address patterns of sexual exploitation and victimization common among detained girls.

While discussions about sexuality are sensitive and highly personal, many of the girls we interviewed spoke openly and candidly about these issues. Carol, a fifteen-year-old, explained that girls in confinement talk about their experiences as prostitutes. She said, “You know when girls are up here, they talk big about the money, the clothes, the expensive dinners – but they never talk about the down side of it. I think we need to talk about that with girls coming in for prostitution charges.” Carol discussed her experiences over the past year, explaining that she had been robbed, beaten up and kidnapped by tricks. Carol further described being raped at gunpoint by pimps and contracting sexually transmitted diseases as a result of sex with pimps. She described the dangers of prostitution, asserting that “this is the stuff we need to talk about with girls.”

In the survey judges were asked whether they viewed prostitution as problematic for girls in their jurisdictions. While 70% of judges said they did view prostitution as a problem for girls, only 20% viewed it as common and pervasive. Sixty percent of judges consider prostitution in their jurisdictions more problematic for girls than for boys. Advocates and researchers estimate that over 300,000 youth in the United States are involved in prostitution, the majority of whom are girls and many of whom are detained and incarcerated due to a lack of understanding of the issue and inadequate community-based services. (Estes & Weiner, 2001).

Pregnancy

The care of pregnant girls has long been a problem in juvenile facilities which must transport girls to health clinics for monthly check-ups and to hospitals for delivery. It is anxiety provoking for all the girls when there is one pregnant girl in a facility, and the belief that she is not getting adequate care undermines the trust the girls have in the staff in general. (Beyer, 2001).

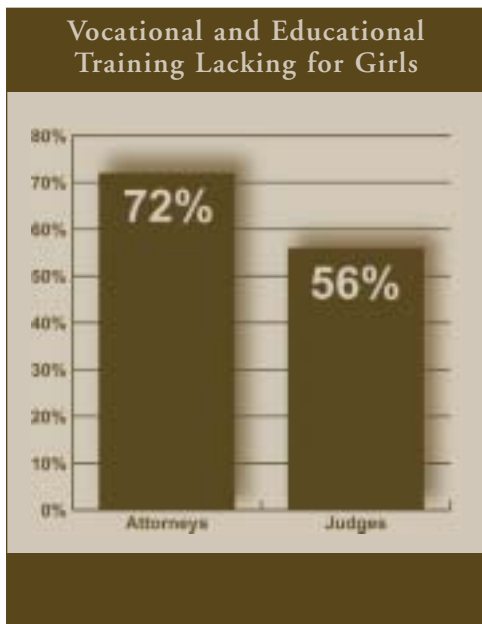
Though the girls were not asked about the availability of pregnancy or parenting programs in the community, they volunteered that parenting training and education about health issues associated with pregnancy was inadequate in placement. Girls found “Sex Ed” class helpful when it was offered to them.

Some of the girls we interviewed described particularly troubling instances of official failure to attend to the health of pregnant girls in custody. For instance, Hillary discussed her experience in a high security facility while pregnant. Hillary described staff so concerned with keeping her locked up that they held her in her cell well into her labor. By the time the facility called for the ambulance, it was too late and Hillary gave birth to her son in her cell. Similar reports have been documented among women in prison. (Amnesty International, 1999).

Sexuality

Girls reported that sexuality is not addressed in detention or placement. For example, girls reported a great deal of sex between girls in detention and residential programs, yet they said that sexual orientation is not a part of their health education nor is it addressed as an issue of adolescent development.

Vocational Training and Education



Almost three-fourths of attorneys (72%) and over half of judges (56%) believe vocational training and educational services for girls were lacking in their jurisdictions, both inside and outside of placements.

Girls agreed. Indeed, many girls wanted to obtain jobs so they could develop legal means of acquiring money. Melissa explained that her probation officer would have been more helpful if she had responded to Melissa’s request to find a job-training program. Fifteen-year-old Cat agrees, noting that probation “doesn’t give you a chance to do anything...more rules, more barriers . . . curfew kills me because I’d love to have a job.” Voicing similar concerns, fifteen-year-old Michelle had a part-time job that kept her out past curfew while she was on probation. Her probation officer was unsympathetic and this created problems. Similarly, girls talked about wanting training and work in construction but not knowing how or where to locate that specialized vocational education. In placements, activities and skills training remain gender stereotyped with girls programming often limited to cosmetology.

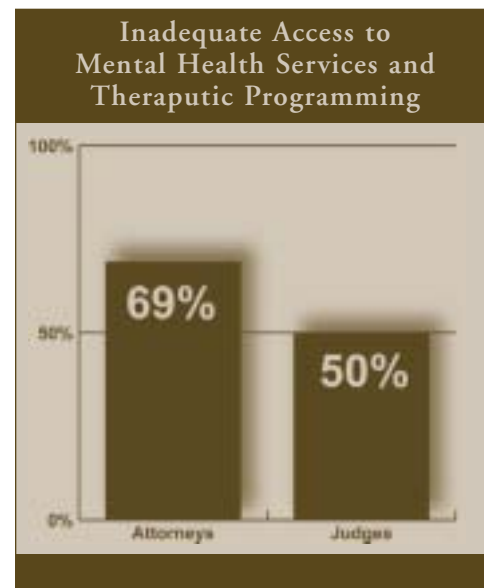
Girls’ interests in vocational training and employment were consistent with recent federal and local efforts at workforce development and re-entry for juvenile and adult offenders. Each state is currently developing or beginning to implement its re-entry initiative and most of them are, at least in part, directed at youth. In 2001 and 2002 the girls we interviewed, and many of the judges and defense counsel we surveyed, were not aware of resources in their communities to provide vocational training and meaningful employment for system involved girls.

Mental Health Services and Therapeutic Programming

System involved girls have a variety of emotional needs connected to their high incidence of depression, post traumatic stress disorder, and low self-esteem. (Chamberlain & Moore, 2002; Acoca & Dedel, 1998). Because such a high percentage of girls in the juvenile justice system have been sexually abused, trauma treatment designed to help them recover from abuse and loss is critical.

Almost three-fourths of attorneys (69%) and half of judges (50%) believe that girls in the justice system do not have sufficient access to mental health services and therapeutic programming both in residential placements and in the community.

Attorneys and judges recognized that mental health needs were a significant problem for girls in the system yet were not sufficiently identified or addressed in detention, placements or community-based services. Awareness of the prevalence of mental health needs among girls in the system, and an inability to address those needs, was also evident in attorneys’ responses to questions about the information they required for representation. For example, almost all the attorneys surveyed (91%) responded that mental health needs played a key role in their defense of female clients, but only one quarter (26%) of attorneys felt they had access to adequate information on this issue about their clients.



Though judges did not view mental health as more of a problem for girls than for boys, almost all of the judges surveyed (97%) viewed mental health needs as problems for girls in their jurisdictions and well over half (62%) viewed mental health needs as a common or pervasive problem for girls in their jurisdictions. National studies indicate that the rates of depression and post-traumatic stress disorder are higher among girls than boys in the justice system (Cauffman, 1998; Chamberlain, 2002 ; Grisso & Barnum, 2000).

Girls interviewed in detention and residential programs discussed the lack of mental health services in confinement at length but did not focus on the availability of mental health services in their communities. They were notably willing to discuss their mental health concerns and eager to receive services to address those issues.

Judges and attorneys were not aware of strengths-based programming for girls in their communities.

Services are more effective when they build on a girl's specific strengths instead of being driven by her deficits. Focusing on what girls have done wrong alienates them and makes them defensive. Appreciating their strengths is the beginning of developing a trusting relationship, which is the key to the success of services. Girls feel more capable when their strengths are appreciated, which empowers them to change.

Community-based interventions for system involved girls are a cost-effective, promising alternative to detention, residential programs, and incarceration. Interventions such as multi-systemic therapy, wrap around services, and treatment foster care, which were developed for youth with severe emotional and behavioral needs, are being used more frequently with youth in the juvenile justice system. Some of these programs, such as Oregon's treatment foster care, have conducted careful outcome evaluations for girls. In Oregon they found that, while the program required tailoring to fit the needs of girls, the outcomes were equally positive for girls and boys. (Chamberlain, 2002). These community-based models are not sufficiently widespread and attorneys' and judges did not feel they were available in their communities.

The justice system should, but currently does not, connect girls with strengths-based community services to avoid detention and out of home placement and to facilitate re-entry into their communities.

Girls interviewed during the site visits spoke positively about services in their communities. For instance, sixteen-year-old Crystal said that community programs in her neighborhood were popular among youth and considered safe. She said that the staff at community organizations treat everyone like family.

Unfortunately, the juvenile justice system often functions separately from community organizations, removing girls from their families and neighborhoods into detention and placement without fostering or maintaining girls' connections to their communities. Survey results clearly showed that neither judges nor attorneys were sufficiently aware of strengths-based services in many of their communities. The majority of attorneys and judges were not aware of the following programming and services for girls in their communities:

- sports programs (competitive sports or fitness)
- arts based programming (theatre, music, art)
- health education programming
- technology or science-focused programs
- employment, leadership development, or training programs
- site-based drop-in programs (i.e., offering a place to do homework or socialize after school, etc.)²

Promoting girls' connections to community-based programming through probation, day reporting, detention alternatives, and other systemic mechanisms is critical to reducing the use of detention and out of home placement for girls, and to promoting their long-term successes in the community. Community programs provide an opportunity for girls to form relationships that will survive their time in the system and provide support into adulthood. These programs are a critical part of a gender responsive juvenile justice system.

² Attorneys and judges were aware of the following deficit-based programs: education, sexual assault and/or domestic violence services (counseling and/or group therapy; discussion groups), mentoring programs, substance abuse services, and counseling and/or discussion about relationships/sexuality/dating.

(TABLE 1) AVAILABILITY OF PROGRAMMING AND SERVICES FOR GIRLS

Program Type	Percent of respondents indicating lack of such programs in their jurisdictions	
	percent of attorneys	percent of judges
Placements for girls with babies	73%	51%
Vocational training/education	72%	56%
Therapeutic programming/services	71%	45%
Programming relating to sexual victimization	70%	44%
Other mental health programming	69%	50%
Parenting programs	65%	35%
Special education	61%	32%
Drug counseling	59%	32%
Arts-based or other (non-fitness) recreational programming	55%	39%
Fitness programming	53%	42%
General education programs	34%	17%

RECOMMENDATIONS

- Jurisdictions should assess the impact of each step of the juvenile justice process on girls so that they can develop gender responsive policies and programs based on sound data.
- The justice system should expand its investment in and development of community based alternatives to detention and incarceration for girls so that fewer girls are removed from their homes and communities.
- Jurisdictions should identify strengths-based neighborhood services for girls. These resources should be made available to judges, prosecution, probation, defense counsel and others in the justice system in a position to assist girls making community connections.
- The justice system and community programs must develop models for linking system involved girls to community-based resources.
- Work-force development and re-entry efforts should be gender-responsive. These programs should be equally available to girls and boys, providing non-gender stereotyped training and employment opportunities.

PART 2: CONDITIONS OF CONFINEMENT

Programs and services for girls in the justice system should be gender responsive. They should be strengths-based, driven by girls' unique development, and designed to meet the needs of girls including recovery from trauma, continuity of relationships, and opportunities to be successful. By this measure, attorneys, judges and girls agree that the overall quality of services for girls in placement is poor.

With rare exception, the overall quality of services for girls in placement is poor.

The lack of gender-responsive programming across the country prompted the Office of Juvenile Justice and Delinquency Prevention to require states to report their efforts to improve girls programming beginning in 1992. Though conferences and training are beginning to address these deficits in many jurisdictions, most current programming remains inadequate.

For example, while in confinement, girls are denied healthy means of dealing with stress such as exercise, music, writing, and talking to people they trust. Fifteen-year-old Lisa enjoyed writing, and she had a desk in her room in the girls unit of the detention center. However, under detention center policy, girls were not allowed to have pens or pencils in their rooms. Therefore, she was prohibited from using creative writing as a coping strategy. Sixteen-year-old Paula was so desperate to communicate with her mother that she took a pencil so that she could write her a letter. She was punished for her action, which was seen as a security violation and received "room-time" so she missed school.

Though they differ in their assessments of degree, attorneys and judges agree that the four most glaring gaps for girls in residential placement are:

- Inadequate diagnosis and treatment of mental health needs;
- Overcrowding and inadequate physical space;
- Inadequately trained staff; and
- Inadequate treatment of physical and medical needs.

Inadequate Diagnosis and Treatment of Mental Health Needs

Attorneys and judges were in greatest agreement that diagnosis and treatment of mental health needs were inadequate for girls in detention and residential programs. Eighty-five percent of attorneys and 64% of judges considered this a problem in their jurisdictions.

Girls likewise recognized that mental health services are inadequate. Christine is a fifteen-year-old girl in detention who survived extreme trauma. She was a prostitute who had been robbed, raped, beaten, and kidnapped. Recently, Christine's best friend, who was also a prostitute, was found murdered which was frightening for Christine and another loss. Christine acknowledged she has numerous emotional needs, which require immediate attention. However, she is not receiving intensive therapy or related services. Instead, Christine said she plans to seek counseling after she is released.

The girls interviewed for this report were self-aware and readily acknowledged their emotional difficulties. Kanika, a seventeen-year-old, admits she has difficulty controlling her anger. Cat knows that she has emotional problems stemming from sexual abuse and identifies similar problems among many of her peers in detention.

Aware of their own emotional difficulties, girls complained that they were not receiving adequate mental health services while in confinement and expressed a desire to have access to more services. One girl explained, "I think it's hurting us because those of us who do have problems and want to talk to somebody about our problems, we are not able to because we have nobody to talk to." Andrea, a seventeen-year-old, explained, ". . . eventually it's going to blow up . . . we [will] end up having another breakdown and we [will] end up in a nut house probably because of all the problems we built up inside and we didn't get the chance to talk to nobody about it."

Lack of adequate mental health treatment can be partially attributed to fragmented youth systems, which result in girls with emotional needs being inappropriately placed in the juvenile justice system and the mental health system failing to provide services to meet those needs. In most jurisdictions mental health, social services and juvenile justice operate on parallel tracks, making crossover among these systems extremely difficult. This creates situations in which a program in the child and family services system may be suitable for a delinquent girl, but unavailable to her because she is under the jurisdiction of the juvenile justice system. The same barriers exist between the juvenile justice and the mental health and education systems. (See *Girls in the Juvenile Justice System: Perspectives on Cross-System and Community Collaboration*, forthcoming)

The lack of system coordination is apparent to the girls. As one girl in a residential program offered: "Where is our counseling? We don't get counseling here.... I've been in and out of DSS. I've been in and out of DYS. I've been in and out of more DSS than DYS but I don't know what I'm doing and neither does my case manager. Do you know what I'm telling

you here? My case manager doesn't know what is happening. Ain't they supposed to be our counselors here? We don't get no counseling from them. I know I don't." Similarly, girls described court ordered conditions in dependency cases involving their children, which were impossible for them to accomplish due to probation restrictions in their delinquency cases.

Overcrowding and Inadequacies in Existing Physical Space

Overcrowding in detention was widely viewed by judges and attorneys as the second most serious placement issue (70% of attorneys and 58% of judges). Moreover, over half of both attorneys and judges (57% and 51%, respectively) reported that inadequacies in existing space for girls in detention and placement were a problem in their jurisdictions.

Inadequate space and overcrowding puts stress on every aspect of institutional life and has been linked to inadequate education and programming. Lack of space gives rise to feelings of lack of privacy and may increase conflict, particularly among girls experiencing irritability as a symptom of depression. The girls we interviewed stressed the lack of programming in detention and placement and were particularly upset that they spent so much time alone in their rooms. As Adrian, a seventeen-year-old girl noted:

We are in our rooms basically all day. We get out of school at 2:30. We go straight to our rooms. We don't get out of our rooms until 4:45. Then they want to know why we have so much energy at night. We sleep mostly the whole day. After school we go off to our rooms and then after dinner what can we do in our rooms but read a book or fall asleep.

I think that we should be out of our rooms more than in our rooms because I think that just by us being in our rooms so much we get aggravated and we argue and things like that. I get stressed out being in my room so much sometimes.

Inadequately Trained Staff

A significant percentage of attorneys (70%) believed staff in detention, secure facilities, and residential programs were inadequately trained. A smaller but notable percentage of judges (32%) felt that staff were inadequately trained. When staffing is inadequate for the number of girls, efforts to avoid conflict through de-escalation are more difficult. Staff shortages or lack of training are associated with inadequate medical attention, inadequate education, and inadequate opportunities for recreation. Training for staff working with girls in placement must include girls' development and strategies to address the needs which arise from trauma.

Girls connected poor staff training to staff "gossiping," which many of the girls found deeply disturbing. Though the girls we interviewed wanted to talk with adults about their personal issues, they felt that staff could not be trusted to keep confidences and this "gossiping" created a climate of disrespect. The girls explained that the staff talk about the girls' confidential, private information to one another, to other girls in the program, and even to members of the community. Some staff members lived in the girls' communities and, therefore, knew many of the same people the girls knew. The lack of trust girls felt toward staff was particularly concerning since so many of the girls have histories of trauma which damaged their abilities to trust adults.

Sixteen-year-old Kristen explained that she had a miscarriage while in detention. She said she did not receive help coping with her loss; instead, her personal tragedy was gossiped about by staff and girls in the facility. Sixteen-year-old Crystal stated that staff members "throw your history in your face." In short, many of the girls believed that staff members use knowledge of girls' personal backgrounds to manipulate and humiliate them.

Inadequate Treatment of Physical and Medical Needs

Over half of attorneys (56%) and 31% of judges acknowledge that girls in confinement receive inadequate diagnosis and treatment for their physical health and medical needs. Girls we interviewed reflected the attorneys' perceptions that in confinement girls' health needs are being compromised.

Many of the girls interviewed stated that in detention and placement they did little physical activity. Though girls at some of the sites had regularly scheduled exercise and time outdoors, even when girls' detention units and placements scheduled exercise times, it often did not happen. In many programs, girls were scheduled to exercise with boys who dominated the basketball court, leaving girls to look on from the sidelines. Other than the occasional exercise time, girls in placement described few or no opportunities to be outdoors. A significant number of the girls we interviewed expressed a desire to spend time outdoors, craving fresh air and sunlight.

Girls connected the lack of physical activity to their unhealthy states of mind in placement. Because girls do not exercise regularly, sixteen-year-old Paula explains, "the kids get so frustrated here, and there's no place to put the energy." Another girl, Andrea, expressed a similar sentiment, "Not being able to go outside – it's like if we are around each other, 24 hours, 7 days a week, of course we're going to be snappy or jumpy or always arguing and disrespecting each other."

Since many girls in detention and placement rarely exercise or spend time outside, their diet is particularly important. Unfortunately, the girls we interviewed consistently noted the lack of balanced, nutritious food. Sixteen-year-old Selena had strong views about the food she is served, “Imagine that you throw all the garbage in one dish...Our food is like that....garbage.” Other girls described the food as “starchy” and “heavy.” Girls explained that the food was mainly noodles and bread and cited this as the reason many of them “get fat” while in placement. This situation is particularly problematic for adolescent girls, who struggle with changing bodies and body images, and is magnified for girls in the juvenile justice system, many of whom are prostitutes or victims of sexual abuse.

Additional Issues in Conditions of Confinement

Overall, attorneys, judges and the girls interviewed reported significant problems with conditions of confinement in detention and residential placements. In addition to those listed in the survey, attorneys and judges were asked to identify conditions of confinement that they viewed as particularly problematic. Judges surveyed found the following additional conditions problematic for girls:

- lack of alternatives to detention;
- lack of appropriate treatment, especially drug treatment;
- lack of good vocational and educational programs.

Attorneys surveyed found the following additional conditions problematic for girls:

- lack of institutional programming;
- over-medication of girls to control their behavior;
- lack of educational services; and
- sexual assault in custody.

RECOMMENDATIONS

- **Efforts should be made to reduce system fragmentation so that a girl can receive services designed to meet her individual needs regardless of her legal status and so there is continuity of services when she finishes probation or returns to a foster placement.**
- **The number of girls in detention and in post-adjudication programs should be reduced. Many confined girls would be better served in their communities with no threat to public safety.**
- **Girls’ programs should be evaluated by outcome measures such as the degree to which they help girls achieve goals such as high school completion, recovery from trauma, or becoming independent.**
- **There should be quality program evaluations by national reviewers, so that jurisdictions that send girls out-of-state to programs will have complete information about placements.**
- **In compliance with the Juvenile Justice and Delinquency Prevention Act, status offending girls should not be detained or incarcerated in secure placements.**
- **Training and certification in female adolescent development and gender responsive practices should be required and be routine for staff in girls’ detention units and placements.**
- **Staff in girls’ detention units and placements should reflect the juvenile population in race and ethnicity.**
- **Ombudsmen and independent monitors should be a routine feature of the juvenile justice system to prevent exploitation, track conditions of confinement, and provide a process to redress grievances.**

PART 3: DIFFERENT PERSPECTIVES: JUVENILE COURT JUDGES AND DEFENSE COUNSEL

Parts 1 and 2 of this report discuss areas of general consensus between juvenile court judges and defense counsel responding to our survey. Yet, while there was agreement as to the nature of the problems, there was disagreement as to the degree of these problems. In other areas covered in the Girls' Justice Initiative surveys, we found significant differences in the perspectives of judges and attorneys on major features of the system. These are reported separately below. The breadth of disagreement suggests a need for greater dialogue among juvenile justice professionals about policies and programs affecting girls in the justice system.

Conditions of Confinement

The greatest area of disagreement between juvenile court judges and defense counsel was on the use and misuse of extreme measures, such as restraints and isolation, to control girls' behaviors. Adequacy of staff training was another issue that generated substantial disagreement between judges and defense attorneys. In each of these areas, judges identified fewer problems, considering conditions to be better for girls than did defense counsel.

Misuse of Physical Restraints: Few judges identified misuse of physical restraints as a problem for girls in detention and other placements in their jurisdictions, while many attorneys identified it as a problem.

- 43 % of attorneys identified misuse of physical restraints as a problem in their jurisdictions while only 6 % of judges identified it as a problem.
- Misuse of physical restraints was not a central theme in the site interviews with girls. However, a few girls mentioned incidents in which it appeared staff were using restraints excessively.

Misuse of Isolation or Administrative Segregation: A much larger percentage of attorneys than judges identified misuse of isolation and administrative segregation as a problem in their jurisdictions.

- 41 % of attorneys identified misuse of isolation or administrative segregation as a problem in their jurisdictions while only 7 % of judges identified it as a problem.
- Misuse of isolation or administrative segregation was not a central theme in the site interviews with girls.

Inadequately Trained Staff: Attorneys and judges disagreed about the degree to which staff in girls' detention units and placements were adequately trained.

While significant numbers of both girls and attorneys reported that staff in girls' detention units and other placements were inadequately trained, far smaller numbers of judges identified training as a problem.

- 70 % of attorneys identified inadequately trained staff as a problem in their jurisdictions while only 32 % of judges identified it as a problem.
- Of all the conditions of confinement identified in the survey, attorneys cited "staff inadequately trained to meet the special needs of girls" as the third most problematic condition. Judges, on the other hand, identified it as the eighth most problematic condition.

Case Processing for Girls

The most widespread differences in the perspectives of juvenile court judges and attorneys concerned the impact of juvenile court case processing on girls and, in particular, the use of detention for girls. Judges and attorneys disagreed both about the extent to which certain practices were occurring and on whether they reflected "gender bias" by having a different impact on girls than on boys.

Attorneys and judges disagree about why girls are detained.

There is national evidence that girls are detained for status offenses, violations of probation, and minor offenses at greater rates than are boys. For example, in 1999, girls were detained nationally for technical violations and status offenses at almost twice the rate of boys (technical violations and status offenses accounting for 38 % of girls' detentions and 23 % of boys' detentions). (Sickmund & Wan, 2001). Yet, attorneys and judges responding to our survey disagreed as to whether these practices occurred in their jurisdictions.

As Table 2 indicates, a greater percentage of attorneys than judges thought that girls were detained for reasons other than their risk of flight or danger to the public. Almost half of attorneys surveyed thought that girls were detained for violations of contempt or valid court orders on underlying status offenses, violations of probation, and misdemeanors, in an effort to obtain services for them. By comparison, only 12 % of judges thought girls were detained for status offenses, 19 % of judges thought they were detained for probation violations and 12% thought detention was used for girls with misdemeanors in an effort to obtain services for them.

(TABLE 2) PERCEPTIONS OF JUVENILE COURT JUDGES AND DEFENSE COUNSEL ON REASONS FOR GIRLS' DETENTION

	Percent reporting this practice occurs often or is a recurring or systemic problem	
	percent of attorneys	percent of judges
Detaining girls for contempt or violations of valid court orders when the underlying issue is a status offense	52%	12%
Detaining girls for probation violations	49%	19%
Detaining girls for parole violations	30%	8%
Returning girls to detention as a result of failure in treatment programs	39%	7%
Pursuing misdemeanors against girls in an effort to detain them to obtain services	45%	12%

More attorneys than judges think that girls are detained and incarcerated more and longer than boys for minor offenses and probation violations.

As Table 3 indicates, when asked whether they believed that girls were detained for contempt or violations of valid court orders, probation violations, and misdemeanors, more than boys, judges and attorneys had different perspectives. Most notably, 47% of attorneys, as compared with 15% of judges, thought that the practice of detaining for contempt or violations of valid court orders on status offenses occurred more often for girls than boys. Though a greater percentage of attorneys than judges believed there was a gender disparity in these decisions, in general, the majority of each group did not indicate they thought decisions were gender biased.

**(TABLE 3) PERCEPTIONS OF JUDGES AND ATTORNEYS
ON GENDER BIAS IN JUVENILE JUSTICE PROCESS**

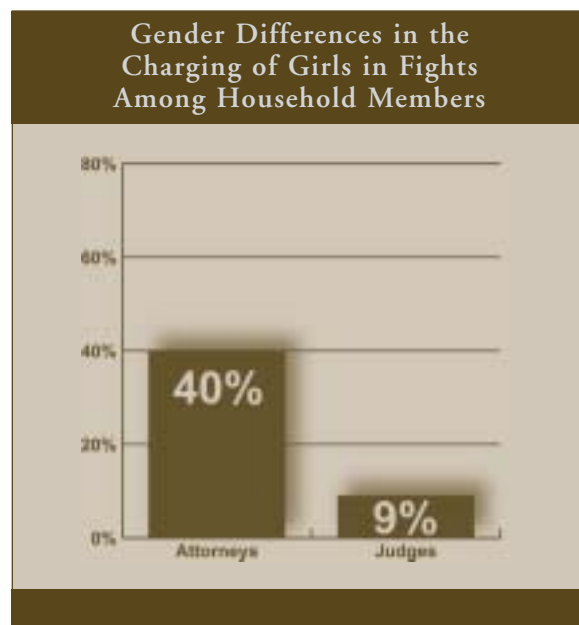
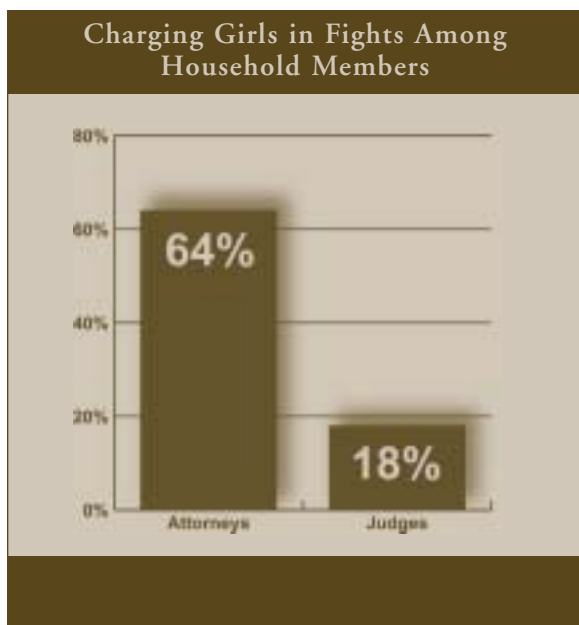
Detention Practice	Percent reporting this practice occurs more often <i>for girls than boys</i>	
	percent of attorneys	percent of judges
Detaining girls for contempt or other violations of valid court orders when the underlying issues are status offenses (running away, truancy, curfew)	47%	15%
Confining girls in detention for violations of probation	18%	2%
Confining girls in detention for parole violations	9%	1%
Returning girls to detention as a result of failure in treatment programs	12%	3%
Pursuing misdemeanors against girls in an effort to detain them to obtain services	36%	10%
Detaining or incarcerating girls in restrictive/secure settings (as opposed to non-secure placements or diversion options) longer than necessary or appropriate for the acts with which they are charged and/or for which they are adjudicated	34%	8%

More attorneys than judges thought girls were detained or incarcerated in secure settings longer than needed.

45% of attorneys believed that girls were detained or incarcerated in restrictive and secure settings (as opposed to non-secure or diversion options) longer than necessary as compared with only 9 % of judges.

A much greater percentage of attorneys thought that girls were charged with assault, aggravated assault, or domestic violence as a result of fights with household members and that this occurred more often for girls than boys.


Nationally, from 1980 through 2000 the increase in female arrests for simple and aggravated assault far outpaced that of boys, prompting the hypothesis that policy changes in the handling of domestic violence matters is resulting in many more girls than boys being arrested for disputes at home. Attorneys and judges responding to the Girls' Justice Initiative survey disagreed as to the frequency of this practice in their jurisdictions as well as to whether it occurred more often for girls than boys. Sixty-four percent of attorneys as compared with 18% of judges said that girls in their jurisdictions were charged with assault, aggravated assault, or domestic violence for fights among household members. Moreover, 40 % of attorneys as compared with 9% of judges believed these charging practices occurred more frequently or somewhat more frequently for girls than boys.



RECOMMENDATIONS

- Courts and defender organizations should routinely generate data and conduct research concerning processing of girls in the justice system, which should be used to fully understand the impact of the juvenile justice process on girls.
- Judges, defense counsel, probation, prosecution, and agency personnel should jointly discuss services, processing and conditions for girls in their jurisdictions.
- Girls involved in the juvenile justice system should be included in dialogues about services, conditions of confinement and the juvenile justice process.
- Judges and defense counsel should regularly visit girls' units in detention centers and residential placements to observe conditions of confinement and speak with girls about those conditions.

CONCLUSION



Girls are a growing minority in the juvenile justice system with specific needs which remain largely unaddressed. This report begins to frame the ways in which the juvenile justice system is failing girls in services and conditions of confinement and suggests areas for reform. The report relies on the perceptions of attorneys, judges, and girls in the system — three groups with significant, yet different, exposure to the issues. It does not report the perceptions of probation officers, service providers or prosecutors, all of whom have critical perspectives which will be addressed in later reports. The report both identifies problem areas about which there is substantial agreement among judges, attorneys and the girls themselves, and areas about which there is substantial disagreement. While recommendations for policy change should focus on the areas of agreement; where differences exist, more research and data collection are needed. The Girls' Justice Initiative recognizes that a full and accurate understanding of the needs of girls is essential to promote gender responsive policies and practices. We hope this report is a step in that direction.

ATTORNEYS' AND JUDGES' VIEWS OF CONDITIONS OF CONFINEMENT FOR GIRLS

	Percent of respondents reporting problems in their jurisdictions	
	percent of attorneys	percent of judges
Sexual misconduct by male staff	29%	14%
Misuse of physical restraints	43%	6%
Overcrowding in detention facilities	70%	58%
Misuse of isolation/administrative segregation	41%	7%
Inadequately trained staff	70%	32%
Inadequate diagnosis &/or treatment of mental health needs	85%	64%
Inadequate diagnosis &/or treatment of physical health/medical needs	56%	31%
Institutional violence	40%	19%
Lack of access to family members for visitation (e.g., remote location of facility)	53%	44%
Inadequate physical space	57%	51%
Dilapidated facility	36%	22%

ATTORNEYS' AND JUDGES' VIEWS OF CONDITIONS OF CONFINEMENT FOR GIRLS		
Rank by Attorneys	Condition of Confinement	Rank by Judges
1	Inadequate diagnosis &/or treatment of mental health needs	1
2	Overcrowding in detention facilities	2
3	Inadequately trained staff	8
4	Inadequate physical space	3
5	Inadequate diagnosis &/or treatment of physical health/medical needs	5
6	Lack of access to family members for visitation (e.g., remote location of facility)	4
7	Misuse of physical restraints	11
8	Misuse of isolation/administrative segregation	10
9	Institutional violence	7
10	Dilapidated facility	6
11	Sexual misconduct by male staff	9

ATTORNEYS' AND JUDGES' VIEWS OF THE ADEQUACY OF JUVENILE JUSTICE SYSTEM PROGRAMMING AND SERVICES FOR GIRLS

	percent of attorneys	percent of judges
Always or almost always is adequate	0%	9%
Often is adequate	11%	22%
Sometimes is adequate	38%	43%
Rarely or never is adequate	51%	18%

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