

The Girls' Report

How young women want to change the juvenile justice system



“So you come here and talk to us. We share this information. You leave and we never hear from you again? We’re used to it.”

– One of the participants who shaped this report

Our culture too often silences girls¹ and women. Girls in the Connecticut juvenile justice system feel this acutely when they have no voice in decisions about their cases and their lives. This report shows how girls, given the opportunity, can use their insight to improve policy and practice within the system. It calls on all of us -- providers, state agencies, policy makers and advocates -- to center our work in the voices and experiences of girls.

The Connecticut Juvenile Justice Alliance hosted listening sessions at girls' programs across the state and consulted people who directly serve these young women. With support from the National Girls Initiative, the Alliance partnered with the Center for Children's Advocacy to conduct three, multi-session Speak Ups, in which three cadres of girls at different points in the juvenile justice system were encouraged to reflect on their experiences and supported to advocate for changes to transform the system.²

This report belongs to these young women. The recommendations are directly tied to ideas generated by the girls or work undertaken with them to honor their central concern that their voices be heard. The Speak Ups were open-ended conversations; and so there are many issues, particularly involving race, gender identity and sexual orientation, that were not addressed. Not surprisingly girls were reluctant to discuss these topics with people who were relative strangers to them. There is clearly a need for more in-depth and ongoing listening work with girls.

The central theme in the Speak Ups was how little control girls had over their lives, in matters great and small. The ability to exercise agency and cultivate a sense of identity is a developmental milestone particularly critical for girls to become confident and successful young women.³ But contrary to this developmental need, Connecticut's current response to girls reflects outdated, paternalistic thinking that disempowers girls and limits their ability to develop decision-making and independent-living skills.

- 1 The age floor of Connecticut's juvenile justice system is 7 and though jurisdiction ends at 18, young women up to age 20 may be in the system because of juvenile commitments. We use the terms "girls" and "young women" interchangeably in this report.
- 2 For more about the format of listening sessions and Speak Ups, see Appendix A.
- 3 Giordano, P.C., Cernkovich, S.A., and Rudolph, J.L. (2002). Gender, crime, and desistance: Toward a theory of cognitive transformation. *American Journal of Sociology*, 107(4), 990-1064.

This report summarizes what girls told us and what reforms they would like to see. We encourage everyone involved in the lives of these girls and young women to start where we did: Listen.

What Girls Said

Stable Relationships

During one listening session, a girl in residential treatment got a call from her probation officer telling her that she could not go home because her mother was not engaging in therapy. Her distress was apparent.

Given the centrality of relationships for girls, it is no surprise that many of the discussions focused on girls' relationships with families, foster families and program staff. Healthy relationships should be mutual, but the girls consistently described being given orders and being acted upon rather than having any real agency.

After being taken from her mother, one girl was put in a room alone with no one to explain what was happening. Only years later, a program staffer told the girl why she was not allowed to live with her mother. Girls repeatedly talked about being moved without knowing why and certainly without being consulted about their needs and wants in a living situation. Could she take her cat to the foster home? Would the religious beliefs of the foster family match her own? Would the family have food she was used to or liked? Life in the system was unpredictable and unclear.

Girls discussed their multiple placements, in several cases saying that they could not remember all their foster families. While some of these included positive relationships, in other homes, girls felt foster parents were "just in it for the paycheck." One girl, describing a poor foster placement, said, "I've been through worse. Just going to stick it out." Among the other stories recounted was a kinship care placement with a cousin who would not let a girl eat Thanksgiving dinner with the family and a foster mother who would not give her foster daughter a house key.

Some girls discussed their parents' needs for support in knowing and setting appropriate limits. A Bridgeport girl talked about a mother who said: "I let you do whatever you want." The girl's response was "Yeah that's the problem!" She emphasized that she loved her mother. She simply wanted support for both her mother and herself so that they could communicate and navigate her adolescence together. Another girl said, "I need my father to give me a drug test to make sure I don't use."

"I need to see a therapist who gets me."

Girls had relationships of varying quality with program and clinical staff — and bad relationships bred bad outcomes. While the girls in one program liked some staff, they said that others made the overall atmosphere noticeably tense. One girl spoke of a guidance counselor who "is always up in my business," and didn't understand her. Another girl said that she'd had 11 different therapists.

Daily Living

Girls in one program wanted to do each other's hair, but there was a "no-touching" rule that made this typical activity for teen friends impossible.

Girls complained about regimentation in programs that offered them little autonomy in day-to-day living and actually interfered with normal development. For example, many complained about the quality or availability of food. They also objected to not being able to independently get a snack when they were hungry.

"One part of living at [residential placement] that was difficult was that we were not allowed to sing or dance. That rule was made because some girls used song lyrics to antagonize other girls. That was unfair."

Not all girls wanted the same kind of programming. For example, one program had a drummer come in to teach the girls drumming. It had been a huge hit in the past. But none of the girls presently in the program were interested. They would have liked to learn to dance, they said.

Their interests were not driving programming in institutional settings or in their communities. Girls spoke movingly about wanting more positive opportunities in their own communities, such as open gyms, places to dance and places to safely hang out with their friends. Several were very focused on earning money and wanted access to good jobs.

Schools, courts, and other institutions

A 14-year-old was questioned in court by a judge and prosecutor about her experience as a victim of commercial sexual exploitation. That was when the girl's father learned about the trafficking. She was completely humiliated and at the same time the adults around her didn't see her humiliation, telling her they "want to help."

The girls had low opinions of their schools and said that they felt less safe with police officers in school buildings. They said exclusionary discipline — suspension, expulsion and arrest — were overused and unproductive.

Local Interagency Service Team (LIST) members participating in a focus group underlined girls' feelings of being disconnected from schools, where they did not experience caring and inclusion. However, girls who were focused on goals — for example, a girl who wants to be a lawyer — were more likely to see the importance of education.

Girls explained their behaviors, which seem extreme to outsiders, as understandable in the context of their lives. Girls saw petty thefts and in one case a fight between a mother and daughter as incidents that should not have led to arrest. Meanwhile, the threat of incarceration clearly did not work to dissuade them from these behaviors, which they saw as minor and perhaps even necessary for survival. One girl, when asked if the threat of punishment would change her behavior said, "No, because I don't care."

One street outreach worker suggested that things like theft were what these girls did to survive and felt they became “addicted” to that lifestyle. The worker suggested taking a public health perspective and viewing these behaviors like addiction.

Race and Ethnicity

Girls of color are significantly over-represented in the justice system and tend to experience its harshest punishments. The Georgetown Law Center for Poverty and Inequality report, *Girlhood Interrupted: The Erasure of Black Girls' Childhood*, provides data showing that adults view black girls as less innocent and more adult-like than their white peers, especially in the age range of 5–14.⁴

Recent analysis of Connecticut data, done by Spectrum Associates, shows areas where girls of color have harsher outcomes as well. For example, black and Hispanic girls facing misdemeanor charges are more likely to have their cases handled judicially than white girls facing misdemeanor charges.⁵ Black girls facing misdemeanor charges are also more likely to be adjudicated delinquent than their Hispanic or white peers facing the same charges.⁶

Many girls, particularly girls of color and gender and sexual minority youth, experience school push out. Nearly one in five black girls with a disability experiences out-of-school-suspension.⁷ According to Monique W. Morris, author of *Pushout: The Criminalization of Black Girls in Schools*:

When we combine latent misperceptions about black femininity with punitive discipline policies, we are paving the way for black girls to be disproportionately pushed out of schools. Black girls are the only group of girls overrepresented in all discipline categories for which data are collected by the U.S. Department of Education Office of Civil Rights.⁸

4 Epstein, R., Blake, J., Gonzalez, T. (2017) *Girlhood Interrupted: The Erasure of Black Girls' Childhood*. Georgetown Law Center for Poverty and Inequality.

5 Spectrum Associates Market Research. (August 7, 2017). *An Assessment of Connecticut Juvenile Justice System Decision Making by Gender*. p 18.

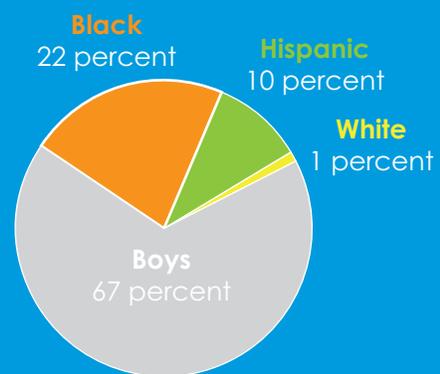
6 Ibid p 22.

7 Civil Rights Data Collection, Data Snapshot: School Discipline. Issue Brief No. 1. March 2014. Department of Education Office for Civil Rights. Available at http://blogs.edweek.org/edweek/rulesforengagement/CRDC_School_Discipline_Snapshot.pdf

8 Morris, Monique W. (2015). *Pushout: The Criminalization of Black Girls in Schools*. The New Press.

Data from Bridgeport show racial and ethnic disparities in arrests in public schools during the 2016-2017 school year. Girls made up 33 percent of Bridgeport's total referrals to court — 22 percent were black, 10 percent were Hispanic and only 1 percent were white. The other 67 percent of referrals were for boys.⁹ Many of the incidents that led to an arrest seem minor, but language used to describe them — *sassy, loud, defiant* — indicates that racial and gender stereotypes may have influenced decision making.

Referrals to court from Bridgeport schools



9 State of Connecticut Judicial Branch. Court Support Services Division.

Agency: Girls turn words into action

Girls from one Speak Up cadre suggested that involving them in the placement process would lead to more success. And they are right — research is clear that promoting girls' sense of agency is critical to developing a sense of adult responsibility and the decision-making skills adults need. To foster this sense of agency and build those skills, literature on gender-responsive and trauma informed programming suggest systems find ways to share power over decision making in their cases and in policy with girls whose lives are affected.¹⁰

Girls in Connecticut's juvenile justice system have demonstrated that this can work. They convinced the state legislature that they were right, and their ideas led to Senate Bill 180, which sought to:

... enable children twelve years of age and older who are under the custody of the Department of Children and Families to have a more prominent voice during permanency hearings, to require youth advisory councils at certain child care facilities, to require the department to provide foster care family profiles to foster children and to solicit feedback from certain foster children to better recruit, train and retain high-quality foster parents.

The legislature passed the bill after effective testimony from one of the girls who participated in the Speak Up sessions and played a key role in forming the recommendations.¹¹ Governor Dannel Malloy signed the bill into law in 2016, and it became Public Act 16-123.

10 Sherman, F. and Balck, A. (2015) Gender Injustice: System Level Juvenile Justice Reforms for Girls. In partnership with The National Crittenton Foundation and the National Women's Law Center. p 28. http://www.nationalcrittenton.org/wp-content/uploads/2015/09/Gender_Injustice_Report.pdf

11 See Appendix B

Creation of Youth Advisory Councils

Public Act 16–123 also included the creation of youth advisory councils in some facilities. We hope that this allows girls to exercise more authority over their own environments. Girls should be involved in the work needed to ensure that these councils get up and running and in the collection of input from girls throughout the system to find common themes for improvements.

The ideas of girls in the juvenile justice system told advocates and policy makers what they needed; and that led to Public Act 16–123. This process is better than developing policies and practices first and then asking for input later — a common strategy used to tick off the “inclusion” box.

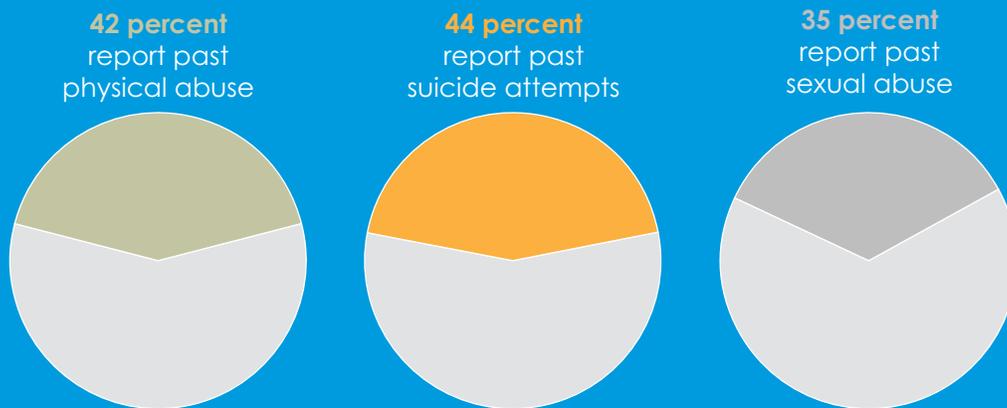
Advocating for changes in school discipline

One Speak Up cadre focused entirely on school issues. Through the course of their session they compiled a list of recommended changes addressing issues like out-of-school suspension, the need for trauma-informed programming and ways to improve the school Code of Conduct. They asked for, and were granted, a meeting with the Hartford superintendent of schools to discuss their suggestions. Unfortunately, the superintendent left the district before the girls were able to follow up regarding implementation.

Trauma

Nationally, girls enter the juvenile justice system having experienced a concentration of trauma — 42 percent of girls in custody report past physical abuse, 44 percent report past suicide attempts, and 35 percent report past sexual abuse and many girls experience numerous traumas over their young lives.¹² In fact, for many of these girls, trauma is directly linked to the behavior that drives girls into the system such as running away or fighting in their homes.

Of girls in custody nationally ...



To compound the problem, while healthy relationships are critical to trauma recovery, trauma makes the formation of healthy relationships more difficult.¹³

12 Sedlak, A.J. and McPherson, K.S. 2010. Youth Needs and Services: Findings from the Survey of Youth in Residential Placement. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. Available at https://syrp.org/images/Youth_Needs_and_Services.pdf

13 Kerig, P. Ph.D., and Ford, J. Ph.D. (2014) Trauma among Girls in the Juvenile Justice System. From the National Child Traumatic Stress Network Juvenile Justice Consortium. p. 3 http://www.nctsn.org/sites/default/files/assets/pdfs/trauma_among_girls_in_the_jj_system_2014.pdf

Too often the system re-traumatizes girls. In the formal justice system, girls are routinely strip searched¹⁴, physically restrained, and separated from their families. Nationally girls are more likely than their male peers to be arrested, detained and incarcerated for technical violations of probation, warrants, and misdemeanor offense — behaviors often related to underlying trauma.¹⁵

About half the girls who are committed delinquent to the Department of Children and Families (DCF) were already committed to DCF because of abuse or neglect, reflecting their trauma background.¹⁶

14 382 F.3d 225 United States Court of Appeals, Second Circuit. N.G. and S.G., as parents and next friends of S.C., a minor child, et al., Plaintiffs-Appellants, v. State of CONNECTICUT, et al., Defendants-Appellees. Docket No. 02-9274. Argued: Sept. 3, 2003. Decided: Sept. 7, 2004.

15 Sherman & Balck, *Gender Injustice: System Level Juvenile Justice Reforms for Girls* (2015), available at http://nationalcrittenton.org/wp-content/uploads/2015/09/Gender_injustice_Report.pdf

16 This number varies somewhat because of the small number of girls who are committed delinquent. In 2015, girls were 9 percent of the committed delinquent population (23 out of 257).

Ways we can keep listening to girls

Relationships are a choice. We should be able to decide whom we are connected to and what that connection looks like. Too often, we tell girls whom they'll live with and even how they should interact with their peers on the most granular level. Our conversations showed that girls are deeply wounded by their lack of power or even voice in their own lives. There are concrete things that people working with — or concerned about — young women in the system can do to honor what these girls said.

Improve staff relationships through trauma training and awareness

RECOMMENDATIONS

- Anyone involved in serving girls in the system should receive training in trauma-informed practices. Such training can foster more positive relationships, which will boost program success.
- Practices like restraints and strip-searches should be stopped.

The story about judges and others in court speaking openly about a girls' sexual exploitation underlines the urgency for all those who work in the system to understand trauma, its impact, and how to work with those who have experienced trauma in ways that don't cause new harm. Girls spoke over and over about individual program staff, teachers and probation officers. The quality of their relationships with these professionals was a key factor determining how successful the services were.

Trauma survivors are especially sensitive to unwanted or even unexpected touch and may strike out in response. As a result, many girls are charged with “assault.” It is possible that girls are penalized more seriously for these reactions than boys because of stereotypes about feminine behavior. Girls whose behavior becomes problematic are often subjected to physical and mechanical restraints, which can cause a girl who experienced trauma to act out and hurt herself or someone else. Tools like individual crisis management plans, functional behavior assessments and a safety plan can help prevent restraints and manage behavior more therapeutically.

Everyone involved in the juvenile justice system must also recognize the importance of building relationships with girls. A community provider suggested assigning long-term mentors to provide consistency in girls' lives. Individuals already invested in a girl's life could be supported and trained to assist her along her path to success. This model strengthens existing ties and networks instead of introducing new individuals who may not be in her life long-term or have similar life experiences.

Engage girls with their families

RECOMMENDATION

- Girls' families are critical to their healthy development and so family engagement should be central to individual case planning and services.

A strong and loving family is a young person's best asset. Family-centered policies, practices and system culture are essential to girls' well being. Supporting and engaging families is critical to girls' success. In this work, it is important for systems to honor the girl's own definition of her family, instead of being limited by only legal or biological connections.

Adults working with girls remind us that families are also experiencing stress -- parents may be unemployed or working multiple low-wage jobs and unable to provide basic needs, such as food and a consistent home. Girls often do not let the outside world know they are in distress until a crisis occurs.

Systems can be disempowering for families as well as for girls and families should have some authority in planning for their child. They, as their daughters said, want to have real agency and voice rather than simply be seen as “the problem.” Families are, after all, the experts about their child. Making sure that knowledge is heard and honored will encourage engagement:

The concept of voice, choice and ownership (a core principle from the wrap-around planning process) acknowledges that many families in need receive system help in the form of directives and prescriptions, i.e., the system tells them what they need or mandates them to do things. These ‘things’ may or may not be helpful, but they are always forced upon a family, more stick than carrot, more blaming than helping.¹⁷

17 National Collaboration for Youth. Beyond Bars: Keeping Young People Safe At Home and Out of Youth Prisons. 2016. p. 10.

Relationship preservation should be a central goal. Youth should stay in their own communities, except in the most extraordinary circumstances. Probation officers noted that providing services in the home helps to engage parents. Parents and girls both need to see the benefits of therapy, which is currently not always the case.¹⁸

Empower girls in their individual cases and in matters of policy

RECOMMENDATIONS

- Girls should have a meaningful voice at every stage of their own cases, including developing service plans and placement decisions.
- Girls should have a seat at the table when policies are made that affect them. A permanent girls council that interacts with high level decision makers should be formed, perhaps under the umbrella of the Juvenile Justice Policy and Oversight Committee, to empower girls to drive policy, rather than simply weighing in on policies developed by others.
- The Speak Ups demonstrated that girls' insights into their own experience can drive policy. But this program was time-limited. Similar initiatives should be an integral part of our system to foster the same skills for individual and systemic advocacy.

On issues small and large, girls repeatedly expressed frustration with structures that robbed them of any agency — they aren't allowed a snack when they are hungry; and they have no say in where and with whom they live. The legislation that they helped design and pass after participating in Speak Up gives them more power in the day-to-day operation of programs and in placement procedures. But advocates must monitor the law's implementation to ensure that it empowers girls as promised. Work must continue to increase young women's agency and support beneficial relationships.

18 Parole officers say that it is common for parents to miss meetings, even when food and transportation are provided.

Appendix A

Methodology

The Center for Children's Advocacy ran three Speak Up sessions. Each Speak Up consisted of eight, two-hour, once a week sessions with girls. One Speak Up group included girls who were committed delinquent and in secure care, one was with girls at a staff-secure facility for committed delinquent girls and one was with girls in the juvenile justice system who may have been on probation or in a diversion program.

We let our network know that we were interested in hearing from girls with system experience. That request resulted in invitations to six different programs for listening sessions where we were able to hear the voices and opinions of girls and young women involved with the juvenile justice system. The 38 unique girls from those six sessions represent a cross section of programs with girls and young women — from diversion, front end, no juvenile justice involvement, all the way to deep end involvement.

We hosted a conversation that drew 25 gender responsive probation officers specially trained to serve girls to hear their input and perspectives.

We went to each of the Local Interagency Service Teams (LISTs) across the state to get their feedback and insights. (LISTs bring together those in the community — DCF, courts, providers, schools, police, families — who discuss how to ensure their local juvenile justice system is working as well as possible.)

Appendix B

Testimony

Committee on Children
February 23, 2016

Good afternoon distinguished members of the Committee on Children. Thank you for allowing me to speak to you today about my experience in DCF care. My name is Lishkaly Padilla and I am 17 years old.

I have been in DCF care for 2 years. I have lived in multiple placements. It has been hard for me because I feel like my voice is not always heard when DCF is making decisions about my life.

I think you should support this bill for the following reasons:

1. I have never been to any of my permanency hearings or gotten notice of them. I would like to attend my permanency hearings so I know what DCF is telling the Judge about me and so that I could tell the Judge in my own words what I want to have happen to me and how I am doing.
2. I lived in Journey House for 8 months, a residential treatment program for girls, before I was moved to my current foster home. I think there should be a way for youth in residential placements to have a say about the rules. One part of living at Journey House that was difficult was that we were not allowed to sing or dance. That rule was made because some girls used song lyrics to antagonize other girls. That was unfair and if we had a youth advisory council we could try to change rules like that.
3. I think foster family profiles should be given out to foster kids before they are moved into a new home. It will make it easier for kids to feel comfortable and save them a lot of confusion and anxiety about being moved to a new home. It would be better to have this information in writing rather than just having a social worker tell you about the family so that you can re-read the information, take time to absorb it, and have a clear understanding of what you can expect in your new home. I came up with this idea when I was in a legal rights group called Speak Up at Journey House.
4. I lived in one foster home where I was treated badly. I was yelled at a lot or ignored by the foster parent. I did not feel comfortable in this home and I reported it. I was moved to a new home and the other home was closed down. No one would have known what was going on in that home if I did not speak up. Foster kids should be encouraged to tell their experiences through foster care surveys to make sure that we are treated right.

In conclusion, this bill will give kids in DCF care, like me, a voice in deciding what happens to them. I ask this Committee to support this bill. Thank you.

Respectfully submitted,
Lishkaly Padilla

Appendix C

Acknowledgments

The Alliance wishes to thank all the girls who bravely and patiently informed this report. We also wish to thank the following organizations and individuals for their contributions:

Speak Ups

The Center for Children's Advocacy: Christina Cicero, Kathryn Meyer, Zoe Stout, and Catherine Tyrol

The Connecticut Junior Republic: Dave Burgos

Journey House a program of Natchaug Hospital: Melissa Pelletier

The Village for Families and Children: Yvette Young

Listening Sessions

Bridgeport Boys and Girls Village

Community Partners in Action: Maureen Price-Boreland and Doreen Thompson

Judicial Branch: Court Support Services Division Gender Responsive Probation Officers

LIST leaders and members in the following cities and towns: New Britain, Bridgeport, Rockville, New Haven, Torrington, Middletown, Windham, Waterford, and Waterbury

North American Family Institute (NAFI)

Our Piece of the Pie

Stamford Academy

Generalized expertise and advice

Francine Sherman, clinical associate professor at Boston College Law School

Tammy Sneed, director of Gender Responsive Adolescent Services for DCF

Kim Sokoloff Selvaggi, executive director, LISA, Inc.

Catherine Tyrol, Tow Youth Justice Institute, University of New Haven

K. Shakira Washington, senior director, National Crittenton Foundation and deputy director, OJJDP National Girls Initiative