

# *Criminalizing Abused Girls*

SANDRA SIMKINS

*Defender Association of Philadelphia*

SARAH KATZ

*University of Pennsylvania*

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*The juvenile justice system routinely criminalizes girls who are victims of extreme abuse. These girls often act out in ways that cause them to be arrested. For many of these girls there seems to be a significant link between the abuse and neglect they have experienced, the lack of appropriate interventions or treatment, and the behaviors that lead to their arrests. Courts focus on the girls' aggressive actions, instead of the trauma they have endured and how that trauma might be related to the crime for which they are charged. Because the juvenile justice system fails to encompass an understanding of why girls use force, the system fails to adequately address girls' needs. This article depicts the cycle of trauma, aggression, misdiagnosis, and inadequate treatment that is common in the juvenile justice system and results in driving girls deeper into the system.*

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It all started when I was 13 and tried to commit suicide. My mom called the police and I became a delinquent.

—Camille, participant in the Female Detention Project, Philadelphia<sup>1</sup>

When Samia was four, her drug addicted mother died. From the ages of four to ten, she lived in many different foster homes until she was adopted by her paternal grandmother and grandfather. Her grandfather repeatedly abused her, and when she was finally removed from that home she was suicidal. She was diagnosed by a court psychologist with Post Traumatic Stress Disorder, but no follow up counseling was received. Several months after the molestation by her grandfather, she set fire to her foster mother's home. And at the age of 11 years old, she was arrested. Despite a defense expert who testified regarding Samia's psychological condition,

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the District Attorney argued that she committed a criminal act and should be held accountable. The judge agreed. Samia is now in a secure juvenile facility and has a criminal record as an arsonist.

—Case notes, Female Detention Project, Philadelphia

## INTRODUCTION

Although research is limited, many who work in the juvenile justice system know the ugly truth that surrounds girls who enter the delinquency system. The reality is that the juvenile justice system routinely criminalizes girls who are victims of extreme abuse. For many of these girls, there seems to be a significant link between the abuse and neglect they have experienced, the lack of appropriate interventions or treatment, and the behaviors that lead to their arrests. When these traumatized girls enter the juvenile system, the courts then focus on the girls' aggressive actions rather than the trauma they have endured and how that trauma might be related to the crime for which they are charged.

I (the first author) have worked as a Philadelphia Public Defender for 10 years, and the horrors that are inflicted upon young women still have the capacity to shock me. Many of these girls enter the juvenile justice system having already experienced a lifetime's worth of abuse. Unfortunately, for most of the girls, their experiences in the system are often unhelpful at best and extremely damaging at worst. Through my experience representing these girls, I have noticed a link between past trauma and aggressive behavior in young girls; when trauma goes untreated, the emotional pain festers and may find release in various forms of aggression. The Female Detention Project was developed in an attempt to bring attention to the issue of the relationship between trauma histories and criminal activities. In a series of interviews with girls held at Philadelphia's Youth Study Center, which serves as Philadelphia's juvenile detention facility, the project sought to identify commonalities in the girls' experiences that led them to commit delinquent acts and to evaluate how well the juvenile justice system was addressing the girls' needs through adjudication and placement.

Although the rising number of girls in the juvenile justice system has become an issue of national concern, relatively limited research into why girls use force has been done. As statistics show

that girls are increasingly being arrested for assaults (Belknap & Holsinger, 1998; Chesney-Lind & Okamoto, 2001; Schaffner, 1999), many fear that girls are becoming more violent than they were in the past. Recent policy responses have favored a "get tough on crime" approach. One result of this approach is that girls are now being excessively detained (Sherman, 2001).

It is important to note from the start that the juvenile justice system is different from the adult criminal system in many ways, as it should be. After all, the juvenile system intervenes in the lives of children who arguably need state protection (Juvenile Law Center, 2000). State and federal juvenile justice acts include provisions about providing for "the care, protection, safety, and wholesome mental and physical development of children" who enter the system and "consistent with the protection of the public interest, to provide . . . care and rehabilitation" (Juvenile Act of Pennsylvania, 2002). The federal Juvenile Justice and Delinquency Prevention Act of 1994 (2002) includes language that calls for comprehensive and coordinated services that identify and intervene "early for the benefit of young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse" (p. 6).

In my experience, whereas individual judges, probation officers, and social workers genuinely care and do all they can to assist young women, the juvenile justice system as a whole does not generally act in a manner consistent with the stated purpose of providing care, protection, and wholesome mental development of the children who come before it. Rather, it often fails to recognize the histories of abuse the girls have experienced and, when it does recognize these histories, it often fails to understand the relationship between the experiences of abuse and why the girls may have used force. By not recognizing the trauma histories of these girls or understanding the connection between trauma and criminal acts, the juvenile justice system is not in a position to adequately address girls' needs. In an ideal world, appropriate interventions would stop the violence in the girls' lives early and they would receive needed services long before they entered the system as delinquents. But once they enter the system, the girls should not be further harmed by their experiences within a system that is supposed to help them. Ideally, all the children who enter the juvenile justice system would receive useful inter-

ventions and services, but such services may be particularly important for those with trauma histories.

In this article, we discuss the cycle of trauma, aggression, misdiagnosis, and inadequate treatment that are common in the juvenile justice system and result in driving girls deeper into the system. First, we give an overview of what is known nationally about girls in the juvenile justice system. Second, we present a profile of the typical girl in juvenile detention in Philadelphia, relying on data collected from the Female Detention Project. Third, we explore the relationship between past trauma and aggression. Finally, we argue that the current practices of the juvenile justice system exacerbate the cycle of violence by causing further deterioration of girls' mental health.

### NATIONAL TRENDS

In recent years, there has been increasing attention in the media and academia to girls in the juvenile justice system (Artz, 1998; Chesney-Lind & Shelden, 1992) due, in part, to the increasing number of girls getting arrested (American Bar Association & National Bar Association, 2001, p. 1). Over the past two decades there has been an exponential rise in the number of girls in detention facilities, jails and prison; likewise, arrest rates for girls in almost all offense categories have outstripped those of the boys over this same time period (American Bar Association & National Bar Association, 2001, p. 1)

A typical girl in detention in the United States has most likely been arrested for aggravated assault, but it is unclear whether this increase in girls arrested for assaults confirms that there has been an increase in the violent and aggressive behavior of girls.<sup>2</sup> Some experts have found that the growth in girls' arrests for violence is not due to an increase in violent behavior but rather to the relabeling of girls' family conflicts as violent offenses. Changes in police practices regarding domestic violence and aggressive behavior may have contributed significantly to the increased arrests of girls (American Bar Association & National Bar Association, 2001). There was a significant increase in the arrests of girls starting in 1993 (Budnick & Shield-Fletcher, 1998; Snyder, 1997).

Although we know there are many more girls getting arrested, we continue to know little about how and why girls enter the

juvenile justice system. A scarce, yet growing, literature has begun to fill in some of the gaps in our understanding about girls' experiences leading up to getting arrested. Although it is beyond the scope of this paper to discuss and address all of these theoretical approaches, a review of the literature is useful to glean a national perspective against which to compare the experiences of the girls interviewed through the Female Detention Project.

National research on the characteristics of girls in the juvenile justice system show that a history of physical or sexual victimization is one of the most common characteristics of girls in the justice system (Chesney-Lind, 1995; Schaffner, 1999). A 1987 survey of girls in juvenile correctional facilities by the American Correctional Association indicated that 61.2% had experienced physical abuse and that 54.3% had experienced sexual abuse (American Correctional Association, 1990, pp. 56-57). More than three fourths (81%) of girls interviewed in a California juvenile justice study reported being physically abused, and 56% reported one or more forms of sexual abuse (Sherman, 2001, p. 157; see also Chesney-Lind, 1998).

The American Correctional Association (1990) survey found that half of the girls were from ethnic minority backgrounds. Of the 80.7% of girls who had run away from home, 39% had run away 10 or more times and 53.8% had attempted suicide. Another study more fully develops this profile of delinquent girls in the United States and concludes that they are, on average, 14 to 15 years old (though they may have started acting out a few years earlier); are poor and have grown up in a neighborhood with a high crime rate; belong to an ethnic minority; have a history of poor academic performance and may be a high school dropout; are a victim of physical, sexual and/or emotional abuse or exploitation; have used and abused drugs and/or alcohol; have gone without having their medical and mental health needs addressed; and feel that life is oppressive and lack hope for the future (Greene, Peters, & Associates, 1998). As we will demonstrate in the next section, this profile corresponds to the findings of the Female Detention Project.

Although the issue of why girls engage in criminal behavior (and whether those reasons differ from those for boys in the juvenile justice system) is still a question ripe for further research and debate, the fact remains that our society continues to be gendered

and girls' experiences tend to be different from those of boys. Traditionally, gender differences in delinquent behavior (as with adult criminal behavior) have not been specifically analyzed by criminologists. To the extent that there are differences based on gender, they have not likely been incorporated into the juvenile justice system's understanding of how to address girls' needs (Belknap, 2001; Chesney-Lind, 2001). As White and Kowalski (1994) argue, the lack of attention to gender differentiation in understanding violent crime generally has helped to perpetuate the myth that women are nonaggressive. White and Kowalski indicate that "Women have as much potential as men to be aggressive and that, given the appropriate circumstances, are as likely to display aggression as men" (p. 490).

Just because girls have the capacity to use violence does not mean that girls act violently for the same reasons as boys. More recent feminist or "pathways" research has used girls' own voices to identify the events in their lives that led to their delinquent behaviors (Belknap, 2001). Such research promises to bring into focus a clearer picture of why girls use force, information that is critical in helping to understand what their needs are and how they can be better met. It is our hope that additional and more accurate information about the experiences of delinquent girls, as well as about intervention strategies that are helpful—and those that are not—will be utilized by decision-makers in the juvenile justice system as they develop intervention plans for girls in general and for specific girls who come before them.

Exposure to family violence, and specifically the experience of physical or sexual abuse, often plays a huge role in girls' paths to being labeled delinquent (Chesney-Lind, 2001). As Chesney-Lind and Shelden (1992) demonstrate, many girls in detention do not consider themselves criminals, and despite the criminal acts they have committed, do not see crime as a major part of their lives. Rather, the girls' behavior is described as being a reaction to problems. Studies of youth in the Florida juvenile justice system have found that female youth are more likely than their male counterparts to have abuse histories (Dembo, Borden, & Manning, 1995). As Dembo and colleagues argue, "Girls' problem behavior commonly relates to an abusive and traumatizing home life, whereas boys' law violating behavior reflects their involvement in a delinquent life style" (p. 21).

The impact of child abuse and neglect in girls' lives seems to be one distinct way in which girls' path to the juvenile justice system is different from that of boys. It would be helpful to have information comparing the consequences of child abuse and neglect for males and females separately, but there is surprisingly little research that explores consequences of abuse by gender (Widom, 2001). Child sexual abuse tends to begin earlier for girls than it does for boys, and it tends to go on longer, "resulting in severe emotional and psychological dysfunction" for many of the girls who have been abused (Chesney-Lind, 2001, p. 141). Chesney-Lind argues that, "Unlike boys, girls' victimization and their response to that victimization is specifically shaped by their status as young women" (pp. 144-145). Statistical research also suggests that girls' pathways to violent delinquent acts are different from those of boys. For example, Loper and Cornell's study, "Homicide by Juvenile Girls" (1996), indicates that girls who kill are not statistically similar to their male counterparts. Girls in the study were more likely to use a knife than a gun, and "nearly 80% of the homicides by girls reflected interpersonal conflict, often with family members, rather than the commission of some other crime such as robbery" (p. 334). Loper and Cornell conclude that the findings support the "notion that aggression by boys is more strongly related to instrumental needs, while girls are motivated by emotional and expressive needs" (p. 334).<sup>3</sup> Another study found that girls were more likely than boys to use force for reasons other than to get money (Triplett & Meyers, 1995).

Whereas none of these studies give a definitive explanation of why girls use force, they do point out that much of it is either directly (as in the cases when girls physically defend themselves against abusers) or indirectly (as when a girl runs away to escape abuse and ends up on the street) related to the abuse they are experiencing or have experienced.<sup>4</sup> Given the many differences between how and why girls and boys use violence,<sup>5</sup> there is a strong "possibility that some if not many of the girls who are arrested and referred to court have unique and different sets of problems compared to boys" (Chesney-Lind, 2001, p. 142), and that they may require different interventions than boys once they end up in the juvenile justice system.

The juvenile justice system is woefully ill-equipped to effectively address the myriad problems facing the number of abused

and otherwise traumatized girls who enter it, especially those who are arrested because of their use of violence (Chesney-Lind, 2001). Statistics show that girls are being detained at higher rates than boys (Porter, 2000). Often, the girls are revictimized in detention by abusive treatment from insensitive staff and other inappropriate treatment (Sherman, 2001). These findings were mirrored in the Female Detention Project interviews.

### **THE FEMALE DETENTION PROJECT: THE TYPICAL GIRL IN DETENTION IN PHILADLPHIA**

Nationally, girls are the fastest-growing segment of the juvenile justice population despite the overall drop in juvenile crime (American Bar Association & National Bar Association, 2001). The experiences of girls in Philadelphia's juvenile justice system parallel these national trends. Throughout the late winter and spring of 1999, the population of girls steadily grew 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 previously had made up less than 10% of new delinquency petitions annually, girls in 1999 were averaging approximately 30% of the detained population.<sup>6</sup>

#### **THE FEMALE DETENTION PROJECT**

The first author's years of experience representing girls in Philadelphia revealed that girls in the justice system face many challenges, which include family dysfunction resulting in involvement with the child welfare system, school disruption, and behavioral and emotional disorders. Working in consultation with the Juvenile Law Center,<sup>7</sup> a team from the Philadelphia Defender Association (Philadelphia's public defenders' office)<sup>8</sup> administered a survey to girls involved with the juvenile justice system. This study, called the Female Detention Project, documented family, social, educational, and court-related histories. Project team members catalogued the results and, based on this information, created a profile of the typical girl in detention. Our

goal was to draw attention to the common experiences and needs of girls, to identify gaps in services—both past and present—available to this population, and to identify strategies that would, it is hoped, compel the system to improve the quality of services offered to girls in Philadelphia's juvenile justice system. The results of the study have been used to inform the Defender Association and Juvenile Law Center's advocacy on behalf of these girls.

### RESEARCH METHODS

Data for this study were compiled by taking a 1-day snapshot of all female Defender Association clients housed in Philadelphia's Youth Study Center.<sup>9</sup> A day in December was randomly selected, and all girls on the Youth Study Center's house list who were Defender Association clients were identified. On December 15, 1999, 26 of the 40 girls were Defender Association clients. An evaluation form was used to review each girl's J file (court history), and each girl was personally interviewed. The interviewers were instructed to pay close attention to: family history, placement and detention history, the diagnoses and recommendations from the girl's psychological and psychiatric assessments, her drug and alcohol history, and her trauma history.

The Project team developed an interview protocol, and each girl was asked the same questions. Participation in the study was completely voluntary. The girls were not given anything in return for their participation. Although a random day was selected in order to get a snapshot of the entire population in detention on that one day, several girls refused to answer any questions. The length of each interview varied, although the average interview lasted approximately 30 minutes. For the girls who had extensive juvenile court histories, however, their interviews sometimes lasted more than an hour.

### RESULTS

Using the data compiled on December 15, 1999, the Project team generated a profile of the typical girl being held in detention at the Youth Study Center in Philadelphia. The typical girl was African American; had been adjudicated "dependent" (the courts deem the child in need of care due to abuse or neglect at home)

prior to her first arrest; had 5 or more foster care transitions; had at least one parent who abused drugs and/or alcohol; had experienced some type of trauma (sexual abuse, physical abuse, neglect, or being a witness to violence); had been committed to a psychiatric hospital at least once, most likely for a suicide attempt; abused drugs or alcohol; exhibited violent behavior, most likely in a school setting; had an Axis I diagnosis<sup>10</sup> of "oppositional defiant disorder;"<sup>11</sup> had been arrested for aggravated assault but would not be found guilty of the felony; would stay in detention for more than a month, even if it was her first time in detention; and had a history of running away. In summary, violence and substance abuse were overarching themes in these girls' lives.

Because the Defender Association represented each of the girls in the survey, when we gained information through the survey that might be relevant to the girls' short- and long-range needs, we gave the lawyer representing the girl the information so she or he could use it as an advocacy tool. For example, if we learned that a child was experiencing flashbacks, the girl's lawyer would immediately contact the medical personnel in the detention center and make sure the girl received psychological counseling. Other information might be used for potential legal defenses or longer-range dispositional planning.

#### **Evidence of Trauma**

For most of the girls, chaos and trauma began at an early age. Our study revealed that many of the girls were themselves subjected to abuse and neglect and that they were originally placed in foster care because the court determined that they were either being abused or neglected by a parent or guardian. Leah recounted, for example:

My mom hit me so hard there was a hand print on my face for two days. I know that she was going through a lot and shouldn't have taken it out on me, she got counseling. She beat me a lot.

Of the girls in the study, 81% reported experiencing trauma, which is consistent with other studies about abuse among adjudicated girls (Beyer, 2001; Chesney-Lind, 1998; Sherman, 2001). Of the types of trauma reported by the girls, 43% reported physical

abuse, 38% reported sexual abuse, 29% reported neglect or abandonment, and 38% reported witnessing violence. About one third (33%) of the girls had more than one traumatic experience.

As might be expected, some of the girls did not want to discuss the trauma, or they denied clearly documented abuse. For example, Melanie described her life as if she had the ideal family and childhood. But her J file stated that: "Melanie always had to sleep in the cellar with no light, no mattress, and mice and roaches around her. There were always drug addicted people coming in and out of the home and she rarely had enough to eat." For some of the girls, it wasn't until they were interviewed by a Female Detention Project member that they had ever addressed the issue of sexual abuse in their lives.

Many of the girls' own acts, which resulted in their delinquency adjudication, were a response to the physical violence in their lives. For instance, Jamie reported

I've had lots of fights with my dad since 1997. This case happened when dad attacked me and I hit him in the head with a picture frame. He got cut in the head, I had a lot of glass in my hand.

Most of the girls had been witness to a tremendous amount of violence as a fact of their daily lives at home and in their neighborhoods. Tawanna stated, "I've seen 2 people shot and killed. I've seen more than 10 people shot." These girls' daily experience with violence can make acting with force seem like, and maybe even be, a reasonable response in certain situations. If the adults around them use violence to address problems, the girls generally will not have the opportunity to develop other coping skills and may believe that all interpersonal problems should be resolved with conflict or physical force.

#### **Sexual Abuse**

The amount of sexual abuse experienced by the girls in the study is astonishing. For example, Crystal reported,

When I was 10, some boys from around the way took a pager that I had. It belonged to my mom. They said they wouldn't give it back unless I did it. You could call it rape. There was more than one of them. They forced me to. But I had a choice too, because I could have just not gotten the pager back. I never told anyone about it.

Two of the girls, whose court histories include information about their “promiscuous” behavior, stated that they had stopped saying no to boys because they didn’t want to be raped again. Ruthy was one of those girls. Ruthy had been raped several different times throughout her life. “Do you want to hear about the 1998 rape first?” she asked, when the subject of trauma was raised during the interview. But instead of talking about a more recent rape, she talked about early sexual abuse first. She explained that

[e]verything went wrong after my grandmom died when I was 4. That was the same year I was raped the first time. My mom was using drugs. I think I know who did it because I keep having dreams about it. It was my dad. I’ve only told one other person.

There is still much to learn about how people respond to being sexually assaulted, especially when the victimization occurs at an early age and it is done by a parent or other caregiver. We know that many girls run away to try to escape sexual abuse (Chesney-Lind, 1995; Chesney-Lind & Okamoto, 2001; Gilfus, 1992) and end up on the streets, “with very few legitimate survival options” (Widom, 2000, p. 30). It’s not surprising that many of the girls’ coping responses are defensive and self-protective, especially when they are understood in the contexts of threat and distress (Kelly & Radford, 1998). It appears that many of the delinquent acts were responses to the trauma of this sexual abuse.

Despite the high incidence of sexual abuse, the abuse often goes unreported for a number of reasons, including fear of increased violence or loss of connection with one’s family, or an often accurate belief that nothing good will occur if they tell anyone about the abuse. If as a child the person experienced a particularly high level of powerlessness and isolation, she or he may be reluctant or unable to report the abuse. Children who are abused are often told not to tell anyone and are threatened with, or actually experience, more harm if they do report or attempt to report the abuse. Even when children do report abuse, often little or nothing is done. In Samia’s case, her grandmother didn’t believe her when she reported being abused by her grandfather. Later, Samia was removed from the home after a state investigation determined that the abuse occurred. However, for 9 months pending this determination, nothing else happened. There was no investi-

gation by the police. At Samia's request, her attorney continued to prod the police to do an investigation of the abuse.

#### **By-Products of Trauma**

To deal with the trauma and chaos in their lives, many girls use, or possibly self-medicate by using, drugs and alcohol (Chesney-Lind, 1995; Gilfus, 1992). In our study, 77% of the girls used drugs or alcohol. For instance, Maureen explained that she would use "marijuana all day everyday . . . I use because it relaxes me. I'm stressed, and I need a blunt." For many girls, the hopelessness is overwhelming. More than half (54%) of the girls had been hospitalized for psychiatric reasons, and 10 of the 26 girls had made at least one suicide attempt. Several girls had made numerous attempts, sometimes with pills and sometimes with razors. For example, Porsche revealed, "I took 20 pills then called the ambulance. Mostly I wanted to be alone." Self-destructive acts, such as risk taking, self-medication, and self-mutilation, are common symptoms of trauma (Norton, 2000).

#### **Aggressive Behavior**

In her short life, Tanya, one of the girls interviewed in our study, experienced extreme abuse and neglect. Her mother had a long-standing drug problem. Her parents separated when she was young, and she lived in a lot of different places with various relatives and friends. The most stable home she remembered was a house that did not have water, so the family would collect rain to wash. Tanya stated, "Ever since I was young, we had buckets outside to catch water." Other children constantly teased Tanya because of her situation, and she felt friendless and inadequate. About 2 years ago, the house she was living in collapsed.

When she was 12, Tanya was sexually assaulted by the boyfriend of her sister Christine. More recently (and not as a result of the sexual assault), Tanya had an abortion when she was 5 months pregnant. Tanya explained that she wanted to have the baby fathered by her sister's boyfriend, but she was forced to have an abortion by her family. Tanya stated that her sister told her she could not live at the house any longer if she did not end the pregnancy, and Tanya felt that she had no options.

Before being arrested, Tanya was a 14-year-old girl with no prior involvement in the juvenile justice system. When her 19-year-old boyfriend told her that their relationship was over, Tanya walked home, got a kitchen knife, and returned to stab him in the jugular vein.

Tanya's seemingly extreme reaction to the end of her relationship might be better understood when considering that girls who have been traumatized are often extremely vulnerable. Abused children grow up in an unsafe world, one in which they have been targeted for intentional harm (Kelly & Radford, 1998). Abused children are often particularly susceptible to developing interpersonal problems, because they "may have few (if any) good models of healthy relationships" (Carlson & Dalenberg, 2000, p. 24).

For many adolescent girls, relationships are extremely important to their development (American Bar Association & National Bar Association, 2001). Many, if not most, girls in the juvenile justice system lack the experience of positive healthy relationships. For many of them, these relationships, even if they are negative, give them a sense of belonging and identity. Given her history, it makes sense that Tanya might feel that her world was falling apart when her boyfriend told her the relationship was over, because the relationship was very important to her self-definition (e.g., Beyer, 2001).<sup>12</sup>

Aggression is a common defense against the helplessness experienced by delinquent girls (Beyer, 2001). For girls who have previously experienced physical and sexual abuse, self-protection is understandable, even if an adult assessing the situation would view the actual danger as minimal (Beyer, 2001). Aggression may have become an effective coping mechanism for a child who has faced repeated abuse.

## THE JUVENILE JUSTICE SYSTEM'S RESPONSE TO GIRLS' ISSUES

### OVERALL BIAS

Although the exact nature of the bias against girls in the juvenile justice system is the subject of ongoing debate, it is widely recognized that there are gender and race disparities in the process-

ing of girls' cases (Beyer, 2001; Feldman, Males, & Schiraldi, 2001). Nationally, more than 50% of girls in secure detention are African American, 13% are Latinas, and 34% are Caucasian (American Bar Association & National Bar Association, 2001). Lee Norton (2000), an expert in the dynamics of trauma, notes that poverty and racism are critical factors that must be explored when looking at violence within a family. She states that, "Plagued by poverty, overcrowding, desolate living conditions, racism and other depleting factors, abusive families become overtaxed and drained. Often the family is a microcosm of the equally depleted community" (p. 53). A recent report issued by the Building Blocks for Youth Initiative, "a national initiative to promote a fair and effective youth justice system" (Feldman et al., 2001, p. 3), shows that African American youth in Washington, D.C., and Maryland are six times more likely to be incarcerated in public facilities than White youth, even when charged with the same offenses and having no prior commitment history; that Latino youth are three times more likely than White youth to be incarcerated for comparable offenses; that minority youth are significantly more likely to be detained, formally charged, tried as adults, and locked up in state and federal facilities than White youth who commit comparable crimes; and that minority youth represent 32% of Maryland's youth but 72% of youth committed to its public facilities. Not surprisingly, research has fairly consistently found that women and girls of color are treated less leniently than Anglo females in juvenile and criminal justice decision making (Belknap & Holsinger, 1998).

#### **DIAGNOSING/MISDIAGNOSING GIRLS' AGGRESSIVE BEHAVIOR**

Although the profile data could be analyzed in a variety of ways, we chose to focus on the girls' high levels of trauma and their connection to aggression as evidenced by the assault charges, as well as the diagnosis of oppositional defiant disorder. Despite the trauma evident from the interviews with the girls, most are diagnosed as "oppositional." Of the girls' psychological and psychiatric evaluations, the most common Axis I diagnosis was oppositional defiant disorder. Although oppositional defiant disorder labels some of the behavior of the girls, the girls' stories suggest that their behavior is a product of trauma.

For example, at the time of her arrest, Nina was 16 years old, pregnant, and living in a group home for girls. As a young child, she had been neglected by her mentally ill mother and her drug-dependent father. At the time of the incident for which she was arrested, Nina locked herself in her room when other girls at the group home started to tease her. When Nina refused to come out, the police were called. When they tried to open the door, she attacked them. She was arrested for aggravated assault against a police officer.

Despite the fact that there is a high likelihood that a girl entering the system will have experienced abuse, detailed information about the girls' trauma histories is not routinely collected. When information is gathered, the people who collect the information usually do not have specific training about trauma. It is unusual for someone without training to know how to sensitively ask a trauma victim about her experiences. For example, if a highly trained person had interviewed Nina about her history of abuse and neglect, they might have uncovered information that could have been helpful to juvenile justice system personnel as they tried to figure out an appropriate intervention for her. This may have made a difference in how she was labeled. Additional information about the girls' experiences can help put their behaviors into a broader context, a context necessary for any court to determine appropriate intervention and treatment.

As stated above, girls who display oppositional behaviors may in fact be suffering from post-traumatic stress disorder (PTSD)<sup>13</sup> or depression (see also, Beyer, 2000; Cauffman, Feldman, Waterman, & Steiner, 1998). Girls experience significant levels of sexual and physical abuse and often develop PTSD in response to their exposure to violence. In a 1998 study, 50% of interviewed girls in the juvenile justice system met the diagnostic criteria for PTSD (Cauffman et al., 1998).

If the girls are having flashbacks from earlier trauma, their description of their state of mind during the offense may show a confusion between their victimizer in a particular incident with their victimizer in the past. As Marty Beyer (2001) has illustrated, "Girls who have been physically or sexually abused or exposed to familiar substance abuse or domestic violence react especially negatively to outside control" (p. 20). Girls are often responding to fear during their offense; they may have been hurt so much in

the past that they automatically act to ward off further harm (Beyer, 2001). According to Judith Herman (1992):

Adaptation to this climate of constant danger requires a state of constant alertness. Children in an abusive environment develop extraordinary abilities to scan for warning signs of attack. . . . Child victims learn to respond without being able to name or identify the danger signals that evoked their alarm. (p. 99)

Hypervigilance may serve many abuse victims well. It is an understandable response to abuse.

### **IS MENTAL HEALTH DIAGNOSIS A GOOD THING?**

Since we conducted the survey, much has been done in Philadelphia to improve the quality of mental health assessments that girls receive. From the first author's experience, it appears that the quality of evaluation and diagnosis of the girls has improved. However, it is not clear whether it is always beneficial for the girls to receive a diagnosis. From a criminal defense perspective, a child may come into the system on a minor charge, and yet when the mental health evaluation indicates that the child has serious issues, the result can be that the child gets driven deeper into the criminal justice system. For example, a child may be placed in a facility to get "treatment," and find the facility difficult or problematic for myriad reasons, including her past history of abuse. If that child acts out and becomes assaultive, she might pick up new criminal charges and be placed in more secure treatment facilities. In addition, based on our experience, a recurrent problem at residential treatment facilities is the low educational levels and lack of training of girls' counselors. Good therapists are expensive. Low salaries offered by treatment facilities often result in low-quality counseling and frequent turnover of counselors for girls who are placed.

It is very difficult for a child to receive mental health treatment outside of the juvenile justice system. Unless the court orders it, there are virtually no places where a girl can walk off the street to get drug and alcohol treatment or many other needed services. In an ideal world, a good mental health diagnosis would result in good mental health care, independent of the juvenile justice

system. Unfortunately, the only place many of our children can receive mental health treatment is through the juvenile system.

## **HOW THE JUVENILE JUSTICE SYSTEM CAUSES FURTHER DAMAGE TO TRAUMATIZED GIRLS**

### **POOR CONDITIONS OF CONFINEMENT**

The physical conditions and length of confinement at the Youth Study Center, and probably at most juvenile detention facilities, are likely problematic for all the girls ordered to stay there. But for the girls who have experienced abuse, it's hard to imagine that being detained is not a particularly detrimental experience. The girls interviewed through the Female Detention Project were likely to spend an average of 1 to 2 months in secure detention, even during the girl's first time in detention. One of the reasons girls spend more time in detention is that the juvenile justice system was designed with boys in mind, and there are far fewer resources for girls. Boys in Philadelphia and nationwide tend to spend less time than girls in detention (Sherman, 2001).

In describing the physical conditions of Philadelphia's Youth Study Center, the girls had only negative comments. Jamie said,

There is no help for this place; they should close it down. We've seen so many mice we gave them names. We call them Mickey and Ben. There are maybe rats, too. They won't give us crackers and cookies anymore because they think the mice will keep coming. They only give us fruit now.

Nina stated,

My baby is due next month, and there is no heat. I can't get any extra blankets or any extra pillows to sleep with. There are so many people here they are sleeping on the floor. They should at least not have pregnant girls here.

It is not uncommon for restraints and isolation to be used to control behavior in detention, and these methods are used more frequently when facilities are overcrowded (Sherman, 2001). Jurisdictions are inconsistent, at best, in training staff in gender-

appropriate restraint methods for women and girls, some of whom are pregnant and many of whom relive the trauma of sexual abuse when restrained and placed in isolation. Isolation also increases the risk of suicide in adolescents (Sherman, 2001).

#### **LACK OF INFORMATION**

Overwhelmingly, the girls' biggest complaint was lack of information. This is a typical complaint for girls across the country. "The most common complaint among girls in detention is of being kept in the dark by caseworkers, lawyers, and probation officers who do not contact them, yet have complete and unfettered control over placement and service decisions" (Sherman, 2001, p. 159). Christine articulated the girls' frustration about the lack of information they received:

I know I messed up and I deserve what I get, but I'm not learning anything while I'm here. I'm just sitting here. I've been held for 40 days with no information. My PO [probation officer] says she was going to send me to boot camp . . . so just send me. I hear it's so overcrowded I can't even get to be interviewed. I am just waiting. And this time doesn't count.

Unlike adult inmates for whom every day in custody counts toward sentencing, juvenile court aims to rehabilitate and treat each child. The time a girl spends waiting to get to a treatment facility does not decrease the amount of time she will spend in treatment.

#### **INADEQUATE SERVICES**

Another complaint was lack of adequate services. January had four delinquent placements over the course of 5 years. Her only arrest was a retail theft. With each placement, her behavior deteriorated and was described as more destructive and aggressive. When January was interviewed, she had already been sitting at the Youth Study Center for several months and the probation officer was planning for yet another placement. Eventually, when the probation officer was unable to come up with a placement, the judge, acknowledging the failure of the system, sent January back home to live with her mother with no jurisdictional restraint.

January's story is not uncommon. There simply are not enough resources for girls who end up in the system, so they tend to spend long amounts of time in detention facilities before being placed (Sherman, 2001) or, like January, before they get sent back home, even if that is not an appropriate place for them to live.

Tasha explained that she had signed up for Child Guidance at the Youth Study Center more than a month before we interviewed her because of flashbacks. At the time we talked with her, she still had not been seen. Girls also reported violence within the detention facility. Reports of girls being abused by male staff in detention centers are common, and at least 26 states have statutes aimed at protecting youth in custody by imposing criminal penalties for sexual misconduct by staff with prisoners (Sherman, 2001).

Lack of control, lack of information, poor conditions, and lengthy stays in detention are often overwhelming for this already vulnerable population of girls. A girl who has been abused often learns that powerful adults can be very dangerous, and she may also learn that "the other adults who are responsible for her care do not protect her" (Herman, 1992, pp. 100-101). Children who have been abused are exposed to repeatedly stressful environments and are then put into yet another stressful environment where the adults may not be caring or protecting. Children who have been abused often have not had the opportunity "to learn good problem-solving skills under calm circumstances, much less how to protect themselves from stress" (Bloom & Reichert, 1998, p. 113). It is not surprising that they release their frustration by acting out toward other girls and staff or by sinking deeper into depression.

#### LACK OF COORDINATION

Another major problem is the lack of coordination between the systems ostensibly designed to help these girls. The typical girl held in detention comes out of dependency court and has been through many foster-care transitions. Despite the fact that the juvenile justice system and the dependency system serve the same clients in Philadelphia, as well as in many other jurisdictions, there seems to be a wall between the two systems, making the sharing of information, even when appropriate, very difficult.

One by-product of the Female Detention Project was the realization that in Philadelphia, even if a judge wanted to get an in-depth picture of a particular girl's life in order to make the best possible decision, it was really difficult to get that information. A judge only has the J file, and this file is composed of random pieces of paper in a semi-chronological order. There are vast inconsistencies between J files. Some girls had files with only one piece of paper: a copy of the complaint. This was the case for Kaleena, who was arrested in the Philadelphia airport for delivery of 2 pounds of Montego Bay cocaine for her boyfriend. The judge gave her probation and sent her home. There was no family inquiry, no mental health assessment.

On the other hand, Alicia was a child with a very thick J file. It was clearly documented in the file that her father was abusive to her and her mother. However, after 2 months at the Youth Study Center and a lack of placement options, when her father came to court and said he would be willing to take her home, Alicia jumped at the chance. The judge agreed.

These types of cross-system problems are prevalent in other jurisdictions as well. Unfortunately, "children in multiple systems are often disadvantaged by poor cross-system communication, the tendency of the dependency system to 'pass off' a youth when she becomes involved in delinquency" (Sherman, 2001, p. 158).

### SYSTEMIC REFORMS SINCE THE FEMALE DETENTION PROJECT

One of the purposes of the Female Detention Project was to gather information that could be used to encourage needed systemic reform in Philadelphia. We are pleased to report that we've had a lot of success with reform efforts. Project members presented the findings to all the juvenile justice stakeholders in Philadelphia (including people from the court system, probation department, and Department of Human Services). Since the presentation, there have been continued improvements for girls in the Philadelphia's juvenile justice system. For example, a residential treatment facility for girls was established, and a new community-based day-treatment center was established. These new local placement options for the girls have helped to decrease the number of girls placed out of state (primarily to Virginia,

Oklahoma, and Texas). Other Philadelphia-based organizations have conducted additional research on girls in order to improve the quality of programming for them.<sup>14</sup> The local Department of Human Services organized two national "Girl Talk" conferences, held in Philadelphia, which brought together national experts on adjudicated girls and abuse. Based in part on the work of the Female Detention Project, the American Bar Association developed the "Girls Justice Initiative," a national collaboration that continues to address the issues of girls in the juvenile justice system.

The Philadelphia Defender Association and the Juvenile Law Center have also continued to work to improve service delivery for girls. The Defender Association has improved its training of lawyers and social workers regarding girls' issues and has engaged in more outreach to girls in detention. The Defender Association and the Juvenile Law Center are also collaborating to investigate mistreatment of girls in placements.

## CONCLUSION

Much work remains to be done. More education is needed for all members of the juvenile justice system regarding the pathways to girls' delinquency and the likelihood of PTSD among female delinquents, and to determine the effectiveness of current treatment practices so that a girl who receives treatment is not worsened by the experience. More services are needed, particularly mental health services outside of the criminal justice system. Parents who want help for their child should not have to press charges against the child in order to get the help they seek. Finally, more coordination among systems is needed, especially between the dependency and delinquency systems, between agencies that report abuse to the Department of Human Services and the police, and between probation officers and family members.

Abuse begins early in the lives of many girls, and for many it continues into their teen years (and for some, into their adult years as well). The juvenile justice system is ill-equipped to effectively address the many problems that may result from a girl's experiences of trauma at an early age and throughout her childhood. Due to the poor conditions of confinement, lengthy stays,

and inadequate (or no) appropriate services, the juvenile justice system often causes further harm to this group of vulnerable girls.

Our research findings indicate that girls who have experienced a high level of trauma often resort to aggressive behavior, as is evidenced in their assault arrests and their diagnosis of oppositional defiant disorder. However, aggression is commonly a response to helplessness and fear. And aggressive behavior may be misdiagnosed, as aggressive girls often suffer from PTSD. In order to meet the goals of the juvenile justice system and rehabilitate these young women, the issues of girls need to be understood. The use of force and aggressive behavior is just a surface symptom of deep underlying pain.

## NOTES

1. Camille was interviewed as part of the Female Detention Project. This project, sponsored by the Philadelphia Defender Association and the Philadelphia-based Juvenile Law Project, aimed to learn more about the experiences of girls detained at the local juvenile detention center. Project team members interviewed all Defender Association girl clients (who were willing to participate in the project) who were at the local juvenile detention center on one day in December 1999. All participants' names have been changed to protect their privacy. Some of the stories presented here are compilations of several girls' stories.

2. In their book, *Girls, Delinquency and Juvenile Justice*, Meda Chesney-Lind and Randall Shelden (1992) argue that girls' paths to delinquency adjudication are often through arrest for status offenses, such as running away or violations of curfew. Although Pennsylvania does not arrest girls for status offenses, it has been the experience of the first author that girls are often driven deeper into the juvenile justice system when they run away or violate curfew, because such behavior may have a negative impact on their sentencing. For example, if a girl runs away, a judge determining her disposition may believe she needs secure placement. In addition, it should be noted that girls often run away or stay away from the home in order to avoid further abuse (Chesney-Lind, 1995; Gilfus, 1992).

3. What we mean by expressive violence or aggression is "the use of physical force to cause pain or injury as an end in itself—for example, hitting someone who is the source of anger, insult, or rage" (Gelles & Straus, 1979, p. 557). And we define instrumental violence as "the use of pain or injury as a punishment to induce another person to carry out some act or refrain from an act" (Gelles & Straus, 1979, p. 557).

4. Although this article does not address issues related to adult victims of abuse, there are many similarities between abused girls and battered women who use force to defend themselves (see, Ryan, 1996; Toffel, 1996).

5. It is beyond the scope of this article to explore the extent to which physical or sexual abuse of boys contributes to behaviors that may lead them to be labeled delinquent. Abuse of boys is a serious social issue. However, given that few resources were available to us, we decided to focus only on girls in the juvenile justice system. Despite their growing numbers in the system, there were still relatively few girls at the detention center. The size of the population made it possible for us to invite all of them to participate in our study.

6. Each day, the Defender Association receives a "house list" from the Youth Study Center. This list indicates the name and gender of each child in secure detention. The Defender Association continually monitors these lists.

7. Founded in 1975 as a nonprofit legal service, the Juvenile Law Center (JLC) is one of the oldest children's rights organizations in the United States. JLC works on behalf of children who have come within the purview of public agencies—for example, abused or neglected children placed in foster homes, delinquent youth sent to residential treatment facilities or adult prisons, or children in placement with specialized service needs. Although JLC primarily serves the children of Pennsylvania, JLC is also asked to lend its expertise to national child advocacy efforts.

8. The Defender Association of Philadelphia is an independent, nonprofit organization that provides legal services to indigent criminal defendants in the city of Philadelphia.

9. The Defender Association handles approximately 70% of all delinquent petitions in Philadelphia. To be a client of the Defender Association, a judge or master must determine that a family is "indigent" based on a set of financial criteria.

10. *The Diagnostic and Statistical Manual of Mental Disorders* 4th Ed. (American Psychiatric Association, 1994), commonly known as the *DSM-IV*, is designed to aid clinicians in the classification of mental disorders. The *DSM-IV* classifies disorders using an axial system to describe a patient's condition: Axis I Clinical Disorders, other conditions that may be a focus of clinical attention; Axis II Personality Disorders, mental retardation; Axis III General Medical Conditions; Axis IV Psychological and Environmental Problems; Axis V Global Assessment of Functioning (GAF) (scale used to estimate the patient's level of functioning at a given time) (Reid & Wise, 1995, pp. 7-8).

11. Oppositional defiant disorder is a recurrent pattern of negativistic, defiant, disobedient and hostile behavior toward authority figures that persists for at least 6 months.

12. According to Beyer (2001), "It is common for girls who lack stable identities to become involved in offenses going along with others. For many girls, early rejection drives a relentless self-dislike, which demands approval from others, including males who are abusive" (p. 20). Delinquent girls' tendency to associate with antisocial peers may be the result of low self-esteem (feeling no one will accept them) and may lead to an identity inconsistent with their families' values.

13. Post-traumatic stress disorder is distinguished by the development of symptoms following exposure to an extreme traumatic stressor. These symptoms include recurrent and intrusive recollections or dreams of the disturbing event, intense psychological distress, guilt, phobic avoidance of situations that resemble or symbolize the original trauma (American Psychiatric Association, 1994).

14. The specific program that we refer to is Program Development and Evaluation System (ProDES). ProDES is part of the Temple University Crime and Justice Research Center, 1515 Market Street, Suite 425, Philadelphia, PA 19102.

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*Sandra Simkins, Esq., Assistant Chief, Juvenile Unit, Defender Association of Philadelphia, has practiced at the Defender Association since 1991. In addition to conducting major felony jury trials, she has worked in the Juvenile Special Defense Unit, where she represents Direct File Juveniles. She has published in various periodicals on issues relating to girls in the juvenile justice system and has also written several grant proposals, one of which created a Special Education Juvenile Legal Resource Program. In addition, she teaches a juvenile justice seminar at the University of Pennsylvania Law School and at Temple University Law School. She received her J.D. from Rutgers University, Camden, in 1991, and her B.A. from the University of Delaware in 1987.*

*Sarah Katz expects to receive her J.D. from the University of Pennsylvania Law School in May 2003. She received her B.A. from Columbia University in May 1997. Prior to attending law school, Ms. Katz was a field organizer for the Children's Defense Fund in New York. She has continued her work in child advocacy during law school through work with the Juvenile Law Center; Legal Aid Society of New York City, Juvenile Rights Division; and the Defender Association, Juvenile Division.*