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Entangled in the Shadows: Girls in the Juvenile Justice System

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The face of the juvenile delinquent in America is changing—and her sad eyes reflect the pain of a childhood lost. The juvenile justice system has been caught off-guard with the influx of girls. The crisis is compounded by girls entering the system at younger ages than ever before—some sitting in cells sucking their thumbs at eleven years old—and issues that the system has never dealt with before.

Girls now comprise 25% of all juvenile arrests in this country,¹ an increase of 31% over the last decade.² Yet these girls appear invisible. It is apparent when discussing the juvenile justice system with the general public that there is a perception of a system composed entirely of boys. This is obvious because the facilities, programs, and services have been designed to meet only the needs of boys. The fairly recent change in gender demographics in the juvenile justice system has caught juvenile justice professionals

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1. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY, U.S. DEPT OF JUSTICE, GUIDING PRINCIPLES FOR PROMISING FEMALE PROGRAMMING 3 (1998).

2. *Id.* at 4.

unaware and sorely unprepared. Girls continue to have less opportunity for rehabilitation. Not only has this resulted in the overall effect being profoundly harmful to girls, it is shortsighted and detrimental to society as well.³

While girls are still arrested mostly for status offenses, juvenile arrests of girls for violent crime index offenses like murder, manslaughter, rape, robbery, and aggravated assault increased by 25% between 1992 and 1996, with no increase in the violent crime index rate for boys.⁴ Girls have become the fastest growing segment of the juvenile justice population.

This alarming statistic is complicated by the fact that so little is known about these girls. The research on delinquent girls is in its infancy because delinquent girls have not been included in the national research agenda. The paucity of research, coupled with the lack of services and programs available to help delinquent girls, renders the juvenile system ill-equipped to deal with this challenging national trend. The situation has not significantly improved over the last decade since the Florida Supreme Court Gender Bias Study Commission made this observation:

Moreover, when the system does intervene, the tendency to treat girls using models for boys fails to adequately address the differences between male and female delinquency. The overall effect in many instances is profoundly harmful to girls and society as a whole. Indeed, present practices may actually encourage runaway girls to enter a life of prostitution—a tragic result society surely does not intend.⁵

This lack of awareness and unwillingness to address this pressing issue is clearly apparent. Eight years after the study—in 1998—3868 girls were arrested in Miami-Dade County. Yet, *only eleven* residential placements for girls existed in the Miami-Dade juvenile justice system.⁶ Even

3. Gerald Kogan et al., *Report of the Florida Supreme Court Gender Bias Commission*, 42 FLA. L. REV. 803, 909 (1990) [hereinafter *Gender Bias Commission*].

4. See Kimberly J. Budnick & Ellen Shields-Fletcher, *What About Girls?*, in OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEPT' OF JUSTICE, FACT SHEET No. 84 (Sept. 1998).

5. *Gender Bias Commission*, *supra* note 3, at 909.

6. Eileen Brown & Cindy Lederman, *Safe Girls Now, Wholesome Women Later*, MIAMI HERALD, Mar. 29, 1999, at 11A.

well-meaning juvenile justice professionals express concern regarding their lack of knowledge about how to design effective interventions for girls. The current national preoccupation with the violent, chronic juvenile offenders—who are a minority of the juvenile justice population and are uncharacteristic of the population as a whole—threatens to further divert attention and much-needed resources from delinquent girls.

Studies of early family court activity reveal that almost all of the girls who appeared in these courts were charged with immorality or waywardness, the sanctions for which were extremely severe.⁷ In fact, the paternalistic ideology in the inception of the juvenile court resulted in sanctions that were often greater for girls than for boys who committed more serious crimes.

The earliest recorded cases of appellate courts' response to female delinquency, which was generally considered non-criminal in nature,⁸ dealt primarily with the justice system's response to the expression of sexuality and freedom by young women, and the enforcement of the responsibility of the juvenile courts to safeguard morality and character.

In 1943, the Supreme Court of Colorado reversed the commitment of a fourteen-and-one-half-year-old, first-time offender charged with "growing up in habits of idleness and crime" to a residential school for girls for being absent from school and staying out until four o'clock on several occasions.⁹ The court found that the child could not be deemed a juvenile delinquent for failure to attend school even though the child's mother testified the child was "strong willed and bullheaded." The court went on to find that a first-time offender should be granted probation, not commitment.

In 1928, Anna Black's commitment to the Ventura County Detention Home for leading a dissolute and immoral life was upheld by a California appellate court.¹⁰ Anna was declared a delinquent in danger of leading a lewd and immoral life as a result of her sexual familiarity with

7. MEDA CHESNEY-LIND & RANDALL G. SHELDEN, *GIRLS, DELINQUENCY AND JUVENILE JUSTICE* 108 (1992).

8. *See Ex Parte Black*, 271 P. 360, 360 (Cal. 1928).

9. *Carmean v. People*, 134 P.2d. 1056, 1056 (Colo. 1943).

10. *See Ex Parte Black*, 271 P. at 360.

men.

Even though Lena Drye was a child wife, her adjudication of delinquency, and commitment to a juvenile detention home for running away from home and truancy from school, was upheld in 1930 by the Supreme Court of Michigan. The court found that "perhaps the marriage will work redemption, perhaps not. The place for this wife is with her husband unless her welfare requires imperatively that she be placed elsewhere."¹¹

Unfortunately, the history of state-defined morality enforced by the juvenile court has ramifications even today. Adolescent females are more likely to be incarcerated for less serious crimes than are males.¹² We still live in a world where antisocial behavior is tolerated in boys but abhorred in girls. What causes a girl to deviate from social norms and to engage in maladaptive behavior?

In 1895, the author of *The Female Offender* referred to women criminals as "monster[s] . . . [whose] wickedness must have been enormous before it could triumph over so many obstacles."¹³ Far from being "monsters," so many delinquent girls come from backgrounds of deprivation, emotional impoverishment, parental abuse, and neglect. Families of female delinquents tend to have greater discord and conflict than those of their male counterparts,¹⁴ from domestic violence to mother-daughter conflict. Given the strong societal sanctions against misbehavior in females, there is a belief that the female delinquent must be exceptionally deviant¹⁵ to overcome society's response. The genesis of the problem is the fact that these girls are disproportionately reared in dysfunctional homes, not in traditional households with traditional social controls. An example of the acute nature of the emotional impoverishment in the lives of these girls is that the families of these girls do not even visit them when they are

11. *Ex Parte Drye*, 229 N.W. 623, 625-26 (Mich. 1930).

12. See Patricia Chamberlain & John B. Reid, *Differences in Risk Factors and Adjustment for Male and Female Delinquents in Treatment Foster Care*, 3 J. CHILD & FAM. STUD. 23, 25 (1994).

13. CAESAR LOMBROSO & WILLIAM FERRERO, *THE FEMALE OFFENDER* 152 (D. Appleton & Co. 1915) (1895).

14. Tiffany Zwicker Eggers, *The "Becca Bill" Would Not Have Saved Becca: Washington State's Treatment of Young Female Offenders*, 16 L. & INEQ. J. 219, 248 (1998).

15. Chamberlain & Reid, *supra* note 12, at 24.

incarcerated in the detention center. Two-thirds of the girls who participate in the Girls' Advocacy Project (GAP), an intervention program for girls incarcerated in the Miami-Dade detention center, reported that they received no visitors while incarcerated.¹⁶

One of the many stories from the girls in the Miami study¹⁷—"Janine"—tries to appear indifferent on a recent visiting day. However, the veil of pain on her face is apparent. It is an especially hard day for "Janine." She has been "officially" released, but her mother sent a note to the judge saying she does not want her daughter to come home. "Janine" is a bright, talented girl with a beautiful singing voice who aspires to finish high school and go to college. However, she sits in detention while awaiting placement. Some parents admit to using detention as a "time out" from dealing with the issues of parent-teen conflict—one weekend more to have peace in the house—more private time for mom to have with her boyfriend (who may have been the reason the girl ran away initially).

The behavior of "Janine" and many other girls is indicative of a history of adolescent victimization and family and social problems that affect girls more acutely than boys. Girls who commit juvenile offenses *do* have greater therapeutic needs than boys. Yet their therapeutic needs have generally gone unmet. While there is little known about delinquent girls, there is literature about the effects of adolescent victimization, depression, conduct disorder, psychiatric symptomatology, and other predictors of antisocial behavior in girls.¹⁸ Girls with conduct problems are at equal if not greater risk for serious long-term disorders than their male counterparts. Yet, as a group, girls have been virtually ignored in the basic longitudinal research on the life course of conduct disorders.¹⁹

16. See GIRLS' ADVOCACY PROJECT, JUVENILE JUSTICE CENTER MIAMI-DADE COUNTY, FIRST REPORT 20 (Mar. 1999) (on file with the authors and the Buffalo Law Review) [hereinafter GAP REPORT]. See *infra* pp. 921-27 for a discussion of the GAP program and GAP Report findings.

17. Throughout this article we refer to information synthesized from the Girls' Advocacy Project, our personal observations, and interviews of girls in the Miami-Dade County juvenile justice system as, collectively, the "Miami study."

18. See generally Kathleen A. Pajer, *What Happens to Bad Girls? A Review of the Adult Outcomes of Antisocial Adolescent Girls*, 155(7) AM. J. PSYCHIATRY 862 (1998); Kate Keenan, et al., *Conduct Disorder in Girls: A Review of the Literature 1* (unpublished manuscript, on file with the Buffalo Law Review).

19. See Chamberlain & Reid, *supra* note 12, at 24.

The handful of empirical studies of delinquency that include findings on adolescent girls suggest that significantly different risk factors for delinquent behavior exist between boys and girls.²⁰ There is a converging body of research that indicates these important gender differences affect behavior resiliency in girls differently than in boys. There are different life experiences as well.

One of the most disturbing characteristics of the female juvenile delinquent is the extent of sexual and physical abuse, with its devastating effects on their lives. Close to 70% of girls in the juvenile justice system have histories of physical abuse, compared to the approximately 20% rate of physical abuse for teenage females in the general population.²¹ Sexual abuse is also prevalent in their young lives. Surveys of females in the juvenile justice system and in shelters report rates of sexual abuse and assault of over 70%, versus 32% for boys.²² There are suggestions that the statistics do not accurately report the actual abuse taking place. Obviously, there are many instances when physical and sexual abuse are not reported. Also, girls report running away from home because of men in their homes engaging in voyeurism, invading the girls' privacy by repeatedly entering their rooms while the girls are undressing, touching the girls inappropriately, exposing themselves, and other "gray area" reasons that are not officially labeled as sexual abuse. These gray areas, which may be labeled sexual harassment in adults who have options and redress, are considered abuse when directed towards children. Whether it is overt sexual abuse or harassment, the result may very well be the same—girls running away to escape.

A recent nationwide study of adult women in the criminal justice system found that 67.5% of incarcerated women reported being violently victimized as young girls.²³ However, society gives women a different message than it gives girls in dealing with the victimization. Women are encouraged to leave a violent home as a healthy choice.

20. Dawn A. Obeidallah & Felton J. Earls, *Adolescent Girls: The Role of Depression in the Development of Delinquency*, in NATIONAL INSTITUTE OF JUSTICE, U.S. DEPT OF JUSTICE (July 1999).

21. Laurie Schaffner, *Female Juvenile Delinquency: Sexual Solutions, Gender Bias, and Juvenile Justice*, 9 HASTINGS WOMENS L.J. 1, 4 (1998).

22. Chamberlain & Reid, *supra* note 12, at 24.

23. Schaffner, *supra* note 21, at 3.

Girls, however, are considered runaways when they do so. Girls are often fearful or reluctant to divulge to authority figures why they fled, and they routinely are not asked why they left. Instead runaway girls are labeled "delinquent," often resulting in long-term juvenile justice involvement.

The lack of protective factors in the lives of abused and neglected girls, such as close parental supervision, appropriate discipline, and effective parental role models, facilitates girls' derailment into the criminal justice system. Abused and neglected children are reared in families that lack traditional social controls. The barriers to derailment to the juvenile justice system that keep the normal female on "the path of virtue" do not exist in homes where child maltreatment is present. A study of girls in the California juvenile justice system conducted by the National Council on Crime and Delinquency found that more than 95% of the girls lacked a stable home environment, more than 54% of the girls reported having mothers who had been arrested or incarcerated, and 46% of the girls had fathers who had been incarcerated.²⁴ The criminogenic nature of the home environment enhances the opportunities of delinquent girls to engage in relationships with deviant friends, relatives, and potential mates, and to model their antisocial behavior.

Early childhood victimization and child maltreatment have long-term consequences for delinquency, adult criminality, and violent criminal behavior. While most maltreated children do not engage in delinquent behavior, being abused or neglected as a child increases the likelihood of arrest as a juvenile by 53%, as an adult by 38%, and/or being involved in a violent crime by 38%.²⁵ The extraordinary levels of victimization experienced by girls in the juvenile justice system provides the first step to the pathway of delinquent behavior. It is obvious that a history of abuse and neglect puts a child at significantly increased risk for emotional and psychological problems. Common psychological sequela of sexual abuse include depression, anxiety, low self-esteem, loss of trust, and difficulty establishing intimacy.²⁶ Post traumatic stress disorder is

24. See Leslie Acoca, *Investing in Girls: A 21st Century Strategy*, 6 JUV. JUST. 3, 6 (1999)

25. Cathy Spatz Widom, *The Cycle of Violence*, in NATIONAL INSTITUTE OF JUSTICE, U.S. DEPT OF JUSTICE (Oct. 1992).

26. See Schaffner, *supra* note 21, at 22.

not an uncommon diagnosis for children of all ages in dependency court. In fact, "estimates of sexually abused children diagnosed as meeting the [Diagnostic and Statistical Manual of Mental Disorders (3d ed. Revised)] DSM-III-R criteria for post traumatic stress disorder range from 21% to 48%."²⁷ Severe childhood maltreatment is related to later self-destructive behavior, withdrawal, and depression.²⁸ The multiple problems that characterize the lives of women who have been abused include lower intellectual performance, increased likelihood of abusing alcohol, higher levels of hostility and sensation seeking, lower levels of self-esteem, and less sense of self-control.²⁹ The suicide rate is elevated as well. Lindberg and Disad's study of twenty-seven adolescents with incest histories found that one-third of the victimized children had attempted suicide.³⁰

Despite the acute need for therapeutic intervention, girls entering the juvenile justice system are not receiving the services they need. They rarely seek help, and help is rarely offered. They enter the juvenile justice system with unmet therapeutic needs that the system is unable to recognize and treat. Juvenile justice professionals have failed to recognize the desperate situation that many of the girls are in and have failed to acknowledge they may have legitimate reasons for their behavior.

Another story from the Miami study—"Sara"—is of a red-haired, freckled-face girl reared in a household with a mother who has been in and out of jail for all of the child's life. Grandma took care of "Sara" when mom was not around. When mom *was* home, and "using," she was physically and verbally abusive to "Sara." The last time mom was home, she came after "Sara" with a hot iron. Mom was hauled back to jail. Grandma subsequently fell and broke her hip, and "Sara" was placed in foster care. She missed Grandma and stole a car to go to her. This is not an

27. NATIONAL RESEARCH COUNCIL, UNDERSTANDING CHILD ABUSE AND NEGLECT 215 (1993).

28. *See id.* at 222.

29. Cathy Spatz Widom, Childhood Victimization and the Derailment of Girls and Women to the Criminal Justice System 8 (1999) (unpublished paper presented at the Annual Conference on Criminal Justice Research and Evaluation: Enhancing Policy and Practice, Washington, D.C., July 20, 1999, on file with the Buffalo Law Review).

30. *See* NATIONAL RESEARCH COUNCIL, *supra* note 27, at 222.

unexpected reaction, taking into consideration “Sara’s” “home training” by mom, who used to take “Sara” to the department store to steal clothes, and to the grocery store to steal food. When “Sara” was scared and sobbing, not wanting to steal, mom would slam into her. How many juvenile justice professionals have the time or resources to learn about “Sara”—the girl behind the arrest form? Is “Sara” destined to follow her mom’s path? Probably, if she is not given a considerable amount of front-end help.

In designing interventions for delinquent girls, it is important to understand that the girls have different mental health histories. Therefore, they have different mental health needs. Yet the juvenile justice system continues to place delinquent girls in programs originally designed for boys. If the needs of these girls are not addressed, there is a continuum along which these girls travel that leads “to behaviors that are frequently viewed as ‘uncontrollable’ and ‘unmanageable’ by school, welfare, family, and juvenile court personnel.”³¹ It is imperative that program personnel receive special training in gender issues relating to the treatment of delinquent girls. Program components for delinquent girls recognize the increased need for psychiatric treatment, particularly to deal with their history of physical and sexual abuse. In contrast, the male delinquent demonstrates a higher need for structured ecological interventions designed to increase involvement with pro-social peers, reduce involvement in a delinquent lifestyle, and remediate educational deficits.³²

As stated above, girls who suffer abuse and neglect often try to escape the abuse by running away from home. They live on the streets, use drugs, and engage in petty criminal activity to support themselves, which, unfortunately, often leads to engaging in prostitution. In fact, there remain only two arrest categories where more

31. LAURA PRESCOTT, GAINS CENTER, IMPROVING POLICY AND PRACTICE FOR ADOLESCENT GIRLS WITH CO-OCCURRING DISORDERS IN THE JUVENILE JUSTICE SYSTEM 6 (June 1998) (on file with the Gains Center, Delmar, New York and the Buffalo Law Review).

32. Dana Royce Baerger et al., Mental Health Service Needs of Male and Female Juvenile Detainees 11 (May 2000) (unpublished paper prepared for the Mental Health Services and Policy Program, Northwestern University Medical School, on file with the Mental Health Services and Policy Program, Northwestern University Medical School, 339 East Chicago, Room 708, Chicago IL, 60611, and the Buffalo Law Review).

girls are arrested than boys: prostitution and running away from home.³³ The effect of running away in non-abused children is significant, and may, in fact, create an even greater risk for arrest.³⁴ Indeed, although girls accounted for only 26% of all juvenile arrests in 1997, they represented 58% of all runaway arrests.³⁵

Running away often leads to prostitution as a means of survival on the streets. The 1990 report of the Florida Supreme Court Gender Bias Study Commission was the first institutional court recognition of prostitution as a vehicle of gender bias in the justice system. Recognizing that 85% of juvenile prostitutes were victims of incest,³⁶ the report stated that "a direct causal link appears to exist between the treatment of runaway girls by the juvenile justice system and their future recruitment as prostitutes. The impact of prostitution upon runaway girls cannot be minimized."³⁷ Judges have traditionally not thought of asking girls why they ran away while sentencing them to return home.

Although obvious, it is important to remember that delinquent girls will become mothers—another reason that intervention is imperative. There are a significant number of delinquent girls who are pregnant or who are already child mothers of babies. These babies then follow the increased risk path as a result of the maladaptive behavior of their child mothers. The cycle then continues at greater speed, with fewer years between the generations.

In fact, the average age of the first voluntary sexual experience of delinquent girls in a Hawaii study was 13.8 years,³⁸ and in Miami the average age was 13.52 years.³⁹ Almost one-third of the girls in both studies became pregnant. Taking into consideration that delinquent girls exhibit significantly greater emotional problems and

33. Meda Chesney-Lind, *Challenging Girls' Invisibility in Juvenile Court*, 564 ANNALS AM. ACAD. POL. & SOC. SCI. 185, 188 (1999).

34. See Jeanne G. Kaufman & Cathy Spatz Widom, *Childhood Victimization, Running Away, and Delinquency*, 36 J. RES. CRIME & DELINQ. 347, 366 (1999).

35. Howard N. Snyder, *Juvenile Arrests 1997*, in U.S. DEP'T OF JUSTICE, JUVENILE JUSTICE BULLETIN 3 (PUB. NO. NCJ 173938 Dec. 1998).

36. *Gender Bias Commission*, *supra* note 3, at 894.

37. *Id.* at xli.

38. Chesney-Lind & Shelden, *supra* note 7, at 166-74.

39. See GAP REPORT, *supra* note 16, at 27.

psychopathology than the general population, combined with the fact that the therapeutic needs of the girls are unmet while in the juvenile justice system, the implications for future generations of their children are tragic.

The concern is elevated for this population in view of the pervasive history of physical and sexual victimization. The rate of intergenerational transmission of abuse is 30%, which means that nearly one-third of the individuals who are abused or neglected as children will abuse their own children.⁴⁰ The fundamental challenge for judges hearing dependency cases is the difficulty—if not impossibility—of teaching a new mother who was never loved, nurtured, or made to feel safe as a child, how *she* can be a good parent. Imagine the efficacy of attempting to do so for a delinquent child mother.

We are at a critical juncture in our society when it is essential that we focus our resources on examining and addressing these difficult and pressing issues with broad strokes and great depth. Miami-Dade County, Florida is doing so through the Eleventh Judicial Circuit's Girls' Advocacy Project ("GAP"), funded by a grant by the Florida Department of Juvenile Justice.⁴¹ The project provides gender-specific programming for girls in the Miami-Dade County Juvenile Detention Center, and advocacy to link them with services when they are released from detention. The project further aims to assist the juvenile justice system in determining what type of gender-specific programs are needed, and to provide more proactive intervention. Not only is the project making an immediate impact on the girls in detention today, it is compiling a body of much-needed research to contribute in helping girls in the juvenile justice system in the future.

Five years ago in the Miami-Dade County Juvenile Detention Center, there was one module to house girls in detention, and often the module was not at capacity. Now there are two modules with twenty to forty girls housed on any day, and some days each module is filled past capacity. The boys have a therapeutic module, which removes the most troubled boys from the main population. This allows the required ratio of staff so the boys can go outdoors and

40. NATIONAL RESEARCH COUNCIL, *supra* note 27, at 223.

41. See GAP REPORT, *supra* note 16, at 1 (discussing the mission and operation of the Girls' Advocacy Project).

be walked to the on-site school. This is not so for the girls. There is no therapeutic module. Therefore, due to lack of staff, the girls sometimes go up to two weeks without outdoor recreation time, other than short periods during school hours. The remainder of the time the girls are "locked down" because of staff shortages. Also, the lack of sufficient staff has resulted in the girls not being able to attend school on some days.

The physical conditions of the modules are bleak at best, and unconscionable at worst. The girls sleep on concrete slabs with thin mats on top. They are issued thin blankets even though the temperature of the modules is very cold. There is no vacuum cleaner. The staff only has a broom to move around the dust. The walls are bare and depressing. One small window fights to illuminate each cell—which is tinted so little light comes in. When the modules are over-crowded, two girls share a cell meant for one. Detention was originally designed for temporary holding. Even though the average stay is eleven days, some girls are there for months while awaiting trial or placement. It is heart-wrenching to see girls' noses pressed against the glass cell doors like caged baby animals when you first enter the module. However, their faces light up. . . . they wave . . . they blow kisses when they see the GAP staff. They cry out, "The GAP ladies are here!" First among GAP's strengths is the project's dedicated staff, the members of which are knowledgeable in the area of delinquency and trained on issues pertinent to girls in detention. The Project Director is Mary Larrea (administrator of the Court Evaluation Unit), who volunteers many hours after work to the project. There are also a Co-Project Director, two Assistant Coordinators, two Project Consultants, a Support Coordinator, and a Project Evaluator.⁴² Regular meetings are held to ensure high quality treatment for the girls, and to eliminate obstacles and make adjustments to the on-going project.

Two Project Consultants work directly with the girls. Their effectiveness is extraordinary. Girls who previously were sullen, rebellious, and resistant move quickly to trust them and open their hearts to them. When asked about the Consultants, many of the girls repeat the same mantra: "They listen, they listen." Others chime in: "They teach me

42. *Id.* at cover page.

not to disrespect myself.” “They care about us even after we make mistakes.” “They help me be a leader - a *good* leader.” “They are there for me . . . no matter what.” Sadly, this may be the first time that a girl is exposed to nurturing and positively-involved adults. Half of the girls report they have lived in foster homes at some point in their past. Almost one-tenth (9.8%) reported having been abused sometime in their past.⁴³

All girls placed in the Juvenile Detention Center are first seen at the Miami-Dade County Juvenile Assessment Center. The facility processes booking information and conducts an initial screening. This screening information is placed in the girls’ detention files and is generally available to GAP staff. The GAP staff uses this information prior to the initiation of the education program. After giving informed, written consent, girls are voluntarily admitted to the program. Once admitted, they are interviewed by GAP staff to further inform them about the project (and the study), and to administer a structured interview that is specifically designed to gather extensive background information. This process is continually fine-tuned. For example, after reading *Childhood Victimization and the Derailment of Girls and Women to the Criminal Justice System* by Cathy Spatz Widom,⁴⁴ referred to above, the staff now delves more deeply into the reasons the girls ran away from home.

The educational component adds to the efficacy of the project. Five intensive, educational group talks lasting two hours in duration are presented every other day (excluding weekends) in fourteen-day rotations. The girls themselves choose the topics to discuss from the Group Talk Topic List. Girls are tested both prior to and after participating in the talks.

Girls’ self-protective shells are often cracked with these in-depth discussions. They explore issues such as basic education skills as tools for the future. This is of paramount importance as the study concludes that the girls were experiencing problems at school—a large portion of the girls failed at least one grade (70.2%).⁴⁵ Of the 307 girls who participated in the on-going study of the project, 86%

43. *Id.* at 13.

44. Widom, *supra* note 29.

45. See GAP REPORT, *supra* note 16, at 19.

reported they had been suspended from school at least once.⁴⁶ The findings “suggest that emphasis should be placed on guiding these girls back into education and that every effort should be made to help them succeed in their academic and vocational endeavors.”⁴⁷ When girls can envision a future, they can then understand the value education has for them today, and why their efforts will give them greater freedom tomorrow.

The study reports that the girls make the most therapeutic gain in the Alcohol/Substance Use group, which focuses on the dangers of alcohol and drug use, and how to garner support to terminate self-destructive behavior. Two-thirds of the sample admitted to drug use at some point in their adolescence—some began as early as twelve years old. This is a particularly crucial area where girl-specific programming is important. Studies show that girls use drugs for self-medication to escape and anesthetize their pain, while drugs and alcohol are more often used by boys for thrills, pleasure, and “fitting in.” If we layer into the picture the fact that girls reach puberty at the same time the drug use begins—when they are more likely to be sexually abused in a dysfunctional environment or be involved in unhealthy relationships—it makes sense that we explore this connection when girls are arrested for drug offenses.

Girls benefit greatly from the Conflict Resolution group talk. They learn how to avoid conflict escalation and to use conflict resolution. They learn they can be assertive without being aggressive. This serves them in navigating through family issues and peer conflicts at school, which helps reduce high risk and delinquent behavior by teaching acceptance of responsibility and self-control. Since violent forms of discipline are often common in dysfunctional families, these are new concepts and tools for the girls to utilize. Instead of turning their pain within, in the form of depression, drug and alcohol use, or lashing out in rage, the girls learn there are acceptable venues in which to express their anger. They are encouraged to seek out a support system when their newly-learned skills do not function in their dysfunctional home environment.

46. *See id.* at 20. As of the date of this writing, over 350 girls have been profiled.

47. *Id.* at 16.

The group talk on Sexual Education teaches the girls about female and male physical anatomy, sexually transmitted diseases, and birth control. This talk, the only mandatory one, is often the first opportunity the girls have to discuss and voice their questions about sexuality. Often, it is also the first time they have been able to delve into these sensitive topics with an adult in an open and supportive forum. The girls make significant progress through these talks. They gain knowledge in the areas of sexual abuse, teen pregnancy, sexuality, homosexuality, rape, parenthood, female sex offenders, relationship issues, self-mutilation, and how perceptions affect eating disorders. The gains made in this area take on added significance as repeat teen pregnancy in Miami-Dade County is *double* the national rate, and teen mothers tend to become sexually active at a significantly younger age (fourteen) than the national rate (sixteen).⁴⁸

A powerful tool for self-expression is the GAP Journal. The girls contribute poetry, stories, and art work. Some of the girls who have not been given the freedom in their lives to express themselves verbally are extremely talented in expressing themselves through their writing. The Journal also provides the girls with a sense of community and peer support. New detainees read and add to it.

An immediate benefit of the project is that it provides new and added services for our "lost girls." Instead of sitting idle in their cells, the girls can now choose donated books to read. The girls did not have a working phone to connect with parents and relatives. Now they do. The girls now have access to much-needed therapy.

The Girls' Advocacy Project has also produced an unforeseen benefit since it was first proposed. Through articles about GAP in local and state publications, the issues and plight of girls in the juvenile justice system are being discussed from Miami to Tallahassee. The visibility of the project inspired women to come together to form the GAP Community Advisory Board. They have compiled a list of short-term and long-term goals to help the most vulnerable girls involved in the juvenile justice system.

48. WOMEN'S FUND OF DADE COUNTY, PRE-TEEN AND ADOLESCENT GIRLS IN DADE COUNTY: THE CRITICAL GAP BETWEEN PROGRAMS AND NEED, WOMEN'S FUND OF DADE COUNTY 5 (October 1997) (on file with the Women's Fund of Dade County, Coral Gables, Florida, and the Buffalo Law Review).

They want to send a message to the girls that they are not alone—that there are caring people in the community who want to assist them to succeed. They want to deliver a message to those who allocate funding that we must address the rapidly increasing number of girls in the juvenile justice system and focus our resources on preventing them from entering the adult system.

The Advisory Board has also jumped in with both feet to provide goods for the girls. After learning that the harsh soap used in detention sometimes dries and cracks the girls' skin, they began a "campaign" to have women who travel bring back hotel samples of lotions, shampoos, and soaps for the girls. When they heard about a shortage of toothbrushes and toothpaste, they bought these items to distribute. They also donate magazines and books. The girls leave detention with their meager belongings in a paper bag. One member of the Board secured a donation of canvass tote bags to give to the girls when they depart detention.

Another Community Advisory Board member linked GAP with Alcoholics Anonymous/Narcotics Anonymous (AA/NA). Presentations for the girls are being coordinated, along with links to the "Young People's Group" of AA/NA, acknowledging the importance of a strong support system to keep drug-free when the girls leave detention and/or residential programs.

Some girls express amazement about women in the community coming to detention to help them. One timid girl recently asked, "Why are you doing this? Why do you care about us?" The concept of compassion and connection to others was difficult for her to grasp. But once she did, her face was transformed with an ear-to-ear grin.

Society has failed too many of our young women. The girls in the GAP program reflect this abject failure. By the time a girl is incarcerated, too many opportunities have been missed for assessment and intervention. Helping her presents our most difficult challenge. However, even while incarcerated there is hope to teach her and to penetrate the walls she has built, a desperate attempt at self-survival. It is imperative that every girl's contact with the juvenile justice system—from the beginning—be a source of hope and an opportunity for rehabilitation, instead of yet another layer of victimization. The changing identity of the juvenile delinquent in America demands a revised, compassionate, well-reasoned, researched-based and gender-specific

institutional response. Otherwise, society will continue to fail more and more girls lost in the shadows of the juvenile justice system, not only affecting their futures, but the future of society as a whole.

