

Educate  
Or  
Incarcerate

Girls in the Florida and  
Duval County  
Juvenile Justice Systems

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Juvenile Justice Systems

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Submitted to the  
Jessie Ball duPont Fund

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November 2000  
National Council on Crime and Delinquency

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## Acknowledgments

We would like to take this opportunity to thank the many people who made this research possible. First, we would like to recognize the dedicated women and men who work directly with young women in and on the periphery of the juvenile justice system in Florida. Their consideration and patience in providing our research access and their invaluable insights regarding the experiences of girls were essential to the completion of this study.

Further, without the research support and personal commitment provided by the entire staff of the PACE program, led by President and CEO Lawanda Ravoira and Program Director Helena Almeida, this project could not have been initiated, let alone successfully concluded. We would also like to recognize our legal intern Renee Jansen who gave her brilliance and dedication to every stage of the study.

Among those who were instrumental in gaining research

access were the following Probation Officer Unit Supervisors from the Florida Department of Juvenile Justice (DJJ), District IV: Janice Flatley, Donna Grooms, John Eyrick, Craig Phillips, David Way, and Darryl Polson. Naturally, we would also like to thank all the probation officers they supervise as well.

Additionally, we would like to offer our gratitude to the following directors and staff of the various programs who opened their doors to our researchers. Stella Johnson, Pat Neaves, Rosemary McConville, and Vivian Johnson at the Youth Crisis Center North and South; Nina Waters and staff at the PACE Center for Girls; John Gnatt and staff at the Duval Regional Juvenile Detention Center; District IV; Shelley Grant and staff at the Juvenile Alternative Services Program (JASP) and First Offender Program (FOP); Vickie Waytowich at the Early Delinquency Intervention Program, Daniel Memorial, Inc.; Lucy Brigmond and staff at the Jacksonville Marine Institute East and West; Ernie Samuels and staff at the White Foundation; Pat Stinson

and staff at the Special Intensive Group (SIG); Linda Woodall and staff at the TPC Village Gateway; the staff at The Pines Residential Program in Daytona Beach, Florida; and members of the Girls Initiative for participating in our focus group of juvenile justice professionals.

Finally, none of our research would have been possible without the support of Edgar Mathis, District Manager of the Florida DJJ District IV; Harry Shorstein of the State Attorney's Office; or the staff of the research division of the Florida DJJ.

We extend our gratitude to the Jessie Ball duPont Fund, which funded both this study and a previous study on girls in the California juvenile justice system, and which has become a national leader in the support of research on girls. Without the courageous foresight of the Fund's Board of Trustees and staff, girls in the California and Florida juvenile justice systems might have remained invisible and the growing national dialogue on

how to effectively serve at-risk girls and their families might not have taken place.

Most importantly, we would like to thank the 86 girls within multiple levels of juvenile justice programming in Duval County, Florida, who participated in our structured interviews. It is their courage in becoming historians of their own lives and their resiliency as they claim the future for themselves and their children that inspire us.

## I. Introduction

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The Florida State Legislature will reach a historic crossroads during its next legislative session beginning in March 2001. They will either respond to the burgeoning numbers of girls in and at risk of entering the Florida juvenile justice system by spending millions more on the construction of maximum security lock-up facilities while eliminating the very prevention and intervention programs girls need to avoid arrest, or they will rely on current research, such as the study summarized here conducted by the National Council on Crime and Delinquency (NCCD) with assistance from the PACE Center for Girls (PACE) to reverse course.

The choice is immediate and, quite literally, concrete. In West Palm Beach County, Florida has activated (at an initial construction cost of \$4 million and an estimated per annum operating cost of \$2.5 million) one of the first maximum security youth prisons exclusively for girls in the nation. These costs represent just phase one of construction. At least one other is underway that will double the institution's housing capacity from 50 to 100 girls and increase building costs to an estimated 7.5 million. If less restrictive alternatives for girls are not immediately developed, a third phase may also be implemented. Credible studies profiling young women offenders over the last 25 years are in nearly universal agreement that this type of environment, designed to control the more dangerous behaviors of male adult offenders, is at best developmentally inappropriate. At worst, it will further hinder adolescent girl inmates from re-entering Florida communities as emotionally and economically

stable adult women and parents (many are already mothers)

On the hopeful side of the spectrum, the site is acquired and the architectural plans are complete for the construction of the PACE Preteen Center, a new middle school for at-risk girls in Broward County, Florida. This program is designed to ensure that girls have the academic and social competencies to avoid arrest and thrive in one of the most prosperous but competitive economic eras the nation has ever known. It also targets girls at what both the current Florida girls' study and a previous NCCD study conducted in California show is a critical developmental turning point in their lives, 8 to 11 years old.

The subject of this report is a study funded by the Jessie Ball duPont Fund and conducted by NCCD with research support from the PACE Center for Girls between 1998 and 2000 on girls in the Florida and Duval County juvenile justice systems. The objectives of the study were to create a comprehensive profile of girl offenders, describe how girls are processed through the juvenile justice system, and identify the specific risk factors leading to girls' offending. The ultimate goal of the project was to develop a research-based legislative and service blueprint that will interrupt the escalating trend of girls' offending by eliminating the critical underlying risk factors.

In summary, the study strongly suggests that the most statistically significant risk factor underlying girls' offending (including serious offending) is educational failure, especially during their middle school years (6th to 8th grade). Structured analysis of nearly 1,000 case files selected from multiple points

in the Duval County juvenile justice system revealed that those young women whose official records indicated academic problems throughout their school careers were roughly four times more likely to be repeat offenders and nearly three times more likely to be more serious and person offenders than girls whose records did not. Statistical analysis of data from 86 interviews with girl offenders in that same system suggested that academic problems (uneven grades) during middle school constituted by far the most significant risk factor underlying both repeat offending and offending labeled "serious." Other key risk factors that emerged from the study were pregnancy and early sexual activity, violent victimization, and an intergenerational pattern of incarceration, especially of fathers. Clearly, the time to intervene in girls' lives is early, between 8 and 12 year old, and intensively, with comprehensive gender-responsive middle school environments anchoring the service continuum for girls.

At the same time, NCCD's analysis of Florida Department of Juvenile Justice data revealed that between 1993 and 1998 girls' delinquencies have increased by 30% statewide (compared to a 5% increase among young males) and that girls in Duval County are increasingly likely to be detained (locked up) for minor nonviolent offenses. Beyond the deepest end of the Florida juvenile justice system, the number of girls judicially waived into the adult criminal system has increased 11% since 1993. It is no longer uncommon to find adolescent girls as young as 14 and 15 year old in Florida's adult jails and prisons. Again, virtually every evaluation of effective services for girls over the last quarter

century has indicated that these low-level offenses should trigger treatment, not lock-up. It is also critical to note that although Florida is one of the nation's gateways to Central and South America and to the Caribbean, the Department of Juvenile Justice system has no category for collecting information on Hispanic and some other racial and ethnic groups. While Florida is not alone in this regard, this deficiency must be addressed in order to plan fairly for culturally-responsive programming for girls and all youth.

A brief policy analysis reveals a disturbing context for all of these findings. According to the Florida Juvenile Justice Association, the governor and legislature are currently considering cutting \$28 million from the current level of juvenile justice program funding, including roughly \$17.5 million in funding for approximately 64 existing youth prevention, intervention, and treatment programs, several of which address the very educational risk factors that lead to girls' offending. In turn, the savings will reportedly be invested not in earlier intervention, but in the construction of roughly 1,888 new and expensive to maintain beds for male and female youth offenders (such as the above-mentioned girls' facility). Legislators and citizens must now ask if this is a wise investment strategy in Florida's future public safety when current research indicates that education, not incarceration, is the preferred method of reducing juvenile crime, especially girls' offending. Matching research to concrete solutions, "Education or Incarcerate" recommends a six point legislative agenda, which is fully itemized in the section of this report addressing the NCCD study findings and recommendations.

Finally, it is important to highlight why legislation is at the heart of NCCD's recommended juvenile justice reforms. Historically, legislation has played an essential role in furthering girls and women's access to all levels of education nationally and to effective juvenile justice programming in Florida. Without Title IX, the landmark civil rights legislation passed by the United States Congress in 1972, the remarkable advancement in women's educational status at all levels from high school to graduate school might never have occurred. In Florida, without a class action lawsuit (the Bobby M. case) that uncovered terrible abuses of girls and boys in state training schools and the subsequent passage of the Juvenile Justice Reform Act in 1990, community based programs for girls might never have been created. Now even this fledgling network of girls' programs is experiencing a funding cut backlash. It is time for the Florida state legislature to reclaim its unfinished agenda and fund girls' schools, not prisons.





## II The Mythology of Improvement:

### Contrasting Profiles in Juvenile Crime Trends and Risk Factors for Juvenile Offending

A superficial glance at headlines reporting recent declines in juvenile crime and in selected risk factors associated with juvenile offending creates the impression that conditions are improving for all youth and that as a result Americans will be safer. However, a closer examination of juvenile justice trends separated by gender reveals a very different picture. Despite their relative invisibility to the public and policy makers, girls are the fastest growing segment of the juvenile justice system nationally and in Florida.

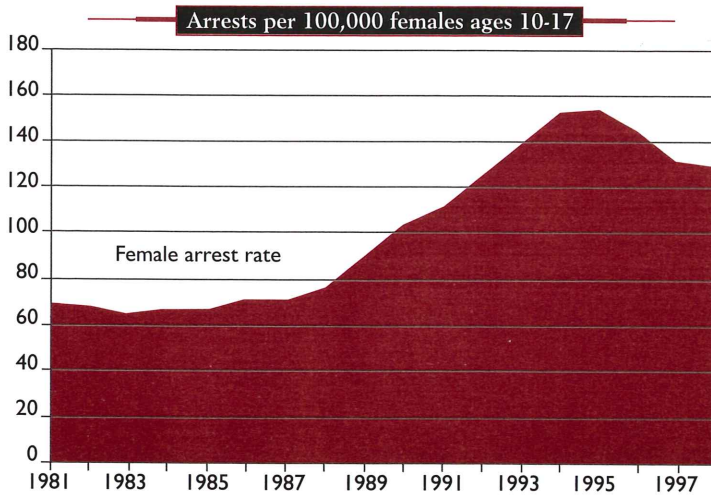
Similarly, while the intensity of certain economic and social risk factors, such as child poverty and pregnancy, appears to be decreasing, a closer inspection uncovers a two-tier reality. These improvements have left behind significant numbers of poor and minority youth and those whose life experiences include stressors such as victimization. In other words, the social fabric of the nation continues to tear, albeit more silently. Further the complex interplay between gender, race, ethnicity, economic status, and individual experience has obscured the link between persistent risks and girls' increasing vulnerability to juvenile justice system involvement. In this section, NCCD draws upon existing data sources to explore recent trends in girls' offending, including more serious offending, as well as the disparate portraits of risk improvements represented by girls from differing racial backgrounds and economic strata.

As indicated above, nationally and in the state of Florida, girls and young women are entering the juvenile justice system at a faster rate of increase than their male counterparts. In 1998, the most recent year for which these data are available, arrests of girls reached 27% of total arrests. In other words, just as the overall statistical

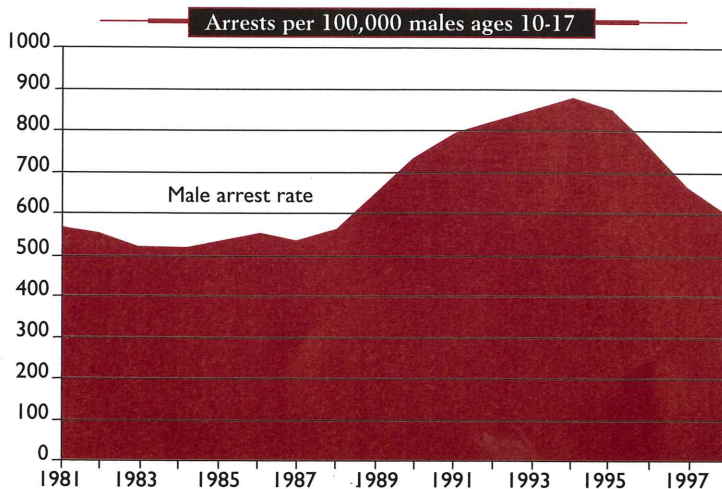
picture of juvenile crime appears to be improving due to falling rates of male offending, a closer look reveals something quite different. The juvenile justice profile of girls is either failing to improve or worsening. Even in the category of offending labelled as serious or violent, a surface examination of recent trends reveals that between 1994 and 1998 violent arrest rates for our nation's youth declined sharply following a period of rapid growth (OJJDP Statistical Briefing Book, 1999). While violent crime arrest rates involving boys exceeded the rate for girls, trends in growth and declines were far different for boys and girls (Figure 1). Between 1987 and 1994, growth in the violent crime arrest rate for girls was almost double the growth for boys (114% vs. 64%). Consistent with that trend, the decline in the violent crime arrest rate among girls between 1994 and 1998 was less than one-half the decline among boys (15% vs. 32%).

Gender differences were also seen among all cases received by Florida's juvenile courts. Between 1993 and 1997, case rates declined for boys while increasing for girls (Florida Department of Juvenile Justice, 2000). A similar pattern was observed for cases involving a violent felony. Young women represented 21% of all violent felony cases in 1997 compared to 17% of cases in 1993.

While there is significant controversy among scholars and policy makers over the interpretation of these data - for example, are girls actually becoming more violent and assaultive or are families, law enforcement, and the courts more willing to criminalize adolescent rebellious behaviors (a recent study of girls in the California juvenile justice system [Acocha and Dedel, 1998] strongly suggests the latter) - the rising trend is undeniable.



As states have struggled to find effective approaches for dealing with juvenile crime, policy changes pushed our nation's youth more and more deeply into the system. Generally, these changes had a greater relative impact on girls than boys. For example, between 1988 and 1997 the numbers of girls receiving a disposition of out-of-home placement more than doubled while increasing by only one-half for boys (Snyder, et al, 1999). Additionally, between 1988 and 1994, cases judicially waived from juvenile to adult criminal court increased more for girls than boys (88% and 73%, respectively). This was followed by a smaller decline in judicial waivers for girls than boys between 1994 and 1997 (16% vs. 28%).



### *Selected Risk Factors for Juvenile Offending:*

#### *Poverty, Victimization, and School Performance and Dropping Out*

Despite the overall decline in crime among adults and juveniles alike, many Americans feel more vulnerable to crime. We are not only fearful of becoming the victim of random violence, but we have also begun to fear that perpetrators of violence may be living among us - our children's friends and our own sons and daughters. As a consequence, perhaps we have begun to demand greater accountability (in the form of increasingly punitive sentences) from youth offenders while neglecting our responsibility to improve the conditions of childhood that lead them to delinquency. While truly random events may not be predictable or preventable, a review of the factors associated with a young person's risk of offending is critical to helping us - to predict the predictable and ameliorate the risks that leave youth, and especially girls, vulnerable to juvenile justice system involvement. This study addresses just a few of the factors cited in the literature that relate to the environmental conditions, stressful or critical life events, or individual predispositions associated with an increased risk for later offending. However, it should be noted that these factors seldom occur in isolation. More typically, risk factors are interconnected, with each risk potentially both the cause and the consequence of the others.

## Poverty

An Office of Juvenile Justice and Delinquency Prevention (OJJDP) longitudinal study of 1,000 at-risk youth found that social class had important effects on delinquency. Children living in persistent, high-level poverty were more involved in delinquency, especially serious delinquency (Browning, et al.). In addition, an OJJDP study group on serious and violent juvenile offenders also identified poverty as being associated with an increased risk for later violence (Loeber & Farrington, 1997).

In recent years the nation has experienced a decline in the poverty rate, even among our children and the elderly. While the percentage of children living in poverty declined - from 22% to 17% between 1992 and 1999 - a more detailed inspection reveals a somewhat troubling pattern among racial and ethnic subgroups (Figure 2). In 1999, the poverty rates of African American and Hispanic children were still more than three times the rate of white children (33%, 30%, 9% respectively). In addition, between 1992 and 1999 the poverty rates declined less for Hispanic children than for either white or African American children (24%, 29%, and 29%, respectively).

## Victimization

Nationally, 903,000 or 12.9 children per 1,000 were identified by child protective services as victims of maltreatment. (U.S. Department of Health and Human Services, 2000). At 23.2 victims per 1,000, the Florida victimization rate was about twice the national rate. Smith and Thornberry (1995) found that "having a history of childhood maltreatment serious enough to warrant official intervention by child protective services is a significant risk factor for

later involvement in serious delinquency." Children experiencing multiple forms of family violence in the home were twice as likely as others to commit violence themselves (Thornberry, 1994). Studies using official records indicate that abuse and neglect during childhood significantly increase the likelihood of committing a violent crime (Widom, 1992).

Overall, about one-half (52%) of victims of maltreatment were identified as female. Generally, rates of maltreatment were comparable for male and female children. However, the rate of sexual abuse was about four times greater among girls than boys (U.S. Department of Health and Human Services, 2000). A study of 200 girls in four California detention centers identified childhood victimization among 92% of the female detainees (Acoca & Dedel, 1998). Among this population, 88% had experienced emotional abuse, 81% had been physically abused, and 56% had been sexually assaulted.

An analysis of data from the National Survey on Adolescent Health (AddHealth) identified crime victimization as one of the strongest risk factors for predicting violent offending (NCCD 2000) among girls. Accordingly, Acoca's 1998 study of girls in California detention facilities found that nearly one-half of girls had been burned or beat and one in four had been shot or stabbed.

## Poor School Performance and Dropping Out

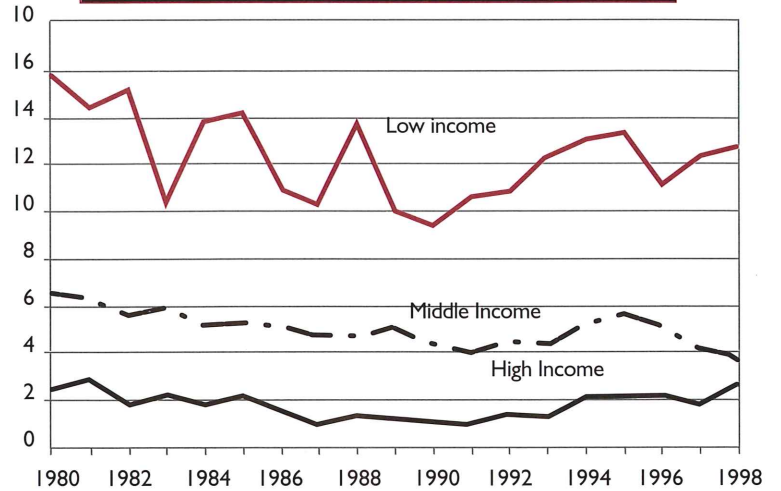
Poor school performance and weak school commitment were associated with increased involvement in delinquency and drug use according to an OJJDP study on serious and violent, juvenile offending (Browning, et al, 1999, Hawkins, 1987). Indeed some studies identified poor academic performance as the most significant risk factor relating

to early onset of delinquency (Dryfoos, 1990; Yoshikawa, 1994; Greenwood, et al., 1996). Low commitment to school was found among 21.3% of nonviolent respondents, 33.8% of nonchronic violent offenders, and 40.6% of violent offenders (Thornberry, et al.). School factors such as academic failure, low bonding to school, truancy, dropping out of school, and frequent school transitions were all identified as predictors of youth violence (Hawkins, et al.).

Truancy, characterized in an OJJDP report as a "stepping stone to delinquency and criminal behavior" (Garry, 1996), was identified as the most powerful predictor of delinquent behavior: Truant students often drop out of school because of falling behind in classwork and are at higher risk of being drawn into behavior involving drugs, alcohol, or violence. A University of Maryland report found 51% of female juvenile detainees not in school at the time of their arrest tested positive for drug use (Wish, et al.).

Analysis of data from the National Longitudinal Study on Adolescent Health (Add Health) indicates that school expulsion

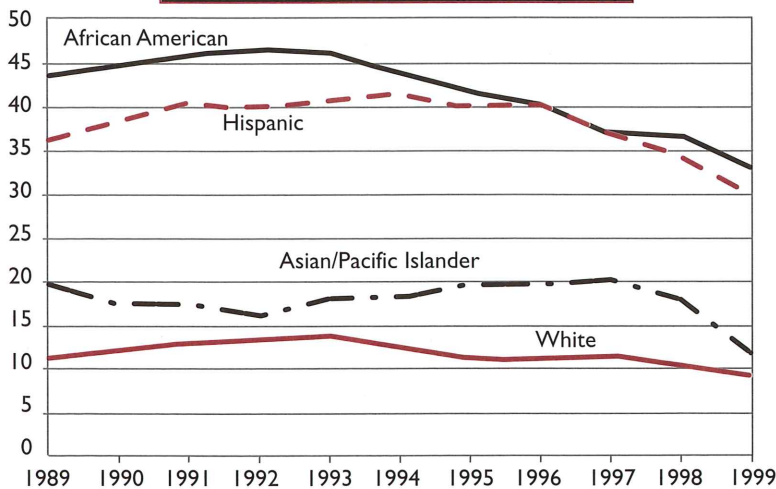
**Percent of 15-24 year olds who dropped out of grades 10-12**



was the greatest predictor of future violence among a nationally representative sample of girls in grades seven through twelve (NCCD, 2000). Further, the relationship between poor academic achievement and later violence has been found to be stronger for females than for males (Hawkins, et al.). In fact, a disproportionate number (26%) of female offenders have learning disabilities (Acoca & Dedel, 1998). By the time females enter the juvenile justice system, they may be at least a grade level behind their peers. Girls who are juvenile offenders may have reacted to academic challenges in the past by skipping school or dropping out altogether (Bergsmann, 1994; Hugo and Rutherford, 1992).

A study of 200 girls in four California detention facilities found that the vast majority (91%) of the female detainees had experienced between one and three school failures (Acoca & Dedel, 1998). More than four in five of girls reported being suspended or expelled from school on one or multiple occasions, nearly one in three had been forced to repeat one or more grades, and 40% reported being placed in a

**Percent of children under age 18 in poverty**



special classroom. The median age for the first of these experiences was age 13.

### ***Risk Factors for Dropping Out of School:***

#### ***Divergent Profiles of Poverty, Race-Ethnicity, and Teen Birth Rates***

In 1998, 4.9% of female students in grades ten through twelve dropped out of school (Kaufman, et al, 1999). The overall dropout rate of 4.8% in 1998 represents a general downward trend in the rate of young people dropping out of school since the mid-1970's. In Florida, dropout rates also generally declined (Florida Department of Education, 2000). During the 1993-94 school year 5.6% of students age 16 and older dropped out of school compared to 4.8% of students during the 1997-98 school year. The 1998-1999 school year represented the first year dropout rates were available by gender in Florida. During this year, 4.8% of girls dropped out of grades nine through twelve compared to 6.0% of boys. In Duval County, the dropout rate for both girls and boys exceeded the state rate - 7.4% and 9.8%, respectively. While the general decline in the percentage of youth dropping out of school is encouraging, dropout rates still remain woefully high among certain subgroups of students (Figure 3).

#### **Poverty**

For example, in 1998, the dropout rate among students from families with low incomes

was almost five times that of students from families with high incomes and over three times the rate of those from families from middle incomes (12.7% compared with 2.7% and 3.8%, respectively) (Kaufman et al, 1999). (Low income is defined as in the lowest 20% of the income distribution, high income is defined as in the top 20%, and middle income is defined as in the middle 60% of the distribution.)

A 1996 study from the U.S. Department of Education reported that school poverty concentration is consistently related to lower performance on every education outcome measured. For instance, eighth and tenth grade students in schools with the highest poverty concentrations scored at a much lower percentile on standardized math and reading achievement tests than students in schools with

the lowest concentration of poverty (Lippman, et al., 1996). In addition, a 1997 study concluded that students at high poverty schools in Florida were less likely than those at low poverty schools to perform well academically (Office of Program Policy Analysis and Government Accountability, 1997). The report identified lower test scores among children from elementary, middle, and high schools serving high percentages of children from low-income



families. High student mobility, absenteeism, and disciplinary problems were cited as some of the challenges faced by these schools. In fact, rates of reported disciplinary incidents and out-of-school suspensions were nearly twice as high in high poverty than low-poverty middle schools. In Florida, more than one in five children in three-quarters of Florida's counties were living in poverty in 1995 (U.S. Census Bureau, 2000).

### Race/Ethnicity

Great variation in dropout rates was also seen among racial-ethnic groups. While dropout rates generally declined among white and African American youth since 1980, the decline in dropout rates among Hispanic youth was less stable. As a result, in 1998, 9.4% of Hispanic students dropped out of grades ten through twelve compared to 3.9% of white students and 5.2% of African-American students (Kaufman, et al., 1999).

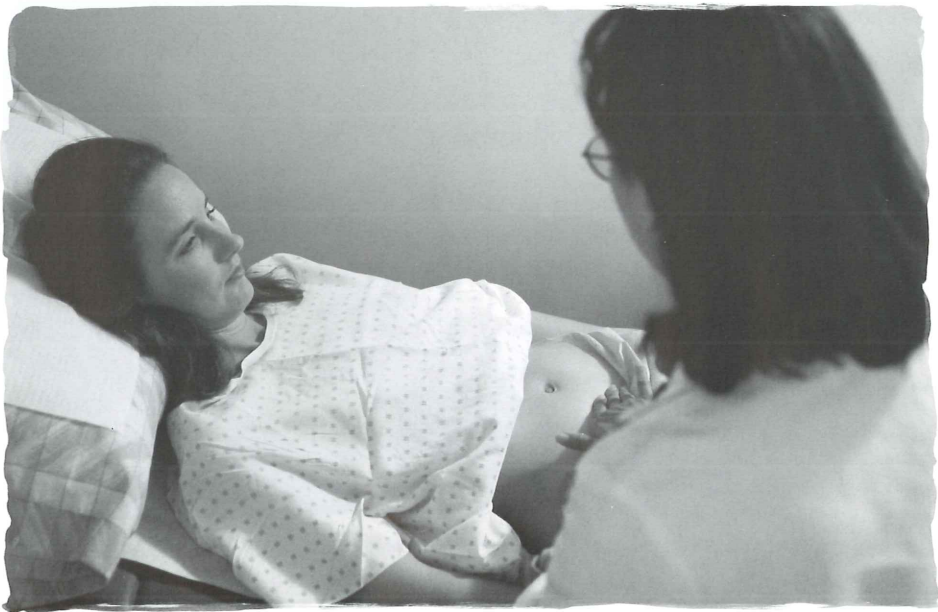
A decline in dropout rates was also observed in Florida between the 1993-94 and 1997-98 school years (Florida Department of Education). Nonetheless, there was great variation in dropout rates across racial/ethnic groups. During the 1997-98 school year, 3.8% of white students ages 16 and older dropped out of school and 2.4% of Asian youth dropped out. In contrast, 5.4% of American Indian, 6.0% of African American, and 7.3% of Hispanic students left school before graduation. In contrast to national and statewide dropout rates, the proportion of Hispanic children dropping out of school in Duval County was similar to the proportion of white children leaving



school before graduating - 5.0% and 5.1%, respectively. Dropout rates among African American youth in Duval County was twice the rate of Asian youth (6.2% and 3.1%, respectively). During the 1998-1999 school year, schools in 19% of Florida's counties have between 10% and 20% Hispanic students and schools in 9% of counties have over 20% Hispanic students.

### Teen Pregnancy

According to the National Center for Health Statistics, about 183,000 babies were born to mothers under age 18 (Ventura, et al., 2000). Although most youth dropping out of high school reported school-related reasons for leaving school, a greater proportion of female dropouts reported family-related reasons (Kaufman et al., 1999). In fact, 21% of girls versus 8% of boys dropped out because they became parents (Cantelon & LeBoeuf, 1997). A national longitudinal study of youth reported that between 1990 and 1992, 18.3% of girls and 6.8% of boys in the tenth and twelfth grade cohorts



reported having their own child in their home (Kaufman et al, 1999). Twenty-six percent of white female dropouts reported pregnancy as a motive for dropping out compared with 31% of Hispanic and 34% of African-American dropouts.

Between 1991 and 1998, the birth rate for teens ages 15-19 declined 18% nationally and 19.3% in Florida (Ventura, et al, 2000). Nonetheless, at 55.5 births per 1,000 females, Florida ranks 15th in teen birth rates from highest to lowest and exceeds the national birth rate of 51.1. While declines in birth rates are noted across all racial/ethnic groups between 1991 and 1998, they were most significant among African American girls (26%). Still, in 1998, birth rates were significantly higher among Hispanic girls (93.6 per 1,000) and African American girls (85.4 per 1,000) than white girls (35.2 per 1,000).

In summary, while improvements abound with regard to several

significant indicators of delinquency, a more detailed inspection reveals a disturbing lack of improvement among minority children and youth, and those from low-income backgrounds. Poverty rates have declined, but still remain three times greater among African American and Hispanic children than white children. High school dropout rates have also shown significant improvements, but are still almost 5 times greater among children from low income families. Finally, high

school drop out rates and teen pregnancy rates remain significantly higher among Hispanic and African-American youth. While significant strides have been made, we must continue to address this gap and the disproportionate vulnerability to entry into the juvenile justice system that persists.





## III Standing at the Crossroads in Florida:

### Educate or Incarcerate, Study Findings, Recommendations, and Action Plan

#### ***Introduction***

In the last chapter, we scanned existing data sources to create a bird's eye view of existing juvenile justice and risk improvement trends, particularly with respect to girls. We also began to explore the gap between public perception and reality by presenting contrasting juvenile justice and risk factor profiles. In this chapter, by presenting the findings from NCCD's original research, we hone in on exactly what is happening to girl offenders; how they are processed through the Florida and Duval County juvenile justice systems; and what factors lead them to offend, re-offend, or commit offenses labeled as "serious."

#### ***Background for the Study***

In 1997, recognizing the paucity of research-based information on programming for young women offenders, the Jessie Ball duPont Fund supported a major study profiling girls in the California juvenile justice system, the largest such system in the United States. In summary, the initial California study published in 1998 reveals that: the rate of offending among girls nationally and in California is increasing faster than that of young males in virtually every offense category; school failure and victimization in combination with family, health, and economic problems are almost universal factors underlying young women's offending; and these problems reach an early crisis when girls are between 11 and 13 years old. (This study, which identified pre- and early adolescence as a developmental period when girls are especially vulnerable to educational failure and entry into the juvenile justice system,

informed the questions eventually posed in the Florida study.)

Meanwhile, in Florida, the third largest juvenile justice system in the nation, the situation with regard to girl offenders was becoming increasingly critical. Not only were girls entering the Florida juvenile justice system in record and burgeoning numbers, but, as stated in the Introduction to the report, Florida state legislators appeared increasingly unwilling to sustain, let alone expand, the network of prevention and intervention services required to halt the trend. Instead, they had awarded over \$9 million to Ramsey Youth Services, a private provider, to construct a maximum security girls' prison while simultaneously considering \$17.5 million in cuts to the existing network of community based programs. It was in response to the growing seriousness of this situation that the Jessie Ball duPont Fund and members of the Florida state legislature requested that NCCD (with research support from the PACE Center for Girls in Jacksonville, Florida) conduct a study that would:

1. **Create a comprehensive profile of girl offenders in Florida and Duval County.**
2. **Identify the specific risk factors that lead to girls offending (including serious offending).**
3. **Develop a research-based program related blueprint that will effectively combat these risks and halt the surge of girls entering the Florida juvenile justice system.**

#### ***Summary of Study Methods***

To create a multi-dimensional and comprehensive profile

of girl offenders in Florida and to identify the specific risk factors associated with both girls' re-offending and committing more serious offenses (person offenses), NCCD used three complementary data collection methods:

1. An evaluation of statewide and local juvenile justice system trends between 1994 and 1998.

2. A structured review of 960 case files of girl offenders randomly selected from within all accessible levels of the Duval County juvenile justice system.

3. Face-to-face structured interviews with 86 girl offenders also selected from within multiple levels of the Duval County juvenile justice system.

These multiple methods provided a statewide context for identifying and understanding recent trends relating to girls' offending in Florida. Methods (2) and (3) blended the official perspective on girls' offending with their complimentary and often richer personal perspective. The study results, summarized below, reflect both quantitative data drawn from juvenile justice sources and qualitative, self-report data drawn from interviews with the girls.

It is important to note that this is the first study to use a random sample of girls from six different levels of the juvenile justice system (from first-time offenders to those in secure confinement) at a single point in time. This is unique in that it allowed researchers to explore the differences in the characteristics of girls occupying various levels of programs, as well as to identify the issues pertaining to their processing through the graduated (in terms of the restrictiveness) levels of the juvenile justice system.

NCCD selected Duval County as the study site for two primary reasons. First, over several years, NCCD had participated in the Duval County Comprehensive Strategy planning process to prevent serious and violent juvenile offending, which had identified girls as a primary focus. Consequently, there was a strong existing commitment among state and local juvenile justice administrators to support this complex, gender-specific research effort. Second, NCCD had an established working relationship with the PACE Center for Girls (a statewide program whose flagship office is in Jacksonville, a city in Duval County). This partnership with a local provider was essential in gaining research access to the relatively restricted population of girls interviewed and to the nearly 1,000 case files distributed throughout the county juvenile justice system.

### ***Analysis of Florida State and Duval County Juvenile Justice Demographics and System Trends (1993-1998)***

NCCD compiled official data from the juvenile court, Department of Juvenile Justice, and law enforcement agencies to illuminate trends in the court processing, detention, and arrest of girl offenders at the state and local levels. The key data source was the Research Division of the Florida Department of Juvenile Justice (DJJ). Using these data, NCCD developed a picture of Florida state and Duval County system trends with respect to girls because they are important indicators of the political climate concerning juvenile justice issues and because they provide a context for evaluating the profile of girl offenders assembled through this study.

The case file sample was fully randomized; the interview sample, due to problems accessing girls representing all levels of the system, was a convenient randomized sample. Consequently, findings that emerged from analysis of case file data can be generalized to the overall population of girl offenders, whereas findings derived from the interview data are highly suggestive but not generalizable. It is important to note, however, that findings from both samples were remarkably consistent, which contributes to the overall validity of the study.

Analysis of the original data collected from both the case file and interview data ranged from simple calculation of relative risk ratios to the construction of a logistic regression model to evaluate the interview data.

### *Demographics*

- According to U.S. Census estimates for 1998, the population of Florida exceeds 14.5 million. Approximately 12.4% of the population are between the ages of 10 and 19. The greatest majority of Floridians are white (83%), followed by African American (15%), Asian or American Indian (2%), and other race (0.4%). People of Hispanic origin constitute an estimated 14% of the population within the various other racial categories.

From 1994 to 1998, white females constitute 57% and black females 42% of female delinquency cases statewide (DJJ Bureau of Research). Again, at the state level there is no means of accurately capturing data on young Hispanic women.

### *Statewide Juvenile Justice Trends*

- Between 1993 and 1998, the rate of increase for girls' delinquencies statewide in Florida rose by 30% compared to a 5% increase among young males. Although this precipitous rate of increase appears to be tapering, it also reflects a steady increase in the percentage of overall delinquencies represented by girls from 22% in 1993 to 25% in 1998.
- Between 1993 and 1998, felonies (more serious crimes) fell from 25% to 22% of total girls' delinquency cases, whereas the percentage of less serious offense categories increased from 12% to 16%.
- Florida is one of the nation's leaders in terms of moving juveniles (young women and men) from the juvenile to the adult justice system. Judicial Waiver is just one of at least three ways that this controversial process occurs. Waiver and transfer are controversial because they undermine the century-old premise of the juvenile justice system that childhood and adolescence are unique stages during which sanctions should be rehabilitative, not just punitive. Since 1993, the number of girls 14 years and older who have been judicially waived into the adult criminal justice system has increased by 11%.
- The percentage of 15 year old and younger girls judicially waived into the adult system in Florida has jumped from 5% to 10% between 1993 and 1998, while slightly over one-half of girls waived are 17 years old. The true impact of this procedure is that very young women are housed in adult maximum security women's jails and prisons in Florida where they are not entitled

to the age-appropriate educational and therapeutic services that they are mandated to receive within the juvenile justice system.

- Within the Florida state juvenile justice data collection system there is no designated category for identifying juveniles of Hispanic and some other racial and ethnic groups. Thus, data characterizing the racial and/or ethnic backgrounds of juvenile justice populations in Florida must be assumed to be incomplete and misleading. In practical terms, the statistical invisibility of these populations means that programs serving at-risk and delinquent girls do not have the capacity to plan adequately for the development of culturally responsive services.

### *Duval County Demographics and Juvenile Justice System Trends*

- In Duval County, individuals between 10-19 years old constitute 13.4% of the population (U.S. Census, 1990). The majority of people in Duval County are white (69%), followed by African-American (28%), Asian (3%), and other races (0.3%). Again, persons of Hispanic origin make up an estimated 3% of the population and subsumed within the various racial categories.
- Duval County juvenile justice trends for girls resemble those for the state between 1993 and 1998 with the notable exception of detention trends. Although girls delinquency cases have increased by 25%, the percentage of total cases represented by girls has remained relatively steady at 25%.
- Examination of Duval County juvenile justice trends revealed

that girls were significantly more likely to be detained (locked in Juvenile Hall) for non-serious offenses in 1998 than they were in 1993. Specifically, since 1993, the rate at which girls were detained for misdemeanors rose by 60%, while detention rates for serious offenses (felonies) fell by 24%. In other words, the local Duval County juvenile justice system is increasingly responding to non-serious girl offenders by placing them in expensive lock-up facilities rather than the community-based programs that might prevent their next arrest.

### *Analysis of Original Data from the Case File Review and Interview Data*

In this study, NCCD was committed not only to defining the characteristics of young women offenders in Duval County and Florida, but also to identifying exactly which risk factors were implicated in girls becoming repeat offenders and more serious offenders. In its search for these risk factors, NCCD was informed by the national and state survey of risks depicted in the last section. Further, NCCD designed its case file review and intervention protocols so that these risk factors would be linked to specific ages and developmental states in girls' lives. This practical focus was chosen to inform a concrete, specific, and age-appropriate set of programmatic and legislative remedies that could be immediately designed and implemented in Florida.

As mentioned before, there was a remarkable similarity in the risk factors that emerged from the official (case file) data and the much more detailed in-depth interview data. For example,

the top five risk factors for both repeat and serious offending for both samples, while prioritized differently, were essentially the same. However, not surprisingly, the interview data revealed significantly higher degrees of substance abuse, domestic violence, violent victimization, school suspension, and health disorders. This discrepancy points to the need to incorporate a more comprehensive data collection effort within the official juvenile justice system that includes structured interviews with the girls by experienced professionals.

### *Characteristics of Both Case File and Interview Samples*

- Almost half of the girls in the interview sample have had at least one prior commitment within Florida's juvenile justice system, with 83% having had a prior arrest, in contrast to only 14% and 33% in the case file sample, respectively.
- Substance use and abuse were almost universally reported by the girl offenders interviewed. Alcohol use was reported by roughly three-quarters of these girls, and drug use by 62%. Disturbingly, information on drug use is dramatically missing from the files we reviewed, so that the percentages reported here almost certainly underestimate the prevalence of these problems.
- While nearly two-thirds of the girls interviewed reported being abused or neglected, only one in five in the case file data revealed histories of victimization, and in 22% of case files this information on abuse was missing.
- In the critical domain of family and peer relationships, the findings are dramatic, particularly as revealed in the interview data. For instance, more than half of the girls interviewed have parent(s) who abuse drugs and nearly a third have a parent who is currently incarcerated. One in five girls interviewed reported a parent who had died.
- A significant percentage of girls interviewed also reported a history of gang affiliation. This aspect of girls' experience bears more in-depth investigation, especially given the primacy of the girls' need for strong relationships during adolescence.
- Despite substantial missing data in the case file sample, the degree of educational failure among these young women is staggering. Thirty-nine percent of the girls in the case file sample and 90% of the girls interviewed have a history of suspension. Additionally, needs for special educational services (for learning disabilities) were indicated by a quarter of the girls interviewed. Even with data missing, more than a third (36%) of the girls in the case file sample are receiving failing grades.
- Sexual activity was reported by more than three-quarters of the girls interviewed. Nearly one-quarter of these young women reported that they were currently pregnant or had been pregnant before.

Table 1 Characteristics of Case File and Interview Sample

	Case File (N=960)	Interview (N=86)
<b><i>Demographic</i></b>		
Ethnicity		
Black	43	51
Hispanic	2	4
Asian/PI	1	1
Other/Multi	1	7
<hr/>		
Age		
13 or younger	9	5
14-15 years old	31	20
16 or older	57	62
<hr/>		
<b><i>Juvenile Justice</i></b>		
Most Serious Current Offense		
Person	13	33
Drug	4	6
Property	30	33
Probation	4	0
Status	19	8
Self/Family Referral	11	13
Other	10	5
<hr/>		
Juvenile Justice Involvement		
Prior Arrest	33	83
Prior Arrest, No Petition Sustained	19	—
Prior Misdemeanor	15	—
Prior Felony	8	—
Prior DJJ Commitments	14	48
<hr/>		
<b><i>Substance Abuse</i></b>		
Alcohol Use	13	76
Missing	52	0
Drug Use	20	62
Missing	47	0
<hr/>		
<b><i>Family Characteristics</i></b>		
Domestic Violence	10	50
Parent(s) abuses substances	18	52
Parent(s) has mental health	5	—
Parent(s) incarcerated	5	29
Parent(s) deceased	3	19
<hr/>		
<b><i>Gang Affiliation</i></b>		
Gang Membership	2	13
Missing	29	5

Table continued on following page

**Table 1 Characteristics of Case File and Interview Sample, *continued***

	Case File (N=960)	Interview (N=86)
<b>Educational Status</b>		
Pattern of Truancy	27	—
Missing	42	—
Pattern of Suspension	39	90
Missing	36	1
Current Failing Grades	36	14
Missing	38	2
Special Needs Indicated	9	24
Missing	52	0
<hr/>		
<b>Health</b>		
Alleged Abuse/neglect	23	65
Missing	22	5
Current/past Mental Health Issue	27	28
Missing	41	4
Physical Health Problem(s)	21	17
Missing	41	4
Sexually Active	22	83
Missing	70	4
Pregnancy	8	24
Missing	73	0

Source: Interview Data and Case File Data

### ***Risk Factors for Being Repeat Offenders***

Analysis of both the case file and interview data revealed that educational failure (i.e., truancy; uneven, poor; or incomplete grades; and expulsion) was the most statistically significant risk factor for girls who were repeat offenders (more than one arrest or contact with the juvenile justice system). Among the strongest additional risk factors were a history of intergenerational incarceration (especially of fathers), gang affiliation, early sexual experience and pregnancy, and multiple experiences of abuse. Specific findings are summarized below and presented in more detail in Tables 2 and 3.

- Case file (official) data reveal that the risk of having two or more contacts with the juvenile justice system is roughly five times greater for girls who have a pattern of truancy or not attending school. The risk increases by over two times when girls have a history of poor or incomplete grades.

- Interview data indicate that having uneven grades in junior high school (between sixth and eighth grades) is the most significant factor for girls becoming involved in repeat offending.
- According to analysis of case file data, the risk of becoming a repeat offender also increases by nearly three times if the girls' relatives (other than parents, e.g., siblings) have a history of incarceration, and by over two times if she has a history of gang membership or pregnancy.
- Significant findings from the interview data indicate that the second and third strongest risk factors for girls becoming repeat offenders are early sexual experience and having a father who is currently incarcerated. As in previous studies, a history of being abused on multiple occasions is also strongly correlated with more serious offending.

**Table 2 Risk Factors for Prior Criminal Involvement**

<u>Variable</u>	<u>Relative Risk of having a prior offense increases (if relative risk &gt; 1) or decreases (if relative risk &lt; 1)</u>	<u>Interpretation</u>
Has a Pattern of Truancy or Not Attending School	4.8	The relative risk of having a prior offense is 4.8 times more likely if youth has a pattern of truancy or not attending school
Other Relative(s) Have Criminal History	2.8	The relative risk of having a prior offense is 2.8 times more likely if youth's relative(s), other than parents, have criminal history
Gang Membership	2.4	The relative risk of having a prior offense is 2.4 times more likely if youth is involved in a gang
Poor or Incomplete Grades	2.2	The relative risk of having a prior offense is 2.2 times more likely if youth has poor or incomplete grades
Pregnancy	2.2	The relative risk of having a prior offense is 2.2 times more likely if youth has been pregnant or is pregnant
History of Expulsion	1.6	The relative risk of having a prior offense is 1.6 times more likely (60% more likely) if youth has a history of expulsion
Sexually Active	1.5	The relative risk of having a prior offense is 1.6 times more likely (60% more likely) if youth is sexually active
Alcohol Use	1.4	The relative risk of having a prior offense is 1.5 times more likely (50% more likely) if youth uses alcohol
Parent(s) Deceased	1.4	The relative risk of having a prior offense is 1.4 times more likely (40% more likely) if youth's parent(s) are deceased
History of Abuse/neglect	1.3	The relative risk of having a prior offense is 1.4 times more likely (40% more likely) if youth has been abused/neglected
Parent(s) Currently Incarcerated	1.3	The relative risk of having a prior offense is 1.3 times more likely (30% more likely) if youth's parent(s) are currently incarcerated
Parent(s) Have Criminal History	1.2	The relative risk of having a prior offense is 1.3 times more likely (30% more likely) if youth's parent(s) have a criminal history
Special Educational Needs		The relative risk of having a prior offense is 1.2 times more likely (20% more likely) if youth has special education needs

Source: Case File Review (n=960)



**Table 3 Odds of Having a Prior Offense**

<u>Model Variable</u>	$\beta$	<u>Factor by which odds of having a prior offense increases (if odds &gt; 1) or decreases (if odds &lt; 1)</u>	<u>Interpretation</u>
Uneven Junior High School grades	4.2*	68.3	Odds of having a prior offense is 68.3 times more likely if youth has uneven junior high school grades
Sexually Experienced	3.1	21.9	Odds of having a prior offense is 21.9 times more likely if youth is sexually experienced
Father Currently Incarcerated	2.8*	16.3	Odds of having a prior offense is 16.3 times more likely if youth's father is currently incarcerated
Multiple Physical Abuses	2.11	8.3	Odds of having a prior offense is 8.3 times more likely if youth has experienced multiple physical abuses
Expulsion	0.84	2.3	Odds of having a prior offense is 2.3 times more likely if youth has been expelled from school

Model correctly classifies 78%; 32% false positives, 10% false negatives, \*p<.01

Source: Interview Data (n=86)

Analysis of the interview data also revealed three important resiliency factors that appear to protect girls from becoming more deeply involved in the juvenile justice system. These are portrayed below in Table 4. Interestingly, a strong bond with their fathers appeared to offer girls their greatest protection.

**Table 4 Protective Factors for Having a Prior Offense**

<u>Model Variable</u>	$\beta$	Factor by which odds of having a prior offense increases (if odds > 1) or decreases (if odds < 1)	<u>Interpretation</u>
Positive Relationship with Father	-0.3	0.70	Odds of having a prior offense is 30% less likely if youth has a positive relationship with father
Raised by Both Parents	-1.8*	0.17	Odds of having a prior offense is 83% less likely if youth was raised by both parents
Job	-1.9*	0.14	Odds of having a prior offense is 86% less likely if youth has a job

Model correctly classifies 78%; 32% false positives, 10% false negatives, \*p<.01

Source: Interview Data (n=86)

***Analysis of Risk Factors for Girls Committing More Serious (Person) Offenses***

As indicated in the last chapter, while the rate of violent offending among young males is falling, the rate of more serious offending among girls is generally rising. Moreover, while academicians may disagree over whether the data are measuring more punitive attitudes towards girls, increasing violent acts by girls or some blend of the two, everyone can agree that the underpinnings of these behaviors must be identified and addressed. To this end, NCCD took both the case file and interview samples and divided them into two groups: girls whose current offense involved a person offense (a felony or misdemeanor offense against a person) and girls whose current offense involved some other type of offense (property, probation violation, drug, or status offense).

The analysis that identified risk factors that appeared unique to girls who had committed person offenses was again consistent across samples. The results of this analysis, like that for girls' repeat offending, clearly identify school problems, sexual experience and pregnancy, parental incarceration, and victimization as the stepping stones to serious offending. A summary of key findings appears below, followed by Tables 5 and 6, which detail the priority intensity of the various risk factors.

- According to NCCD's analysis of the case file data, a current or past history of pregnancy increases a young woman's risk of being involved in a person offense by nearly four times.
- Analysis of case file data also reveals that the girls' relative risk of committing a person offense increases by nearly three time

if she has a parent who is currently incarcerated and by nearly three times if she needs special education services and/or has poor or incomplete grades.

- Interview data reveal a similar but even more striking relationship between school problems and girls' more serious offending. A history of uneven grades in junior high school is the factor most

strongly linked to girls' serious offending, while expulsion from school is the third most significant risk factor for this type of offending.

- As in the analysis of risk factors for repeat offending, girls' experiences of multiple physical victimization and of having a father who is currently incarcerated are strongly linked to serious offending.

**Table 5 Risk Factors for Committing Person Offense**

<u>Variable</u>	Relative Risk of committing a person offense increases (if relative risk > 1) or decreases (if relative risk < 1)	<u>Interpretation</u>
Pregnancy	3.8	The relative risk of committing a person offense is 3.8 times more likely if youth has been pregnant or is pregnant
Parent(s) Currently Incarcerated	2.6	The relative risk of committing a person offense is 2.6 times more likely if youth's parent(s) are currently incarcerated
Special Needs	2.5	The relative risk of committing a person offense is 2.5 times more likely if youth has special educational needs
Poor or Incomplete Grades	2.5	The relative risk of committing a person offense is 2.5 times more likely if youth has poor or incomplete grades
Sexually Active	2.3	The relative risk of committing a person offense is 2.3 times more likely if youth is sexually active
Gang Membership	2.2	The relative risk of committing a person offense is 2.2 times more likely if youth is involved in a gang
Pattern of Truancy/Not Attending	2.1	The relative risk of committing a person offense is 2.1 times more likely if youth has a pattern of truancy or not attending school
Parent(s) Deceased	1.7	The relative risk of committing a person offense is 1.7 times more likely (70% more likely) if youth's parent(s) are deceased
History of Abuse/neglect	1.7	The relative risk of committing a person offense is 1.7 times more likely (70% more likely) if youth has been abused or neglected
Parent(s) Have Criminal History	1.4	The relative risk of committing a person offense is 1.4 times more likely (40% more likely) if youth's parent(s) have a criminal history

Source: Case File Review (n=960)

**Table 6 Odds of Committing a Person Offense**

<u>Model Variable</u>	$\beta$	<u>Factor by which odds of having a prior offense increases (if odds &gt; 1) or decreases (if odds &lt; 1)</u>	<u>Interpretation</u>
Uneven Junior High School Grades	2.5*	11.7	Odds of committing a person offense is 11.7 times more likely if youth has uneven junior high school grades
Sexually Experienced	3.1	5.7	Odds of committing a person offense is 5.7 times more likely if youth is sexually experienced
Expulsion	0.87	2.4	Odds of committing a person offense is 2.4 times more likely if youth has been expelled from school
Multiple Physical Abuses	0.49	1.6	Odds of committing a person offense is 1.6 times more likely (60% more likely) if youth has experienced multiple physical abuses
Father Incarcerated	0.16	1.2	Odds of committing a person offense is 1.2 times more likely (20% more likely) if youth's father is incarcerated

Source: Interview Data (n=86)

***Protective Factors that May Prevent or Mitigate Girls' Serious Offending***

As in the analysis of risk factors for repeat offending, specific service supports (mental health treatment) and positive

relationships (with male peers and pro-social friends) were identified as countervailing factors that might prevent girls' violent or serious acts. These are detailed on the following page in Table 7.

**Table 7 Protective Factors for Serious (Person) Offense**

<u>Model Variable</u>	$\beta$	<u>Factor by which odds of having a prior offense increases (if odds &gt; 1) or decreases (if odds &lt; 1)</u>	<u>Interpretation</u>
Receiving Emotional Health Treatment	-0.75	0.47	Odds of committing a person offense is 37% less likely if youth has or is receiving emotional health treatment
Receiving Physical Health Treatment	-1.3	0.28	Odds of committing a person offense is 72% less likely if youth has or is receiving physical health treatment
Positive Relationship with Male Peers	-1.8	0.17	Odds of committing a person offense is 83% less likely if youth has a positive relationship with male peers
Friends as Positives in Life	-2.5	.08	Odds of committing a person offense is 92% less likely if youth identifies friends as “positives” in her life

Model correctly classifies 78%; 32% false positives, 10% false negatives, \*p<.01

Source: Interview Data (n=86)

***Immediate Action Plan***

In the first chapter we noted that nationwide and in Florida, school failure, victimization, and teen pregnancy are linked, in a loose constellation, to girls' offending. We also saw that girls who have not benefitted from the recent improvements in these risks appear to be most vulnerable to juvenile justice system involvement. In this study, which focuses very specifically on girls who commit multiple and/or serious offenses, the shifting kaleidoscopic picture sharpens into a single clear pattern.

The most statistically significant risk factor underlying girls' offending is educational failure, especially during their middle school

years (sixth to eighth grade). Other key risk factors include an intergenerational pattern of incarceration, a history of victimization, and pregnancy and early sexual activity. Unfortunately, while the numbers of girl offenders in Florida are swelling, the availability of educational and family focused services targeting girls is dwindling. The use of local detention, the new maximum security girls prison, and adult prisons and jails, expensive options that offer little chance of addressing girls' needs, have become the primary official responses to girls' offending.

**The research-based conclusion that NCCD has reached is that the key strategy for reducing the numbers of young women**

entering the juvenile justice system is to prevent school failure early, before girls reach high school. Comprehensive and safe educational environments specifically designed for girls in their late primary and middle school years, especially for grades six-eight, must be funded, developed, and evaluated immediately. This educational approach, which can anchor family and health services (including prevention of teen pregnancy), is likely to prove to be the most effective and economical gender-specific prevention strategy. It also may prove to be, since many young women are already or will become mothers, a means of protecting the next generation from multiple risks including the risk of becoming offenders. In other words, providing girls with educational competence is an essential strategy for promoting public safety in the 21st century.

As stated in the Introduction to this report, NCCD has chosen a six-point gender-responsive legislative agenda as the vehicle for ensuring that the recommended girls' programming is immediately implemented in Florida. The six legislative agenda items and action steps for accomplishing them are detailed below. Included under program related action steps are selected references to promising approaches identified by NCCD during its 1998 national survey of gender-responsive services (Acoca & Dedel, 1998). These program models drawn from across the nation and from Florida represent examples of promising developmentally targeted gender-competent services that could address some of the risk factors identified in the research. However, program models that specifically respond to the problems posed for girls by parental incarceration and gang

membership, and that actively prevent the victimization of adolescent girls appear to be lacking. It is hoped that the new National Girls Institute, which is in the process of being developed by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) will serve as a resource for identifying these categories of service where they exist and for creating them where they do not.

As a preliminary step, a legislative Planning Group for Girls, which will include, but not necessarily be limited to the following constituents (members of the Florida judiciary and other legal professionals, legislative representatives, juvenile justice professionals and service providers, and young women) should be convened beginning in December 2000 and work through the beginning of the next legislative session. Ultimately, this group may become core participants in the proposed Blue Ribbon Task Force for Girls. As a planning entity, this group should conduct a careful review of gender responsive legislation enacted in other states (Oregon, for example), evaluate and analyze the currently proposed 2001 budget for the Florida Department of Juvenile Justice and its underlying philosophy with regard to girls in and at risk of entering the juvenile justice system, and draft appropriate gender-responsive legislation. This legislation must include the allocation of sufficient funding for the full implementation of the proposed continua of girls' educational and other programming.

At a minimum, the legislation that should be introduced and enacted during the 2001 session of the Florida legislature must include specific provisions for the following six items.

1. Halt the planning and construction for phase three of the high-

security Florida Institute for Girls and apply the cost savings directly to the implementation of the continuum of girls' services and programs described below.

2. Mandate the design, implementation, and evaluation of a statewide continuum of girl-specific and culturally-responsive and developmentally sequenced prevention, intervention, and sanctions services. As a core part of this continuum require the design, implementation, and evaluation of at least three intensive middle schools for at-risk girls 8-12 years old, which will serve the Northern, Central, and Southern regions of the state.

Action Step: PACE is currently constructing and designing the first middle school program targeting at-risk girls 7 to 11 years old in Florida. Since there are few existing models of this type of program, PACE and other agencies attempting to implement these services should investigate and share information on developmentally appropriate and gender-responsive educational strategies that are currently being utilized by both private and public middle schools. Threshold for Change, Inc., a treatment continuum for substance dependent girls in Marin County, California, designed a middle school program for at-risk youth 8 to 11 years old that could provide a useful blueprint for similar services in Florida. Additionally, programs should develop evaluation criteria collaboratively and with specific reference to the unique racial, ethnic, and other characteristics of girls being serviced in each region.

3. Also, as part of this continuum design, develop and evaluate at least three intensive early intervention and culturally

responsive programs for young women offenders and their children 0-3 years old using best-practice standards from the early childhood development field.

Action Step: Programs implementing these services should incorporate the core essential elements of existing "gold standard" models for mother-child services into their design and evaluation. One example of an effective mother-child program is Child Haven, Inc., in Fairfield, California. Child Haven serves low-income pregnant and parenting teens (and adult women) and their children 0 to 5 years old. The program offers a flexible matrix of in-home counseling services, infant-parent group therapy, basic medical services, and concrete supports such as food, infant supplies, and clothing. Additionally, Character House in Sarasota, Florida, which houses pregnant teens ages 14 to 18 who have been committed to out-of-home placement, offers an example of a promising residential model.

4. Given the pivotal role of the victimization of children and teens in juvenile offending, fund the development of research-based, community-based training curricula to reduce the problem for girls and boys in Florida's schools and communities.

Action Step: All youth service agencies in Florida should collectively establish specific strategies for identifying and assisting teen victims of crime and abuse, including all forms of physical, sexual, and emotional abuse. Enhanced efforts should be undertaken by law enforcement, education, the faith community, and other community entities to support

and deliver age-appropriate services to teen victims and their families.

5. Assist the already existing Girls' Initiative within the Florida Department of Juvenile Justice to develop data collection and program evaluation methods that would effectively measure the unique characteristics, needs, and offense circumstances of girls.

Action Step: The Department of Juvenile Justice Research Department must include accurate data on the racial and ethnic backgrounds of all youth as well as information on their

health, mental health, and educational needs.

6. Mandate the creation of a Blue Ribbon Task Force for Girls to be initiated in 2001 to support and oversee the above effort.

Action Step: Members of the Legislative Planning Group may become part of the Blue Ribbon Task Force. The legislation itself should define the ultimate composition of the group which should however, be multi-disciplinary and representative in terms of the racial and ethnic backgrounds of the membership.







## IV Conclusion

### Why Legislation?

In conclusion, one need only consider recent precedent to understand why legislation lies at the crux of our recommendations. America's tradition of social reform has historically relied on the enactment of legislation to redress social ills and inequities, whether in the areas of civil, employment, or educational rights. Title IX of the Educational Amendments of 1972 (codified as 20 USC 1681-1683), the first comprehensive federal law to prohibit sex discrimination against students and employees in educational institutions, provides an excellent example. The statute reads:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Prior to this landmark legislation, rampant discrimination routinely denied women equal access to educational opportunities and faculty positions. Many women, for example, were prohibited from taking certain courses such as criminal justice and auto mechanics; many colleges required women to have higher test scores and better grades than male applicants to gain admission; medical and law schools restricted the number of women admitted; and women's access to athletic programs was extremely limited.

In the ensuing three decades, reforms resulting from the enactment of Title IX (and the ongoing legal struggle to ensure full compliance) have permanently changed the face of higher education and the workplace. Today, more women are graduating from colleges and professional schools and excelling in sports than ever before. While more work remains - especially in critical areas

such as equal pay for equal or comparable work - the paradigm of class action to legislation to redress is clear:

Florida, too, has its precedents, beginning with the class action lawsuit, *Bobby M. v. Chiles* in 1983. The complaint described intolerable conditions at Florida's training schools including inadequate medical and psychological care, mail censorship, deprivation of access to courts and attorneys, dangerous environmental conditions, and abuses by staff. A rereading of the complaint offers a chilling reminder of what can happen when highly restrictive and punitive environments become the only options for juvenile offenders.

Not only were the conditions in the three training schools cited grossly inhumane, but these facilities were the primary detention options available in the state. Of the three training schools, the Eckherd and Dozier facilities served only boys, while McPherson housed both boys and girls. Without alternative and less restrictive environments, placements were made based on the availability of a bed rather than the appropriateness of the program for a particular child. As a result, the majority of the residents were inappropriately placed in greatly more restrictive environments than their offense histories warranted.

As the litigation progressed, the parties negotiated several improvements, some of which addressed girls' needs specifically. The McPherson training school, the only girls' facility, was closed; boys under thirteen years old, status offenders, and all girls were barred from entry into the remaining training schools. Eventually, the Florida Legislature enacted the Juvenile Justice Reform Act of

1990, which conformed to the standards set by Bobby M. and allocated an initial \$52 million towards the development of a statewide network of community-based prevention, early intervention, and placement services for youth at risk. The intent of the legislation was to create a continuum of care that would meet the programmatic needs of boys and girls as well as provide appropriate levels of security. As a result of the Act and despite repeated budget cutbacks, a few high quality gender-specific programs such as the PACE Program for Girls and the girls' component of the Associated Marine Institute (AMI) have been developed and expanded.

Well before the intent of the Act was fulfilled, however, the political and legislative pendulum began swinging back again, away from rehabilitation towards more punitive responses to youth. In 1994, the Florida Legislature Passed the Juvenile Reform Act, which removed all juvenile justice programs from the Department of Health and Rehabilitation Services (HRS) and placed them under aegis of the newly created Department of Juvenile Justice (DJJ). Increasingly, funds have been transferred away from the community-based continuum of services that had emerged from the revelations of Bobby M case towards high security, high cost lock-up facilities for both boys and girls. The Florida Institute for Girls, the maximum security girls' facility mentioned at the beginning of this report, represents the pinnacle of this trend.

This historical perspective is important because it demonstrates how, over the last two decades, the state of Florida has come full circle. Legislation and funding streams have moved

from training schools, to an insufficiently realized continuum of community care, and back again to even more restrictive and costly lock-ups. The momentum of these shifts has swept girls and the invisible next generation, their children, into its wake. The findings of this report serve as signposts at the crossroads Florida is facing: one says intensive middle schools for girls and the other maximum security prisons for girls: educate or incarcerate.

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