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Justice for Girls Briefing Report

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Introduction

In 2008, the *Justice for Girls Blueprint for Action* was released to advance the larger State of Florida Juvenile Justice Blueprint Commission, but with a focus on girls (Ravoira & Miller, 2008). Written by Dr. Lawanda Ravoira and Roy Miller, the *Justice for Girls Blueprint for Action*:

- Outlined a comprehensive approach for addressing the policies, practices, processes and services needed to reduce the overreliance on incarceration and better meet the needs of girls coming in contact with the juvenile justice system;
- Made policy recommendations agreed to by a wide range of stakeholders;¹
- Built upon several other important research studies specific to girls in Florida, *Educate or Incarcerate* (2000) and *Rallying Cry for Change* (2006).

This *Justice for Girls Briefing Report* is a renewed call to action. While reform for girls in Florida has advanced with numerous progressive policies and programs, progress has been sluggish in critical areas. This report provides 1) a brief history and context of the Justice for Girls Movement 2) identifies areas where reform is still urgently needed and 3) identifies emerging issues to be further addressed in the updated *Blueprint for Action* scheduled to be released in 2020.

Brief History and Context

Late 1990s - The Justice for Girls movement began when a rare combination of political, legal, economic and other factors threatened to reverse the progress made on behalf of justice-involved girls in Florida. Five years after the state opened the nation's first maximum secure prison for girls, the prison closed due to abuse, neglect and sexual misconduct by staff. The mistreatment of girls became a further catalyst that fueled reform.

2006 - *A Rallying Cry for Change* was released profiling the needs of girls across 13 residential programs throughout the State of Florida (Patino, Ravoira & Wolf, 2006). This study built upon *Educate or Incarcerate* (Acoca & Dedel, 2000), which documented the disparate treatment of girls and offered specific reform recommendations.

2013 - The Delores Barr Weaver Policy Center was established as an outgrowth of the Justice for Girls Movement. The mission of the Policy Center is to engage communities, organizations and individuals through quality research, community organizing, advocacy, training and model programming to advance the rights of girls and young women, especially those in the justice system. The opening of the Policy Center provided the resources to laser focus on shifting how local communities and Florida can better respond to marginalized girls and young women involved in the justice system. Since its beginning, the Policy Center has monitored and analyzed the data to inform the status of girls and the areas that warrant attention and action:

Policy Center Publications:

- In 2013, *Wake Up Call: Trends in Girls Involvement in the Juvenile Justice System* highlighted the number of girls involved along the juvenile justice continuum in Florida (arrest, diversion, detention, probation, commitment and transfer to adult system). It called attention to the disparities for girls, which included the arrest and incarceration of girls for non-felonies at higher rates than boys, incarceration into residential commitment programs for violations of probation, and the needs of girls that require a different approach.

¹ During its two-year vetting and development process, input came from diverse stakeholders including national experts, the Girls Advisory Council, and many others from the earliest days of the movement. This included the NCCD, PACE Center for Girls, The Children's Campaign, the Florida Juvenile Justice Association, the Florida Network of Youth and Family Services, girls in the juvenile justice system at all levels, participants in the Girls Summit, the courts, attorneys, probation officers, educators, service providers and others.

- In 2015, *Breaking New Ground on the First Coast: Examining Girls' Pathways into the Juvenile Justice System*, studied girls locked up from the First Coast community and included narratives about what girls were facing, what protective factors buffered their own life traumas and what girls need. Critical issues and questions were raised for policymakers, service providers, citizens, and funders to transform the response to girls in the community.
- In 2016, *See the Change: Girls' Juvenile Justice Trends on the First Coast*, revealed a significant reduction in the number of girls incarcerated on the First Coast but also highlighted continued disparities for girls, particularly those committed for non-law violations of probation and those with high mental health needs.

A Decade Later: Areas In Need of Urgent Reform

Fewer Incarcerated but Disparities Remain

In Florida, nearly one in three youth referred to the Department of Juvenile Justice is a girl. This trend has remained the same over the last decade. In 2015-2016, there were 10,660 girls arrested and 323 girls incarcerated in Florida (Florida Department of Juvenile Justice [FL DJJ], 2016b). This represents a 58% decrease in the number of girls arrested/referred and 69% decrease in incarceration to the juvenile justice system over a 10-year period. *In spite of the significant reductions seen in the numbers of girls arrested and incarcerated in Florida, gender disparities for girls continue:*

- Two in three girls (67%) were arrested for non-felony offenses (compared to 45% of boys);
- One in four girls (28%) were incarcerated for non-law violations of probation (compared to 11% of boys).

Lack of Community-Based Services Creates Revolving Door

The lack of community-based, girl-centered, trauma-informed services contributes to girls cycling in and out of the system due to their needs being unmet. The availability of mental/behavioral health and substance abuse treatment is woefully inadequate in local communities. It is not uncommon for judges to send girls to lock-up facilities under the misguided notion that they will receive treatment for their complex mental health needs.

- Nearly two in five girls have histories of sexual (38%) or physical abuse (40%);
- More than half (57%) of girls who are locked up have mental health problems related to trauma and violence.

Successes

- Piloted and expanded Girl Matters®: It's Elementary, a program designed to interrupt suspension and prevent the spiraling effect of girls entering the juvenile justice system (2010)
- Advocated and passed anti-shackling legislation for pregnant girls during labor (2012)
- Published Girl-Centered Practice curriculum and provided training to key stakeholders, including the Department of Juvenile Justice (2012)
- Passed Safe Harbor Law (2012) and protected the intent of the law to recognize trafficked children as victims and not criminals (2014)
- Launched Girl Matters®: Continuity of Care to cut incarceration rates by providing continuous therapeutic services for girls impacted by the justice system (2013)
- Confidentiality of juvenile records- closes the loop holes and keeps records from being publicly available (2016)
- Expunction of juvenile records - clears arrest charges and convictions at age 21 to promote access to education and job opportunities (2016)
- Funding appropriations for Open Doors pilot, a first responder statewide advocacy network providing services and supports to survivors of sex trafficking (2016)

Youthful Mistakes and Overuse of System for Treatment Derails the Futures of Girls

Using the juvenile justice system for services not available in the community ensures that girls will not be eligible for certain licensure and future employment opportunities even after they have completed their commitment/probation. The long-term consequences of a mistake includes:

- Being barred from joining the military (without a waiver);
- Inability to receive various licensures and certifications (nursing, teaching, cosmetology, childcare, social work);
- No voting rights (with felony charges);
- Having a driver's license suspended;
- Court fines and fees for care and supervision when detained, incarcerated, or placed on probation;
- Mandated disclosure of record on applications for employment, rent, college admission, and professional licenses.

Emerging Issues: What We Have Learned

The following outlines the urgent issues that have emerged since the release of the Blueprint for Action in 2008 which warrant thoughtful review and reform in the *Justice for Girls Blueprint for Action 2020*.

School Suspensions, Disparities and Criminalization of Black Girls

Keeping a girl connected to school can serve as a protective intervention point to prevent “disconnection” (i.e., suspension, expulsion, dropout, and arrest) which can lead to future justice system involvement. Existing research clearly establishes the link between academic failure and juvenile justice system involvement—highlighting the need to interrupt the school-to-prison pipeline (Acoca & Dedel, 2000). Statewide, 85% of girls incarcerated have a suspension history (FL DJJ extract as cited in Patino Lydia & Sanders, 2016). In Florida, Black girls represent 24% of the student population yet they represent 54% of all girls' out of school suspensions (Inniss-Thompson, 2017).

Mental Health-Suicide/Baker Act Crises

There is a mental health crisis in some of our communities. Statewide, one in four girls in middle school (25% of girls compared to 11% of boys) and one in five girls in high school (18% of girls compared to 10% of boys) has seriously considered attempting suicide (CDC, 2016). The number of Baker Acts² on children has increased every year through 2014-2015, to approximately 32,626 statewide (Christy & Guenther, 2016).

Preventing Cross-Over from the Child Welfare System

Few safeguards in child welfare prevent girls from “crossing -over” from foster care into the juvenile justice system. One in three Florida girls who were committed also had previous court ordered out of home placements through the child welfare system compared to one in five boys (FL DJJ extract as cited in Patino Lydia & Sanders, 2016).

Intergenerational Trauma—Shared Experiences of Mothers/Daughters

Statewide, between 2015 and 2016, 27% of girls were incarcerated for misdemeanor assault or battery (FL DJJ 2016b)—often related to domestic violence (Patino-Lydia & Moore 2015). Research suggests girls are fighting with their mother or mother figure. The Policy Center's experience working with girls underscores the importance of examining and understanding the historical challenges and traumas that have shaped both family and personal histories. This includes trauma experienced by mothers with limited opportunities for counseling and support. We must recognize parents/caregivers' negative experiences with systems often create additional barriers to ensure family engagement.

² The Florida Mental Health Act of 1971, often known as the Baker Act, is a 72 hour involuntary commitment of an individual for examination. It can be initiated by law enforcement, judges, mental health professionals, and physicians.

Prevalence of Sexual Exploitation and Trafficking

Ten years ago, girls who were commercially sexually exploited children (CSEC) were likely to be detained in secure detention and/or incarcerated for offenses related to trafficking and/or for their “protection.” In 2016, 356 youth were verified as CSEC victims (OPPAGA, 2017). The majority of CSEC victims were female (93%), ranging from 13-17 years old. Half (51%) of the victims were white, 40% were black, and 9% were of another race. Nearly half of the victims (47%) had at least one prior case of verified child maltreatment. More than half (60%) of the victims were arrested at least once after the date of their CSEC investigation³ (OPPAGA, 2017).

Importance of Utilizing Civil Citation

Civil citation is a critical intervention opportunity that reduces unnecessary delinquency records and also impacts the arrest and judicial handling rates to the juvenile justice system⁴ (FL DJJ, 2016a). Over the last five years, the utilization rate of civil citations for girls who were eligible increased from one in four girls to one in two girls (26% in 2011-2012 to 51% in 2015-2016). Despite the successful increase in use of civil citation, 4,060 girls were denied the opportunity. Utilization rates vary across the state, ranging from below 25% in some counties to almost 100% utilization in others.

Overuse of Non-law Violations of Probation

Probation is a critical opportunity to allow justice-involved youth to stay in their own homes, schools, and communities and to connect girls with services to meet their identified needs. In Florida each year, approximately 3,000 girls were on probation (FL DJJ, 2016b). The proportion of girls on probation caseloads is increasing as incarceration trends are decreasing. While not committing a new law offense, a girl on probation can be violated and ultimately incarcerated in a commitment program. Non-law violations include running away, not going to school, not attending court ordered classes, violating curfew, etc. The lack of alternatives to address non-law violations of probation puts girls at higher risk for deeper system involvement. In 2015-2016, more than a quarter (28%) of the girls were committed for a non-law violation of probation compared to 10% of boys in Florida (FL DJJ, 2016b).

Needs of Incarcerated Girls with Differing Abilities and/or Lower Cognitive Functioning

There are no standardized procedures for screening or identifying youth with intellectual disabilities in the justice system. As a result, their rights, access to responsive services, their safety and the safety of others is put in jeopardy. Specialized services and programming environments in the juvenile justice system are virtually non-existent for approximately 10-20% of girls with lower cognitive functioning.⁵ Girls with lower cognitive functioning who are placed in typical commitment programs may not have the capacity to understand program requirements and expectations resulting in an increased likelihood of negative outcomes for the girls (e.g., new charges while in confinement, increased use of restraints, longer stays in inappropriate settings, and potential transfer to adult system).

Learning About Incarcerated Young Women (Ages 18-24)

The focus of the juvenile justice reform effort has been on girls under the age of 18, but the trends of young women in the adult system (ages 18-24) needs attention especially since many 18 or 19 year olds are still in high school. There is also a subset of girls in the adult system under the age of 18 who were transferred from the juvenile justice system (77 in 2015-16) (FL DJJ, 2016b). Women ages 18-24 make up 25% of the adult incarcerated population in Florida (Florida Department of Corrections, 2017). Less is known about who they are, what needs they have and the factors contributing to system involvement for this population of young women.

³ Office of Program Policy Analysis and Government Accountability [OPPAGA] examined the 410 CSEC victims verified from July 2013-December 2015

⁴ Civil citation is an alternative to judicial handling for youth who commit up to three misdemeanor offense as defined by Florida Statutes 985.301

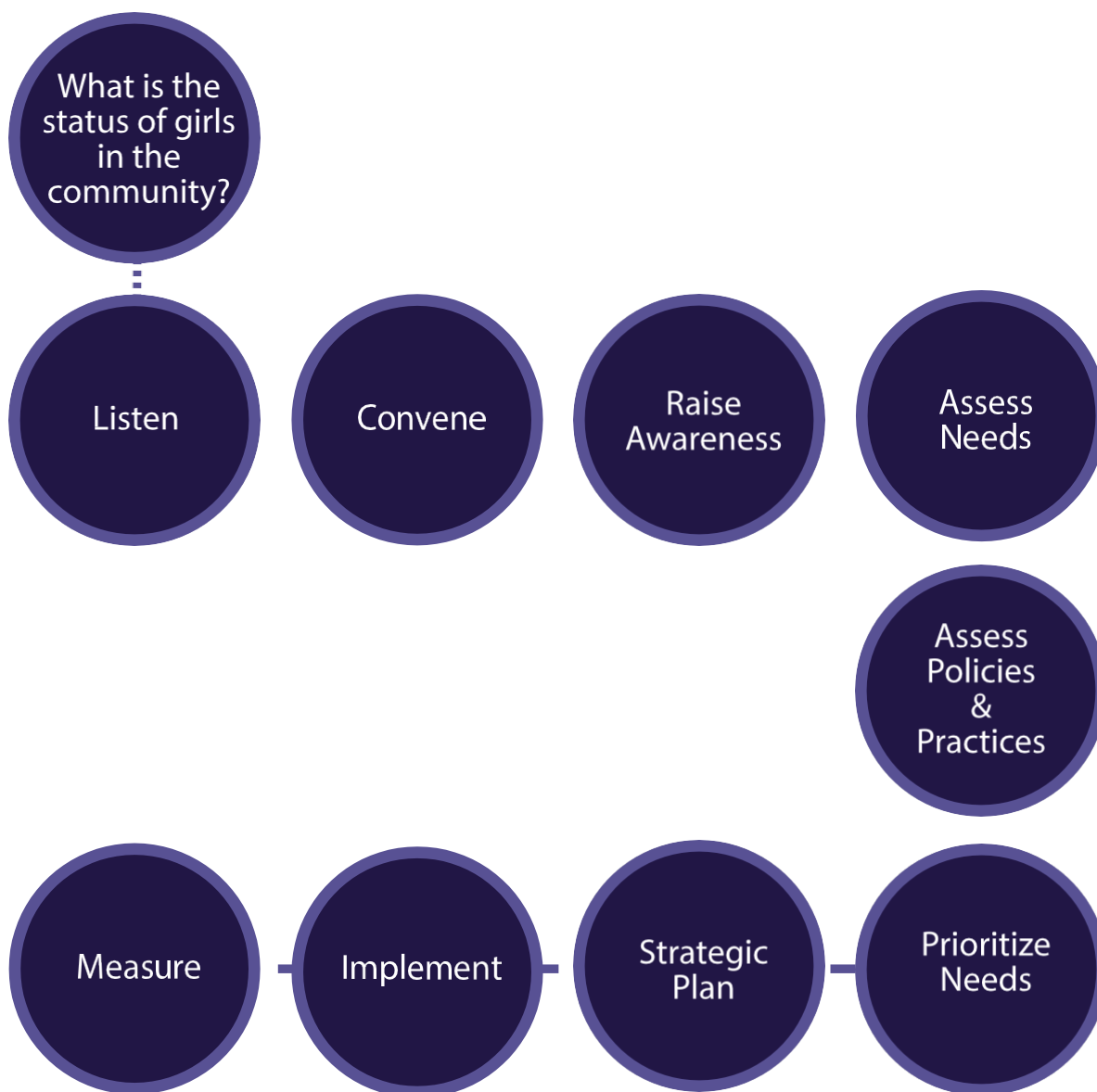
⁵ Preliminary data from G4-S suggests that approximately 10-20% of girls who are committed to residential placements in Florida may have IQ's less than 80. By comparison, only 2.2% of the general population has an IQ less than 70 (NCS Pearson Weschler Intelligence Scale for Children, 2014).

Moving Forward: Expanding the Framework for Systems Change

Lessons from the Justice for Girls Movement provide an opportunity to positively impact more than 400 girls incarcerated, 3,167 girls on probation, 3,073 girls in detention, and an estimated 26,066 girls served in prevention programs across the state each year.

The next iteration of the *Justice for Girls Blueprint for Action 2020* report will look at the changes over the last 10 years and will set the course for reform work for the next decade. This effort actively creates the future for Florida's girls by strategically building a statewide initiative focused on systemic change. The movement forward will build on previous successes using the Framework for Systemic Change (Ravoiara and Patino Lydia, 2013).

Framework for Systemic Change



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