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A GUIDE TO JUVENILE DETENTION REFORM

## Making Detention Reform Work for Girls

Juvenile Detention Alternatives Initiative

A PROJECT OF THE ANNIE E. CASEY FOUNDATION

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# Introduction

In 2005, the Annie E. Casey Foundation published *Detention Reform and Girls: Challenges and Solutions*, the thirteenth installment in its “Pathways to Detention Reform” publication series. The report showed that while girls comprise a minority of youth who appear in juvenile courts on delinquency charges, they often present vastly different challenges than boys. The special needs of girls are manifest throughout the juvenile justice process, the report found, but particularly at the detention phase. Serving girls effectively often requires targeted gender-responsive strategies.

Throughout the nation, court-involved girls frequently pose minimal risk to public safety but suffer with significant social service needs. Data on detention utilization show that girls are being disproportionately detained for misdemeanors, status offenses and technical violations of probation and parole. In short, many girls enter detention for the wrong reasons and many remain in detention for extended periods harmful to them and contrary to best practice.

Mirroring the national picture, the *Pathways* report found, “JDAI sites are struggling with how to reduce the population of girls in their secure facilities, implement detention alternatives to best meet girls’ needs, and provide gender-responsive programming for girls who require detention.” Further, the report noted, JDAI’s “core strategies by themselves — without specific policies, practices, and programs that address the particular challenges posed by girls — do not seem sufficient to eliminate disparities, to improve program performance, or to ensure appropriate conditions of confinement.”

The *Pathways* report included a wealth of information about girls and detention. It provided data on girls’ growing share of the detention population, information on how girls’ backgrounds and needs differ from boys’, and an extensive discussion of promising approaches and best practices research on how to serve girls more effectively and make detention reform work for girls.

What the report did not provide, however, were clear and specific instructions for local JDAI leaders on how to put this information to constructive use. This practice guide aims to fill that void. It responds to a call from both mature and new sites, which continue to find that effectively serving and supervising girls is among the most difficult issues in detention reform.

The practice guide will stress that efforts to safely reduce the inappropriate detention of low-risk girls must be rooted in JDAI’s core strategies, but with an added intentional focus on applying those core strategies to girls’ unique needs and circumstances. These efforts require a strong and collaborative leadership team with the will and capacity to undertake meaningful reforms in the treatment of girls at the detention stage. The work must be rooted in careful analysis of detention management reports and individual case files to pinpoint policies or practices that may result in girls’ inappropriate or unnecessary

detention, and they must lead to action as local leaders design, test and continually revise new strategies to meet girls' needs.

The practice guide begins with an overview of the challenges facing local juvenile justice systems in improving their approaches to girls in the detention process. The chapter summarizes the available information about the characteristics of girls in detention, the disparities in the system's treatment of girls and boys, and the harm caused by unnecessary overreliance on detention for girls. This opening chapter highlights several prevalent causes for this overreliance on detention for girls, and it summarizes some of the key lessons from available research about what can be accomplished through focused efforts to improve the treatment of girls in the detention process.

Chapter II describes the organizational steps necessary for JDAI jurisdictions to create a gender work group at the local level and to begin the process of analyzing current practices vis-à-vis girls in detention and developing a work plan for improving the detention process for girls. The chapter provides guidelines and suggestions for creating a local work group to examine the needs of girls, discusses the best timing for detailed gender analysis, and explains how the efforts of the girls work groups will be rooted in the JDAI core strategies.

Chapter III will detail the steps required to conduct in-depth gender-focused data analyses to identify the nature and extent of disparities in the jurisdiction's treatment of girls. Steps in the process include: an initial data scan of readily available data; selection of locally targeted research questions for further study (based on national research combined with local judgment and experience); in-depth quantitative analyses to determine underlying patterns that might be driving gender disparities and problematic treatment of girls; and, finally, a systematic analysis of information contained in case files and related records to further understanding and address questions that remain unanswered based on quantitative data. In addition to step-by-step instructions, the chapter will illustrate the process through a practical case study of a hypothetical jurisdiction.

Chapter IV will describe how jurisdictions should go about putting the information gleaned from their gender-focused analysis to practical use. The chapter will help participating jurisdictions create a locally tailored work plan for improving the detention process for girls. The chapter profiles an array of promising and proven strategies gleaned from both the core JDAI strategies and best practice research on effective and gender-responsive practices for girls to address common needs and problems that may be revealed by sites' data analyses. Also included are practical examples of these strategies from JDAI sites and other jurisdictions. The discussion will illustrate this process by detailing the gender-focused work plan developed in the hypothetical jurisdiction introduced in the prior chapter.

Finally, in addition to the text in these chapters, the practice guide offers a variety of practical tools and templates in the Appendices. These include Girls Detention Facility Self-Assessment guidelines and

sample tables for the quantitative and case file analyses for the jurisdiction described throughout the report in the hypothetical case study.

Throughout the nation, there remains an urgent unmet need and an unrealized opportunity to extend the full benefits of detention reform to court-involved girls. The Annie E. Casey Foundation hopes that — with this practice guide as a resource — jurisdictions throughout the nation will step up to this important challenge.

# Understanding the Challenge: Why Focus on Girls in Detention?

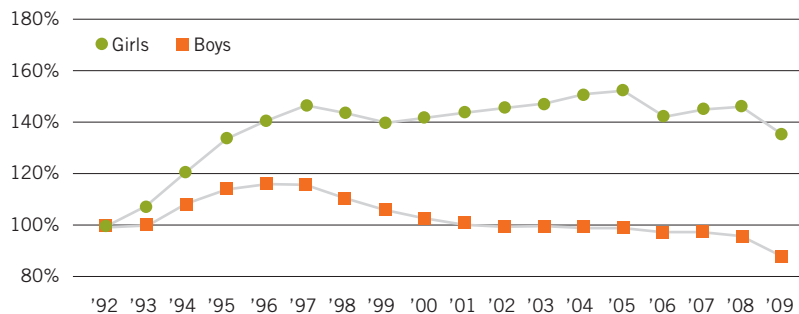
This chapter offers a brief primer — or for those who have read the *Detention Reform and Girls* report, a refresher course — on the nature of the challenge facing JDAI jurisdictions in making detention reform work for girls. It also provides a reminder of the many compelling reasons why conducting a gender-lens analysis and devising a work plan for girls deserves high priority in every JDAI jurisdiction.

## Girls' Growing Share of the Juvenile Justice Population

The rapid rise in the number of girls entering the system represents one of the most striking trends in American juvenile justice over the past two decades. Back in 1992, at the height of an adolescent violent crime wave that swept the nation and gave rise to widespread public panic, just over 300,000 girls were referred to juvenile courts on delinquency charges — making girls 20 percent of the total delinquency court population.

By 2002, the adolescent crime and arrest rates had plummeted to rates not seen since the 1980s — or since the 1970s for serious violent crimes. Yet the number of girls referred to delinquency courts rose to nearly 450,000 in 2002 — a 46 percent increase over 1992. By contrast, the number of boys referred to juvenile courts barely changed during this period, declining by less than half of 1 percent. From 2002 to 2009, the latest year for which data are available, the number of girls referred to delinquency courts fell 7 percent, while boys' referrals to delinquency courts declined 12 percent.

**GIRLS VS. BOYS**  
Percent Change in Juvenile Court Referrals in the United States Since 1992



Source: Puzanchara, C. and Kang, W. (2011). "Easy Access to Juvenile Court Statistics: 1985-2008." Available at [www.ojjdp.gov/ojstatbb/ezajcs/](http://www.ojjdp.gov/ojstatbb/ezajcs/)

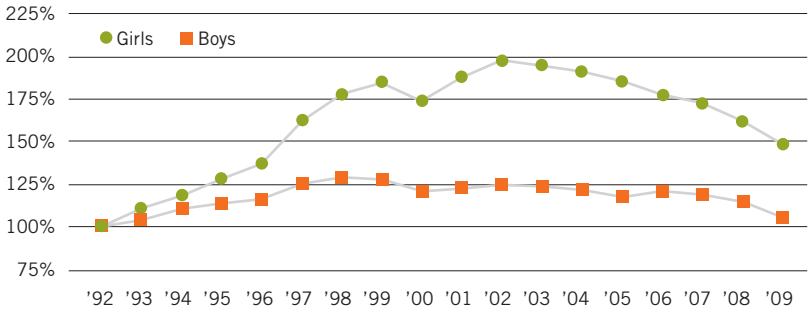


An equally striking trend emerged in the numbers of girls and boys placed into detention. In 1992, 43,100 girls were detained by delinquency courts — making girls 15 percent of youth detained that year. By 2002, the number of girls detained in delinquency cases had risen to 84,500 — nearly twice the 1992 figure. The population of boys detained in 2002 was just 24 percent higher than in 1992, meaning that the number of girls detained grew four times as fast as the number of boys detained during this decade. As a result, girls’ share of total detained youth grew to 22 percent in 2002 — nearly a 50 percent increase in this 10-year span.

Since 2002, juvenile detention placements have declined for both genders, with the number of girls declining faster (25 percent) than boys (15 percent) through 2009. Nonetheless, the total number of girls sent to detention in 2009 remained 48 percent higher than in 1992, while the number of boys detained was just 5 percent above the 1992 level.

Given these dramatic increases in their share of youth arrested and detained, there can be no question that girls represent a crucial subpopulation in juvenile court systems generally and in detention specifically. Unless detention reform comprehends and effectively addresses the needs of girls, it cannot fully succeed.

**GIRLS VS. BOYS**  
Percent Change in Admissions to Detention in the United States Since 1992



Source: Puzanchara, C. and Kang, W. (2011). "Easy Access to Juvenile Court Statistics: 1985–2008." Available at [www.ojjdp.gov/ojstatbb/ezajcs/](http://www.ojjdp.gov/ojstatbb/ezajcs/)



## Key Characteristics of Court-Involved Girls

Compared with boys, court-involved girls are, on average, far less serious offenders, and they are plagued with far more serious human service and mental health needs. Most importantly, juvenile justice and other systems respond to girls differently than they do to boys and due to girls' human services needs, juvenile justice practices have a different impact on girls than on boys.

- **Less Serious Offenses:** Of the nearly 500,000 arrests of underage girls in 2010, 67 percent were for five nonviolent offense categories: larceny, loitering or violating curfew, liquor law violations, disorderly conduct and a catch-all category of "all other offenses" comprised primarily of low-level misdemeanors. Among boys, these five categories accounted for just 52 percent of arrests. Overall in 2010, girls' arrests comprised 18 percent of total youth arrests for violent index offenses, and most of those were for aggravated assault. Girls comprised just 10 percent of juvenile homicide arrests, 2 percent of rape arrests, and 10 percent of robbery arrests. But girls accounted for 30 percent of arrests for curfew and loitering, 34 percent of disorderly conduct arrests, 45 percent of arrests for larceny-theft (which includes shoplifting), and 82 percent of arrests for prostitution and commercialized vice.<sup>1</sup>
- **Increasing Propensity to Arrest Girls for Fighting:** In addition to the offenses listed above, which are all either nonviolent crimes or status offenses that would not be against the law if committed by an adult, girls are increasingly brought into the juvenile justice system for fighting with peers and family members. Back in 1992, 44,900 girls were referred to juvenile court for simple (typically misdemeanor) assaults. By 2008, that figure had grown to 84,800 — nearly double the 1992 total.<sup>2</sup> Yet, as an expert panel convened by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) concluded in 2008, despite these rising arrest rates for assault, "the actual incidence of [girls] being seriously violent has not changed much over the last two decades." Neither crime victim reports nor self-report surveys show any sustained increase in violence by girls since 1990. Rather, the OJJDP panel found, the rise in girls' assault arrests appears to be due "more to changes in enforcement policies than to changes in girls' behavior."<sup>3</sup> Further, the report explained: "Law enforcement policies that lower the threshold for reporting an assault or for classifying an assault as aggravated may create the appearance of a 'crime wave' when the underlying behavior remains relatively stable." Finally, this report noted, "Heightened sensitivity to domestic violence has led many states and localities to implement 'mandatory arrest' policies in response to domestic disturbances. Behaviors once considered 'ungovernable' (a status offense) may, in a domestic situation, result instead in an arrest for simple assault."
- **More Arrests Due to Family Chaos and Conflict:** While friends and acquaintances are the most frequent victims in assaults committed by both boys and girls, girls are far more likely than boys to be arrested over incidents involving family members — and especially their mothers. A 2006 study of adjudicated girls in Florida's juvenile justice system found that 61 percent had committed a crime against a family member.<sup>4</sup> A recent study involving girls in detention also found that conflict with parents or other guardians was a factor in more than half of the girls' cases.<sup>5</sup> Other research shows that delinquent girls

often experience chaos and violence in their families. In Ohio, a 2006 study of detained youth found that girls were far more likely than boys to report physical fights, arguments and threats within their homes. Girls were also far more likely than boys to report having stayed away from home for two or more nights due to fear, and they were less likely than boys to say that they could depend on their families or that their families are there for them when something is wrong.<sup>6</sup>

- **Greater Incidence of Past Trauma and Abuse:** Research into the backgrounds of youth involved in juvenile justice systems finds that serious trauma is far more common among girls than boys. Indeed, some studies find that past trauma is nearly universal among girls who become deeply enmeshed in the delinquency courts. An exhaustive 1998 study involving nearly a thousand delinquent girls in California found that 81 percent had been physically abused, and 56 percent had suffered sexual abuse. Nearly half the girls had been beaten or burned at least once, two-fifths had been raped, and one-fourth had been stabbed or shot. A quarter of the girls had been removed from family homes by the child welfare system due to abuse or neglect.<sup>7</sup> A 2004 study that examined the prevalence of trauma among court-involved youth in Washington, D.C., found that the girls were far more likely than boys to have suffered physical, sexual or emotional abuse (75 percent vs. 51 percent), and they were more than twice as likely to have suffered two or more traumatic events (40 percent vs. 16 percent).<sup>8</sup>
- **Higher Incidence of Mental Health Disorders:** Not surprisingly, given their traumatic pasts, girls involved in the delinquency court system suffer from extremely high levels of mental illness. A widely cited 2002 study found that 74 percent of detained girls versus (66 percent of boys) suffered with a mental health disorder. Girls were far more likely than boys to suffer with affective disorders (like depression) as well as anxiety disorders.<sup>9</sup> A 2003 review of research by the National Center for Mental Health and Juvenile Justice (NCMHJJ) documented a number of other studies showing that court-involved girls suffer with much higher rates of mental illness than court-involved boys. “Perhaps most importantly,” the NCMHJJ paper found, “girls are more likely than boys to be diagnosed with more than one disorder, particularly a mental disorder with a substance use disorder.”<sup>10</sup> A recent study of detained youth in Ohio found that girls were far more likely than boys to have been hospitalized or received medication for mental or emotional problems, and girls were four times as likely as boys (26 percent vs. 7 percent) to have attempted suicide.<sup>11</sup>
- **Greater Social Service Needs:** In addition to mental health issues, many delinquent girls suffer with other problems requiring services or support. Many girls who enter the delinquency court system — half in a recent Florida study — crossover systems, having past or current involvement in the child welfare system, and more than one-fourth have been placed in foster care.<sup>12</sup> The same Florida study found that more than one-third of court-involved girls have been pregnant, and 10 percent already have children.<sup>13</sup>
- **Earlier Age of Arrest:** Perhaps because many girls are first arrested for minor misbehavior — in an effort to protect them — girls tend to enter the juvenile justice system at younger ages than boys. Nationally,

girls under the age of 15 accounted for 4.2 percent of all female arrests (including women and girls) in 2010, whereas boys under 15 accounted for just 3.2 percent of male arrests.<sup>14</sup> The National Council on Crime and Delinquency reports that 42 percent of girls incarcerated in youth facilities nationwide are 15 and under, while just 31 percent of incarcerated boys are 15 and under.<sup>15</sup> A recent study of delinquent girls in Florida found that 40 percent had been first arrested for an offense committed before age 13 and another 38 percent were first arrested for an offense committed before age 15.<sup>16</sup>

- **Disproportionately Minority:** Like their male counterparts, girls in detention are disproportionately youth of color, with African-American girls seeing the swiftest growth in court referrals and detention admissions. In 1992, African-American girls were 29 percent of girls referred to the juvenile courts. Though the number of girls referred to juvenile court mushroomed from 1992 to 2002, African-American girls' share of referrals remained at 30 percent. In 2009, although the increase in the number of girls referred to court slowed, the share of African-American girls increased to 34 percent. A similar trend occurred in detention: where in 1992 African-American girls were 35 percent of girls detained. By 2002, when the total number of girls detained was nearly twice that of 1992, African-American girls were 36 percent of all girls detained. In 2009, when the number of girls detained was reduced from 2002, African-American girls' share rose to 40 percent of all girls detained.<sup>17</sup>
- **LGBT Youth Are an "Invisible" Detention Population:** Court-involved girls are far more likely than court-involved boys to report being LGBT. National data show that 15 percent of all youth in the juvenile justice system report having lesbian, gay or bisexual sexual orientations; questioning their gender identity; or having a transgender identity. Compared with 11 percent of boys, 27 percent of girls in the juvenile justice system reported being LGBT.<sup>18</sup>


### Consequential Deficiencies in Detention Practices for Girls

As the data detailed above make clear, girls tend to enter the juvenile justice system for different reasons than boys, having committed less serious offenses, following different pathways and exhibiting far greater mental health and human service needs.

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**NOWHERE ARE THE DEFICIENCIES in juvenile justice systems' treatment of girls more pronounced than at the detention stage.**

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For these reasons, argues the American Bar Association, “It is important for juvenile justice professionals and policymakers to understand that the nature and causes of girls’ delinquency is often different from that of boys.” It is equally important for juvenile justice systems to be reflective and understand how their own policies and practices can negatively impact girls.

Yet, too often — and in too many jurisdictions — local juvenile justice systems remain ill-prepared to comprehend girls’ needs and ill-equipped to serve girls effectively.

Nowhere are the deficiencies in juvenile justice systems’ treatment of girls more pronounced than at the detention stage. Throughout the country, juvenile courts and corrections officials often employ practices that result in girls being locked inside secure detention facilities for reasons that have little or nothing to do with the two legitimate statutory purposes of detention — protecting public safety and ensuring youths’ appearance in court. Moreover, this excessive reliance on secure detention for girls is counterproductive on several counts — wasting taxpayers’ money, inflicting needless trauma on affected girls, reducing girls’ chances to succeed and avoid law-breaking in the future, and providing no benefit to public safety.

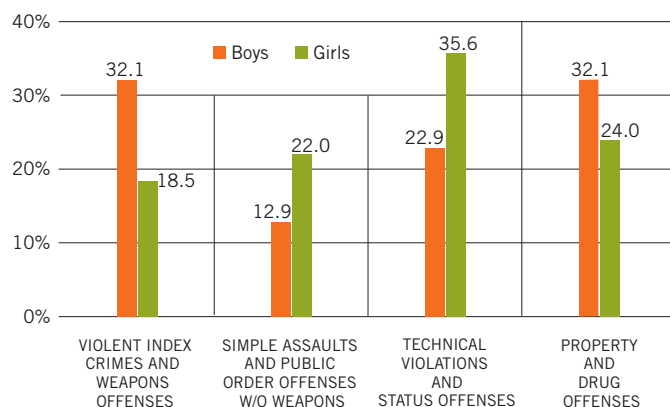
### **Widespread Detention for Nonviolent, Less Serious Offenses**

As with the data presented earlier on the overall population of girls involved in the juvenile justice system, the offense data on girls in detention also reveal alarming disparities. In the most recent national census of youth in custody, conducted in 2010, girls comprised 16 percent of all detained youth, but girls were 20 percent of those detained for technical violations and 40 percent of those detained for status offenses. Meanwhile, just 10 percent of youth detained over violent index offenses were girls.<sup>19</sup> Of all girls residing in detention at the time of the 2010 census, 36 percent were detained over technical violations or status offenses, compared to 23 percent of boys. Girls were far more likely than boys to be detained over simple assaults and public order offenses not involving weapons (22 percent vs. 13 percent). Meanwhile, girls were far less likely than boys to be detained over violent index offenses (17 vs. 27 percent for boys) or over weapons offenses (2 percent vs. 5 percent for boys).

Why are girls being detained so frequently for low-level offending? These disturbing disparities are explained, in large part, by several problematic dynamics that often affect the treatment of girls in the detention process. The *Pathways* report on *Detention Reform and Girls* pointed to a number of well-intentioned but ultimately counterproductive sentiments that underlie the excessive reliance on detention for girls:

- Paternalism among decision makers;
- Detention to obtain services for girls with significant needs;
- Detention to protect girls from sexual victimization;
- Fear of teen pregnancy and its social costs;

### DETAINED BOYS VS. GIRLS IN 2010: Most Serious Offense



Source: Sickmund, M., Sladky, T.J., Kang, W., & Puzanchera, C. (2011). "Easy Access to the Census of Juveniles in Residential Placement." Available at [www.ojjdp.gov/ojstatbb/ezacjrp/](http://www.ojjdp.gov/ojstatbb/ezacjrp/)

- Fear of adolescent girls' expressions of sexuality, which violate social norms; and
- Intolerance of girls who are noncooperative and noncompliant.

These sentiments, in turn, have driven a number of problematic policies and practices.

**New rules on domestic violence.** Girls involved in the juvenile justice system come disproportionately from homes wracked by family chaos and violence. Yet well-intentioned rules can punish and harm girls living in such families by requiring arrest and detention when family fights result in calls to the police. In situations involving a fight between a mother and daughter, police may be much more likely to arrest the teenage daughter — ultimately leading to detention — because the mother has responsibility for other children in the home.

**Harsh treatment for youth with a history of running away.** Many girls are placed in detention as a result of prior runaway behavior. In some jurisdictions, risk-assessment instruments assign high significance to running away, and in other cases girls with low RAI scores are routinely overridden into detention based on a history of running away from home or from prior placements. Ensuring that young people appear in court as scheduled is an important goal and can be a legitimate purpose for detention. However, particularly in regard to girls, this concern must be balanced by a concern for the well-being of the young person and a nuanced examination of the circumstances that prompted past runaway behavior. Most girls in the juvenile justice system have been abused, and many have been removed from home. Thus, it should not be surprising that many court-involved girls have a history of running away from home and

— in many cases — from foster care or other institutional placements. In many instances, girls have run away to escape sexual and physical abuse — and many have run away due to (often untreated) mental health conditions resulting from past abuse. In other cases, girls run away from foster homes or programs that are not designed to address their problems. Experts agree that placing high-need, low-risk girls into detention does little to benefit public safety and is counterproductive to girls’ well-being.

**Inappropriate responses to child sexual exploitation.** Research finds that the vast majority of girls who become involved in the sex trade have childhood histories of trauma and abuse. Once involved in prostitution, they are frequent victims of rape, assault and kidnapping. Moreover, many girls who become involved in prostitution are recruited and managed by pimps, and — once under a pimp’s control — they are often subjected to severe “violence, degradation, and brainwashing.” In short, these girls are overwhelmingly the victims of commercial sexual exploitation, and most suffer with deep needs for mental health and/or substance abuse treatment, as well as social services. Yet, despite their victimization and grave needs, juvenile justice systems have historically treated these girls as delinquent and subjected them to punitive sanctions and strict control, including confinement in secure detention centers and correctional facilities.

**Bootstrapping.** One of the most pernicious practices, known as “bootstrapping,” results in the detention of girls who have been accused of nothing more than a status offense. As described in a recent publication, a typical bootstrapping case occurs when “a girl [is] brought into court on the status offense of running away or disobeying her parent, is told to obey a curfew, report to probation, and attend school regularly as conditions of her probation. When she violates her curfew or runs away again, she is held in detention for a violation of court order, contempt, or AWOL, thereby bootstrapping the delinquency offense onto the underlying misbehavior. Alternatively girls can be charged with minor delinquency, such as disorderly conduct, for status type behaviors, allowing their detention and processing in the delinquency system.”<sup>20</sup>

### **Harm Caused by Unnecessary and Unjust Detention of Girls**

For all of these reasons, overreliance on detention for girls remains widespread in juvenile justice systems nationwide, causing harm on a number of levels. This overreliance on detention is unjust — denying liberty to girls whose behavior poses minimal risk to public safety. It is costly — needlessly consuming scarce tax dollars in an era of fiscal crisis for courts and public agencies at all levels of government. And, most importantly, it is harmful to the well-being of court-involved girls — so many of whom cope with deep needs after experiencing severe abuse and trauma.

As with boys, placement into secure detention disrupts girls’ progress in school, participation in out-of-school time activities, and relationships with parents and other family members. It surrounds them with a deeply troubled peer-group, and it increases the likelihood that they will be placed into residential custody at their adjudication hearings.

For girls, however, the consequences of detention are often even more severe. Given their histories of trauma, and the coercive (or worse) atmospheres prevailing in many secure facilities, detention may be especially counterproductive for girls.

In a 2007 research review, the National Center for Mental Health and Juvenile Justice warned that “traumatic stress symptoms may worsen as a result of juvenile justice system involvement.” The paper went on to explain that:

*Court hearings, detention, and incarceration are inherently stressful, and stressful experiences that are not traumatic per se can exacerbate trauma symptoms. Girls in particular may be susceptible to trauma after incarceration due to their high rates of exposure to traumatic stress and the possibility of retraumatization. Seclusion and restraint in psychiatric units is cited as an example of a practice that can be retraumatizing...[A] cycle of escalating interventions at times of crisis...can lead to increased self injury and the use of physical restraints by custodial personnel. These interventions include the presence of male security personnel, being strapped to beds, forced medication, seclusion, precautions which force disrobing, forced physical exams, and invasive body searches.<sup>21</sup>*

### **What Can JDAI Jurisdictions Hope to Accomplish Through a Focused Effort to Improve Detention for Girls?**

In the remaining chapters, this practice guide will outline a process for local jurisdictions to analyze and reform their detention practices for girls — and thereby minimize the unwarranted detention of girls. As the discussion will illustrate, the potential payoffs for this endeavor are considerable.

Through quantitative analysis and case file reviews, a gender-lens review of local detention practices is likely to uncover system flaws that result in girls being detained inappropriately. These flaws may include problematic elements in a risk-assessment instrument. Or overuse of overrides to place low-risk girls into detention. Or an unwarranted proliferation of detention stays resulting from violations of probation. Or inconsistent application of discretion by judges, masters, probation officers or other system decision makers.

In many cases, JDAI sites may be able to substantially reduce their populations of girls in detention just by making straightforward adjustments to identified problems — revamping RAI criteria that disadvantage girls, providing gender-focused training to reduce disparate treatment of girls by staff, limiting criteria for detention overrides, developing a response grid or imposing additional requirements before probation staff can return girls (and boys) to detention for violating probation rules.

In other cases, addressing the problems identified through a gender-lens analysis will require JDAI sites to make more fundamental changes in their approaches to serving girls — or even develop new gender-responsive programs and services designed specifically for girls not only for detention but for all stages

of the juvenile court process. This is especially true in jurisdictions where a high number of girls are detained over probation violations — often an indication that current probation programs and practices are ineffective and/or ill-suited to girls.

In undertaking these more ambitious reforms, sites will draw from two sources. First is the growing body of “what works” research, which has employed sophisticated clinical studies and statistical meta-analysis techniques to show that certain approaches and certain “evidence-based” treatment models lead to far better results (especially lower recidivism) for youthful offenders generally — regardless of gender (or race). Second is an emerging body of gender-focused literature examining the particular needs and characteristics of court-involved girls and promoting qualitatively different (or “gender-responsive”) programming geared toward girls’ unique needs and circumstances. (To learn more about the latest research on girls and juvenile justice, a number of additional resources are listed in the text box on p. 31.)

These strains of research are still in their formative stages, and some tensions exist between them. Nonetheless, several important lessons are increasingly clear from the overlap between these two approaches. These lessons include the need to incorporate the following into programming for girls:<sup>22</sup>

1. Rigorous assessment including both a validated risk assessment, and in-depth interview to begin identifying the life experiences that have helped propel the girl toward delinquency;
2. Building a strong therapeutic relationship or “helping alliance” between program staff and court-involved girls;
3. Employing cognitive-behavioral therapies, but modified from the standard approaches (i.e., those commonly used with boys) in order to meet girls’ greater needs for emotional support and safety, and to address the types of thinking errors and cognitive distortions most common for girls;
4. Promoting healthy connections with family, friends, teachers and others, given the importance of nurturing relations and social support systems for girls’ success and well-being; and
5. Recognizing the individual needs among girls, particularly as they relate to mental health disorders, sexual preference and cultural backgrounds.

Together, these principles show promise for improving the quality of treatment services and support offered to girls involved in the juvenile justice system.

Even more urgent, however, is the need for immediate reforms to how girls are treated in the detention phase of the juvenile justice process. By reviewing their detention policies and practices for girls — and by eliminating and reforming those which prove ineffective or counterproductive, JDAI sites and other jurisdictions can substantially reduce the unnecessary and inappropriate detention of girls. Only then can local leaders assure that the benefits of detention reform are realized for girls as well as boys.





## Getting Started

As Chapter I detailed, girls are a growing share of the detention population nationally, and girls admitted to detention often present significant needs, but low public safety risk. A disturbingly high share of girls are admitted to detention based on overrides of the RAI, violations of probation, warrants and misdemeanor offenses — and in many cases these admissions are inconsistent with the legitimate statutory purposes of secure detention.

This chapter presents a start-up guide for jurisdictions to review their policies toward girls in detention — laying out the initial steps required to undertake the comprehensive and methodical effort recommended in this practice guide to reduce the unnecessary detentions of girls and improve services for girls. Specifically, this chapter will discuss:

- How to convene a girls detention reform work group.
- How girls detention reform fits within JDAI practice.
- When to analyze and reform detention policies, practices and programming for gender equity.

### How to Convene a Girls Detention Reform Work Group

Convening a girls detention reform work group is an important first step for sites planning to closely analyze detention use for girls and implement reforms to reduce unnecessary detention and improve services for girls.

Because girls are a minority within detention and juvenile justice systems, they are often among the last populations sites focus on. At the same time, girls are woven through every element of detention reform — DMC, conditions of confinement, objective admissions, court processing and case management. Each of these issues has a girls' perspective that is often unrepresented in JDAI discussions. Convening a girls work group will ensure that the JDAI collaborative is broadened and deepened, that expert and fresh perspectives are part of girls detention reform, that future champions for girls are developed, and that a girls' perspective will be a part of all JDAI work. (At the same time, it is also crucial that girls be considered in all policies and practices related to detention reform — i.e., that girls' issues not be “ghettoized.”)

### Composition

The girls work group should include a broad array of participants with expertise in the range of issues impacting girls in the juvenile justice system. The group should include a range of leaders from the core members of the JDAI collaborative: probation, prosecutors, public defenders, judges, child welfare

officials, social service and mental health treatment providers, and community-based organizations that work with court-involved youth.

However, the girls work group should not limit itself to these usual suspects: many natural stakeholders for girls represent groups that are not typical JDAI participants, but are important because of their connections to girls' issues. One example is state domestic violence and sexual assault coalitions. Every state has a coalition formed under the federal umbrella of the Office of Violence Against Women to address domestic violence, sexual assault, dating violence and stalking. The work and expertise of these coalitions is closely tied to girls in detention, who are overwhelmingly victims of intimate partner and family-based violence, making coalition leaders ideal members of a girls detention reform work group. Including experts and advocates on domestic violence can broaden the JDAI collaborative and bring a critical and often absent perspective to detention reform for girls.

Given the high incidence of pregnancy, STIs and sexual victimization experienced by girls entering detention, reproductive health care is another important theme for a girls detention reform work group. Experts on reproductive health care, including continuity of care and reproductive health education, will provide a valuable perspective for any girls work group.

In addition, to seeking substantive expertise relevant to girls, it will be crucial for the work group to include experts in data collection and analysis. Many sites reach out to university faculty and researchers to assist with data and evaluation and provide other expertise. University departments of gender studies, for example, may provide both subject matter expertise and critical research skills for a girls detention reform work group.

Finally, the girls work group should include a girl who is either currently or who was formerly in detention and a parent of a girl in detention. As with the facility self-assessment team and other JDAI work groups, full inclusion, from the beginning, of the youth and families most affected by detention will provide an essential perspective.

### **Understanding How Girls Detention Reform Fits within JDAI Practice**

The process recommended in this practice guide for addressing gender-specific issues in detention reform compels local JDAI site officials to focus ever-more intently on virtually all of the core elements in JDAI itself, and it piggy-backs on many of the tools and techniques already employed by JDAI sites in their ongoing work on detention reform.

## WHOM TO INCLUDE IN THE JDAI GIRLS WORK GROUP?

In addition to the major stakeholders in JDAI — judges, probation, prosecutors, public defenders — JDAI sites looking to form a girls work group should consider reaching out to leaders in the following sectors:

- Health (hospitals, women's clinics)
- Mental health (community mental health)
- Domestic violence (i.e., State Coalitions Against Domestic Violence and Sexual Assault)
- Sexual assault
- Teen dating violence (non-profits providing education in schools)
- Education
- Law enforcement (special victims, domestic violence, sexual exploitation sections)
- University researchers (evaluation expertise; gender studies and criminology)
- Community-based organizations serving teenage girls in positive ways (e.g., Girls, Inc.; girls art or drama programs)
- Coalitions focused on commercial sexual exploitation of children
- Girl (currently or formerly detained)
- Parents
- Representative of LGBT community working with youth

In selecting members for the girls detention reform work group sites should work to:

- Broaden and deepen the JDAI collaborative;
- Include individuals with expertise related to issues of girls in detention (i.e., intimate partner and family violence, reproductive health);
- Develop champions for girls;
- Include individuals with needed research and substantive skills (i.e., university researchers); and
- Fully include girls and parents, from the start.

For instance, the process for data analysis and work plan development detailed in this practice guide is intended to be used alongside and augment existing tools used every day by JDAI site staff — such as the JDAI system assessment, the developmental milestones, the quarterly management reports and the JDAI facility assessment.

Likewise, new sites conducting a JDAI system assessment should include an intentional focus on girls under each of the core strategies examined. Thus, one consideration for the composition of the collaboration (the first core strategy) should be that among its members, the collaboration includes the juvenile justice system's key stakeholders affecting girls' lives. Similarly, when new sites assess their objective admissions policies and practices (the third core strategy) they should consider whether the risk-assessment instrument (RAI) is gender neutral as written and in its application. While a detailed analysis of these issues may be beyond the scope of the initial JDAI system assessment, that assessment provides an important first opportunity to intentionally consider the details of the detention process for girls.

The detailed data analysis process described in Chapter III, Appendix A and Appendix B builds on the quarterly management reports, beginning with quantitative analysis of data available to sites from that report. Similarly, Appendix A describes how sites should add a focus on conditions issues common in girls detention units to their JDAI facility assessment.

This practice guide, therefore, is built around the JDAI core strategies viewed through a gender lens. As with other JDAI tools, the core strategies form a foundation for the data analysis and work plan implementation set forth in this practice guide — only in this case they must be understood in the context of the issues confronting girls in detention. Below are the core strategies, defined as they apply to detention use for girls.

1. **Collaboration:** Identify, convene and empower stakeholders representing public and private sectors that impact girls' lives to work together to minimize the inappropriate or unnecessary detention of girls.
2. **Using Data:** Sites should drill down using data (both quantitative data and qualitative information from case files), always cross-referencing gender with race/ethnicity categories, to understand why girls are being detained.
3. **Objective Admissions Policies and Practices:** A gender-neutral front door is a critical part of detention reform for girls, who as a result of overrides, automatic detention factors and warrants, are often detained despite their low public safety risk.
4. **Gender Responsive Alternatives to Detention Programs:** Community-based, gender-responsive detention alternatives are an effective way to reduce inappropriate detention of girls and improve failure to appear and rearrest.
5. **Case Processing:** Avoiding unnecessary delays and using case expediting will have particular impact for girls.

6. **Special Detention Cases:** Girls are often detained for technical violations of probation and parole and warrants often for behavior linked to social issues that drove them into the justice system in the first place, such as trauma, domestic disputes, substance use and mental health issues.
7. **Conditions of Confinement for Girls in Detention:** Conditions of confinement for girls must reflect the vulnerability of the population who enter with trauma histories, mental and physical health needs, and histories of family violence and chaos. Girls’ access to services must be at least equivalent to boys, and must address gender-specific health and hygiene needs.
8. **Reducing Disparities for Girls of Color:** Work to reduce racial and gender disparities should be completed in tandem because girls’ issues (like boys’ issues) may vary based on race and ethnicity.

### When to Analyze and Reform Girls’ Detention

Because the process of data analysis and work plan development described in this practice guide fits within and augments basic JDAI practice and tools, sites can undertake it at any time.

New sites may choose to develop a girls detention reform work group, conduct detailed data analysis and develop a girls detention reform work plan early in their JDAI work. Because girls are a relatively small population, and because many girls’ issues are those that sites will need to undertake for boys as well (i.e., reform of warrants, violations of probation and probation case management, etc.), focusing on girls early in a sites’ development can “pilot” the intentional, data-driven practice a site must develop overall.

A more common time for JDAI sites to focus on girls is after approximately two years, when the site has grown comfortable with the basic tools and processes of JDAI and has implemented the RAI. At that point, detention reform focused on girls becomes an opportunity to dig more deeply into the work of JDAI. Now sites can determine how girls are driven into detention, which of their policies and practices may be contributing to overuse of detention for girls, and what reforms might work to ensure better decision making and a more intentional approach to girls in the detention process.

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**GIRLS ARE WOVEN THROUGH every element of detention reform. Convening a girls work group will ensure that the JDAI collaborative is broadened and deepened.**

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Finally, there have been a number of JDAI sites prompted to focus on girls by an event or trend, such as a precipitous rise in the population of girls detained, or the observation of increasing numbers of girls detained for domestic battery, or an apparent rise in detentions of commercially sexually exploited girls, or a sudden concentration of pregnant girls or girls with sexually transmitted infections (STIs).

For sites motivated by an isolated observation or issue concerning girls in their jurisdiction, we urge you to undertake the more thorough data analysis and work plan development set forth in this practice guide, rather than addressing isolated girls' issues in a piecemeal fashion. As you will see, many of the girls detention issues are connected. While fiscal reality means sites will always have to choose which reforms are most urgent, girls reform efforts will be much more effective if the issues affecting detention for girls are fully understood and considered as a whole.

Regardless of when sites begin analysis and work plan development to reform detention use for girls, the process will be ongoing. As with all JDAI reforms, sites must monitor and continue to analyze girls detention practices and reforms to ensure that girls are not unnecessarily detained.

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**NEW SITES conducting a JDAI system assessment should include an intentional focus on girls under each of the core strategies examined.**

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## Using Data to Reduce Inappropriate Detention of Girls

*“To effectively reduce inappropriate detention of girls, sites should view the core population management strategies through a gender lens, analyzing data with attention to the impact of practices and policies on girls and implementing reform with an understanding of girls’ needs.”*

**Detention Reform and Girls: Challenges and Solutions**

**Pathways to Detention Reform: #13**

To gain a detailed understanding of local patterns of detention for girls, each jurisdiction will need to undertake an in-depth analysis of existing data reports and case files. This data review, which might be termed a “Gender Lens Detention Utilization Analysis,” will generate important insights about how the treatment of girls differs from boys, and also how different subpopulations of girls differ from one another (e.g., African-American girls compared with white girls). The findings will provide the building blocks necessary to craft a strategic work plan for gender-responsive system change tailored to local circumstances.

Specifically, the gender-lens data analysis process should be undertaken in four phases:

1. Initial gender-focused data scan;
2. Selection of locally targeted research questions;
3. In-depth quantitative data analysis; and
4. Follow-up case file review.

The following section describes each of these steps in detail, including a general overview, step-by-step instructions, and also a practical application of the required steps in the form of a case study involving a hypothetical jurisdiction, Barnes County.



GIRLS' DETENTION REFORM IN BARNES COUNTY: A CASE STUDY

Throughout this practice guide, the ideas, principles and techniques for conducting a gender-lens detention utilization analysis will be illustrated through a practical case study of Barnes County, a fictitious JDAI site that reflects the realities faced by many jurisdictions across the nation.

**Barnes County**

Located in the Midwest, Barnes County has a population of approximately 400,000 with one mid-size city. Barnes County's youth are 70 percent white, 15 percent African American, 10 percent Latino, 4 percent Asian and 1 percent other. Stakeholders describe the county as short on resources for girls, with one dominant community based nonprofit (Youth, Inc.), which has a long-standing relationship with the county Department of Juvenile Justice Services (DJJ) and experience providing services to dependent children. However, Youth, Inc. has little experience providing gender-responsive services or services to youth once they penetrate the juvenile justice system.

Led by the juvenile judge and director of DJJ, Barnes County's JDAI stakeholders are dedicated to detention reform, and the county uses a detention risk-assessment instrument (RAI) to guide detention decisions. However, local stakeholders routinely resist reform on girls' issues out of a fear that using detention less will leave girls unprotected and without services.

It is a widely held belief that Barnes County's policies and practices may be gender-biased, resulting in the overuse of secure detention for girls, but stakeholders need more information to confirm this suspicion and to begin moving the system toward more objective policies and practices.

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## I. INITIAL GENDER-FOCUSED DATA SCAN

As described in Chapter I, available research reveals that:

- Girls continue to be a minority in secure detention facilities nationwide, but they represent a large and disproportionate share of youth detained for misdemeanors, status offenses and technical violations of probation and parole.
- Arrests for assault have increased far more rapidly among girls than boys in recent years. Several studies have linked this trend to tougher charging decisions by police and prosecutors in cases involving family conflict rather than to any increase in assaultive behavior among girls.
- Among youth placed into secure detention, girls are far more likely than boys to suffer with deep human service needs — including past and current involvement with the child welfare system, serious substance abuse and/or mental health problems, a history of trauma or abuse, and/or exploitation by the sex industry.
- Girls often enter detention as a result of overrides to the detention risk-assessment instrument, automatic detention categories and warrants, as well as technical violations of probation or parole such as curfew violations and running away from home or institutional placements.
- Girls of color — especially African-American girls — are detained disproportionately in many jurisdictions, and often the odds of being placed in detention and remaining for long periods vary heavily by neighborhood.
- Many jurisdictions suffer with a dearth of detention alternative and post-adjudication programs suitable for or responsive to girls' needs and circumstances.
- Likewise, a number of studies nationwide have found that many girls end up in detention due to the failure of law enforcement, child welfare, health and mental health systems to work together and ensure that girls' behaviors resulting from trauma are not mislabeled as delinquency.

These issues do not affect all jurisdictions equally, of course. Treatment of girls will inevitably vary based on each jurisdiction's unique population, policies and community dynamics. So the first step in the data analysis process for local site leaders should be a preliminary review of data readily available from their ongoing JDAI activities to begin determining whether and how these national trends affect girls in their jurisdiction.

Specifically, this preliminary analysis will focus on compiling three tables drawn from data JDAI jurisdictions compile regularly for their quarterly management reports. While JDAI sites use a variety of different data templates and tables for these reports, all JDAI sites include common elements and methodology, such as: daily detention population counts, average daily population and average length of stay broken

down by offense, and race/ethnicity. However, the level of detail may vary from one jurisdiction to the next. For instance, in an increasing number of sites, all of the above data are cross-referenced by gender. Sites using the Quarterly Reporting Spreadsheet (QRS) will have immediate access to significant detail, whereas other sites using more simplified tables for quarterly reporting have less detail initially but possess the capacity for more detailed analyses later.

The tables used in this practice guide reflect basic data elements kept by all JDAI sites. While jurisdictions may not use tables in the exact form discussed in this guide, the process of data analyses and data elements should be familiar to all JDAI sites.

- *A breakdown of local detention utilization trends for girls (plus a comparison chart for boys), cross-referenced both by race/ethnicity and by offense categories.* The table (see Table 1 on p. 26) will include daily population counts at the beginning and end of the most recent quarter, as well as average daily population and average length of stay during the quarter for girls (and separately for boys). The data will also show the detention utilization trends for girls (and boys) with varying offense categories.
- *A table showing the RAI scores vs. actual detention decisions for girls (and separately for boys), broken down by a racial/ethnic group.* The table (see Table 2 on p. 27) can help to identify disparities in the likelihood of detention for girls vs. boys based on their risk levels. Are girls more likely than boys to be detained despite low risk scores? Are girls less likely than boys to be released despite high or moderate risk scores? Are girls from particular racial/ethnic groups disproportionately affected by these disparities?
- *An analysis of RAI overrides for girls (and boys), again with a breakdown by racial/ethnic group.* The table (see Table 3 on p. 28) will show the number and percentage of girls and of boys whose detention status is consistent with their RAI scores, as well as the number and percentage who are subject to an override up (more restrictive detention status than indicated by their RAI scores) or override down (less restrictive detention status than indicated by their RAI scores). These data will reveal whether judges (or other system decision makers) are applying equal criteria in their detention decisions for girls and boys, and whether there is evidence that girls may be at heightened risk for inappropriate or unnecessary placements into detention due to RAI overrides.

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**THE FIRST STEP IN THE DATA analysis process for local site leaders should be a preliminary review of data readily available from their ongoing JDAI activities.**

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Together, these three tables will shed light on several key questions. For example: Are girls being detained for less serious offenses than boys? Are they more likely than boys to be detained due to probation violations or status offenses? Are they being held longer — particularly in cases involving lesser offenses? Are girls from any particular ethnic group(s) being detained disproportionately? The tables for RAI scores and for overrides will reveal whether judges (or other system decision makers) are applying equal criteria in their detention decisions for girls and boys, and whether there is evidence that girls may be at heightened risk for inappropriate or unnecessary placements into detention due to RAI overrides.

Sites using the QRS will learn even more through the initial data scan, given the additional detail available. Because the QRS break out data by pre- and post-adjudication, those sites may learn: Why girls are being held in detention pre-adjudication? Why girls are held in detention post-adjudication? And are girls awaiting placement longer than boys? Regardless of which tables are used initially, the process is the same: Use this initial data scan to identify which of the prominent nationwide challenges are issues within your jurisdiction and drill down using data to understand precisely how those issues affect detention of girls locally.

**BARNES COUNTY: INITIAL DATA SCAN**

The three tables compiled in the initial data scan revealed important insights into the patterns of detention use for girls in Barnes County, demonstrating that detention practices within the county differ sharply by gender and confirming county leaders' suspicions that detention practices for girls are problematic.

Table I (next page) shows that 31 percent of girls' admissions to secure detention were based on arrests for person offenses, with an average length of stay of 4.3 days. By contrast, 25 percent of boys' admissions stemmed from person offense arrests, with an average length of stay of 14 days. These data suggest that compared with boys, girls are being detained for less serious person offenses.

Table I also reveals probation violations account for 45 percent of the average daily population (ADP) of girls in detention, compared to just 18 percent of ADP for boys. Specifically, 30 percent of girls admissions to detention stem from probation violations, with an average length of stay of 20.2 days, whereas probation violations accounted for only 18 percent of boys' detentions with an average length of stay of 12.8 days.

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**TABLE #1: BARNES COUNTY DEPARTMENT OF JUVENILE JUSTICE SERVICES**  
 Detention Population: Cross-Reference by Gender / Ethnicity and Offense 1/1/2011—3/31/2011 (1)

	START OF QUARTER		DETENTIONS		RELEASES		END OF QUARTER		ALOS(2)	ADP(3)	
	#	%	#	%	#	%	#	%		#	%
Female	16	28.57	80	22.54	81	22.69	15	27.78	10.7	14.6	24.90
<i>TOTALS (6)</i>	<i>16</i>		<i>80</i>		<i>81</i>		<i>15</i>				
Black(4)	5	31.25	20	25	17	20.99	6	40.00	12.3	5.8	39.73
Latino	2	12.50	16	20.00	12	14.81	4	26.67	8.6	3.5	23.97
Asian	0	0.00	1	1.25	1	1.23	0	0.00	1	0	0.00
White	8	50.00	40	50.00	48	59.26	5	33.33	11.1	4.5	30.82
Other	1	6.25	3	3.75	3	3.70	0	0.00	16.8	0.8	5.48
<i>TOTALS</i>	<i>16</i>	<i>100.00</i>	<i>80</i>	<i>100.00</i>	<i>81</i>	<i>100.00</i>	<i>15</i>	<i>100.00</i>		<i>15</i>	<i>100.00</i>
Administrative(5)	3	18.75	7	8.75	2	2.47	2	13.33	10.5	1.2	8.22
Drug Related	1	6.25	4	5.00	14	17.28	0	0.00	19.3	1	6.85
Person	4	25.00	25	31.25	10	12.35	1	6.67	4.3	2	13.70
Property	3	18.75	9	11.25	20	24.69	2	13.33	9.9	0.6	4.11
Public Order	0	0.00	5	6.25	15	18.52	2	13.33	5.6	1.7	11.64
Status	1	6.25	3	3.75	4	4.94	0	0.00	8.3	1.4	9.59
Violation	4	25.00	24	30.00	9	11.11	7	46.67	20.2	6.5	44.52
Other (Traffic)	0	0.00	3	3.75	7	8.64	1	6.67	8.3	0.2	1.37
<i>TOTALS</i>	<i>16</i>	<i>100.00</i>	<i>80</i>	<i>100.00</i>	<i>81</i>	<i>100.00</i>	<i>15</i>	<i>100.00</i>		<i>14.6</i>	<i>100.00</i>
Male	40	71.43	275	77.46	276	77.31	39	72.22	11.6	43.8	75.10
<i>TOTALS</i>	<i>40</i>		<i>275</i>		<i>276</i>		<i>39</i>				
Black	12	30.00	85	30.91	88	31.88	12	30.77	13	18.8	42.92
Latino	10	25.00	67	24.36	70	25.36	8	20.51	13.2	11.8	26.94
Asian	0	0.00	13	4.73	12	4.35	1	2.56	7.5	1.1	2.51
White	17	42.50	100	36.36	101	36.59	18	46.15	10.2	10.8	24.66
Other	1	2.50	10	3.64	5	1.81	0	0.00	14.6	1.3	2.97
<i>TOTALS</i>	<i>40</i>	<i>100.00</i>	<i>275</i>	<i>100.00</i>	<i>276</i>	<i>100.00</i>	<i>39</i>	<i>100.00</i>		<i>44</i>	<i>100.00</i>
Administrative	2	5.00	29	10.55	6	2.17	3	7.69	7.5	2.4	5.48
Drug Related	5	12.50	32	11.64	39	14.13	8	20.51	11.5	5.5	12.56
Person	8	20.00	70	25.45	65	23.55	11	28.21	14	14.3	32.65
Property	9	22.50	47	17.09	66	23.91	7	17.95	7.1	6.8	15.53
Public Order	3	7.50	36	13.09	40	14.49	2	5.13	11.3	5.3	12.10
Status	0	0.00	7	2.55	8	2.90	1	2.56	2.6	0.1	0.23
Violation	2	5.00	49	17.82	35	12.68	6	15.38	12.8	8	18.26
Other (Traffic)	11	27.50	5	1.82	17	6.16	1	2.56	19	1.4	3.20
<i>TOTALS</i>	<i>40</i>	<i>100.00</i>	<i>275</i>	<i>100.00</i>	<i>276</i>	<i>100.00</i>	<i>39</i>	<i>100.00</i>		<i>43.8</i>	<i>100.00</i>
<i>Grand Total</i>	<i>56</i>		<i>355</i>		<i>357</i>		<i>54</i>			<i>53.389</i>	

This chart shows detention population at the start of a quarter, admissions to and exits from detention during the quarter, and population at the end of the quarter.

- 1 – The chart covers a particular quarter during a particular year.
  - 2 – Average Length of Stay (ALOS) is calculated from the youth exiting from detention during the period.
  - 3 – Average Daily Population (ADP) is the average of the daily census during the quarter, which is more reliable for small numbers and shorter time periods than an ADP calculation based on exits and lengths of stay.
  - 4 – Use Race/Ethnicity categories from the JDAI management reports.
  - 5 – Group top allegation at admission into the categories that make sense for your jurisdiction.
  - 6 – Totals are the sum of # values in gender OR race/ethnicity OR top allegation (the sum for each should match).
- Graphing total admissions and total ADP over time is a helpful way to look at trends.

Table 2 (below) shows that more than four in 10 girls (41 percent) are being detained despite low scores on the RAI, well above the rate for boys (21 percent).

**TABLE #2: BARNES COUNTY DEPARTMENT OF JUVENILE JUSTICE SERVICES**  
RAI Scores (1) 1/1/2011—3/31/2011

	DETAINED (2)						RELEASED W/CONDITIONS						RELEASED						Totals
	High Score (3)		Med Score		Low Score		High Score		Med Score		Low Score		High Score		Med Score		Low Score		
	#(4)	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Female	30	18.29	12	7.32	67	40.85	0	0.00	7	4.27	5	3.05	1	0.61	2	1.22	40	24.39	164
<i>TOTALS</i>	30		12		67		0		7		5		1		2		40		164
Black (5)	8	16.67	4	8.33	22	45.83	0	0.00	2	4.17	1	2.08	0	0.00	0	0.00	11	22.92	48
Latino	5	19.23	3	11.54	10	38.46	0	0.00	1	3.85	0	0.00	0	0.00	1	3.85	6	23.08	26
Asian	0	0.00	0	0.0	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	##	2
White	17	19.32	5	5.68	35	39.77	0	0.00	4	4.55	4	4.55	1	1.14	1	1.14	21	23.86	88
Other	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
<i>TOTALS</i>	30		12		67		0		7		5		1		2		40		164
Male	133	25.83	22	4.27	110	21.36	0	0.00	12	2.33	0	0.00	7	1.36	12	2.33	219	45.52	515
<i>TOTALS</i>	133		22		110		0		12		0		7		12		219		515
Black	38	26.76	8	5.63	29	20.42	0	0.00	2	1.41	0	0.00	0	0.00	1	0.70	64	45.07	142
Latino	30	24.79	6	4.96	26	21.49	0	0.00	2	1.64	0	0.00	3	2.48	6	4.96	48	39.67	121
Asian	3	25.00	0	0.00	3	25.00	0	0.00	1	8.33	0	0.00	0	0.00	1	8.33	4	33.33	12
White	59	25.11	7	2.98	52	22.13	0	0.00	7	2.98	0	0.00	4	1.70	4	1.70	102	43.40	235
Other	3	60.00	1	20.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	20.00	5
<i>TOTALS</i>	133		22		110		0		12		0		7		12		219		515
Grand Total	163		34		177		0		19		5		8		14		259		679

This chart compares, for each demographic group, RAI score ranges and actual screening decisions, as described below.

- 1 – The chart counts RAIs administered during a particular quarter of a particular year.
- 2 – The major column groups are actual screening decisions: detain, release with conditions, and release outright.
- 3 – The column subgroups are RAI score ranges: a “low score” is a score recommending outright release (less than or equal to 8 points), a “medium score” is the score range recommending releasing with conditions (between 9 and 11 points), and a “high score” the score range recommending detaining (higher than or equal to 12 points).
- 4 – The # columns show the number of RAIs that fall into each gender and/or race category.
- 5 – Use race categories from the JDAI management reports.

NOTE: For purposes of illustration, areas of this chart are shaded to show their relationship to override or automatic detention:

- In these areas of the chart, there is no override or automatic detention. The RAI outcome is followed.
- In these areas of the chart, there is a MORE restrictive actual outcome than recommended as a result of an override or automatic detention.
- In these areas of the chart, there is an override to a LESS restrictive actual outcome than recommended.

Table 3 (below), which examines overrides to the RAI, shows that 39 percent of girls received overrides leading to a more restrictive outcome than indicated by the RAI, compared with 26 percent of boys. These figures include youth who were detained for medium or low RAI scores, or were released with conditions despite low RAI scores. In addition, Table 3 shows that African-American girls and Latinas were more likely than white girls to be detained due to overrides. Including girls who are detained for either medium or low RAI scores, 37 percent of white girls are being detained due to overrides, compared with 45 percent of black girls and 41 percent of Latinas.

**TABLE #3: BARNES COUNTY DEPARTMENT OF JUVENILE JUSTICE SERVICES**  
Overrides 1/1/2011—3/31/2011 (1)

	OVERRIDES UP		NO OVERRIDE		OVERRIDES DOWN		TOTAL
	# (2)	%	#	%	#	%	
Female	64	39.02	97	59.15	3	1.83	164
Black (3)	17	44.74	21	55.26	0	0.00	38
Latino	9	40.91	12	54.55	1	4.55	22
Asian	0	0.00	2	100.00	0	0.00	2
White	38	37.25	62	60.78	2	1.96	102
Other	0	0.00	0	0.00	0	0.00	0
<i>TOTALS</i>	62		99		3		164
Male	132	25.63	371	72.04	12	2.33	515
Black	37	26.06	104	73.24	1	0.70	142
Latino	32	26.45	80	66.12	9	7.44	121
Asian	3	25.00	8	66.67	1	8.33	12
White	59	25.11	168	71.49	8	3.40	235
Other	1	20.00	4	80.00	0	0.00	5
<i>TOTALS</i>	132		364		19		515
<i>Grand Total</i>	194		463		22		679

For RAIs administered during a particular quarter of a particular year, the chart counts whether the results were an override up to more restriction than recommended, an override down to less restriction than recommended, or matched the restriction recommended.

1 – The chart counts RAIs administered during a particular quarter of a particular year.

2 – The # columns show the number of RAIs that fall into each gender and/or race category.

3 – Use race categories from the JDAI management reports.

NOTE: For purposes of illustration, the areas where there is a MORE restrictive actual outcome is shaded green.

## 2. SELECTION OF LOCALLY TARGETED RESEARCH QUESTIONS

In any jurisdiction, the three tables created for the initial data review will provide important information for local JDAI leaders. Indeed, for some jurisdictions, although the information has been available in their data systems, the process of creating and reviewing these tables may be the first time local JDAI leaders will carefully examine detailed and objective information about the treatment of girls in the detention process.

However, these initial data are likely to raise as many questions as they answer. In particular, the initial data will yield limited insight into the all-important “why” questions — those necessary to identify the underlying factors that are generating gender disparities or causing inappropriate or unnecessary detention of girls, and critical to developing a targeted work plan to reform detention use for girls.

For instance, the initial data may reveal that girls are far more likely than boys to be detained due to probation violations, or that girls detained over probation violations typically remain in detention for longer periods than boys. But the data may not explain the reasons for these disparities. Do a large share of these cases stem from girls’ involvement in the sex trade? From family conflicts? From status offenses such as running away from home or from other placements? Are probation programs and activities, typically developed for boys, ill-suited to girls?

The initial data scan may reveal that Latina girls are more likely than white or African-American girls to be detained due to overrides, but they won’t indicate whether the detained Latina girls hail predominantly from a particular neighborhood or police precinct, or whether the high override rate may reflect the lack of appropriate and culturally competent detention alternative programs for Latina girls. Nor will the initial data scan show whether a particular judge (or other court official) is responsible for a large share of the girls’ overrides.

As in Barnes County, the initial data may show that girls are being detained in large numbers for person offenses, but they may not explain whether these offenses are serious in nature, nor whether many or most stem from family altercations.<sup>23</sup> Nor will they show whether girls detained for person offenses and their families have been involved with the dependency system.

Likewise, the initial data scan will not provide insights into whether the many girls detained despite low risk scores suffer with histories of abuse and neglect, with mental health needs, with substance abuse problems, or with current or past involvement in the child protection system.

Given all these still-unanswered questions, the second key task for JDAI jurisdictions assessing their system’s treatment of girls will be to identify a list of research questions for additional investigation and analysis.

Specifically, JDAI sites should draw on four key sources of information to develop research questions to help understand whether certain groups of girls are being detained disproportionately — and why.

- First, the local JDAI gender work group (described in Chapter II) should review, analyze and discuss the trends revealed in the initial data scan. How serious do the gender disparities seem to be — and which disparities seem to be most glaring and problematic? Which questions raised by the data seem most crucial for understanding the underlying problems and developing corrective action plans?
- Second, local stakeholders should review the available national research and best practices literature regarding girls in the juvenile justice system — and detention particularly, beginning with *Pathway #13, Detention Reform and Girls: Challenges and Solutions*. (See text box on p. 31 for a list of other valuable sources regarding girls in juvenile justice.)
- Third, JDAI stakeholders should discuss their jurisdiction’s local detention policies and practices for girls, and tap their own judgment and experience regarding which questions and topics seem most pressing with respect to girls in their community.
- Fourth, local leaders should take stock of the data and information available to them. This will include data already in their systems (such as that used routinely to produce JDAI management reports) that can be easily tapped for a gender-lens analyses. It may also include data collected by parallel systems such as the dependency system, the juvenile court or law enforcement. To access these data, juvenile justice officials may need to develop data sharing agreements with these other key agencies. In addition, for critical questions that cannot be answered with available quantitative data, stakeholders should identify additional information available in individual case files that yields key insights. Although this kind of case file research will take a bit more time, it can sometimes provide information necessary for a full understanding of why girls are being detained and what can be done to redress problematic practices.

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LOCAL JUDGMENT COMBINED with national data will also suggest questions for deeper data analyses.

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## GIRLS DETENTION REFORM AND PROGRAMMING

### Additional Resources

Among the many books, articles and databases on girls, the following are a few comprehensive and accessible resources that might be especially useful for JDAI jurisdictions as they focus on girls in detention.

Cauffman, E. (2008). *Understanding the Female Offender, Juvenile Justice*, 18(2), 119–142.

Sherman, F.T. (2005). *Detention Reform and Girls: Challenges and Solutions (13)*, Baltimore, MD: Annie E. Casey Foundation.

Zahn, M.A. (Ed.) (2009). *The Delinquent Girl*. Philadelphia, PA: Temple University Press.

Zahn, M.A., Hawkins, S.R., Chiancone, J., & Whitworth, A. (2008). *The Girls Study Group: Charting the Way to Delinquency Prevention for Girls*. Retrieved from Office of Juvenile Justice and Delinquency Prevention: [www.ncjrs.gov/pdffiles1/ojjdp/223434.pdf](http://www.ncjrs.gov/pdffiles1/ojjdp/223434.pdf)

### Web-Based Search Engines

[www.nationalgirlsinstitute.org](http://www.nationalgirlsinstitute.org)  
The National Girls Institute's website is a clearinghouse of information for girls, parents/caregivers and those working with girls. Technical assistance and training can also be requested from this site. The National Girls Institute is supported by OJJDP.

[www.nttac.org/index.cfm](http://www.nttac.org/index.cfm)  
OJJDP's "one-stop-shop" for training and technical assistance includes a searchable database of assessment instruments — risk and risk/needs assessment instruments, global needs assessment instruments, substance abuse instruments and mental health instruments — that are rated for their gender-based performance.

[www.ojjdp.gov/mpg/](http://www.ojjdp.gov/mpg/)  
OJJDP's Model Programs Guide can be searched for girls programs.

### [www.crimesolutions.gov](http://www.crimesolutions.gov)

Office of Justice Programs website provides a search engine for juvenile justice programming, rating programs as effective, promising or having no effects, and searchable by gender and application throughout the juvenile justice process.

### [www.futureswithoutviolence.org](http://www.futureswithoutviolence.org)

Futures Without Violence has a robust website with links to research and sources addressing violence against women and girls as well as child well-being. Although not directly focused on girls in the justice system, these resources will expand JDAI sites' thinking about girls detention reform.

### [www.nctsn.org](http://www.nctsn.org)

The National Child Traumatic Stress Network website has information about training opportunities on the nature and impact of trauma on youth, including youth in the juvenile justice system. A helpful site given the prevalence of trauma among girls in detention.

Based on national trends and expert opinion, some questions are likely to be high priorities for most or all jurisdictions engaged in a gender-focused review of detention practices. As with all analyses, local JDAI stakeholders will tap their own judgment and experience to determine which issues concern their jurisdiction. Local judgment combined with national data will also suggest questions for deeper data analyses of these issues to further local leaders' understanding as they develop a reform work plan for their jurisdiction.

Among the prevalent research questions your jurisdiction might wish to examine are:

**Are girls being detained frequently due to situations involving family conflict or other relationship-based violence?**

- Are girls facing domestic battery or family-related assault charges detained more frequently than other girls — or than boys facing similar charges?
- Are girls being detained frequently for offenses arising out of “teen dating violence”?
- Are girls being detained victims of commercial or other sexual exploitation — as indicated by prostitution-related charges or crimes associated with street-life such as larceny, trespass or disorderly conduct?
- Are girls being detained frequently due to domestic disputes arising from conflicts over gender identity or sexual orientation?

**Do many or most girls in detention suffer with serious human service needs and “crossover” with parallel human services systems (such as child welfare, mental health, special education), indicating that detention is being used inappropriately as a gateway to services?**

- Are girls with a history or current involvement in the abuse/child welfare system detained more often or for longer periods than other girls, and are girls involved in the child welfare system more likely to be detained than boys who are involved in that system?
- Are girls suffering with serious mental health problems — as indicated by documented behavioral/mental health histories, current prescriptions for mental health medications, Medicaid utilization data or case notes — detained in large numbers?
- Are girls with substance abuse issues — as evidenced by drug-related charges, histories of failed urine tests or self-report — frequently detained?
- Are girls with a history of past trauma — child abuse or neglect, sexual assault, past or current placement in foster care or group homes — at heightened risk for detention? Do the data suggest that many girls are being detained to await placement or due to placement failure?

- Are girls with school-related problems — truancy, history of suspension or expulsion, special education services or multiple school placements — being detained frequently, suggesting that detention is being ordered to address behavior related to school problems?
- Are pregnant or parenting girls at heightened risk for detention?

**Are girls being detained inappropriately for technical violations of probation, bench warrants or other non-criminal behavior?**

- Are girls being detained frequently for probation violations or other technical violations that do not involve new lawbreaking?
- Are girls being detained in large numbers as a result of RAI overrides, bench warrants and/or automatic detention criteria?
- Do girls detained over probation violations and bench warrants have any history of serious delinquent offending and/or high RAI risk scores?
- Do girls have a higher failure rate than boys in specific probation programs or services — suggesting that current probation programs and practices may not be well-suited to girls’ needs and circumstances?
- Is a history of running away — as indicated by bench warrants, violations of valid court order, failures to appear, placement failure and probation violations — highly correlated with detention for girls?

**Do girls’ lengths of stay in detention suggest that detention is being used inappropriately as a gateway to services or that there are inadequate post-adjudication options for girls?**

- Are girls being detained frequently in order to access mental health evaluations and, if so, what are their lengths of stay?
- Do lengths of stay for girls awaiting post-adjudication placement appear excessive, and how do girls’ lengths of stay compare with those of boys?
- What are the lengths of stay of girls detained for technical violations of probation, warrants, status and misdemeanor offenses, and do the data suggest that detention is being used as a gateway to services?
- What are the lengths of stay of girls with parallel human services issues and involvement, suggesting detention use as a gateway to services and as a result of a lack of cross-system collaboration?

**Are certain subpopulations of girls being detained disproportionately?**

- Do any of the issues examined in the gender analysis affect girls of some racial/ethnic categories disproportionately?

- Are girls residing in particular zip codes or police precincts detained disproportionately to their share of the jurisdiction's youth population — or their share of youth entering the delinquency court system?

**Is the overuse of detention for girls concentrated among a limited number of decision makers?**

- Are particular judges especially prone to order detention for girls despite low RAI scores?
- Are particular probation officers more prone than others to revoke girls' probation based on rule violations?

**Do girls suffer due to inadequate availability of effective and responsive detention alternatives?**

- Are girls less likely than boys with similar risk scores to be placed into detention alternative programs, rather than secure detention?
- Do girls have lower success rates compared to boys when assigned to alternative programs — suggesting that some or all alternative programs are not well-suited to girls' needs and circumstances?
- Are there any traits or characteristics — age, offense history, history of abuse, neglect or trauma, social service needs, etc. — especially commonplace among girls who return to detention based on program failures?

Because these themes play out differently from one jurisdiction to the next, and often overlap, members of the local JDAI gender work group will need to pick and choose among these questions — or craft new questions of their own — based on their understanding of national literature and their judgment and experience about the treatment of girls in their jurisdiction.

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**LOCAL JDAI SITES CAN (and should) perform additional analyses likely to enrich local stakeholders' understanding of how girls are being served (and potentially disserved) in the detention process.**

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SELECTING RESEARCH QUESTIONS FOR BARNES COUNTY

As detailed on pp. 25–28, the initial data review for Barnes County revealed four primary findings:

1. Thirty-one percent of girls’ detentions were for misdemeanor person offenses, and these girls were remaining in detention an average of four days.
2. Thirty percent of girls’ admissions were for probation violations and their average length of stay was 20 days. Girls returned to detention over probation violations account for 45 percent of the average daily population of girls, versus just 18 percent for boys.
3. Two out of every five (41 percent) of screened girls are detained despite low risk scores.
4. African-American and Latina girls are detained disproportionate to their presence in the county population, while white girls are detained at a lower percentage than their presence in the population.

Based on these findings, and on the observations and insights of local JDAI stakeholders, Barnes County officials identified the following research questions.

- Are girls being inappropriately detained due to family conflicts that could be better handled in the social services system?
- Are girls’ admissions linked to histories of domestic violence in the home, childhood sexual abuse, relationship abuse or other types of domestic disputes (such as conflict over gender identity or sexual orientation)?
- Are low-risk girls detained inappropriately as a result of overrides to the RAI?
- Are girls of color being inappropriately detained for nonviolent misdemeanors, status offenses, warrants, technical violations and overrides, when compared with white girls?
- Are girls frequently detained under “automatic detention” categories?

### 3. REVIEW AVAILABLE QUANTITATIVE DATA

Once the research questions have been identified, the next stage in the gender-focused detention utilization study will be to analyze the questions as thoroughly as possible using available quantitative data.

Fortunately, this exercise need not require a Herculean new effort on the part of JDAI personnel. Rather, sites will rely on the same data sources they use to prepare their JDAI management reports (detention population, average daily population, average length of stay, RAI score and overrides), and other quantitative data sources when available.<sup>24</sup> Sites already using the QRS will have greater detail already apparent in their tables. Other sites will have much of the data in their systems, but will need to develop tables using available data to answer specific questions generated by the initial data scan. The analytic strategies and techniques required are employed routinely by every JDAI site. The only difference is that the gender analysis will drill down deeper into the data to focus on the trends affecting a particular subset of the local JDAI population — girls.

In other words, the process of conducting the quantitative analysis should be straightforward and well within the capability of most JDAI sites.

For instance, to see whether girls are being detained due to family conflicts (and to better understand girls' backgrounds and needs), JDAI sites can analyze data involving girls charged with person offenses. By breaking the data down by specific offense, and by examining where the incidents occur and the identity of complainants, sites can determine whether girls are being arrested and detained frequently on domestic battery charges or other charges likely to derive from family conflict.

To determine whether girls are detained due to inadequate access to effective and gender-appropriate detention alternative programs, JDAI sites can consult their data on detentions for ATD program failure (routinely compiled as part of the quarterly management reports) and compile a table showing the utilization (entries, exits, average daily population) of girls in specific detention alternatives (shelter programs, day/evening reporting, electronic monitoring and others). The table should also document the success rates of girls participating in these alternatives in avoiding rearrest, probation violations and failures to appear in court.

To help determine whether detention is used excessively to seek treatment services for girls with acute mental health or social services needs, JDAI sites can examine average lengths of stays for girls, broken down by type of alleged violation (delinquent offenses, status offenses, probation violations and/or warrant/failure to appear).<sup>25</sup> Data showing that low-level female detainees are retained in secure confinement for long spells would suggest that the detention is being used for purposes other than public safety and ensuring youths' appearance in court.

To determine whether overrides into detention are concentrated among girls accused of particular offenses, JDAI sites can run the data comparing override rates by offense category. Those using the QRS will see overrides by offense for girls and boys cross-referenced with racial and ethnic group, and then can break out the data further, comparing override rates by specific offenses within offense categories where girls suffer a high percentage of overrides.

Depending on the research questions prioritized — and the data available — local JDAI sites can (and should) perform additional analyses, addressing any data questions likely to enrich local stakeholders’ understanding of how girls are being served (and potentially disserved) in the detention process. This process should be iterative: sites may perform one data analysis addressing a particular data question, review that data to see if it clarifies the issue, then conduct a subsequent analysis to address questions raised by the first, until site leaders have a deep enough understanding of the issue to target a solution. (See Appendix A for the Barnes County Quantitative Data Analysis.)

#### 4. CONDUCT A CASE FILE REVIEW

Because girls’ pathways into detention are often the result of their life circumstances, family histories and other information not captured or quantified in any existing database, gaining a full understanding of how and why girls are detained will likely require local JDAI leaders to look beyond basic detention indicators and into the details contained in girls’ case files.

Unfortunately, this case file information cannot simply be added or calculated because it is recorded as text, not data. Moreover, this information is not always reported in a consistent manner. Nonetheless, the systematic process described below will allow JDAI sites to turn descriptive notes into numerical data that may reveal important insights about the how girls are being treated in the detention process and where changes and reforms are required.

Specifically, an analysis of case files should be undertaken in six straightforward steps:

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**A FULL UNDERSTANDING of how and why girls are detained will likely require local JDAI leaders to look beyond basic detention indicators and into the details contained in girls’ case files.**

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- Select the themes and questions to be analyzed in the case file review.
  - Identify a subset (or “sample”) of case files for review.
  - Read and compile written notes on the selected case files.
  - Develop a coding system to quantify information about each theme (or variable) selected, and enter the data for each young person in a new master spreadsheet.
  - Calculate totals and averages for each variable in the spreadsheet, comparing boys to girls (when that comparison is relevant to the issue being analyzed) and cross-referencing the findings by race/ethnicity categories.
  - As appropriate, conduct additional finer-grained analyses to address any important questions raised by the new data.
- I. Select Key Themes for Further Analysis:** For any jurisdiction seeking to undertake a case file review, the first step will be to determine which themes and questions will be explored and analyzed. In making this determination, the work group should refer back to their gender analysis research questions, and then focus on the themes emerging from the case notes that might be most useful in revealing helpful answers.

For instance, if the local JDAI gender work group has identified domestic conflict as a subject for investigation, the analysis should examine whether the incidents involved parents, siblings or other family members. The analysis could also examine whether the selected cases have a current or past history of abuse and/or involvement with the child welfare system.

If the local JDAI team is focused on overrides and/or bench warrants, the analysis can focus on youths’ histories of failed placements, running away from placements or from home, and/or failing to attend required probation activities.

The case file analysis can also examine issues relating to youths’ human/social service needs: mental health diagnoses (or prescriptions for any psychiatric medications); known substance abuse problems; problematic school attendance; learning disabilities/special education; past physical abuse, sexual abuse and other traumatic experiences; known or suspected commercial sexual exploitation; and suicide risk and/or past suicide attempts.

The quantitative analysis might also examine which types of social and human services girls have received previously through the juvenile justice and child welfare systems and might look at how many (and what types of) placements girls have had to better understand detentions for warrants or placement failures.



Finally, the work group can focus on the key decision makers involved in the youths' cases — judges, probation officers — if there is a suspicion that detention-related decisions are being made differently by different personnel. If there are high rates of detention returns in the jurisdiction due to probation revocations, the case file review could identify the probation officers involved in each case. If there are a high number of RAI overrides into detention, the analysis might examine which judge or master presided at each youth's detention hearing.

- 2. Identify a Subset of Files:** Once the themes and questions for the case file review have been identified, the next step will be to identify a random sample of files to analyze. In selecting the sample, two things are most important. First, select enough files to create a representative sample of girls, and — if a gender comparison would be helpful to answer one or more of the jurisdiction's research questions<sup>26</sup> — a representative sample of boys as well. Second, make sure to employ a random process in selecting the files for review. For instance, one way to generate a random sample is to review a list of girls booked in the past three or six months and select every 10th or 20th individual. To determine what constitutes a representative sample of girls and/or boys, jurisdictions may want to consult with a local university. Developing research relationships with universities, though not required, can be helpful throughout this gender-lens analysis.
- 3. Read and Compile Written Notes on the Selected Case Files:** The third step in the process is for staff to read through the selected case files and compile a “free form text table” with notes documenting qualitative information about each youth in the sample.

Specifically, this table should briefly document any information that sheds light on anything in the young person's background that might have influenced the decisions regarding detention — and particularly any information relating to the research questions identified by JDAI leaders for the gender-lens analysis. As with all the analyses you have done, the table should indicate the gender and race/ethnicity of each youth whose file is part of the analyses.

Depending on the jurisdiction's research questions, the notes might include information about the alleged victims in any assault charge (and whether they included family members), past involvement in the child welfare and social services systems, substance abuse history, mental health diagnoses or medications, juvenile justice system personnel (judges, probation officers) involved in the youths' cases, youths' home neighborhoods, school attendance or discipline problems, involvement in detention alternative programs and more. The end result of this process will be a set of summary case notes detailing the information from each selected case file that is relevant to the jurisdiction's gender analysis research questions.<sup>27</sup>

- 4. Code and Enter the Data on a New Spreadsheet:** Once the themes for the case file review have been selected, the next steps will be to create a numeric code for each theme (or variable) that will be examined and to enter this information on a new spreadsheet.

As demonstrated in the Barnes County Case File Analysis (see Appendix B on p. 69), the new spreadsheet should be designed as follows:

- In the first row, provide a name for each column — an identification number for each young person in the first column, youth’s gender in the second column, racial/ethnic group in third column, and then a descriptor of the variable being examined for each subsequent column.
  - In the second row, create a numeric key for each column, with a different number value assigned for each possibility:
    - In the gender column, enter a “0” for each male and a “1” for each female.
    - In the racial/ethnic identity column, enter a “1” for African American/Black youth; “2” for Latino/a youth; “3” for Asian youth; “4” for Caucasian/White youth; and “5” for “Other.”
    - All subsequent columns will assign values for variables to be examined. In most cases, you will simply enter a “0” if the common theme IS NOT reported for each youth and a “1” if the common theme IS reported for each youth. For some variables, you might have more than two possible outcomes — i.e., if one variable is the probation officer involved in a probation revocation. (In that case, you would assign a number to each probation officer handling detention cases in the jurisdiction — “1” for Officer Gray, “2” for Officer Taylor, “3” for Officer Green, etc.)
  - Each of the remaining rows would include data for one individual young person, including data for all variables using the coding system described above.
- 5. Calculate Totals and Averages.** Once all of the data have been entered in the table, the next step is to run the numbers and identify which of the variables included in the spreadsheet are highly correlated with detention outcomes.

For instance, if the gender work group is concerned about a high number of overrides to the RAI, the analysis would examine whether a significant share of girls detained despite low risk scores had histories of child abuse/neglect, or substance abuse issues, or a history of failing or running away from placements, and whether these issues were cited to justify the overrides. If the work group is concerned about over-reliance on detention in cases involving family conflict, the analysis can examine whether a large share of girls placed in detention were arrested for assaults or other incidents involving members of their own families. If the jurisdiction is concerned with crossover between the delinquency and child protection systems for girls, the analysis could examine whether many girls placed into detention had histories of involvement with the child protection system — or were in the custody of the child protection system at the time of arrest.

All analyses should be cross-referenced by racial and ethnic categories, so that any differential patterns can be identified.

In general, the analysis should look to identify any pattern in the data that might explain the systemic differences in detention decisions for girls vs. boys, and any factors that distinguish which characteristics and circumstances are prevalent among girls placed in detention despite low risks. Along with pinpointing why girls are detained, these factors will help jurisdictions in developing work plan items to reduce detentions and better serve their female population (see Chapter IV).

**6. Conduct Additional Finer-Grained Analyses:** As with the quantitative analysis, the case file analysis should be an iterative process. When new information revealed by one round of analysis generates additional questions, the research team can conduct a second round of analysis in search of more detailed answers that will help guide a more targeted work plan.

For instance, if a first round of analysis shows that girls with a history of involvement in social services systems are placed into detention at a high rate, subsequent analysis can examine whether detention is most prevalent among girls with specific types of social service needs (mental health vs. substance abuse vs. learning disability). Likewise, if the first round of analysis finds that girls with a history of running away from placements are being detained frequently, subsequent analysis can examine whether a large share of the girls ran from any particular placement, or had any other common traits (racial background, child welfare history, school problems, etc.).

The case file review process will be complete when all of the initial research questions and any additional questions raised by the data analyses have been examined, and all of the major answers that can be determined from the available data have been ascertained. (See Appendix B for the Barnes County Case File Analysis.)

## Developing a Girls Detention Reform Work Plan

The in-depth gender-focused data analyses described in Chapter III will allow JDAI site leaders to identify the factors that are causing girls to be detained unnecessarily or otherwise ill-served in the detention process. The next step is to put this information to practical use by developing a girls detention reform work plan — an agenda of new policies, practices and programs to address the issues and problems identified in the data analysis process.

This chapter is designed to help girls work groups in JDAI sites in their efforts to develop such a work plan. It does so primarily by describing promising reform strategies that address common challenges facing JDAI jurisdictions in their work with girls.

All together, this chapter discusses 14 widespread challenges in detention reform for girls. For each, the text first describes the general dimensions of the issue and then details one or more promising strategies that have been used successfully to address it. The reform strategies described in the chapter draw both on JDAI core strategies and on the emerging knowledge base about the needs and circumstances of girls in the juvenile justice system and what works to boost girls' success. For most of the strategies, the discussion includes illustrations from the work of JDAI jurisdictions.

The discussion of these challenges and reform strategies is divided into four parts. The first examines strategies for correcting hidden biases in the detention admissions process that lead to unwarranted confinement of girls. The second addresses the shortage of effective and gender-responsive programming for girls in many jurisdictions and describes promising program models that JDAI sites might provide to better serve girls. The third section explores a range of complementary policies and practices that can help sites reduce overreliance on detention and improve outcomes for girls. The fourth examines strategies to improve conditions and enhance services for girls confined in secure detention facilities. Finally, the chapter ends with a discussion of how sites should monitor outcomes and revise their programs and strategies for girls in light of new evidence and changing circumstances.

### **ADMISSIONS:**

#### **Addressing Hidden Biases that Foster Unnecessary and Inappropriate Detention of Girls**

##### **I. ENSURE THAT THE RAI IS GENDER NEUTRAL IN ITS CONSTRUCTION AND APPLICATION**

**Problem:** Although risk-assessment instruments are typically written in gender-neutral language, their design and application can result in unequal outcomes that disadvantage girls. For example, some RAI formulas assign points for behavior that is particularly prevalent among the court-involved girls, such as status offenses, technical violations of probation, and run histories. As a result, girls with high needs but

low risks can accumulate sufficient points for detention. RAIs that require automatic detention for running away or probation warrants can also disadvantage girls.

**Reforms:** Over the course of five years Washoe County, Nevada, revised its RAI repeatedly to address gender bias identified through close monitoring of RAI data. Washoe’s experience illustrates the challenges and potential for sites in maintaining a truly objective and gender-neutral process of detention admissions.

- An early version of Washoe County’s RAI awarded the same number of offense history points for all prior offenses within the last six months, regardless of whether they were felonies, gross misdemeanors, misdemeanors or probation violations. Washoe then modified the RAI to award a lower point value for prior misdemeanors and violations of probation, making the RAI fairer (and a more accurate measure of risk) for girls whose offenses were concentrated in the misdemeanor and VOP categories.
- Washoe’s most recent RAI modification eliminated the mid-range of RAI scores in which probation officers had discretion to detain; and expanded the low range of RAI scores, which require release or conditional release. Prior to this change, probation officers might try to reach the mid-range in order to detain girls for their “safety” by adding detailed violations of probation (each of which earned additional points). Now, with the low range of scores expanded, probation officers work harder to help the girl succeed in the community and, if the officer believes detention is needed, the girl can be placed on conditional release and the court will make the detention decision.

## 2. REDUCE GIRLS’ OVERRIDES INTO DETENTION

**Problem:** Part of implementing a gender-neutral RAI is to closely monitor the use of overrides into detention for girls. Girls screened for detention are frequently overridden into detention — often based on a desire among court personnel to “protect” girls from the trauma, and intimate partner and family violence they are experiencing in their homes and communities.<sup>28</sup> National data detailed in Chapter I confirm what JDAI sites have been seeing for close to two decades — much more than boys, girls are detained for status offenses, technical violations and misdemeanor offenses, and these low risk (and low RAI scoring) girls are often detained as the result of overrides.

**Reform:** Washoe County, Nevada, again provides an illustration of reform of override practice based on both national data and its ongoing monitoring of detention use for girls.

- First, Washoe County officials mined their data to understand which girls were being overridden into detention and found that many of them were low scoring status offenders. Specifically, the data showed that 36 percent of girls’ overrides in 2006 involved low scoring status offenders. As a result of this finding, Washoe County analyzed reasons for girls’ overrides and found that, unlike boys, girls were primarily overridden into detention based on fears that they might run away or harm themselves.

Boys, by contrast, were overridden into detention primarily out of concern for public safety. Washoe also found that the majority of girls overridden into detention immediately after arrest were soon released with no conditions, suggesting that detention was unjustified in these cases and may have been imposed as a sanction. To combat this unwarranted practice, Washoe County began reviewing cases of all detained girls daily, requiring supervisory approval of all overrides, thus adding closer scrutiny to decisions to detain girls. Continuing its override reforms in 2011, Washoe County took steps to further limit its override policies again by creating a defined list of permissible override categories, rather than allowing the screener to write in reasons.

### 3. RECONSIDER (AND REVISE) RULES REQUIRING DETENTION DUE TO AUTOMATIC DETENTION CATEGORIES, MANDATORY HOLDS AND WARRANTS

**Problem:** All too often, girls with low risk scores are shoehorned into detention based on arbitrary and overly broad rules related to automatic detention categories, mandatory holds and warrants. Though the impulses behind these rules are understandable, their impact can be decidedly negative — needlessly incarcerating girls with little or no involvement in crime or violence, and wasting substantial sums of taxpayers' money.

#### Reforms:

- *Minimizing reliance on automatic detention rules that inadvertently sweep low-risk girls into locked detention.* After documenting that many girls were being detained due to rules requiring automatic detention for violating house arrest or restrictions on their movement under electronic monitoring, Washoe County tightened its automatic detention categories and replaced them with a system of graduated responses. The new rules limited automatic detentions only to violations of court-ordered electronic monitoring. This allowed a graduated response (routine probation, then house arrest, then electronic monitoring) and reduced unnecessary detentions of girls.
- *Reviewing and revising mandatory hold rules that result in unnecessary detention of girls resulting from domestic disputes and altercations.* In 2005, Clark County, Nevada (Las Vegas) found that, while girls comprised 20 percent of overall detentions, 45 percent of youth detained for domestic battery were girls. Similar analysis in Washoe County found that 69 percent of girls' detentions involved domestic battery. In both counties, the high rates of detention for domestic battery resulted from a state law that required a 12-hour detention hold for any individual charged with domestic battery, juvenile or adult. To address the problem, juvenile justice leaders across the state collaborated with law enforcement and the domestic violence community in 2007 and successfully lobbied the Nevada legislature to change the mandatory hold law. The new law gives juvenile justice administrators discretion to decide whether to detain youth charged with domestic battery, and it recommends family-based services. Since the change was enacted, the number of arrests for domestic battery have remained relatively constant. Yet, Washoe County went from detaining 122 girls for domestic battery in 2006–07 to 41

girls in 2010. During this period, Washoe County also expanded voluntary family services to address intimate partner and family violence.

- *Reforming practices regarding detention resulting from bench warrants.* In too many jurisdictions, detention is ordered in every case when a bench warrant is issued — regardless of the circumstances of the case or the severity of the underlying charges. The result is unnecessary detention for many low-risk offenders — including a disproportionate number of girls. Several jurisdictions, including Ventura (California) and Hennepin (Minnesota) counties, have addressed this problem by differentiating warrants into multiple layers. Under this approach, girls who fail to make a probation appointment or miss a curfew, for example, do not receive warrants resulting in automatic detention, but can be given a less restrictive and predictable response.

#### 4. REDUCE DETENTION ADMISSIONS RESULTING FROM VIOLATIONS OF PROBATION

**Problem:** As detailed in Chapter I, while girls comprise 16 percent of detained youth nationally, in 2010 they were 20 percent of those detained for technical violations and 40 percent of those detained for status offenses. These data are consistent with the experience of JDAI sites that have struggled to reduce unnecessary detention of girls for technical violations of probation. As with overrides, while sites may be motivated to detain girls for technical violations in order to keep them safe or to “help” them improve behaviors that may be dangerous to themselves, these are not appropriate reasons for detention, and detention seldom has a positive or therapeutic impact on youth. In fact, data indicate that secure detention for minor offenders actually increases unwanted outcomes like new crime.<sup>29</sup>

.....

DATA INDICATE THAT **secure detention for minor offenders actually increases unwanted outcomes like new crime.**

.....

**Reforms:**

- *Limiting the use of formal probation.* The most targeted approach to reducing girls' detentions for technical violations, particularly violations of probation imposed for a misdemeanor or status offense, is to limit (or prohibit) the practice as a matter of probation policy. Again, Washoe County, Nevada, illustrates this targeted approach. A 2006 data analysis showed that — unlike boys — 90 percent of detained girls in Washoe were confined for technical violations, not new crimes. Moreover, the data showed that (again unlike boys) 50 percent of girls were on probation for misdemeanors and 10 percent were on probation for status offenses. These girls, originally placed on probation for minor matters, were then detained for technical violations. This heavy use of detention for low-level girl offenders came in large part because the county's original RAI awarded points for technical violations of probation for misdemeanant and status offenders. When status offending girls were charged with a subsequent status offense, they would accumulate points for both the probation violation and the new offense, often resulting in detention. To remedy this problem, Washoe County eliminated the practice of formal probation for status offenders, thereby averting any possibility of points for violations of probation for status offenders and consequently eliminating detention of status offenders. At the same time, Washoe created a voluntary center for community services for low-level offenders who violated informal probation agreements, shifting its case management philosophy for status offending and many minor delinquent girls to emphasize voluntary participation.
- *Adopting response grids to limit VOP detention admissions.* Many JDAI sites have adopted probation response grids to increase predictability and accountability in probation services and to shift away from the use of detention as a default response to probation violations. Probation response grids will have particular impact reducing detention of girls, who are concentrated among youth detained for technical violations of probation. Probation response grids specify incentives for positive behavior (such as recognition, additional privileges and modifications to probation conditions) and a series of specific responses to probation violations (such as warnings, increased reporting or electronic monitoring), prior to detaining youth for technical violations. Moreover, response grids typically rank probation violations by severity so that minor violations trigger lesser consequences. Response grids reflect a more positive approach to probation and also significantly reduce probation officers' discretion to file violations of probation. As a result, probation officers working with girls who technically violate probation, are required to work harder and more creatively to help girls be successful in the community and are not able to detain girls in an effort to meet their needs. Moreover, the positive approach reflected in incentives is consistent with gender-responsive approaches to girls' programming.



## WASHOE COUNTY: IMPRESSIVE RESULTS IN REFORMING DETENTION FOR GIRLS

Washoe County, Nevada — a JDAI site since 2006 — has blazed a trail to success in reforming detention practices for girls. As illustrated by its mention in multiple points in this chapter, Washoe County has undertaken reforms to address an impressive breadth of challenges associated with making detention reform work for girls, including: revising its RAI (several times), reducing overrides, minimizing automatic holds and reforming probation practices to reduce the number of girls detained over violations of probation.

Leaders in Washoe County also joined allies in Clark County and other jurisdictions to lobby Nevada's legislature to relax rules regarding mandatory holds in cases involving domestic violence.

The cumulative effect of these efforts has been impressive:

- Overall, the number of girls detained in Washoe County

has plummeted from 489 in 2006–07 to 382 in 2007–08; 304 in 2008–09; and 244 in 2009–10, a 50 percent decrease.

- The new policy on overrides has dropped the number of girls overridden into detention from 101 in 2006–07 to 69 in 2010–11.
- Whereas 13 girls overridden into detention in 2006–07 were status offenders, by 2010–11 the county overrode only one status offending girl into detention, including violations of probation based on a status offense. Similarly, the number of girls on probation supervision at the time of arrest who were overridden into detention declined from 60 in 2006–07 to 33 in 2010–11.
- Changes in probation practice have also led to improved case management and reduced detention of girls. In 2006, 50 percent of girls on the county's

probation caseload were charged with misdemeanors. By 2010, this was reduced to 38 percent of girls on probation. In 2006, 10 percent of girls on probation were status offenders. By 2010, no girls were on probation for status offending.

- Changes in state law and local practice have reduced the number of girls detained in domestic violence cases from 122 girls for domestic battery in 2006–07 to 41 girls in 2009–10.

In addition to reducing detention for girls, Washoe worked with community-based agencies to substantially improve the quality and intensity of services it provides for court-involved girls. In particular, Washoe County has expanded community services to families in crisis to improve girls' long-term safety and reduce family-based violence.

## **PROGRAMS: Create Better and More Gender-Responsive Programming to Meet Girls' Needs and Increase Their Success**

In addition to changing admissions criteria for detention, JDAI jurisdictions can reduce girls' detention and increase their success rates by improving the quality and responsiveness of the programs to which they are assigned. Research and practical experience both show that girls tend to thrive in programs that focus on promoting safety, building relationships and sharing power to promote girls' control over their lives.

### **5. DEVELOP SPECIALIZED SINGLE-SEX PROBATION AND DETENTION ALTERNATIVE PROGRAMS DESIGNED SPECIFICALLY FOR GIRLS**

**Problem:** Because boys have made up the lion's share of the juvenile justice population historically, most probation and detention alternative programs have been designed for boys. Girls, however, often present very different needs and characteristics than the boys for whom detention and probation programs have traditionally been designed. As a result, girls' success rates in these programs are often poor — resulting in program failures, runaways and returns to detention. To reverse this dynamic, a number of jurisdictions have developed girls-only programming in recent years, and growing evidence shows that these programs often lead to greater success for girls and lower rates of program failures, probation violations and returns to detention.

#### **Girl-Specific Probation Programs**

Santa Cruz County, Cook County, Dallas, and Kansas City are among many JDAI sites to implement programming for girls on probation, reflecting both the literature on gender-responsive and evidence-based programming and local data about the needs of girls and girls' performance on probation.

- *GirlZpace*. In an effort to reduce detentions of girls on probation (either for technical violations or new crime), Santa Cruz County developed GirlZpace in collaboration with the Probation Department and youth-serving community organizations. GirlZpace linked community-based services to the juvenile justice system for girls on probation, providing a menu of support services for girls through three nights of programming staffed by volunteer mentors from the community. The structure encouraged the development of positive relationships between the girls and young adult women and was coupled with girls-only probation caseloads. Although targeted to girls on probation, GirlZpace was entirely voluntary — and was never listed as a formal probation requirement. A 2010 program evaluation found GirlZpace to be effective in reducing detention of girls in Santa Cruz County and improved girls' body image and feelings of self-efficacy.<sup>30</sup>
- *W.I.N.G.S. (Cook County)*. Case file analysis in Cook County identified substantial overlap among girls detained for VOP and those detained for warrants. To improve girls' success on community probation and return them to the community quickly, Cook County developed the Working to Insure

and Nurture Girls Success (W.I.N.G.S.) program to provide orientation and support for girls as they begin a probation sentence. W.I.N.G.S. groups address the reasons for probation failure through community meetings, a series on mother-daughter interaction, a group focused on dealing with authority and “Probation 101,” a detention group offered in coordination with probation to help girls advocate for themselves on probation and understand how probation works. Through this girls are able to examine and resolve their individual difficulties with probation.

- *Girls Circles*. Dallas, Kansas City, and Cook County are three of a number of JDAI sites to implement Girls Circles for their probation and, in some cases, their detained girls. Girls Circle is a model support group offering girls a safe and confidential space plus a curriculum designed to help girls express themselves and improve self-confidence and interpersonal relationships. The Girls Circle model is recognized by OJJDP as a promising approach, and in partnership with Cook County Probation Department, Girls Circles is undergoing a three-year outcome evaluation supported by OJJDP. It is considered a gender-responsive program and research on its impact for girls on probation and in detention showed an increase in perceived social support, perceived body image, self-efficacy, and social connection. The perceived increase in social connections is particularly important for girls involved in the juvenile justice system and may be a key to helping girls end involvement with the juvenile justice system.<sup>31</sup>

### Trauma-Informed Treatment for Girls

Among the most powerful findings from recent research into effective treatment and intervention strategies for juvenile offenders have come from so-called cognitive behavioral therapies (CBT). A problem-solving approach to youth treatment, CBT aims to help youth identify and change patterns of thinking and behaviors that result in delinquency and provide youth with steps and tools to change these problematic thoughts and behaviors. However, because many girls suffer with histories of severe maltreatment and abuse, often leading to serious mental health and substance abuse problems, some experts believe that standard CBT curricula may not be well-suited to girls. Thus, trauma-informed cognitive behavioral therapy is a theoretically promising strategy because it addresses the particular needs of girls with abuse histories.

- Santa Clara County recently received federal funding to implement trauma-informed cognitive behavioral therapy for high-need, nonviolent juveniles on probation with a focus on their female population. Many of these girls are simultaneously involved in both the child welfare and delinquency court systems. The Santa Clara effort grew out of data analysis confirming that — consistent with national data — trauma was prevalent in the backgrounds of youth in the local juvenile justice system and concentrated in the female population. The analysis found that *all* of the girls studied had at least one trauma factor, and 73 percent noted four or more trauma factors in their histories. When gender data were cross-referenced with race and ethnicity, they showed that court-involved Latina girls were especially likely to have suffered past trauma. So Santa Clara officials have tailored the intervention to

that population. They also have been careful to set aside funds for transportation and child care when needed to ensure that participating families could attend regularly. The new program pairs gender-responsive and evidence-based practice to address mental health needs of girls (see Chapter I), and it involves a broad collaboration among county and community-based agencies.

## 6. ADD OTHER PROGRAMMING LIKELY TO BENEFIT GIRLS

**Problem:** In addition to the gender-responsive programs detailed above, the overuse of detention for girls can also be reduced through other types of programs that are targeted to both girls and boys, but have particular resonance for girls. These include short-term shelters as an alternative to detention, reception/triage centers to steer low-risk youth away from detention while providing needed support and referrals, and — for adjudicated youth — evidence-based therapies that have proven to increase success of both boys and girls involved in delinquent offending.

### Foster Care and Short-Term Shelter

Too often, juvenile court and probation officials detain low-risk girls for lack of a safe alternative. For instance, when girls have run away and don't have anywhere else to go, or in cases of family conflict when girls are upset emotionally and/or parents refuse to come get them and take them home. Courts may also detain girls involved in the sex trade, based on fears that the girls will return to the streets and be further exploited. None of these situations fall within the statutory purposes of detention — to protect the public or ensure attendance in court. And girls in these situations — many of them suffering with serious mental health conditions, or victims of severe trauma — are unlikely to benefit from the harsh and sometimes traumatizing environment of a locked detention facility. Quite the contrary. Especially when they connect girls to needed services in the community, extended family members, specialized foster care or short-term nonsecure shelters often provide a far superior option for girls in these situations — providing authorities with a safe and nurturing environment where they can place girls with high needs but low risks.

### Reforms:

- *Shelter space to reduce use of detention in cases involving family chaos and violence.* Many jurisdictions have found success using temporary shelters to relieve family stress that can result in violence. Data show that 72-hour respite care for teens, while services are provided to their families, can diffuse some inter-family violence allowing girls to return home safely and avoiding unnecessary use of detention. For example, Pima County has reduced detention for youth charged with domestic violence, in part, through use of 3–5 days of respite care or brief shelter care for youth referred to their Domestic Violence Alternative Center, a reception center focused on youth charged with home-based violence (see description on p. 51).

- *Short-term shelter care for runaways.* Running away in girls is typically connected to a larger social service issue such as sexual exploitation or family violence, or to a mental health or substance abuse issue. Running away is linked to histories of multiple foster home placements and other disrupted care that deprived girls of lasting relationships and critical problem-solving skills. In response to this challenge, Multnomah County and several JDAI sites have developed (or use existing) short-term shelters in the social services system, with expertise in these underlying issues to stabilize girls and move them back into their homes.
- *Short-term shelter for girls who are victims of child sexual exploitation.* Several jurisdictions have short-term shelters or group homes specifically designed for girls who have experienced commercial sexual exploitation — a population of girls with unique service needs. The shelters are typically run by the child welfare system reflecting the view that these girls are victims who should not be criminalized through the juvenile justice system. Atlanta, San Francisco, Multnomah County and New York have these targeted shelters, and the approach is supported by federal efforts and recent state safe harbor laws.<sup>32</sup>

### Reception/Triage Centers

Reception centers were pioneered as a JDAI reform by Multnomah County in 1998 and have been used since by JDAI sites to divert youth charged with status offenses and minor misdemeanors from detention and increase their connections to community-based voluntary services. Reception centers are typically run by community-based agencies in cooperation with the juvenile justice agency and law enforcement, which agrees to bring qualified youth to the reception center rather than detention. Youth are typically screened and offered services, and workers reach out to families in an effort to enlist them in social services as needed. Reception centers, like all well-run programs, track participating youth to ensure that their efforts do not widen the net of youth entering the official system, but rather, provide an alternative and reduce the use of detention.

- In 2007, Pima County implemented the Domestic Violence Alternative Center as a reception center with a focus on youth charged with domestic violence. Consistent with national data showing the growing numbers of girls being charged with domestic battery, girls comprised 39 percent of youth referred to the center from 2007–2010. Youth charged with domestic violence and referred to the center are less likely to be detained than youth not referred, indeed, only 10 percent of youth referred for domestic violence were detained. Rather, most youth are screened and, with their families if possible, provided services (including respite care in many cases) to address the causes of family violence.

### Evidence-Based Treatment

Among the most important developments in juvenile justice over the past 25 years has been the emergence of targeted treatment models that consistently reduce the reoffending rates of delinquent youth when tested against traditional approaches. Multisystemic Therapy (MST) and Functional Family Therapy

(FFT) are intensive nonresidential interventions providing family-focused therapy for delinquent teens and their families. Both cost far less than detention, correctional confinement, or placement into group homes and residential treatment centers, and both have shown consistently better outcomes in a series of clinical trials dating back to the 1970s (FFT) or 1980s (MST). Research shows that MST and FFT are effective for boys and girls.<sup>33</sup> Multidimensional Treatment Foster Care (MTFC), an intensive foster care intervention, has proven far more effective than group home placements and other alternatives, substantially reducing subsequent placements into residential treatment or correctional confinement. MTFC has been evaluated specifically with girls, and results have been highly favorable both in terms of youth outcomes and taxpayer savings. Given the strong outcomes, access to these and other evidence-based therapies can only benefit girls. And, though these therapies are not appropriate as alternatives to detention, they can substantially reduce detention admissions for girls by lowering their reoffending rates.<sup>34</sup> However, experts on gender-responsive treatment for girls in the delinquency system caution that evidence-based models should be chosen based on their fit with the underlying needs and characteristics of female offenders — and should be modified to best suit the needs of girls.<sup>35</sup>

#### **CASE MANAGEMENT: Adopt Complementary Practices that Reduce Overreliance on Detention and Improve Outcomes for Girls**

The reform strategies cited thus far encompass two of the three key elements for JDAI jurisdictions in building a detention reform work plan for girls — reducing detention admissions of girls with limited offending histories, and improving outcomes of court-involved girls through enhanced programming. The third set of needed reforms involve complementary practices that can increase the success rates of girls in detention alternatives and probation programs, improve interagency coordination for girls involved in multiple systems, reduce lengths of stay in detention, and identify (and eliminate) practices that may inadvertently disadvantage girls in the detention process.

### **7. CREATE GENDER-SPECIFIC (GIRLS-ONLY) PROBATION CASELOADS**

**Problem:** Because boys make up the majority of probation caseloads, and girls often present very different needs and personalities than boys, probation officers serving a mixed caseload of boys and girls may be ill-prepared to serve girls effectively.

**Reform:**

- Across the country, a number of probation departments in JDAI sites (as well as other jurisdictions) have begun separating girls into gender-specific probation caseloads. Among them are Santa Cruz, Cook County, Dallas, Kansas City and Multnomah County. Although each jurisdiction's approach is different, all respond to data showing high rates of girls' detentions for violations of probation. Typically, these jurisdictions have conducted a site-specific needs assessment using data on the needs of local girls, and they provide specialized training to probation officers (usually women) who are

assigned to the girls' caseloads. In addition, the sites provide gender-responsive programming such as Girls Circles, provide mentoring relationships for girls and often use a positive youth development model, working with community organizations to provide services to girls in the community.<sup>36</sup>

## 8. IMPROVE INTERAGENCY COORDINATION TO BETTER MEET GIRLS' NEEDS

**Problem:** Not surprisingly, given their propensity to suffer with past abuse, mental health problems, substance abuse and other social service needs, court-involved girls are often involved in multiple human services systems simultaneously, and they often require assistance from multiple service providers. In many cases, however, coordination and communication between agencies is weak, and juvenile justice may become the de facto dumping ground for high-need girls even when their offending histories are minor.

### Reforms:

#### Cross-Agency Data Sharing

In many cases, juvenile court and probation officials are hampered in their efforts to serve girls (and boys) with abuse histories or mental health conditions due to lack of information from these youths' past and current cases with the local child welfare or mental health agencies. By forging data sharing agreements, the court can target services to girls' individual needs and create the potential for a coordinated process to serve girls holistically.

- After years of anecdotal knowledge that many youth in the Massachusetts detention system were also in the custody of the dependency system as a result of a protective case, Massachusetts's juvenile justice and child welfare agencies (the Departments of Youth Services and Children and Families, respectively) reached an information sharing agreement through which the two agencies now identify any youth who is in dependency custody when they are screened for detention. The agreement also allows the two agencies to work together to identify placements other than detention for youth (often girls) arrested on lesser charges.

#### Interagency Planning and Case Management

As in Massachusetts for crossover youth with dual involvement in the juvenile justice and child welfare systems (see above), interagency communication and coordination can be invaluable in improving the care and treatment provided to youth (especially girls) with deep human and social service needs, and those who have been victims of child sexual exploitation.

- Many JDAI sites hold interagency placement meetings prior to, or quickly after, detention of any youth in dependency custody who is referred to detention. In Kansas City, this innovation was a response to data analysis showing significant overlap among dependency and delinquent girls, many of whom had multiple out-of-home placements prior to the detention referral and following detention. In Clayton County, Georgia, FAST (Finding Alternatives for Safety and Treatment) Panels, including

the child welfare and mental health systems, community volunteers and family members, meet and recommend to the Juvenile Court alternatives to detention and ways to engage social services for youth who would otherwise be detained. Multnomah County, a JDAI model site, pioneered interagency collaboration to reduce unnecessary detention in their “11:30 meeting” and Alternative Placement Committee (see *Pathways #13*).

- In Boston, the SEEN Coalition of the Suffolk County Children’s Advocacy Center works across the delinquency, dependency, law enforcement, defense and health systems and with community-based organizations experienced in advocacy and treatment to increase awareness and services to girls who are victims of commercial sexual exploitation. Rather than charging these girls with crimes related to prostitution and placing them in detention, there is an agreement through the SEEN Coalition to treat them as abused youth and provide them with counseling and other services through the dependency system.<sup>37</sup>

## 9. REDUCE GIRLS’ LENGTHS OF STAY IN DETENTION

**Problem:** Despite the fact that most girls placed in detention have not been accused or adjudicated for serious crimes, many girls languish for long periods in locked detention — at great expense to taxpayers and significant cost to the girls’ well-being.

### Reforms:

#### Employ Case Expeditors for Girls Awaiting Placements

Because there are relatively few girls in the juvenile justice system compared with boys, many jurisdictions have fewer post-disposition options for girls. As a result, many girls suffer long lengths of stay in detention as they wait for post-disposition placement. This post-disposition “dead time” disrupts education and treatment and in many cases is unnecessary because dispositions to home or home-like care with community services would accomplish the treatment goals more effectively.

- To address this challenge, some JDAI jurisdictions have assigned a “case expeditor” to reduce girls’ lengths of stay awaiting placement by developing post-disposition release plans and working with organizations in the community to expand the range of community options for girls in the justice system, avoiding out-of-home and out-of-community placement in many cases. Girls case expeditors may be based in the Probation Department (Clark County and Dallas) or in the Public Defender’s Office (San Francisco).

#### Limit the Use of Detention for Mental Health Evaluations

In many jurisdictions, courts order youth with mental health needs (many of them girls) into detention to receive a mental health evaluation. Detention to facilitate a mental health evaluation is inconsistent with the lawful purposes of detention and is often ordered to simplify access to the youth for the



evaluator, without an appreciation of the harm detention can cause a girl (or boy) particularly if she is already experiencing mental health issues. Simple reforms can eliminate or reduce this practice.

- Through improved case coordination and in-court advocacy, JDAI sites can uncover existing evaluations and remove the need for a new evaluation. By looking closely at the nature of these prior evaluations, sites can eliminate delay and streamline the evaluation process. For example, in response to a study showing that too many mental health evaluations were being conducted for court-involved youth, resulting in frequent detentions and delays, Cook County established a court clinic coordinator to triage evaluation requests, determining whether they are needed and if so how to conduct them most expeditiously. As a result of this reform, the average time to complete a mental health evaluation was cut in half from 12–14 weeks. Likewise, after determining that courts were routinely ordering new mental health evaluations, causing unnecessary and excessive delays, Connecticut established a clinical coordinator position in 2007 within its juvenile courts. A subsequent analysis found that courts with the clinical coordinator reduced re-evaluations by 61 percent, saving the state in excess of \$379,000 in a single year. Moreover, since the clinical coordinator was able to reduce the number of missed evaluation meetings, the state saved an additional \$103,488 in evaluators' charges that used to be incurred when children failed to show for scheduled evaluation meetings.<sup>38</sup> Meanwhile, more effective use of Medicaid and community-based health services can provide funding for evaluations in the community and eliminate the need for detention.

## 10. ADOPT SAFE HARBOR LAWS FOR GIRLS VICTIMIZED BY CHILD SEXUAL EXPLOITATION

**Problem:** Because it is a “low visibility crime” and data are kept inconsistently, the incidence of commercial sexual exploitation among girls in the United States is not known with any precision. But experts agree that the problem is significant. Many JDAI jurisdictions have been grappling with the challenges posed by this uniquely victimized population of youth (predominantly girls) for over a decade and the need to reduce their entry into the criminal justice system. Recently, increased public attention to the issue has heightened local awareness and created an urgent need to respond. Although there is consensus that girls who are commercially sexually exploited are victims, many of them are detained in an effort to protect them from further exploitation on the street or to gain their cooperation as witnesses against the pimps who have exploited them. Secure detention can expose these girls to unnecessary trauma and is inconsistent with best treatment practice.<sup>39</sup>

### Reform:

- *Organizing to enact comprehensive, service oriented, “Safe Harbor Laws.”* Safe Harbor Laws are designed to remove girls from situations in which they are commercially sexually exploited and to provide them legal protection, services or compensation as victims. These comprehensive laws have been passed recently in New York, Illinois, Massachusetts, Connecticut and Washington. They are a strong statement of policy against detention of girls who are victims of commercial sexual exploitation (CSEC)

while attempting to address their needs through social services systems. JDAI sites struggling with this issue and gathering data about detention utilization for girls are in a unique position to aid reform efforts promoting safe harbor legislation and eliminating detention of sexually exploited girls in their jurisdictions.

## II. REVIEW ALL OTHER POLICIES AND PRACTICES, AND CHANGE THOSE THAT HARM GIRLS

**Problem:** Because the overutilization of detention for girls is most often a problem of unintended consequences, JDAI sites must be always on the lookout to identify and correct rules, practices and procedures that may be impacting girls counterproductively. Indeed, JDAI sites have often found that careful review of existing policies for their impact on girls can identify “low hanging fruit” — policies and practices that have an unintended, negative impact on girls’ detentions and can be easily changed by the court or juvenile justice department.

### Reforms:

- One example of this was a policy in Washoe County, Nevada, that prohibited placement of a girl in a nonsecure shelter if she had already been placed in that shelter and run from it. According to the policy, when a girl was apprehended after a run from the shelter, detention was required. To foster continuous, supportive relationships and teach girls problem-solving, staff determined that returning these girls to the shelter would be a better practice. Staff at the shelter agreed. A simple revision of the Department of Juvenile Justice policy reversed this practice, reduced detentions of runaway girls and provided those girls with improved services.
- In Bernalillo County, New Mexico, local officials determined that youth with serious mental health issues — many of them girls — were often failing in detention alternative programs or on probation after release from the locked detention facility. Typically, these youths improved their behavior significantly during their time in detention, says Bernalillo detention director, Tom Swisstack, thanks to the counseling and medications management they received from the detention center’s mental health staff. However, youths’ behavior often deteriorated after release, in large part because detention and probation officials were unable to ensure continuity of treatment. To change this dynamic, Bernalillo County leaders created a new, licensed mental health clinic adjacent to the detention center, and this clinic now provides counseling, case management and medications management to hundreds of youth per year — helping to ensure continuity of mental health care for youth with mental health issues.

## CONDITIONS OF CONFINEMENT:

### Improving Conditions and Services for Girls in Locked Detention

In addition to all of the above reforms to minimize unnecessary or excessive detention of girls, addressing conditions of confinement for girls in locked detention will be another key focus for JDAI girls work

groups. Unfortunately, because girls are a relatively small segment of most detention systems and have specific needs that are not well understood by many detention administrators, detention conditions for girls have posed a challenge for many JDAI jurisdictions. To meet this challenge, JDAI sites should focus on girls detention units as a core element of their facility self-assessments — described in *JDAI Practice Guide #2* and the *JDAI Revised Guidelines for Facility Self-Assessment*. (See Appendix C on p. 76.) Sites that have focused on conditions of confinement for girls have implemented reforms to promote equity in detention conditions and programming, meet girls’ reproductive health needs and address the needs of LGBT girls in detention.

## 12. ENSURE EQUITY IN CONDITIONS AND PROGRAMMING

**Problem:** Because girls may be a very small share of the detained population, many detention centers are ill-equipped to provide them with adequate or equal facilities for education, health, hygiene, recreation and more.

### **Reform:**

- In 2006, after a decade of conditions litigation, Rhode Island closed its old detention facility and opened a new detention center (Youth Development Center, YDC). YDC was designed according to current standards and houses state-of-the-art medical and educational wings as well as vocational programming and culinary arts facilities. However, due to the size of the male population, girls were housed in a much older wing of a state mental health facility up the street from the new YDC. A full detention assessment with a gender focus detailed inequities in girls’ access to education, fitness facilities and medical facilities. In addition, unlike boys, the girls were housed in an old, overcrowded physical space. At the same time, JDAI was taking hold in Rhode Island, resulting in dramatic reductions in the detention population of boys and girls. These reductions and advocacy relying on the detailed girls facility assessment prompted the state to close the girls’ unit in the old building and relocate the girls, whose population was also declining, into their own unit within the new YDC.

## 13. ADDRESS REPRODUCTIVE HEALTH NEEDS OF GIRLS IN DETENTION

**Problem:** Girls involved in the juvenile justice system often have children or are currently pregnant, and many suffer with sexually transmitted infections that require diagnosis and treatment.

### **Reform:**

- Cook County collects data about the needs of girls in detention to assist in programming for those girls who must be detained. A point in time review of that data showed that a quarter of detained girls were pregnant. At the same time, the detention health unit reported that one in four girls in detention had tested positive for chlamydia and/or gonorrhea. Based on these data, the Juvenile Justice Department collaborated with the Chicago Women’s Health Center to create a 20-week curriculum

covering, among other things, hygiene, pregnancy, STIs, preventative health care, sexuality, intimate partner violence and safety. In addition to the obvious educational and health benefit of the curriculum, the partnership with the Chicago Women's Health Center allows girls to develop connections to a community-based reproductive health service that they can use going forward.

#### 14. MEET THE NEEDS OF LGBT GIRLS IN DETENTION

**Problem:** Court-involved girls are far more likely than court-involved boys to report being LGBT. National data show that 15 percent of all youth in the juvenile justice system report having lesbian, gay, or bisexual sexual orientations; questioning their gender orientation; having a transgender identity; or having a nonconforming gender expression. Compared with 11 percent of boys, 27 percent of girls in the juvenile justice system reported being LGBT.<sup>40</sup> Aware of this national data, JDAI sites are developing policies and programs for equitable treatment of LGBT youth in detention.

**Reforms:**

- Cook County developed a LGBT Court Involved Task Force, which includes a broad collaboration of system and community agencies. The group develops policies, provides training and monitors conditions for this often “invisible” detention population.
- In California, Santa Clara County has developed a model policy on housing transgender youth with their gender identity rather than birth gender.

## A GIRLS WORK PLAN FOR BARNES COUNTY

As detailed in Chapter III, the data analysis for Barnes County girls identified three key girls detention reform issues:

1. Detention of girls for family-based violence;
2. Excessive use of overrides into detention for low-risk girls; and
3. Probation violations driving girls into detention.

Detailed data analysis, including a review of material in case files, helped Barnes better understand the dimensions of these issues, and it provided the basis for helping Barnes County leaders to identify effective and promising detention reform practices they can incorporate into their girls detention reform work plan.

The first step Barnes took to develop its work plan was to describe the issues they identified through data analysis in sufficient detail to suggest reforms that might be effective. Based on the case file analysis completed (see Appendix B on p. 69), Barnes learned the following;

### I. Detention of Girls for Family-Based Violence in Barnes

- Domestic disputes are the primary factor in girls' detentions for person offenses and mother-daughter conflict comprises a significant share of this.
- Many of these girls and their families have current and/or past DCF involvement.
- The vast majority of the girls detained for family-based person offenses have histories of running away.
- Many of the girls have mental health diagnoses or substance abuse issues.
- Many of these girls have a history of sexual victimization.

With these facts in mind, Barnes County's work group members consulted available resources on effective and promising practices for girls, as well as the literature regarding evidence-based and gender-responsive practices, and they selected the following reforms to address the overuse of

detention for girls experiencing family-based violence:

- **Data sharing agreement with DCF.** To ensure the decision makers have access to all pertinent information about crossover girls with DCF involvement, Barnes County officials developed a data sharing agreement to identify all girls on probation and screened for detention that are, or have been, in DCF custody. The agreement will facilitate the development of collaborative programmatic reforms with DCF, such as reception center, Inter-agency placement meetings, trauma-based treatment, and short-term girls' shelter (all described below), and thereby lead to fewer detention admissions for girls with a history of family violence and/or DCF involvement.
- **Reception center for referrals of family-based violence.** Rather than being detained, girls (and boys) charged with family-based violence will be taken by law enforcement to a reception center for screening and

referral. The reception center, which will contract with family crisis and support services, will be located in the community where Barnes County's data analysis showed that girls detained over family-based violence most frequently reside. Most important, in terms of reducing detention, Barnes will implement a new policy requiring intake at the reception center before any young person can be detained for domestic battery or any other family-related assault charge.

- **Trauma-informed cognitive behavioral therapy for girls.** This evidence-based practice, to be provided through the reception center, will target girls with trauma backgrounds and mental health issues, and those experiencing family violence. It will be developed and offered in collaboration with DCF.
- **DCF/DJJ interagency placement meetings.** For all girls who are charged with family-based violence while in the custody

of DCF, staff at the reception center will plan and coordinate a joint placement meeting to ensure that both juvenile court and child welfare staff share information and work together to devise an optimal plan. This process should expand and target social services available to girls in chaotic families, and also minimize the use of detention for this population.

- **Foster care and short-term shelter care for girls.** The final reform in Barnes County to address the overuse of detention for girls related to family violence will be to identify other potential placements either through purchase of shelter beds, foster care or through stronger efforts to place girls with extended family members. As detailed in this practice guide, nonsecure shelter space often represents a superior option for girls with deep needs and a propensity for running away, but no history of violence or serious offending.

## 2. Excessive Use of Overrides into Detention of Low-Risk Girls in Barnes

- Quantitative data analysis showed that 41 percent of girls are detained based on an override of a low-risk score.
- Case file analysis of the reasons provided for overrides of low-risk girls into detention showed that they were primarily overridden into detention due to histories of running away. Many of the girls were on probation for status and misdemeanor offenses at the time of the detention override, and many had warrants for failing to meet with probation officers.
- Reasons for girls' overrides differed from boys. Boys were overridden into detention at lower rates (10 percent of boys' overrides due to running away vs. 60 percent of girls' overrides).

The reforms identified above for girls involved in family-based violence will also address Barnes County girls' overrides into

detention because the reasons for overrides (and needs of overridden girls) correspond with those of girls detained for family violence. In addition to the reforms above, Barnes will implement the following reforms to specifically address the use of overrides for girls.

- DJJ will impose a new policy against formal probation for status offenders.
- The county will impose new controls on the use of overrides, including a specific list of possible override reasons and a daily review of files of girls detained on overrides.
- Barnes County will create a tiered warrant system, which will no longer mandate detention when warrants are issued for failure to meet with a probation officer.

### 3. Probation Violations Driving Girls into Detention

- Quantitative data analysis showed that 30 percent of girls' admissions to detention

and 45 percent of the average population of girls were involved in probation violations.

- Analysis of probation files found that 90 percent of girls' probation violations were technical (something other than a new crime). Sixty percent of those detained for technical violations of probation were originally placed on probation for status offenses or misdemeanor offenses.
- The most common technical violations of probation among girls were AWOL, curfew violation and truancy.
- Many girls detained for technical violations had trauma histories and DCF histories or current involvement.

Many of the reforms identified to address detention of Barnes County girls for family-based violence and their detention on overrides should also reduce detentions of girls for technical violations of probation stemming from AWOL, curfew violations and truancy among girls with trauma histories. In addition to

the reforms already enumerated, Barnes will implement the following reforms designed to reduce girls' detention for technical VOP and promote girls' success on probation:

- Change county policy to eliminate automatic detentions for warrants.
- Institute a response grid with both incentives for positive behavior and responses other than detention for technical violations.
- Develop a Girls Circles program for girls on community probation.
- Establish a female-only probation unit.

For all of these reforms, Barnes has clearly defined goals and identified data elements needed to evaluate success. Barnes DJJ will monitor its success in collaboration with the local university and plans to evaluate implementation of its girls detention reforms regularly so it can modify reforms as needed to achieve the desired results.

## BARNES COUNTY GIRLS WORK PLAN

Reform Item	Indicators	Resources	Timeframe	Measurable Outcomes
<b>1. Issue: Girls are being detained for family based violence.</b>				
Data sharing agreement with DCF.	DCF staff with decision making authority member of Girls Work Group.	JDAI Model Sites JDAI Help Desk	3 Months	Agreement signed and implemented.  Data about "crossover" girls shared.
Reception center for referrals of family-based violence.	Community agency for Reception Center identified and contract developed.	Independent Evaluators (Barnes University) JDAI Model Sites	1 Year	Girls charged with Domestic Battery and family based assaults are not detained.  No net-widening
Trauma-informed cognitive behavioral therapy for girls.	Collaboration with DCF, DMH and Dept. of Public Health.  Community mental health provider identified and contract developed.  System training in Trauma Informed Approaches.	National Child Traumatic Stress Network  University Partners  Federal grant support	1 Year	Girls charged with Domestic Battery and family based assaults are not detained.  No net-widening
DCF/DJJ interagency placement meetings.	DCF staff with decision making authority party to Girls Work Group.  Interagency agreement to convene placement meetings.	JDAI Model Sites	3–6 Months	Girls charged with Domestic Battery and family based assaults are not detained.  Brief placements in least restrictive setting for girls needing out-of-home placement.
Foster care and short-term shelter care for girls.	Agreement with DCF and Court to use kinship care and foster care for girls needing out of home placement.  Collaboration with community based agencies to develop specialized foster and group care for runaway girls and sexually exploited girls.	JDAI Model Sites  Independent Evaluators (i.e., Barnes University)	3–6	Girls charged with Domestic Battery and family based assaults are not detained.  Brief placements in least restrictive setting for girls needing out-of-home placement.
<b>2. Issue: Excessive use of overrides into detention for low risk girls.</b>				
Eliminate formal probation for status offenders.	DJJ drafts and implements policy.  Probation officer and court trained on policy.	JDAI Model Sites JDAI Help Desk and Technical Assistance	3 Months	No girls on formal probation for status offenses.  Girls not detained for status offenses or VOP on status offenses.
Controls on the use of overrides, including a specific list of possible override reasons, and a daily review of files of girls detained on overrides.	DJJ drafts and implements override rules.  Quality control mechanism in place.	JDAI Work Group JDAI TL/TA JDAI Model Sites	3–6 Months	Reduced detentions of girls for overrides to RAI.
Tiered warrant system, which will no longer mandate detention when warrants are issued for failure to meet with a probation officer.	Tiered warrants developed and implemented.	JDAI Work Group JDAI TL/TA JDAI Model Sites	3–6 Months	Reduced girls detentions for warrants.  Reduced FTA.



**BARNES COUNTY GIRLS WORK PLAN continued**

Reform Item	Indicators	Resources	Timeframe	Measurable Outcomes
<b>3. Issue: Probation violations driving girls into detention.</b>				
Eliminate automatic detentions for warrants.	RAI revised to eliminate automatic detentions for warrants. Quality control for RAI implementation in place.	JDAI TL/TA JDAI Model Sites	3 Months	Reduced detentions of girls for warrants.
Response grid with incentives for positive behavior and responses other than detention for technical violation.	Girls Work Group & DJJ develop Response Grid. Probation officers trained on grid. Quality control mechanisms in place for implementation.	JDAI TL/TA JDAI Help Desk JDAI Model sites	6 Months– 1 Year	Reduced detentions of girls for technical violations of probation. No net-widening.
Girls Circles program for community probation.	Girls Circles training for staff. Girls Circles established for girls on probation.	Girls Circles JDAI Sites.	3 Months	Reduced detentions for violations of probation. No net-widening.
Female-only probation unit.	Establish female only case-load. Train probation officers in gender-responsive programming. Contract with gender-responsive community based programs for girls on probation.	JDAI Sites Gender-responsive programming literature and data bases.	6 Months– 1 Year	Reduced detentions for violations of probation. No net-widening.

## Conclusion

Chapter III of this practice guide detailed a methodology for data analysis that JDAI sites can use to understand detention utilization for girls and pinpoint issues for reform. Chapter IV provided descriptions of many best and promising practices sites might adapt or adopt as part of the girls detention reform work plan they will devise to address the issues identified through data analysis.

Implementing the work plan is not the final step, however. Indeed, the process of optimizing detention reform for girls has no final step: rather, sites must continue to monitor, re-evaluate and revise those reforms on an ongoing basis. Only through continual monitoring and evaluation can site leaders know whether a reform is successful. Equally important, the data uncovered through ongoing monitoring will provide data from which sites can modify their reforms and make them more successful. A first attempt at reform rarely hits the mark in every way. Tweaks, modifications and sometimes entirely new approaches — grounded in new evidence — will typically be required to optimize the system.

A process for monitoring and evaluation must be built into the reform plan from the very beginning, and it must be an integral part of reform implementation. This concurrent planning is important so sites have the data and data capacity needed to measure results. For each reform, sites should *identify goals* and the *elements needed to determine whether those goals are met*. Sites must then gather the data needed to determine how well goals are being met and — if they are not being met — provide information to help local staff determine where the shortfalls may lie.

Monitoring and evaluation might be accomplished in-house or in conjunction with a local university. It is often helpful to seek outside help with evaluation to ensure its objectivity and to benefit from a fresh perspective. As discussed in Chapter III, the needed data might be quantitative or qualitative.

Particularly early on in the implementation process, it is essential that the girls work group meet regularly — at least every month — to review the initial data on how well the new reforms are achieving their goals, identify any problems or impediments that have arisen, maintain momentum and make needed changes. Once most or all of the reforms have been adopted, the group should conduct an in-depth review — preferably within a year — to thoroughly examine results, make additional adjustments and decide whether any major changes are required. Then, the group should continue to collect relevant data on an ongoing basis, and it should reconvene at least twice per year to discuss the jurisdiction's progress in meeting girls' needs and minimizing the overuse of detention for girls.

In addition to helping sites adjust and improve their programming, this kind of rigorous monitoring is important for two other reasons. First, the focus in juvenile justice is increasingly on evidence-based practice. Collecting evidence to document the impact of a particular girls detention reform will be invaluable for JDAI sites as they seek grant funding from government agencies or foundations for ongoing

implementation. Second, careful monitoring will be critical for JDAI sites in their advocacy efforts with policymakers: only by developing an evidence base to document both the current inadequacy of detention practices for girls and the progress available through targeted reforms will local JDAI jurisdictions be able to make an effective case for needed change.

Through their experience in the JDAI movement and the expertise they have developed with data-driven reform and reflective practice, JDAI jurisdictions are in a unique position to advance the field for girls in the justice system. Ongoing monitoring and evaluation of girls detention reform to generate evidence are critical to that effort.<sup>41</sup>

## Barnes County Quantitative Data Analysis

In its efforts to answer the identified research questions, Barnes County staff compiled a number of additional spreadsheets, each breaking down and cross-referencing the data to further illuminate trends affecting the treatment of girls.

The spreadsheets included:

1. An analysis of utilization and success rates for girls (and boys) in detention alternative programs;
2. Analyses of both average daily population and average lengths of stay for girls (and boys) for each offense within misdemeanor and felony person offense categories;
3. Analyses of both average daily population and average lengths of stay for girls (and boys) broken out by reason for referral to juvenile court (delinquency offense category, status offense, probation violation, warrant);
4. An analysis of overrides for girls (and boys) broken down both by the reasons for the youths' referrals and the justification for the judge's overrides;
5. An analysis breaking down the RAI scores for girls (and boys) by the various subcomponents of the RAI formula;
6. An analysis comparing the rate at which girls (and boys) were returned to detention due to new offenses vs. probation violations or warrants or technical violations.

As with the three tables in the initial data scan, all of the spreadsheets were disaggregated by racial and ethnic groups to identify disparities. (If Barnes used the QRS, the analysis listed above in 3 and 4 would already be available through the initial data scan.)

Probably the most revealing information came from the spreadsheet compiled by Barnes County JDAI staff to determine whether girls in Barnes County were frequently being charged with home-based assaults arising from conflict in their homes. The table (on p. 67) disaggregated the data for girls (and boys) accused of specific person offenses and tracked detention outcomes. The analysis showed that 80 percent of girls referred to juvenile court for person offenses were charged with misdemeanor assaults (this data was clear in Tables 1 and 2), most often domestic battery charges. This lent support to the notion that the person offense charges against girls were often connected to domestic disputes and family conflict. However, to confirm this finding and to develop a well-tailored response, Barnes leaders decided that an analysis of case files is needed. (The process for case file analysis is described in Appendix B on pp. 69-75.)

**TABLE #4: BARNES COUNTY DEPARTMENT OF JUVENILE JUSTICE SERVICES**  
 Person Offense Detail for Detained Youth 1/1/2011—3/31/2011 (1)

	PERSON OFFENSE (FELONY)				PERSON OFFENSE (MISDEMEANOR)				TOTAL
	ASSAULT 1ST		ASSAULT 2ND		ASSAULT 3RD		DOMESTIC BATTERY		
	#	%	#	%	#	%	#	%	
Female	2	8.00	3	12.00	4	16.00	16	64.00	25
Black (2)	1	7.69	2	15.38	2	15.38	8	61.54	13
Latino	0	0.00	1	25.00	1	25.00	2	50.00	4
Asian	0	0.00	0	0.00	0	0.00	1	100.00	1
White	1	14.29	0	0.00	1	14.29	5	71.43	7
Other	0	0.00	0	0.00	0	0.00	0	0.00	0
<i>TOTALS</i>	<i>2</i>		<i>3</i>		<i>4</i>	<i>16.00</i>	<i>16</i>	<i>64.00</i>	<i>25</i>
Male	15	21.43	35	50.00	18	25.71	2	2.86	70
Black	6	24.00	12	48.00	7	28.00	0	0.00	25
Latino	3	18.75	9	56.25	4	25.00	0	0.00	16
Asian	1	25.00	2	50.00	1	25.00	0	0.00	4
White	5	20.83	12	50.00	5	20.83	2	8.33	24
Other	0	0.00	0	0.00	0	0.00	0	0.00	0
<i>TOTALS</i>	<i>15</i>	<i>21.43</i>	<i>35</i>	<i>50.00</i>	<i>18</i>	<i>25.71</i>	<i>2</i>	<i>2.86</i>	<i>70</i>
<i>Grand Total</i>	<i>17</i>	<i>17.89</i>	<i>38</i>	<i>40.00</i>	<i>22</i>	<i>23.16</i>	<i>18</i>	<i>18.95</i>	<i>95</i>

1 – The chart counts RAIs administered during a particular quarter of a particular year.

2 – Use race categories from the JDAI management reports.

Another revealing spreadsheet focused on the use of detention for girls charged with technical violations of probation in Barnes County. Examining girls on probation, the table compared likelihood of detention return within one year for technical violations with likelihood of return for new offenses. As with all of Barnes County’s analyses, these were cross-referenced by gender and race/ethnicity categories. These data reveal the following:

1. During the year measured, girls on probation returned to detention for technical violations an average of 2.9 times — nearly three times as often as they returned to detention for new offenses.
2. The number of times that girls on probation returned to detention was different across race/ethnicity categories — African-American girls returned to detention for technical violations 3.1 times in one year compared to white girls who returned to detention for technical violations 2.7 times on average.

**TABLE #5: BARNES COUNTY DEPARTMENT OF JUVENILE JUSTICE SERVICES**  
 Detention Returns 1/1/2011—12/31/2011 (1)

	Average Number of Times Girls Returned to Detention in One Year for New Offenses	Average Number of Times Girls Returned to Detention in One Year for Technical Violations	TOTAL (4)
	# (2)	#	
Female	0.90	<b>2.90</b>	<b>2.20</b>
Black Female (3)	1.10	<b>3.10</b>	<b>2.30</b>
Hispanic Female	0.80	2.95	<b>1.80</b>
Asian Female	0.40	1.90	<b>1.90</b>
White Female	0.75	<b>2.65</b>	<b>1.70</b>
Other Female	0.70	2.50	<b>1.50</b>
Male	1.90	1.30	<b>2.80</b>
Black Male	2.20	1.40	<b>3.10</b>
Hispanic Male	2.10	1.35	<b>2.50</b>
Asian Male	1.30	1.10	<b>2.70</b>
White Male	1.60	1.30	<b>2.60</b>
Other Male	1.80	1.35	<b>2.50</b>

This chart shows detention returns broken down by gender, type of offense and race/ethnicity.

1 – This chart covers a particular year.

2 – Detention returns are calculated by averaging the number of times each subgroup is booked annually.

3 – Use race/ethnicity categories from the JDAI management reports.

4 – This total should be the average number of detention returns for the total population.

## Barnes County Case File Analysis

After reviewing the quantitative findings, Barnes County's girls work group decided to undertake a case file review to explore three key research questions in greater depth:

1. After learning that 80 percent of girls sent to detention for person offenses were charged with domestic battery or misdemeanor assaults, the work group wanted to determine: *How many of these person offenses resulted from domestic disputes and altercations within the girls' own families, and what were the circumstances of girls detained over low-level, family-related person offenses?*
2. Given the data showing the high rate of overrides into detention for girls (41 percent), the girls work group chose to examine: *Why were so many girls being overridden into detention despite low or moderate RAI scores and limited offending histories?*
3. Based on the data showing that 30 percent of girls' admissions to detention and 45 percent of the average population of girls in detention involved probation violations, the work group undertook case file analysis to examine: *What were the factors responsible for girls' frequent returns to detention due to probation violations and for the long lengths of stay in detention among girls detained for violations?*

Each of the questions required its own sample, data compilation and analysis — following the process described in Chapter III. For purposes of brevity, only the first of the three case file analyses — determining the extent to which domestic disputes are responsible for girls' detentions for person offenses — will be described here in detail.

### Determining the Role of Family Conflict in Girls' Detention

As noted earlier, 31 percent of girls' detentions in Barnes County involved person offenses, and 80 percent of girls detained with person offenses were charged with misdemeanor assaults, most often domestic battery. Quantitative analysis also revealed that 50 percent of girls had been detained at least once before within the previous 12 months.

Given that many (and perhaps most) of these girls' charges arose out of family conflict, the Barnes girls work group suspected that a substantial share of these girls' cases might be better handled in the child welfare system or with family-based services. Work group members decided to review case files in order to better understand these cases — a critical step toward creating a work plan to help avoid unnecessary detentions and better serve girls in cases triggered by family conflict. Once Barnes understands the context of these girls' offenses, possible solutions might be: improved interagency coordination with DCF; foster homes or temporary shelter beds for girls with domestic violence charges who cannot immediately return home, a reception/triage center focused on cases of domestic battery. (These and other reform

strategies are discussed in Chapter IV.) In addition to the case file review, Barnes conducted a review of its policies to determine, for example, whether there was a policy or statute requiring detention in cases of domestic battery.

**Selecting a sample.** Because this analysis was focused only on the situations affecting girls, Barnes County did not need to do a comparative study of boys for this analysis.\* Rather, staff identified a random sample of girls detained for any level of assault or domestic battery, selecting every tenth girl from all girls' detentions from January 1–June 30, 2011, giving them a total of 25 girls. (For the purposes of this illustration, the table below shows data for only 10 girls from that total sample.)

**Reviewing case files and compiling notes in a free form text table.** Once the sample was selected, the Barnes County girls work group met and identified variables they believed would better help them understand whether these girls were living in violent or chaotic homes and what a more effective response would look like. They wanted to know the following:

- Who was the alleged victim?*
- Did the girl (or family) have a history in the child welfare system?*
- Was there a documented history of family violence?*
- Did the girl (or her siblings) have a history of out-of-home placements?*
- Where was the girl placed after detention?*
- Did the girl have a history of violence at school?*
- Did the girl have a history of running away?*
- Had any reasons for family conflict been identified in the file?*
- Has the family received social services and if so, what services?*
- Were these girls returning to detention?*

Unfortunately, Barnes County's Departments of Juvenile Justice and Children and Families did not have a data sharing agreement, so girls work group members could not access the girls' child welfare files. Instead, they focused on the variables most often available in the probation case files. (At the same time, juvenile probation officials began discussions with the Department of Children and Families to work out a data sharing agreement so they could more fully understand this subset of girls, as well as other shared cases, going forward.)

The work group then began to review probation files and record relevant information into a free form text table (see p. 71). Through this process, work group members learned which types of information were contained in the case files typically, and which were missing (or kept inconsistently). This process helped the work group to begin identifying common patterns in these cases, and it greatly simplified their next task: to develop the spreadsheet quantifying these variables.

\*The case file analyses regarding detention overrides and returns to detention for probation violations did require a comparison between girls and boys. For those analyses, Barnes County staff selected random samples of girls and boys.



**TABLE #6: FREE FORM TEXT TABLE**  
Girls' Detentions: Person Offenses Second Quarter, 2011

Race/Ethnicity	Age	Offense	Alleged Victim	Run History	DCF Involvement	Related Text in Case File
Black	16	Domestic battery	Mother	Was missing 2 weeks, ran from group home.	School filed truant PINS, placed in DCF Temp. custody, shelter placements, group home placement.	History of truancy, questions about possible drug use. DCF worker concerned about possible commercial sexual exploitation.
Black	15	Simple assault	Not listed	Not recorded in file.	History of multiple neglect reports re: family, services offered, no active case file.	Inconsistent attendance at school, history of suspensions for swearing and violence in classroom. 2nd detention.
Black	16	Agg. assault	Peer	Run history from foster care. Runs to grandmother's home. Grandmother can't care for her due to condition of the home.	Old child welfare petition, foster care as younger child, living with grandmother off and on throughout childhood. Current case on siblings not on her.	Question mental health diagnoses, multiple medications. SPED, behavioral issues in school. History of sexual abuse by uncle. 3rd detention.
Black	15	Simple assault	Mother	Yes. Ran from foster home and group home.	None recorded.	Third detention for this girl.
White	14	Domestic battery	Mother	Yes, open PINS filed my mother.	None recorded.	History of truancy. Goes to father's house when runs. Says mother is strict. Depression. Question substance use.
White	16	Domestic battery	Sisters	Yes. History of running from foster placements.	Yes, currently in DCF custody.	Placed in foster home. She is oldest of 3 sisters. Lives with mother. Depression diagnosis, medication. 2nd detention in 5 months.
White	16	Simple assault	Peer	Yes. Mother reports she often doesn't come home, stays with boyfriend in Barnes. Doesn't answer cell.	Yes. Family history of DCF services. Not current.	Child disclosed sexual abuse when 8 by father, history of depression, 2 hospital placements.
Latina	16	Simple assault	Mother	Yes, not specific in file. PINS filed for runaway.	History in DCF custody. Currently living with grandmother.	History of sexual abuse. Questions about commercial sexual exploitation. Girl denies. Inconsistent school attendance. 3rd detention. Marijuana use.
Latina	15	Agg. assault	Friend (female)	Not recorded in file.	Family is open DCF case receiving services. No DCF custody.	Second detention. VOP, missed probation appointments. Question commercial sexual exploitation. DCF involved.
Latina	15	Domestic Battery	Siblings	Yes, girl was missing for a week from home.	No current involvement.	History of warrants, school truancy. Anxiety Disorder.

Ultimately, the Barnes County work group selected the following list of final variables:

- Race/ethnicity
- Age
- Offense
- Alleged victim
- History of running away — from home, residential facilities or other programs
- DCF history and current DCF involvement
- Current mental health and/or substance abuse issues
- Victim of sexual abuse — past history and/or current victimization
- School failure (truancy, suspension, expulsion)
- History of returning to detention
- Question of commercial sexual exploitation

With all of the data coded and entered, the final spreadsheet can be seen in Table 7 shown below, which continues on p. 73.

**TABLE #7: CASE FILE ANALYSIS DATASHEET**  
Family Conflict and Detention Utilization for Girls

ID#	Race/ Ethnicity	Age	Offense	Victim	Running away (general)	Running from placement
Provide each youth with a unique identification number. Jurisdictions should provide juvenile justice computer system numbers.	1 = black 2 = latino 3 = asian 4 = white 5 = other	1 = 14 2 = 15 3 = 16 4 = 17	1 = simple assault 2 = agg. assault 3 = domestic battery	0 = info missing 1 = mother 2 = sibling(s) 3 = father 4 = peer	History of running away or current running  1 = written in text field; 0 = not written in text field	History of running away from a program, foster, or kinship placement  1 = written in text field; 0 = not written in text field
00001	1	3	3	1	1	1
00002	1	2	1	0	0	0
00003	1	3	2	4	1	1
00004	1	2	1	1	1	1
00005	4	1	3	1	1	0
00006	4	3	3	2	1	1
00007	4	3	1	4	1	0
00008	2	3	1	1	1	0
00009	2	2	2	4	0	0
00010	2	2	3	2	1	0

Table continues on p. 73

DCF history	DCF current	Mental health	Substance abuse	Sexual abuse	School failure	Detention returns	CSEC
Family or personal history of DCF services/ custody <b>1 = personal or family history w/DCF</b> <b>0 = not written in text field</b>	Currently in DCF custody or receiving DCF services <b>1 = written in text field;</b> <b>0 = not written in text field</b>	Current mental health diagnoses or/and treatment <b>1 = written in text field;</b> <b>0 = not written in text field</b>	History or current substance abuse <b>1 = written in text field;</b> <b>0 = not written in text field</b>	History or current victim of sexual abuse <b>1 = written in text field;</b> <b>0 = not written in text field</b>	Truancy, suspension or expulsion, or other record of poor performance in school <b>1 = written in text field;</b> <b>0 = not written in text field</b>	<b>1 = history of returning to detention</b> <b>0 = no detention returns noted</b>	Question of or documentation of CSEC <b>1 = written in text field;</b> <b>0 = not written in text field</b>
1	1	0	1	0	1	0	1
1	0	0	0	0	1	1	0
1	0	1	0	1	1	1	0
0	0	0	0	0	0	1	0
0	0	1	1	0	1	0	0
1	1	1	0	0	0	1	0
1	0	1	0	1	0	0	0
1	0	0	1	1	1	1	0
1	1	0	0	0	0	0	1
0	0	1	0	0	1	0	0

Continued from p. 72

**Calculating the results.** In their final step, Barnes staff calculated the totals and averages for the selected variables and reviewed the results. The most crucial finding was to confirm local leaders' suspicions that domestic disputes were, indeed, the principal factor in the cases of most girls detained over person offenses. In 40 percent of these cases, the girls' mother was the alleged victim, and 20 percent of victims were siblings. Of the remaining cases, 30 percent involved peers, and in 10 percent of cases, information about the victim was not recorded.

The case file review also showed that, overwhelmingly, the families of these girls suffer with deep needs and problems:

- Seventy percent of the girls (or their families) had a DCF history and 30 percent had current DCF involvement;
- Perhaps related to their family problems, 80 percent of the girls had a history of running away, and 40 percent had run from a previous placement.
- The girls also suffered with high levels of mental illness and substance abuse, perhaps linked to past or current trauma and victimization. Fifty percent of the girls were identified as having some mental health issue (diagnoses, hospitalization, medication); 30 percent had a substance abuse issue; 30 percent had a history as a victim of sexual abuse; and for 20 percent of the girls there were questions about whether they were victims of commercial sexual exploitation (CSEC).
- Two other noteworthy findings were that 60 percent had problems in school (truancy, suspension or expulsion); and half of the girls had been detained at least once before in the prior 12 months.

These findings raised important questions for the Barnes work group, as it prepared to begin its effort to develop a work plan for improving detention services for girls. The high incidence of girls with histories of running away from home and of involvement in DCF suggest the need for better interagency coordination to reduce girls' detention. The high incidence of mental health disorders raises questions of whether detention is being used as a gateway for mental health treatment that would be better provided in the community. The prevalence of prior sexual abuse and suspected involvement in the commercial sex industry (which is highly connected to prior sexual abuse) suggests that perhaps local authorities should be searching for a new partner to provide counseling and treatment for sexually exploited girls. The fact that half of the girls had been detained previously suggested that perhaps Barnes County's existing programs and services for girls are not adequate to girls' needs.

Likewise, in terms of trends affecting girls from particular racial/ethnic groups, the case file analyses found that: 75 percent of the black girls studied had run away from programs, had DCF histories, had problems in school, and/or were returning to detention; and 100 percent of the white girls were identified with mental health issues. Because the sample becomes quite small when broken down by race/

ethnicity, these results are by no means conclusive. But they, too, raised important questions for the work group as it began its efforts to frame a work plan to improve detention services for Barnes County girls.

### **Analyzing Overrides and Probation Violations**

In addition to the case file analysis above regarding person offenses, the Barnes County girls work group conducted two other case file analyses. Though neither is described in detail here, both revealed valuable lessons. The analysis of overrides determined that six of every 10 girls admitted into secure detention despite low or moderate risk scores had run away or been missing from a program, whereas none of the boys overridden into detention had been missing or run away. Four in 10 girls overridden into detention had substance abuse problems, twice the rate for boys. By contrast, 50 percent of the boys (but none of the girls) overridden into detention were identified as a threat to the community.

The case file analysis related to detention of girls for probation violations found that, in 50 percent of the cases where girls were returned to detention for probation violations, the girls suffered with serious mental health and/or substance abuse issues. By contrast, just 25 percent of boys returned to probation suffered mental health or substance abuse issues. Seventy percent of girls' returns to detention involved failure to attend school, 20 percent involved repeated failed drug tests, and 30 percent involved failure to participate in required probation activities (such as anger management classes or mandated restitution/community service) — whereas boys were far less likely to be returned to probation for any of these reasons. The analysis also showed that a high percentage of girls' detentions for probation violations were ordered by two of the county's seven probation officers.

As with the review of cases involving family-related person offenses, the findings from both of these analyses provided actionable intelligence for Barnes County leaders. Clearly, a large share of low-risk girls were being overridden into detention due to a history of running away from home or past program failures rather any threat they posed to the community, suggesting that perhaps the RAI or override criteria may be overly rigid, or that new program and practice changes for girls may be needed to reduce program failure rates. And clearly, many girls were being detained over probation violations despite posing minimal danger to public safety.

In the next stage of the gender-lens analysis — developing a girls detention reform the work plan — Barnes County leaders will use this new knowledge to develop new and improved strategies to address girls' risks and minimize the use of detention for girls who pose little danger to public safety.

## Girls Detention Facility Self-Assessment

In addition to all of the quantitative and case file analyses described in this guide, which aim to determine whether and when girls are detained, and for how long, a gender analysis of detention practices in JDAI sites also requires a careful analysis of conditions of confinement for girls inside the detention center.

JDAI jurisdictions conduct periodic facility self-assessments following *JDAI Practice Guide #2* (on Detention Facility Self-Assessment), which lays out a detailed set of tools, standards and procedures for jurisdictions to follow in planning and completing the self-assessment. New jurisdictions agree to conduct self-assessments as part of their core JDAI work and to repeat the self-assessment every two years.

The Detention Facility Self-Assessment guidelines spell out a number of helpful standards relevant to girls detention units, which JDAI jurisdictions should carefully follow as they conduct a facility self-assessment focused on conditions for girls. Jurisdictions that have already conducted facility self-assessments without a focus on girls should reassess their girls detention units with a gender focus, while jurisdictions planning their first facility self-assessment should follow the tips below to ensure girls' issues are fully addressed.

When *planning* a Girls Detention Facility Self-Assessment, following *Practice Guide #2*, jurisdictions should:

- Convene a dedicated team to focus on the girls detention facility self-assessment. This team should include both “insiders” and “outsiders” to JDAI who bring expertise working with girls in the juvenile justice system and are knowledgeable about issues specific to girls in detention.
- Particular focus should be placed on reproductive health and mental health issues prevalent among girls, and especially on the needs of girls who have experienced trauma. A trauma history is perhaps the most common factor among detained girls and is critical to how girls experience many detention conditions (e.g., restraints, isolation, grievance processing, access to family members, etc.).
- Include as a team member a girl with experience in detention. The youth perspective is helpful to any self-assessment, and including a girl on the team convened for the girls unit is essential.
- Be sure to include female team members. As *Practice Guide #2* notes, detained girls may be more comfortable reporting conditions to female team members.
- All documents reviewed for the self-assessment should be examined for girls as well as boys. Be sure, for example, to review grievances, incident reports, and records of intakes for girls as well as for boys. These document reviews will help team members identify any conditions issues specific to the girls

unit, both because girls' needs differ from boys', and because, detention facilities often treat girls differently than boys — sometimes creating conditions problems in the process.

When *conducting* a Girls Detention Facility Self-Assessment, jurisdictions should follow the Detention Facility Self-Assessment Standards grid presented in *Practice Guide #2*. Those standards provide significant detail on the range of conditions issues encountered by girls in detention. Below are some of the issues sites should be aware of under each of the conditions sections. (More detailed discussion of the standards can be found in *Practice Guide #2*.)

### Classification

- Because there are many fewer girls than boys in detention, facilities tend not to classify girls according to offense level or pre- and post-adjudication. As a result, younger girls, girls with mental health issues and girls detained over status offenses and low-level misdemeanors can feel particularly vulnerable. Sites should consider these issues in devising the classification policies for girls and should adjust them as necessary to ensure girls' physical and psychological safety.
- Under the Deinstitutionalization of Status Offender (DSO) federal mandate, status offenders cannot be detained absent a violation of a valid court order. Yet, contrary to best practice, status offending girls are often detained under "valid court order" exception or for VOP in many jurisdictions. The self-assessment should look closely at the composition of the girls population and take steps to minimize the detention of status offending girls.

### Health Care

- Girls in detention present different health and mental health needs than boys. To address them, detention facilities must develop appropriate policies, procedures and protocols for girls' care at all phases of the detention process: screening, throughout their detention stays and during the transition back to the communities. Specifically, facility staff must be trained and specific policies and protocols must be developed to help address girls' needs related to:
  - Pregnancy
  - Sexually Transmitted Infections
  - Reproductive Health
  - Sexual Assault and Exploitation
  - Mental Health
- Continuity of care is particularly difficult for girls who may be pregnant while in detention and for girls suffering with mental health problems requiring follow-through in the community. Facilities should develop streamlined procedures to facilitate continuity of health and mental health care first

from the community into detention, and second back to the community when girls are released from detention.

- Female health professionals should be present during all health screening of girls, all physical examinations of girls and all health and mental health services provided to girls.

#### Access

- Because many detained girls have and are the primary caretakers of their children, facilities should develop flexible visitation and access policies to encourage sustained and frequent contact between detained girls and their children. These policies must promote access to children in the temporary care of family members as well as those in the care of the dependency system.

#### Programming

- As much as possible programming for girls in detention should be gender-responsive and should:
  - Ensure girls' physical and psychological safety;
  - Recognize the centrality of relationships for girls and promote healthy relationships with adults in programs and the community;
  - Share power with girls, so girls have input into the course of their programming and develop a sense of agency over their lives.
- Girls and boys must have equal access to programming. While programming need not be identical, girls must have access to all educational, vocational and recreational programming available to boys — and with comparable quality and intensity.

#### Training and Supervision of Employees

- All facility staff working with girls should receive training on procedures and protocols for girls including, but not limited to, training about the needs of girls, gender-responsive programming and delivery of services, health issues and protocols specific to girls, use of restraints for girls, etc.
- Female staff must always be on duty in girls detention units.

#### Environmental Issues

- Nutritional requirements should be gender-specific so girls are not provided with excessive calories that might be required for adolescent boys.
- Detained girls should wear their own underwear or be provided new underwear, and girls should have access to personal hygiene and grooming products for their individual needs (i.e., African-American girls should have access to hair products appropriate for their hair).



- Female staff must conduct any searches of girls' persons and search procedures must be attentive to the vulnerabilities of girls who have experienced trauma.

#### **Restraints, Isolation, Due Process and Grievances**

- The majority of girls in detention have experienced trauma and many of them have experienced sexual assault. For these girls, isolation and restraints can be re-traumatizing and should be used sparingly — and in those rare cases only by female staff and according to protocols appropriate for girls.

#### **Safety**

- Given girls' trauma histories, physical and psychological safety are critical to gender-responsive programming. Facilities must take precautions to ensure that girls in detention are free from sexual assault and harassment, and they must adhere to procedures, consistent with federal and state law, for reporting and investigation of complaints of harassment or assault.

When *reporting* the results of a Girls Facility Self-Assessment, following the *Practice Guide #2*, jurisdictions should be sure to list findings for the girls unit separately from the boys. The self-assessment study team should complete a separate standards grid report for girls, and should prepare written findings and a narrative report that details conditions in the girls units and highlights areas where they differ from conditions in the boys units.

# Making Detention Reform Work for Girls — Research Question Worksheet

National Girls Detention Reform Research Questions	Issue Identified as a Concern in Initial Data Scan? (Yes/No)	Created Local Research Question for Further Analysis? (If so, what is the question?)	Data from Quantitative Analysis (List key findings)	Case File Review (List key findings)	Work-Plan Item Developed – What Action? – By Whom? – By When?
1. Are girls being detained frequently due to situations involving family conflict or other relationship-based violence?					
<i>Are girls facing domestic battery or family-related assault charges detained more frequently than other girls — or than boys facing similar charges?</i>					
<i>Are girls being detained frequently for offenses arising out of “teen dating violence”?</i>					
<i>Are girls being detained victims of commercial or other sexual exploitation, as indicated by prostitution-related charges or crimes associated with street-life such as larceny, trespass, disorderly conduct?</i>					
<i>Are girls being detained frequently due to domestic disputes arising from conflicts over gender identity or sexual orientation?</i>					
2. Do many or most girls in detention suffer with serious human service needs and crossover with parallel human services systems (such as child welfare, mental health, special education), indicating that detention is being used inappropriately as a gateway to services?					
<i>Are girls with a history or current involvement in the abuse/child welfare system detained more often or for longer periods than other girls, and are girls involved in the child welfare system more likely to be detained than boys who are involved in that system?</i>					
<i>Are girls suffering with serious mental health problems — as indicated by documented behavioral/ mental health histories, current prescriptions for mental health medications, Medicaid utilization data or case notes — detained in large numbers?</i>					
<i>Are girls with substance abuse issues — as evidenced by drug-related charges, histories of failed urine tests or self-report — frequently detained?</i>					
<i>Are girls with a history of past trauma — child abuse or neglect, sexual assault, past or current placement in foster care or group homes — at heightened risk for detention? Do the data suggest that many girls are being detained to await placement or due to placement failure?</i>					
<i>Are girls with school-related problems — truancy, history of suspension or expulsion, special education services or multiple school placements — being detained frequently, suggesting that detention is being ordered to address behavior related to school problems?</i>					
<i>Are pregnant or parenting girls at heightened risk for detention?</i>					

**MAKING DETENTION REFORM WORK FOR GIRLS**  
Research Question Worksheet (continued)

National Girls Detention Reform Research Questions	Issue Identified as a Concern in Initial Data Scan? (Yes/No)	Created Local Research Question for Further Analysis? (If so, what is the question?)	Data from Quantitative Analysis (List key findings)	Case File Review (List key findings)	Work-Plan Item Developed – What Action? – By Whom? – By When?
3. Are girls being detained inappropriately for technical violations of probation, bench warrants or other noncriminal behavior?					
<i>Are girls being detained frequently for probation violations or other technical violations that do not involve new lawbreaking?</i>					
<i>Are girls being detained in large numbers as a result of RAI overrides, bench warrants and/or automatic detention criteria?</i>					
<i>Do girls detained over probation violations and bench warrants have any history of serious delinquent offending and/or high RAI risk scores?</i>					
<i>Do girls have a higher failure rate than boys in specific probation programs or services — suggesting that current probation programs and practices may not be well-suited to girls' needs and circumstances?</i>					
<i>Is a history of running away — as indicated by bench warrants, violations of valid court order, failures to appear, placement failure and probation violations — highly correlated with detention for girls?</i>					
4. Do girls' lengths of stay (LOS) in detention suggest that detention is being used inappropriately as a gateway to services or that there are inadequate post-adjudication options for girls?					
<i>Are girls being detained frequently in order to access mental health evaluations and, if so, what are their lengths of stay?</i>					
<i>Do lengths of stay for girls awaiting post-adjudication placement appear excessive, and how do girls' lengths of stay compare with those of boys?</i>					
<i>What are the lengths of stay of girls detained for technical VOP, warrants, status and misdemeanor offenses, and do the data suggest that detention is being used as a gateway to services?</i>					
<i>What are the lengths of stay of girls with parallel human services issues and involvement, do the data suggest detention use as a gateway to services and as a result of a lack of cross-system collaboration?</i>					

**MAKING DETENTION REFORM WORK FOR GIRLS**  
Research Question Worksheet (continued)

National Girls Detention Reform Research Questions	Issue Identified as a Concern in Initial Data Scan? (Yes/No)	Created Local Research Question for Further Analysis? (If so, what is the question?)	Data from Quantitative Analysis (List key findings)	Case File Review (List key findings)	Work-Plan Item Developed – What Action? – By Whom? – By When?
<b>5. Are certain subpopulations of girls being detained disproportionately?</b>					
<i>Do any of the issues examined in the gender analysis affect girls of some racial/ethnic categories disproportionately?</i>					
<i>Are girls residing in particular zip codes or police precincts detained disproportionately to their share of the jurisdiction's youth population — or their share of youth entering the delinquency court system?</i>					
<b>6. Is the overuse of detention for girls concentrated among a limited number of decision makers?</b>					
<i>Are particular judges especially prone to order detention for girls despite low RAI scores?</i>					
<i>Are particular probation officers more prone than others to revoke girls' probation based on rule violations?</i>					
<b>7. Do girls suffer due to inadequate availability of effective and responsive detention alternatives?</b>					
<i>Are girls less likely than boys with similar risk scores to be placed into detention alternative programs, rather than secure detention?</i>					
<i>Do girls have lower success rates compared to boys when assigned to alternative programs — suggesting that some or all alternative programs are not well-suited to girls' needs and circumstances?</i>					
<i>Are there any traits or characteristics — age, offense history, history of abuse, neglect or trauma, social service needs, etc. — especially commonplace among girls who return to detention based on program failures?</i>					

## ENDNOTES

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23. Sites using the QRS will learn more through the initial data scan, which breaks offenses into misdemeanor and felony person categories. That breakdown provides additional clues as to whether the girls' person offenses are family based.
24. JDAI management report templates including the QRS can be found on the JDAI Help Desk website at [www.jdaihelpdesk.org](http://www.jdaihelpdesk.org)
25. For sites using the QRS, these data will be readily seen.
26. Most often a gender comparison will not be needed in the case file review. However, a gender comparison can help answer some types of research questions. For example, if the jurisdiction wants to know why girls are being overridden at higher rates than boys, a comparison of override reasons for girls and boys is essential. However, if the jurisdiction wants to know whether girls are being detained for assault charges stemming from family violence, the case file analyses can be limited to girls' files and there is no need to compare those with boys.
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39. Sherman & Grace, *The System Response to the Commercial Sexual Exploitation of Girls*.
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701 ST. PAUL STREET BALTIMORE, MD 21202 410.547.6600 WWW.AECF.ORG