

NATIONAL JUVENILE DEFENDER CENTER

**** Fact Sheet ****

Improving conditions for girls in the justice system: The Female Detention Project

*By Anne Marie Ambrose & Sandra Simkins
of the Juvenile Unit of the Philadelphia Defender Association
Edited by Marsha Levick of the Juvenile Law Center*

Introduction to the Female Detention Project:

Throughout the late winter and spring of 1999, we noticed a steadily growing population of girls being held in the Youth Study Center, Philadelphia's secure juvenile detention center for alleged delinquent youth, and adjudicated youth awaiting disposition and placement. In a city in which girls typically comprised less than 10% of new delinquency petitions annually, girls were then averaging approximately 30% of the detained population.

In consultation with and assistance from the Juvenile Law Center, we decided to undertake a survey/study of this population to document their family, social, educational and court-related histories. With the Female Detention Project, we set out to confirm what we believed to be true from experience. Years of representing girls in Philadelphia had taught us that girls in the justice system have faced similar challenges – including involvement with the child welfare system, school disruption, and behavioral and emotional disorders. In general, they become involved with the juvenile justice system as a result of their chaotic and traumatic lives and they stay in detention centers for lengthy time periods because they lack placement options.

The Female Detention Project sought to catalogue these similarities by creating a profile of the typical girl in detention. Our goal in doing so was to draw attention to the common needs of girls, to identify gaps in services – both past and present – available to this population, and to identify strategies to compel the system to improve the quality of services offered to girls in Philadelphia's Juvenile Justice System.

Methodology:

We compiled the data for this study by taking a one-day snapshot of all female public defender clients housed in Philadelphia's Youth Study Center. We began by creating an evaluation form in conjunction with Philadelphia's Juvenile Law Center. On December 15, 1999, we used our evaluation forms as guidelines for reviewing each girl's "J" file (or court history) and for personal interviews. On that date, 26 of the 40 girls housed in the Youth Study Center were public defender clients; thus, our total data sample represents an evaluation of 26 girls. We paid close attention in our evaluations to family history, placement and detention history, the diagnoses and recommendations from psychological and psychiatric assessments, drug and alcohol history and trauma history.

Results:

Using the data compiled on December 15, 1999, we generated a profile. The typical girl being held in detention: ¹

- Is African American
- Was found dependent prior to first arrest
- Has experienced five or more foster care transitions
- Has at least one parent that abuses drugs and/or alcohol
- Has experienced some type of trauma (sexual abuse, physical abuse, neglect or witness to violence)
- Has been committed to a psychiatric hospital at least once, most likely for a suicide attempt
- Abuses drugs or alcohol
- Has exhibited violent behavior, most likely in a school setting
- Has an Axis I diagnosis of “Oppositional Defiant Disorder”
- Has been arrested for aggravated assault, but will not be found guilty of the felony
- Will stay in detention for over a month, even if it is her first time in detention
- Has a history of running away

Interpretations:

Our study of girls in Philadelphia confirmed that they have had chaotic and traumatic lives and that they are in need of treatment and quality services. We chose to interpret this data in context by asking (and answering) the following question: Given the myriad of problems described in our profile, are the services available in Philadelphia’s Juvenile Justice System adequately meeting the needs of girls? The answer was a resounding no. Below are just a few examples of the deficiencies that we found.

Misdiagnosis of Mental Health Problems:

One of the most drastic issues was the misdiagnosis of mental health problems. Our study revealed that the most common diagnosis made in the girls’ psychological evaluations was Oppositional Defiant Disorder (ODD).² ODD is characterized by a persistent pattern of negativistic, hostile, disobedient, and defiant – but not violent – behavior. Many of the symptoms for ODD are similar to the symptoms for Post-Traumatic Stress Disorder.

The Female Detention Project found that 81% of the girls reported experiencing trauma of some sort; 43% reported physical abuse, 38% reported sexual abuse, 29% reported neglect or abandonment, and 38% reported that they had witnessed violence. Furthermore, many of the girls reported symptoms that are characteristic of Post-Traumatic Stress Disorder, but not of ODD. Given this history, it is far more likely

¹ Complete results are attached.

² Oppositional Defiant Disorder is an Axis I diagnosis.

that the girls evaluated were suffering from Post-Traumatic Stress Disorder rather than Oppositional Defiant Disorder. In short, they had probably been misdiagnosed.³

Misdiagnosis means that the girls are not getting the specific kind of treatment that they need. To deal with the trauma and chaos in their lives, many girls self-medicate with drugs and alcohol. In the Female Detention Project study, 77% of the girls interviewed used drugs or alcohol, 54% had been hospitalized for psychiatric reasons and ten had at least one suicide attempt. Adequate treatment following a proper diagnosis could go a long way toward preventing or eradicating many of these problems.

Problems with the Horizontal Representation of Girls:

The Female Detention Project revealed that the needs of girls are far-reaching and deep-rooted. They need consistent support and services in order to fulfill these needs. Unfortunately, the representation system in Philadelphia is horizontal; therefore, lawyers do not necessarily stay with the same girls throughout their involvement in the justice system. The sheer volume of defenders' daily caseloads compounds problems with the horizontal system. In this environment, it is impossible for attorneys to establish relationships with girls who are facing trials. Thus, girls do not receive the quality, holistic representation that they need.

A Wall Between the Dependent and Delinquent Systems:

One by-product of the Female Detention Project was the realization that, in Philadelphia, there was an absence of information exchange between the dependent and delinquent systems. Even a judge interested in obtaining an in-depth picture of a girl's life in order to make the best possible decision for her future would have an extremely difficult time obtaining information on her from the dependent system. Thus, serious issues such as abuse and neglect or other past trauma are often not factored in when making adjudication decisions.

Outcomes:

The results of this study were presented to the major stakeholders in the juvenile justice system in Philadelphia. Although change has been slow, the Female Detention Project has sparked progress on many levels. Programming for females has become the number one juvenile justice priority for the Department of Human Services. The Juvenile Unit of the Philadelphia Defender Association is focusing on improving services for girls through advocacy, education, and by publicizing the results of the Female Detention Project. A list of our current efforts in this arena includes the following.

³ See Beyer, Marty, Ph.D. "Recognizing the Child in the Delinquent." *Journal of the American Academy of Adolescent Psychiatry*. November 1998. and Cauffman, Elizabeth, Ph.D., "Post-traumatic Stress Disorder Among Female Juvenile Offenders." *Journal of the American Academy of Adolescent Psychiatry*. November 1998.

Keeping Girls Close to Home:

One of the findings of the study was the lack of adequate and appropriate in-state resources for girls in Pennsylvania, leading to a disproportionate number of girls being sent to out-of-state programs, often hundreds and thousands of miles away. We are actively involved lobbying for treatment options and helping care providers improve their programs so that they will meet the needs of girls. We are also assisting out-of-state providers identify local sites for treatment so that they can begin meaningful family therapy. We are working in collaboration with the Juvenile Law Center in Philadelphia to examine the feasibility of a lawsuit against the City of Philadelphia and the State of Pennsylvania under equal protection or right to treatment grounds.

Improving Psychological Assessments for Girls:

The Female Detention Project found that many girls in Philadelphia's Justice System were most likely being misdiagnosed with Oppositional Defiant Disorder rather than Post-Traumatic Stress Disorder. We have persuaded the Department of Human Services to fund training for our mental healthcare providers to administer more in-depth assessments to girls.

Ensuring Continuity of Representation:

The complex needs of girls demand an intensive advocacy approach. However, the system of horizontal representation in Philadelphia coupled with the volume of caseloads makes it impossible for defenders to offer girls the quality of representation that they need. This summer, the Defender Association will launch a pilot program to examine the viability of intensive vertical representation. One attorney, working with an intern, will be assigned to our most vulnerable female clients (girls with dependent histories who are in secure detention) immediately after the girl's arrest. On day one, the attorney will review her "J" file and dependent history and will begin collaboration with a social worker. Our goal is to use this pilot project to determine what resources will be necessary to launch a large-scale program.

Engaging in Judicial Education and Systems Advocacy:

It is essential that judges who can determine the future of girls in the justice system understand the underlying effects of trauma. It is also essential that judges have access to documents from the child welfare system that can offer a complete understanding of a given girl's life. In this regard, we have formed partnerships with Community Legal Services and other organizations to conduct education and training for judges and other members of the Community. We are also working with the Juvenile Law Center to bring together officials of the Department of Human Services and juvenile probation to develop a protocol for enhancing communication between child welfare and juvenile justice personnel to hopefully limit the use of secure detention for girls – particularly teen parents – and to promote the use of non-secure alternatives more suited to their particular needs.

Conclusion:

Too often, girls' exposure to the juvenile justice system comes after a history of victimization. This is a problem of national proportion that requires vigorous advocacy and serious attention. In Philadelphia, the Defender Association has successfully teamed with the Juvenile Law Center and other supportive organizations to begin the process of changing the way the juvenile justice system responds to the plight of girls. It is our hope that our work will not only continue to improve the lives of girls well into the future, but also that it will serve as inspiration to defenders and advocates in other jurisdictions confronting similar issues.

The Defender Association of Philadelphia welcomes the opportunity to learn about how other Defender Offices have successfully improved services for girls in the justice system. For more information about this project, including the evaluation forms and complete results, contact Anne Marie Ambrose or Sandra Simkins at (215)568-3190 or Ssimkins12@hotmail.com; aambrose@philadefender.org.

This fact sheet was produced and distributed by the National Juvenile Defender Center. Created to build the capacity of the juvenile defense bar in order to improve access to counsel and quality of representation for children in the justice system, the National Juvenile Defender Center provides support to public defenders, appointed counsel, legal clinics and non-profit law centers in urban, suburban, rural and tribal areas throughout the country.

For further information, contact:

National Juvenile Defender Center

740 15th Street, NW, 10th Floor

Washington, D.C. 20005-1022

(202)662-1506 (phone)

(202)662-1501 (fax)

juvjus@abanet.org (email)

<http://www.abanet.org/crimjust/juvjus> (web)

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D e f e n d e r C e n t e r**

**740 15th Street, NW
Washington, D.C. 20005**