

A REPORT

Justice by Gender

**The Lack of Appropriate Prevention,
Diversion and Treatment Alternatives
for Girls in the Justice System**



Jointly issued by the

American Bar Association
and the
National Bar Association

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May 1, 2001

Foreword from the American Bar Association



I am pleased to issue *Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Juvenile Justice System*. The first of its kind, this report is the product of a collaborative effort of the American Bar Association and the National Bar Association.

The juvenile justice system—as distinct from the criminal justice system—was begun in 1899 by a group of women concerned with the care and treatment of children in the justice system; their emphasis was on accountability, rehabilitation and the special circumstances of youth. Today, over a hundred years since its creation, we are more than ever reminded that this system, in order to productively address issues of fairness, accountability and community safety for the next century, must take special cognizance of those gender-specific issues surrounding girls.

Over the last two decades we have witnessed a marked increase in the number of girls touched by, and involved in, the justice system; yet this system seems singularly ill prepared to handle these cases. Research and data demonstrate that those of our daughters who become involved in the justice system are, in some important ways, different from their male counterparts. Girls are more often the

victims of physical, sexual and psychological abuse. Girls are too often placed in settings and institutions that are neither designed for, nor proven effective in, their treatment and rehabilitation. In addition, they often fail to receive adequate educational and community support and are subject to institutional bias in the processing and handling of their cases. Efforts must be made to further understand the individual needs of girls in the justice system, to develop gender-specific community based services and alternatives for girls, and to map out the pathways to female delinquent behavior in order to develop effective intervention strategies and reduce recidivism.

I hope that this report will add to our knowledge of girls in the juvenile justice system, spark much-needed dialogue on the specific issues facing these girls, and serve as a catalyst for positive, effective change in the justice system. Perhaps this attempt will further be used as the genesis of a national blueprint for a comprehensive continuum of gender-specific prevention, intervention and dispositional services tailored to the special needs of girls.

Martha Barnett, President
American Bar Association

Foreword from the National Bar Association



On behalf of the National Bar Association, it brings me great pleasure to present this report to you on such an historic occasion.

It is an historic occasion for many reasons: the National Bar Association and the American Bar Association have combined resources and talents to place at the core of our focus on Law Day the unfortunate plight of adolescent girls in the juvenile justice system; we have issued a joint call to action by holding this national press conference to raise the consciousness of all Americans; and the two most recognized national organizations in the legal profession are willing to serve as examples for other organizations and professions to follow by focusing on what can be done individually and collectively to improve the plight of adolescent girls.

Martha Barnett and I have held many, heart wrenching discussions regarding our respective interests in addressing the issue of the spiraling number of adolescent girls in the juvenile justice system. We have agonized over the problems and asked the hard questions: What can we do as leaders of two national organizations of lawyers? How can we marshal the resources of the legal profession to tackle such a monumental problem? What message can we deliver to the leaders of this country? How can we reach these young girls? Some of the answers are contained in this informative and instructive report.

The National Bar Association has addressed a myriad of issues confronting our African American youths in the juvenile justice system in numerous seminars, workshops, resolutions and meetings. Most recently we addressed the issue at our Women Lawyers Division, "Constance Baker Motley Women Lawyers Summit" that was held last year in New Orleans. The focus of the Summit was, "Decriminalization of Our Youth."

This year, the NBA Women Lawyers Division Summit will focus on the issue of disparate treatment in the sentencing of all juveniles with a special focus on girls. The Second Annual Constance Baker Motley Women Lawyers Summit will be held on June 1-2, 2001 at Howard University Law School, Washington, D.C. This report will be a focal point of our discussion. We will enlist the help of teachers, parents, social workers, juvenile justice experts, law enforcement and the entire community in order to reach our young girls and boys.

The message we want to deliver today and at our upcoming Summit is similar. We will focus our attention on the whole picture of the juvenile justice system with an emphasis on girls. Girls have received second class treatment and historically have been neglected by the system.

We commend this report to you for your review, and we look forward to your continued support and assistance in addressing some of these perplexing issues.

Evett L. Simmons, President
National Bar Association

Acknowledgements

Any significant project, even a collaborative effort between two like-minded legal organizations, involves the work and dedication of scores of individuals. In addition to staff, consultants, and advisors, several individuals deserve special recognition for their invaluable contributions to this report, particularly including: Leslie Acoca, Marty Beyer, Meda Chesney-Lind, Monique Edwards, Iris McCollum Green, Barbara Guthrie, Marsha Levick, Judge Cecil Patterson, LaWanda Ravoira, Francine Sherman and Abbe Smith.

We are also grateful to the American Bar Association Commission on Women in the Profession for their financial assistance.

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Introduction

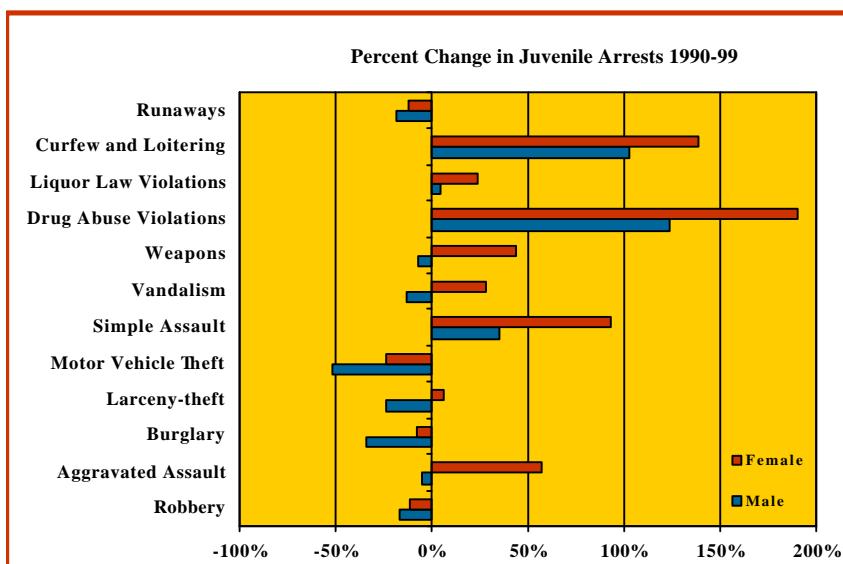
*Crying is not going to get me home
The outside tears are nothing but water.
I'm crying on the inside where no one can see it.*

-14 year old girl in a California Juvenile Hall
From “No Place to Hide”

Girls are the fastest growing segment of the juvenile justice population, despite the overall drop in juvenile crime. Over the past two decades we have witnessed an exponential rise in the number of girls in detention facilities, jails and prisons; likewise, arrest rates for girls in almost all offense categories have outstripped that of boys over this same time period. While juvenile crime rates—particularly those for violent crimes—have steadily decreased since peaking in 1994, arrest, detention, and dispositional custody data show an increase in both the number and percentage of girls in the juvenile justice system—a trend that runs counter to that of boys.

From the latest data available, we can see that the upward trend of girls’ involvement in the justice system is continuing. There are

increases in the number of arrests, cases processed, detention and subsequent long-term incarceration rates. Law enforcement agencies reported 670,800 arrests of girls under the age of 18 in 1999—which accounted for 27% of the total juvenile arrests made that year. Between 1990 and 1999, arrests of girls increased more (or decreased less) than male arrests in most offense categories.



Source: Crime in the United States 1999

Overall, delinquency cases involving girls increased by 83% between 1988 and 1997, with data showing an increase in all racial

groups: white, 74%; black, 106%; and other races, 102%. Preliminary research and data paint a picture of a justice system which has thus far failed to address the special circumstances of girls.

A fundamental issue underlying this report is whether the growth in the number of girls in the delinquency system is a result of an increase in their violent and aggressive behavior. Although further research into this proposition is required, preliminary studies suggest that what has changed is our response to their behavior. Some experts have found that this growth is due in part not to a significant increase in violent behavior but to the re-labeling of girls' family conflicts as violent offenses, the changes in police practices regarding domestic violence and aggressive behavior, the gender bias in the processing of misdemeanor cases, and, perhaps, a fundamental systemic failure to understand the unique developmental issues facing girls of today.

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. Research demonstrates that girls in the delinquency system have histories of physical, emotional and

sexual abuse, have family problems, suffer from physical and mental disorders, have experienced academic failure and succumb more easily to the pressures of domination by older males. Girls also are developmentally different from boys and girls' involvement in delinquency is often connected to conflicts in familial and social relationships.

Yet even as this picture of the troubled girl in the juvenile justice system is beginning to emerge, violence among, by and toward children in our communities looms in the background. The homicide rate for young people in the United States is the highest among developed countries. Media coverage of school violence has focused our attention on statistically rare acts of seemingly random violence involving youth. This has touched every segment of our society. With this larger context of violence occupying center stage, the problems and issues girls face in the justice system are largely ignored. The unique problems they present seem invisible. There is a glaring dearth of appropriate, developmentally sound, culturally competent, gender-specific prevention, diversion and treatment programs for girls in the justice system.

While solutions are seldom quick or easy, further research and data collection are needed to better understand the factors that place girls at risk of involvement in crime. Based on those findings, concerted efforts must be made to develop a continuum of policies, programs and practices for girls, and to identify and address needed changes in the processing, treatment, and overall care of girls in the justice system. While their numbers are relatively small, they are growing. The opportunity to design appropriate alternatives and interventions that can reduce recidivism for girls and enhance community safety is now.



Lloyd Wolf

The Context of Girls and Delinquency

Based on recent research on girls and delinquency it is apparent that the typical girl in the delinquency system, and the root causes of her delinquent behavior, often differ greatly from that of her male counterpart. While further study is needed, research conducted by Leslie Acoca & Associates offers a portrait of delinquent girls and their families. Acoca's 1998 report, *No Place to Hide: Understanding and Meeting the Needs of Girls in the California Juvenile Justice System*, reveals that girls in the juvenile justice system share many distinct characteristics:

- **Family Fragmentation.** The families of girls in the juvenile justice system are fragmented by multiple and serious stressors including poverty, death, violence, and a multigenerational pattern of incarceration.
- **Victimization Outside the Juvenile Justice System.** Most girls in the juvenile justice system have a history of violent victimization.
- **Victimization Inside the Juvenile Justice System.** Once they enter the juvenile justice system, girls are vulnerable to physical and sexual abuse similar to and sometimes worse than

they experienced in their homes and communities.

- **Serious Physical and Mental Health Disorders.** The vast majority of girls in the juvenile justice system are experiencing one or more serious physical and/or mental health disorders.
- **Separation of Incarcerated Mothers from their Children.** A significant number of girl offenders are mothers who already have been separated from their young children.
- **Widespread School Failure.** Schools are failing girls in multiple ways in their home communities and in the juvenile justice system. The experience of educational failure is almost universal among delinquent girls interviewed. These failures include suspension/expulsion from school, repeating one or more grades and/or placement in a special classroom.
- **The Breaking Point--Early Adolescence.** Girls appear to be most vulnerable to their first experiences of academic failure, pregnancy, juvenile justice system involvement and out-of-home placement between the ages of 12 and 15.
- **Non-violent Offenders.** A majority of girls in the juvenile justice system are non-violent offenders charged with relatively minor status, property or drug offenses. Even the fastest growing segment of offenders, girls charged with assault, may

be inappropriately labeled as violent based on conduct arising out of intra-familial conflict.

- **Resiliency.** Girls in the juvenile justice system have significant strengths that they can draw upon to overcome the multiple stressors that challenge them.

Because many of the multiple stressors exist in their families, these girls often go unprotected and lack fundamental nurturing as they move through childhood into adolescence. Abuse—both inside and outside the juvenile justice system and significant family and school problems—are correlated with girls' health and behavioral problems. Young girls facing family fragmentation, victimization and abuse, serious physical and mental health disorders, school failure and conflicted relationships need the help of their communities to move beyond their chaotic histories and enable them to succeed. Communities facing increasing populations of delinquent girls need to develop and provide appropriate prevention, intervention and treatment alternatives that address the root causes of girls' delinquent behavior and promote safe and healthy communities.

Girls' Pathways Into Delinquency

Understanding the context of girls and delinquency requires not only a knowledge of their histories but a review of female adolescent development. Unfortunately, despite the distinctive characteristics of female adolescent development, the research in this area is incomplete. The research that has been conducted to date does provide some insight into the pathways girls take toward delinquent behavior.

Research and evidence suggests that a key component of girls' development is the relationships and connections they develop with others. Additionally, a noted clinical psychologist, Dr. Marty Beyer, has found that as girls move into adolescence, many report significantly lower levels of self-competence (perceived self-worth, physical appearance, social, academic and athletic competence) than boys, which may drive their associations with antisocial peers. Girls who previously seemed resilient become preoccupied with perfection. Some girls, who once excelled, stop excelling to avoid competition; they become less outspoken out of fear that distinguishing "self" runs the risk of being disliked.

According to a recently released Florida study, middle school failure was the most significant risk factor for girls' repeat and "person" offending. Similarly, in a study of the California juvenile justice system, a staggering 85% of the delinquent girls had been suspended or expelled at least once. Other studies have found that delinquent girls are years behind their peers academically and typically fall through the cracks in the school system. Furthermore, transition to middle school is an especially tenuous and difficult time for girls.

Many delinquent girls have been traumatized by sexual and physical abuse, as well as familial substance abuse and domestic violence. Girls often use drugs and alcohol to numb the pain of their childhood trauma. Girls who are victims of sexual abuse are more likely to run away, and girls are more likely than boys to be arrested and ultimately placed outside the home for this behavior. Depression is common but often not diagnosed in delinquent girls; their behavioral problems are typically the focus of intervention rather than their underlying sadness, isolation, sense of loss and early trauma. Girls may react especially negatively to outside controls and may be labeled "oppositional," although their aggression is often a self-defense mechanism against past abuse.

*Life it seems to fade away
Drifting further every day
Getting lost within myself
Nothing matters, no one else*

*I have lost the will to live
Simply nothing more to give
There is nothing more for me
Need the end to set me free*

*Emptiness is filling me
To a point of agony
Drifting farther changing dawn
I was me but now I'm gone*

*Happiness seems as though
It never existed*

Death greets me warm

Now I will say goodbye

Goodbye...

-Tanya, 14 year old incarcerated girl

Families of delinquent girls are often more dysfunctional than those of male delinquents, and are characterized by a high incidence of mother-daughter conflict. Some girls become involved with older males as a perceived safe haven from conflicted family relationships and to feel important without being at the mercy of disapproving peers.

The Need for Developmentally Sound Services

While the period of early adolescence is pivotal, there are few intensive interventions or services targeted towards the special needs of girls in this age group. Child advocates and juvenile justice experts express concern that most institutional and community based programs are not developmentally sound, culturally competent or responsive to the special needs of girls. With the high incidence of girls' runaway behavior, many programs have focused on control rather than the provision of effective support for girls to become successful and to grow beyond the trauma that often drives their runaway behavior. Few programs for this population of girls have sufficient funding to undertake a formal evaluation of their services. Consequently, it has been difficult to fully identify which program elements are effective.

In diversion, probation, community based and residential programs, services for girls have to be designed to fit their competencies and special needs, particularly in education, trauma recovery, family relationships, suicidal thinking, substance abuse, medical needs, and as parents. Programs must also be shaped by the issues confronting minority girls, and must seek out and embrace cultural resources available in ethnic communities.

A developmentally sound, culturally competent system of care for at-risk and delinquent girls from arrest to commitment must individualize services to meet girls' educational, emotional, health and family needs. Girls' individual competencies, strengths and needs should be the basis for program development for this population. Related goals of accountability and community safety can be met best when service providers working with girls and their families focus on girls' individual strengths.

The Need for Further Research

While girls account for one in four arrests of young people in America, appropriate services that are designed to meet girls'

needs from arrest to incarceration are lacking. The creation of developmentally sound, culturally competent programs and services for girls however, must be based upon sound research. Federal, state and local agencies, public and private program providers, child advocates and policymakers want to know why more girls are becoming involved in the justice system. Although we know that the criminalization of intra-familial conflicts and aggressive behavior has contributed to growth in numbers—further research is necessary to fully understand and halt these increases.



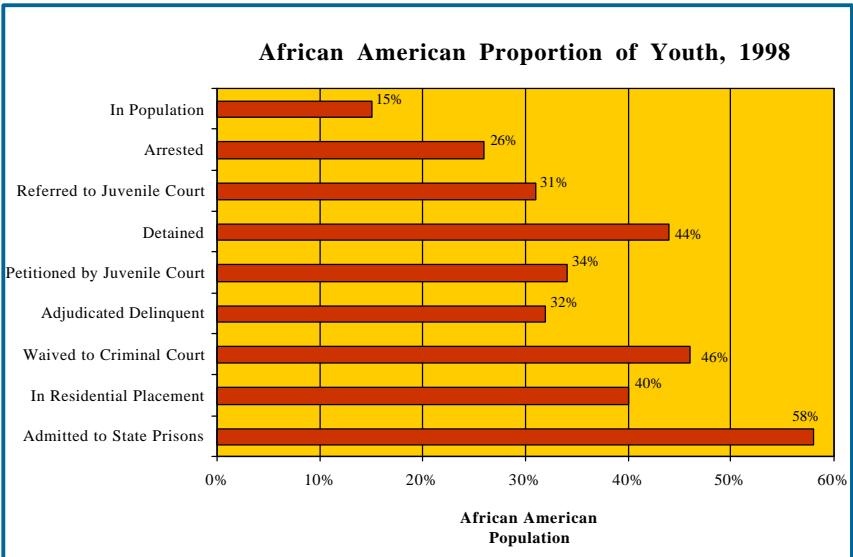
Bias in the Handling of Girls' Cases

*Jail is just another kind of slavery.
The law has to not be so quick to lock people up.
It should get to know them first.*

-15 year old girl in a California Juvenile Hall
From "No Place to Hide"

While the exact nature of justice system bias against girls is the subject of ongoing discussion and debate, there is general recognition of gender and race disparity in the processing of girls' cases through the delinquency system. Recent reports issued by the *Building Blocks for Youth Initiative* show that African American youth are six times more likely to be incarcerated in public facilities than white youth, even when charged with the same offenses and having no prior commitment history; that Latino youth are three times more likely than white youth to be incarcerated for comparable offenses; that minority youth are significantly more likely to be detained, formally charged, tried as adults, and locked up in state and federal facilities than white youth who commit comparable crimes; and that minority youth represent 34% of this nation's population, but 67% of youth committed to its public facilities.

Disproportionate Treatment of Minorities



Source: E. Poe-Yamagata and M.A. Jones: "And Justice for Some: Differential Treatment of Minority Youth in the Justice System." Building Blocks for Youth (2000).

Similarly, research conducted by Francine Sherman, Director of the Juvenile Rights Advocacy Project at Boston College School of Law, indicates that gender bias has a significant impact throughout the system from arrest through disposition.

Arrest, Charging and Filing

Girls are disproportionately charged with status offenses. Their running away ushers them into the delinquency system and may

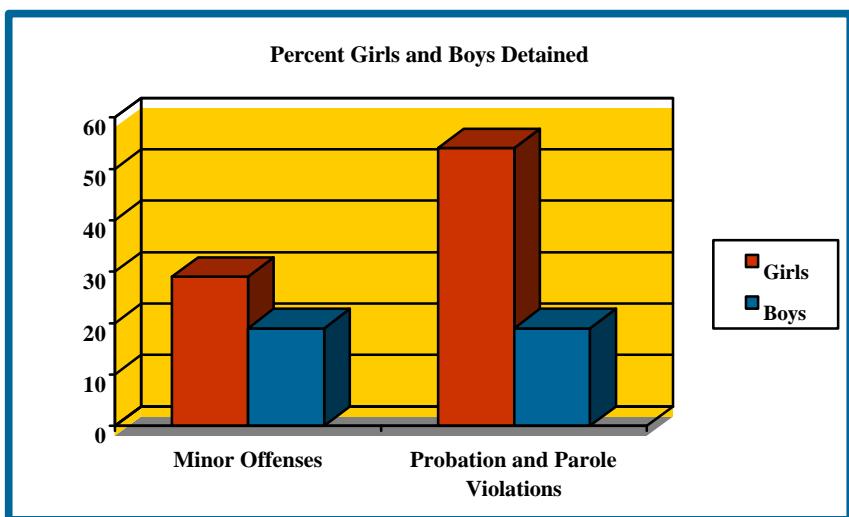
ultimately drive them deeper into the criminal justice system. In 1999, although girls were only 27% of the juveniles arrested overall, they accounted for 59% of juvenile arrests for running away and 54% of juvenile arrests for prostitution. Commentators have long attributed this disproportionality to bias in discretionary decisions by police, probation, prosecutors, judges and agency personnel to handle runaway and other status offending girls through the delinquency system. The legal mechanisms that contribute to this disparate processing include violations of valid court orders, contempt proceedings, probation and parole revocations, misdemeanor charges associated with running away, and charges of escape, absconding and AWOL (Absent Without Official Leave). In addition, changes in police practices may lead to the re-labeling of girls' family conflicts as violent offenses, with a particularly serious impact on minority girls.

Detention

Between 1988 and 1997, the use of detention for girls increased 65% as compared with a 30% increase for boys. Along with increased detention usage for girls, there is evidence that girls are being detained for less serious offenses than boys. Girls are more

likely to be detained for minor offenses that do not warrant detention according to the principle of the “least restrictive alternative” and, perhaps most significantly, for technical violations of probation or parole in the absence of new offenses.

According to data collected from the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI) study of detention in several United States cities, many more girls than boys are detained for minor offenses such as public disorder, probation violations, status offenses and traffic offenses (29% girls versus 19%



Source: Annie E. Casey Foundation, JDAI Project (1995)

boys in one JDAI study site). The JDAI study also found that girls are more likely than boys to be detained for probation and parole violations (54% girls versus 19% boys in another study site). Moreover, rather than histories of violence, detained girls have more status offenses and misdemeanors in their histories. These new data are consistent with the well-documented use of detention as a means of social control of girls' behavior considered dangerous to themselves.

Girls are not only more likely to be detained, but to be sent back to detention after release. Although girls' rates of recidivism are lower than those of boys, the use of contempt proceedings and probation and parole violations make it more likely that, without committing a new crime, girls will return to detention. A study of gender bias in delinquency and status offense processing indicates that while gender alone plays a minor role in the initial decision to detain, there is significant interaction between the use of contempt and detention for girls. Girls are more likely to be cited for contempt, and because contempt offenders are more likely to be detained than non-contempt offenders, gender can be correlated to detention status through the use of contempt proceedings.

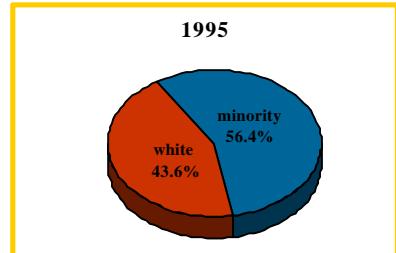
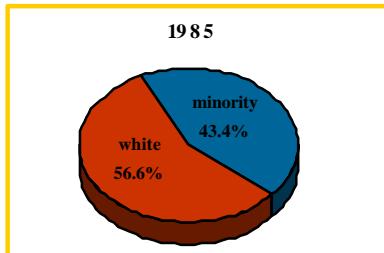
In addition to contempt, technical violations of probation or parole and technical failures in program placements results in a significant number of girls returning to detention. A review of the JDAI detention recidivism data indicates both the significant roles played by technical violations or probation or parole and program failures and the gender gap in detention recidivism for these offenses when compared to detention for new charges.

Over the four JDAI study sites reviewed, girls comprised only 14% of the total detention population, however 30% of them returned to detention within one year. Among those, 53% of the girls as compared with 41% of the boys who returned to detention within one year did so for probation or technical violations. Sixty-six percent of the girls as compared with 47% of the boys who returned to detention twice within one year did so for probation or technical violations. And 72% of girls as compared with 49% of boys who returned to detention three times within one year did so for probation violations or failure to meet program expectations.

Similarly, ethnic bias has been documented. African American girls make up nearly half of all those in secure detention and Lat-

nas constitute 13%. Although whites constitute 65% of the population of at-risk girls, they account for only 34% of girls in secure detention. Seven of every 10 cases involving white girls are dismissed, compared with 3 of every 10 cases for African American girls.

Juveniles in Public Detention Centers By Minority Status



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995

The increase in use of detention for girls has resulted in overcrowding, poor conditions of confinement, and a reduction in appropriate services. From 1990 through 1994 there was a 121% increase in girls detained in San Francisco's Juvenile Hall, resulting in overcrowding that led to girls sleeping on mattresses, three to a cell. Similarly, in Massachusetts from 1992 through 1998 the detained pre-trial population of girls more than doubled. In the Phila-

delphia Youth Study Center, girls who once occupied only one unit, now may occupy as many as four units.

According to Marsha Levick, Legal Director of Juvenile Law Center, juvenile detention centers throughout the country have been struggling with chronic overcrowding in girls' units, resulting in increases in the number of detention beds, use of common rooms as sleeping areas and the routine use of floor mats. The increased number of girls in detention has further strained the already limited educational, physical and mental health services available to meet their needs.

The Need for Dispositional Alternatives

Of the limited programs that currently exist for girls, most are modeled after programs that serve males. Consequently, girls, and especially minority girls, increasingly are being placed in programs that fail to meet their unique developmental, physiological and emotional needs.

Moreover, while most delinquent girls have abused substances, been victimized, are behind in school, and need safe housing,

community based delinquency programs are typically not designed to provide treatment to address these problems. However, unique programs, such as the PACE Center for Girls in Florida, have found creative ways to identify and build upon girls' strengths, thus cutting short pathways to delinquency and future criminal behavior.

A Continuum of Care and Services

In its groundbreaking analysis of access to counsel and quality of legal representation for juveniles in the delinquency system, the American Bar Association Juvenile Justice Center, in partnership with the Youth Law Center and Juvenile Law Center, released a report entitled *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*. The report identifies disposition and post-disposition as areas of critical need for juveniles requiring cross-system strategies and interdisciplinary understanding.

Most girls in the justice system also have been involved in the dependency, special education and/or mental health systems. Disposition planning and access to gender-specific services require col-

laboration with related state and county systems and community based programs providing services for girls that are not available in the justice system. Access to those gender-specific services requires greater cross-system integration than is currently the rule, development of collaborative approaches between levels and branches of government (i.e. delinquency agency and judiciary, state and county), as well as development of advocacy practices for programs and attorneys representing girls in the system.

Advocates for girls acutely feel the absence of cross-system collaboration. In an effort to build bridges between lawyers, advocates and service providers, in March, 2000, the ABA Juvenile Justice Center convened a renowned group of national experts who work with girls in the justice system for a strategy session. As a result of this session, the Girls' Justice Initiative was launched. The Initiative is a collaboration of lawyers, service providers, professors, researchers and mental health professionals who seek to improve policies, practices and programs for girls in the justice system. Shortly thereafter, the Girls' Justice Initiative conducted a survey in which lawyers representing girls consistently identified systemic impediments to collaboration between

dependency and delinquency agencies as leading to extended incarceration and inadequate services for young female clients.

The mechanics of post-disposition decision-making are critical to promoting effective practices for accessing gender appropriate services as well as instilling in girls a sense of fairness necessary for development. Since post-disposition decisions can be made by the judiciary, an executive agency, or a hybrid judicial/administrative process, working with all entities is essential. An analysis of statutes, case law, regulations and policies having an impact on girls' disposition and post-disposition processing and the development of responsive protocols through legislation, regulation, and policy is essential. Addressing procedural fairness in administrative and judicial disposition and post-disposition decision-making is likewise essential. Cross-system designs for girls' services, protocols for transitioning girls into communities, and advocacy models for girls that cross systems and provide ancillary legal services must be developed.

Conclusion

As the number of girls in the justice system continues to climb, it is imperative that the organized bar, policymakers and others ensure that in our quest to provide better services and programs for girls we do not inadvertently cast the net wider. The vast majority of girls in the justice system can and should be diverted from formal juvenile court processing. The re-criminalization of status offenses (those offenses that have not historically been “criminal” in nature or are specific to youth because of their age) has had a particularly devastating impact on girls. We must, therefore, ensure that communities and courts support an array of gender-specific community based services and alternatives for girls.

For those girls who are properly before the court based on allegations of traditional criminal conduct, we must work harder to look beneath the delinquency label and respond with intervention strategies that will reduce future recidivism. While it is true that some girls need to be in secure, confined settings, the vast majority of delinquent girls can be more appropriately dealt with in culturally competent, gender-specific programs that are developmentally sound.

Policymakers and the organized bar can help by working closely with local juvenile justice experts and programs to help ensure that we:

- Promote community safety by raising national awareness of the underlying factors that place girls at-risk of involvement in the juvenile justice system;
- Promote alternatives to detention and incarceration for girls and increase awareness of the harms of detention;
- Identify, promote and support effective gender-specific, developmentally sound, culturally sensitive practices with girls;
- Identify policies and practices which avoid ushering girls into juvenile justice facilities for status offenses, charging girls with assault in family conflict situations, detaining girls to "protect" them, and over-utilizing secure facilities for girls, particularly minority girls;
- Promote an integrated system of care for at-risk

- and delinquent girls and their families based on their competencies and needs;
- Ensure that resources exist to provide multi-level, multidisciplinary training and technical assistance for lawyers, service providers and other justice system personnel;
 - Identify and re-evaluate the charging and diversion, detention and disposition procedures that do not meet the needs of at-risk or delinquent girls and recommend how to address these problems;
 - Re-evaluate risk and other assessment practices for their gender sensitivity, and recommend alternatives that more adequately identify the competencies and needs of at-risk and delinquent girls;
 - Assess the adequacy of services to meet the needs of at-risk or delinquent girls and address gaps in services;
 - Facilitate communication and collaboration with

federal, state, national, and community based organizations that serve or are concerned about girls;

- Map the flow of girls through the juvenile justice system and identify points at which the system can divert or treat girls more effectively; and,
- Collect and review state and local policies and practices to assess the gender impact of decision making and system structure.

The American Bar Association and the National Bar Association are poised to work with other professional organizations, state and local bar associations and policymakers to ensure that appropriate prevention, diversion and treatment alternatives are made available to girls in the juvenile justice system.

References and Resources

References

- Acoca, L. (2000). *Educate or Incarcerate: Girls in the Florida and Duval County Juvenile Justice Systems*. San Francisco, CA: National Council on Crime and Delinquency.
- Acoca, L. (1999). Investing in Girls: A 21st Century Strategy. *Juvenile Justice Journal VI* (1), Washington DC: Office of Justice Programs, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Acoca, L., and Raeder, M. (1999). Severing Family Ties: The Plight of Nonviolent Female Offenders and Their Children. *Stanford Law and Policy Review*, 11, 1-33.
- Acoca, L. and Dedel, K. (1998). *No Place to Hide: Understanding and Meeting the Needs of Girls in the California Juvenile Justice System*. San Francisco, CA: National Council on Crime and Delinquency.
- Acoca, L. (1998). Defusing the Time Bomb: Understanding and Meeting the Growing Health Care Needs of Incarcerated Women in America. *Crime & Delinquency*, 44, 49-69.
- Acoca, L. (1998). Outside/Inside: The Violation of American Girls at Home, On the Streets, And In the Juvenile Justice System. *Crime and Delinquency*, 44, 561-589.
- Acoca, L. (1995). Breaking the Cycle: A Developmental Model for the Assessment and Treatment of Adolescents with Alcohol and Other Drug Problems. *Juvenile and Family Court Journal*, 46, 1-48.

Amaro, H. and Aguilar, M. (1994). *Programa Mama: Mom's Project "A Hispanic/Latino Family Approach to Substance Abuse Prevention."* Washington, D.C.: Center for Substance Abuse Prevention, Mental Health Services Administration.

American Association of University Women. (1991). *Shortchanging Girls, Shortchanging America.* Washington, D.C.

American Correctional Association. (1990). *The Female Offender: What Does the Future Hold?* Washington, D.C.: St. Mary's Press.

Artz, S. (1998). *Sex, Power, & the Violent School Girl.* Toronto: Trifolium Books.

Belknap, J. and Holsinger, K. (1999). An Overview of Delinquent Girls. In Zaplin, R. (Ed.), *Female Offenders: Critical Perspectives and Effective Interventions.* Gaithersburg, Maryland: Aspen Publishers.

Beyer, M. (1998). Mental Health Care for Children in Corrections. *Children's Legal Rights Journal*, Summer.

Beyer, M. (1999). Recognizing the Child in the Delinquent. *Kentucky Children's Rights Journal*.

Beyer, M. (2000). Immaturity, Culpability and Competency in Juveniles. *Criminal Justice*, Summer.

Bishop, D. et al. (1996). The Transfer of Juveniles to Criminal Court. *Crime and Delinquency*, 42, 171-191.

- Bjorkqvist, K. and Niemela, P. (1992). New Trends in the Study of Female Aggression. In Bjorkqvist, K., & Niemela, P. (Eds.), *Of Mice and Women: Aspects of Female Aggression*. San Diego, CA: Academic Press.
- Brooks-Gunn, J. and Peterson, A. (1991). The Emergence of Depressive Symptoms During Adolescence. *Journal of Youth and Adolescence*, 20, 191-216.
- Brown, L. and Gilligan, C. (1992). *Meeting at the Crossroads*. New York, N.Y.: Ballantine.
- Campbell, J. (1995). Conference Focuses on Issues Facing Juvenile Female Offenders. *Corrections Today*, 57, 72-73.
- Canter, R. (1982). Sex Differences in Self-Report Delinquency. *Criminology*, 20, 373-394.
- Cauffman, E., Feldman, S., Waterman, J., and Steiner, H. (1998). Posttraumatic Stress Disorder Among Female Juvenile Offenders. *Journal of the American Academy of Child and Adolescent Psychiatry*, 37, 1209-1217.
- Chamberlain, P. and Moore, K. (forthcoming) Chaos and Trauma in the Lives of Adolescent Females with Antisocial Behavior and Delinquency, in R. Geffner and R. Greenwald (Eds.) *Trauma and Juvenile Delinquency: Theory, Research and Interventions*. Binghamton, NY: Haworth Press.
- Charmez, K. (1983). The Grounded Theory Method: An Explication and Interpretation. In R.M. Emerson, *Contemporary Field Research: A Collection of Readings* (pp. 109-126). Prospect

Heights, IL: Waveland Press.

Chesler, M.A. (1987). Professionals' Views of the Dangers of Self-Help Groups: Explicating a Grounded Theory Approach. (Center for Research on Social Organization, Working Paper Series). The University of Michigan Department of Sociology.

Chesney-Lind, M., Kato,D., Koo, J., and Fujiwara-Clark, K. (1997). *Girls at Risk: An Overview of Female Delinquency in the Fiftieth State*. Honolulu, HI: Social Science Research Institute.

Chesney-Lind, M. and Sheldon, R. (1998). *Girls, Delinquency and Juvenile Justice*. Thousand Oaks, CA: Sage.

Chesney-Lind, M. (1999). Media Misogyny: Demonizing 'Violent' Girls and Women in J. Ferrel & N. Websdale (Eds.), *Making Trouble: Cultural Representations of Crime, Deviance, and Control*. New York, N.Y.: Aldine.

Chesney-Lind, M. and Okamoto, S. (2000). Gender Matters: Patterns in Girl's Delinquency and Gender Responsive Programming. Submitted to *Journal of Forensic Psychology Practice*.

Chesney-Lind, M. and Paramore, V. Are Girls Getting More Violent?: Exploring Juvenile Robbery Trends. *Journal of Contemporary Criminal Justice* (in press).

Connell, J., Spencer, M., and Aber, J. (1994). Educational Risk and Resilience in African-American Youth. *Child Development*, 65, 493-507.

- Currie, E. (1998). *Crime and Punishment in America*. New York: Metropolitan Books.
- Federal Bureau of Investigation. (1999). *Crime in the United States 1998*. Washington, D.C.: Government Printing Office.
- Gilligan, C., Ward, J. and Taylor, J. (1998). *Mapping the Moral Domain*. Cambridge, MA: Harvard University Press.
- Girls Incorporated. *Prevention and Parity: Girls in Juvenile Justice*. Indianapolis: Girls Incorporated, National Resource Center.
- Greene, Peters and Associates. (1998). *Guiding Principles for Promising Female Programming: An Inventory of Best Practices*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Guthrie Henggeler, S., Edwards, J. and Borduin, C. (1987). The Family Relations of Female Juvenile Delinquents. *Journal of Abnormal Child Psychology*.
- Guthrie, B., Caldwell, C., & Hunter, A. (1997). Minority Adolescent Female Health: Strategies for the Next Millennium. In Wilson, D., Rodriguez, J. & Taylor, W. (Eds.) *Health-Promoting and Health-Compromising Behaviors Among Minority Adolescents*. Washington DC: American Psychological Association.
- Huizinga, D. (1997). *Over-Time Changes in Delinquency and Drug-Use: The 1970's to the 1990's*. University of Colorado: Research Brief.
- Johnson, T., O'Rourke, D., Chavez, N., Sudman, S., Warnecke,

- R., Lacey, L. and Horm, J. (1995). Social Cognition and Responses to Survey Questions Among Culturally Diverse Populations. Paper presented at the International Conference on Survey Measurement and Process Quality, Bristol, England.
- Kerpelman, J. and S. Smith. (1999). Adjudicated Adolescent Girls and Their Mothers. *Youth and Society*, 30, 313-316.
- Kroupa, S.E.. (1988). Perceived Parental Acceptance and Female Juvenile Delinquency. *Adolescence*, 89, 171-186.
- LaFromboise, T. and Howard-Pitney, B. (1995). Suicidal Behavior in American Indian Female Adolescents. In S. Canetto & D. Lester (Eds.) *Woman and Suicidal Behavior*. New York: Springer.
- Lewis, D.O., Yeager, C.A., Cobham-Portorreal, C.S., Klein,N., Showalter, C. and Anthony, A. (1991). A Follow-Up of Female Delinquents. *Journal of the American Academy of Child and Adolescent Psychiatry*, 30, 197-202.
- Lipsey, M.W. (1992). Juvenile Delinquency Treatment: A Meta-analytic Inquiry into the Variability of Effects. In T.A. Cook, H. Cooper, D.S Cordray, H. Hartmann, L.V. Hedges, R.J. Light, T. A. Louis, & E. Mosleller (Eds.). *Meta-Analysis for Explanation*. New York: Russell Sage.
- Loper, A. B. and Cornell, D.G. (1996). Homicide by Girls. *Journal of Child and Family Studies*, 5, 323-337.
- Mayer, J. (1994). Girls in the Maryland Juvenile Justice System: Findings of the Female Population Taskforce Presentation to the

Gender-Specific Services Training. Minneapolis, Minnesota.

McLoyd, V. (1990). The Impact of Economic Hardship of Black Families and Children. *Child Development*, 61, 311-347.

Miller, D., Trapani,C., Fejes-Mendoza, K., Eggleston, C. and Dwiggins, D. (1995). Adolescent Female Offenders. *Adolescence*, 30, 429-436.

Molidor, C. (1996). Female Gang Members: A Profile of Aggression and Victimization. *Social Work*, 41, 251-258.

Ms. Foundation for Women National Girls Initiative. (1993). *Programmed Neglect, Not Seen, Not Heard: Report on Girls Programming in the United States*. New York, NY: Ms. Foundation for Women.

Ohannessian, C., Lerner, R., Lerner , J. and von Eye, J. (1999). Does Self-Competence Predict Gender Differences in Adolescent Depression and Anxiety? *Journal of Adolescence*, 22, 397-398.

Orenstein, P. (1994). *School Girls*. New York: Doubleday.

Peterson, A.C., Sarigiani, P.A., and Kennedy, R.E. (1991). Adolescent Depression: Why More Girls? *Journal of Youth and Adolescence*, 20, 247-272.

Peterson, Peterson , Poe-Yamagata, E. and Butts, J. (1996). *Female Offenders in the Juvenile Justice System: Statistical Summary*. National Center of Juvenile Justice: National Council of Juvenile and Family Court Judges, Office of Juvenile Justice and Delinquency Prevention: U.S. Department of Justice, 1996.

Poe-Yamagata, E. and Jones, M.A. (2000). And Justice for Some: Differential Treatment of Minority Youth in the Justice System. *Building Blocks for Youth*.

Puritz, P., et al. (1996). *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*. American Bar Association.

Schaffner, L., Shick, S., Shorter, A., and Frappier, N. (1996). *Out of Sight Out of Mind: The Plight of Adolescent Girls in the San Francisco Juvenile Justice System*. Center on Juvenile and Criminal Justice.

Schoen, C., Davis, K., Scott-Collins, K., Greenberg, L., DesRoches, C, and Abrams, M. (1997). The Commonwealth Fund Survey of the Health of Adolescent Girls. New York, NY: Fund's Commission on Women's Health.

Sherman, F. (1999). The Juvenile Rights Advocacy Project: Representing Girls in Context. *Juvenile Justice Journal* VI (1), Washington DC: Office of Justice Programs, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Sherman, F. (2000). What's in a Name: Runaway Girls Pose Challenges for Justice Professionals. *Women, Girls and Criminal Justice Newsletter*, 1 (2), 19-20, 26. Kingston, N.J.: Civic Research Institute.

Sherman, F. (2000). Probation and the Delinquent Girl. *Women, Girls and Criminal Justice Newsletter*, 1 (5), Kingston, N.J.: Civic Research Institute.

Sherman, F. (2000). Prostitution and Teenage Girls. *Women, Girls and Criminal Justice Newsletter*, 1 (6), 83-84. 71-72, 80. Kingston, N.J.: Civic Research Institute.

Sherman, F. Pathways for Girls: Lessons from the Juvenile Detention Alternatives Initiative: Baltimore, Maryland: Annie E. Casey Foundation (in preparation).

Siegal, N. Where the Girls Are. *San Francisco Bay Guardian*, October 4, 1995, p. 19-20.

Snyder, H. (1998). *Juvenile Arrests*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

Snyder, H. and Sickmund, M. (1999). *Juvenile Offenders and Victims: 1999 National Report*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Stahl, A. (1999). *Delinquency Cases in Juvenile Courts, 1996*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

Stanfield, R. (1995). Pathways to Juvenile Detention Reform: The Juvenile Detention Alternatives Initiative. Annie E. Casey Foundation.

Steffensmeier, D. and Steffensmeier, R. (1980). Trends in Female Delinquency: An Examination of Arrest, Juvenile Court, Self-Report, and Field Data. *Criminology*, 18, 62-85.

Strauss, A. and Corbin, J. (1990). *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*. Newbury Park,

CA: Sage.

Trochim and Linton. (1986). Conceptualization for Evaluation and Planning. *Evaluation and Planning*, 9, 289-308.

Wangby, M., Bergman, L., and Magnusson, D. (1999). Development of Adjustment Problems in Girls. *Child Development*, 70, 678-679.

Widom, C. and Ames, M. (1994). Criminal Consequences of Childhood Sexual Victimization. *Child Abuse and Neglect*.

Association Information

THE AMERICAN BAR ASSOCIATION

The American Bar Association is the largest voluntary professional membership association in the world. With more than 400,000 members, the ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public.

ABA Juvenile Justice Center. The ABA's commitment to improving the nation's juvenile justice system spans over three decades, and includes the establishment of the Juvenile Justice Center almost 20 years ago. The Juvenile Justice Center engages in a blend of activities with lawyers, judges, experts and other justice system personnel and service providers across the country. The Center's mandate is to provide training, technical assistance, research, model program design and implementation, standards drafting and advocacy. For some time now, the Center has been focused on ways to improve the access to counsel and quality of legal representation children receive in the justice system through the activities of its National Juvenile Defender Center. In addition to publishing monographs, reports, and other legal articles, the Center develops and identifies strategies to address under-served or unserved children in the justice system.

ABA Council on Racial and Ethnic Justice. The Council on Racial & Ethnic Justice was created to develop partnerships between community groups, civil rights organizations, businesses, religious organizations and bar associations for the purpose of eliminating racial and ethnic bias in the justice system. Its primary goal and objective is to serve as a catalyst for eliminating racial and ethnic bias in the justice system with a focus on systemic change.

It provides the following services to its constituent groups: (1) assists with the development of educational programs; (2) provides public forums for dialogue between legal institutions and non legal groups; and (3) provides technical assistance and advice on how to implement specific programs, strategies and partnerships that eliminate racial and ethnic bias.

Some of its major projects are: A Campaign to Promote Racial Justice (joint initiative with the National League of Cities and the National Bar Association), Enhancing Access to the Justice System Through Technology and Voting Election Reform, Color/Racial Profiling Data Collection Project and a series of reports from its National Conference on the Impact of Race & Ethnicity on the Justice System.

THE NATIONAL BAR ASSOCIATION

Organized in 1925, the National Bar Association (NBA) represents approximately 18,000 lawyers and judges. It is the oldest and largest predominantly African American professional legal association in the United States. Civil rights lawyers who came together to network and share ideas on trial strategies on cases involving substantive law and civil rights issues founded the NBA. As late as the 1960's, there were only about 2,500 black lawyers in the United States. The mid-seventies saw an increase in the number of African American law graduates, and a corresponding boost in the NBA's membership.

The initial focus of the NBA was the pursuit of civil rights issues to obtain and ensure equality of rights and treatment for the African American community. Since its initial founding as a bar association for African American lawyers, the NBA has expanded its collaboration with other bar associations of color as well as the American Bar Association.

The NBA's stated objectives are to advance the science of jurisprudence, improve the administration of justice, preserve the independence of the judiciary of our cities, states and nation; to uphold the honor and integrity of the legal profession; to promote professional and social intercourse among the members of the

American bar and the international bar; to promote legislation that will improve the economic condition of all American citizens regardless of race, sex or creed in their efforts to secure a free and untrammeled use of the franchise guaranteed by the Constitution of the United States; and to protect civil and political rights of the citizens and the residents of the several states of the United States.

Through its 10 divisions, 21 sections and many specialized task forces, and the presentation of seminars, workshops, and presidential showcases, the NBA also seeks to sustain the continued professional growth of its membership. In addition to our focus on juvenile justice and African American youth, the NBA is pursuing other contemporaneous issues such as elections/voting rights, predatory lending, slavery reparations, and thrust to increase the number of minority clerks at all levels of the Judiciary including the Supreme Court of the United States, to name a few.

In August 2000, the NBA celebrated 75 years of professionalism, scholarship, community service and economic empowerment.

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