

100 Girls

A preliminary look at the lives and outcomes of young women incarcerated in San Francisco Juvenile Hall

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Introduction

Popular news stories are often saturated with reports of increasing violence by young women. These reports of “girls gone wild” bear little resemblance to reality, yet this has not stopped the upward trend of harsher and more punitive sanctions for juvenile crime (Luke 2008; Males and Chesney-Lind 2010). In this report, we trace the realities that young women in the San Francisco Juvenile Court face in their lives. Instead of “girls gone wild,” the stories of these young women reveal incredible instances of resilience, survival, and perseverance amid extremely challenging conditions of poverty, trauma, grief and loss. Punitive sanctions in the system can exacerbate these conditions, though the young women also reveal how court intervention can lead to long-lasting and positive change. Developed with the assistance of the San Francisco Juvenile Court, this report is based on an analysis of the court files

of 67 young women, from an initial sample of 100 (33 of the requested files were either sealed or rejected due to incongruous information). All of the young women were detained in San Francisco Juvenile Hall and received services from Youth Justice Institute (YJI). Additionally, it is based on five open-ended interviews with young women. All of the trends discussed in this report are from statistical analysis of the court files, and the interviews with the young women provide insights into these broader trends. In this initial report, we reveal the overall trends in the lives of these young women, suggesting how the presence of long-term, caring, compassionate and gender competent intervention can help transform their lives and introduce positive change into a system often primarily concerned with sanctions and punishment.

In Her Own Words: Trauma, Grief and Loss

One of YJI's clients recalled how sexual assault shaped not only her entry into the juvenile justice system, but continued to shape her life as she tried to juggle school, motherhood, and poverty.

My dad is sick in the mind. And he used to try and touch me . . . so it never felt really comfortable around him. He never did anything like to cross that line, but . . . when I was really, really young, you know he did things that I didn't like, and I started running away.

I've always wanted a relationship with my father, you know. This fatherly bond relationship, but, um, yeah, just recently, um, he molested me. . . . He went—he went far. . . . He took it overboard. . . . He was my support system. You know, he was my money. . . . He was like, “Don't worry, I'll give you money, I'm gonna get you a car, I'm a get you an apartment. We'll get you a job.” This, this, this and that. When that happened I called the cops. When I called the cops, he cut everything off. And then he goes, “Okay, I'll—I'll get you a car, but you can't—you can't go through with it.” You know—“You can't do this. You can't call the detective.” And so, you know, really I was stuck between a rock and a hard place and I was like, what do I do? I need money, but this is what happened to me: if I tell the cops, you know, I'm not gonna get the help that I need. Okay, yeah, you know the government's out here, but all that takes time.

100 Girls: Key Themes

All of the young women described in this report either reside or were arrested in San Francisco, and all but two are women of color. Over 85% are either African American or Latina. Case files for the young women began between the ages of 12 and 17, with the mean age at entry into the delinquency system approximately 14.5 years old. Thirty-three percent of the young women in our sample were part of the state's dependency system at the time of file review, and 40% had some mention of CPS investigation or dependency in their history.

Young women's case files generally began at the time of their first formal contact with the juvenile court system, and often did not include information on informal “counsel and release” by probation officers or other diversion programs. Files remained opened for a range of 1 to 99 months, with an average of 28.32 months for each file. This means that once formally charged, on average, the young women stayed under the jurisdiction of the juvenile court for a little over two years and four months. Case files for the young women

began with a formal filing of a “petition,” or the filing of charges by the prosecutor's office. Each time a new incidence of crime occurred, the prosecutor filed a new petition, which was addressed by the court as a new set of charges and a new case. In the case files reviewed, the number of petitions ranged from 1 to 7, with an average of 2.59 per young woman. Some of the files remained open at the time of data collection.

Our analyses revealed three themes: (1) the high rate of grief, trauma and loss in the lives of the young women; (2) the high number of charges the young women faced at the beginning of their case versus the low rate of charges eventually sustained; and (3) the prevalence of probation violations, and in particular the large number of young women who go AWOL from court placements. Interviews with the young women provide additional context, and revealed a mixture of ways in which the gender competency model of juvenile justice developed by YJI is needed within juvenile court systems.

Theme 1: Trauma, Grief and Loss

One of the most consistent themes facing young women is the prevalence of grief, loss and trauma throughout their lives. In the study, we defined trauma to include incidents of sexual assault and rape, self-harm and suicide attempts, prostitution, family involvement in crime, parental in utero drug use, physical or sexual abuse, and expressions of fear of family,

{ Excluding the cases that did not experience any trauma resulted in an average of 4.8 incidents of trauma per young woman. }

peers, and neighborhood. Additionally, grief and loss were defined as abandonment by caregivers, dependency system involvement, incarceration of family members, and witnessing or experiencing the death of loved ones.

Trauma defined in this way was present in the lives of 77% of the girls; 70% reported grief and loss. Only 6 of the 67 young women had none of these occurrences described in their court files, and 91% of the girls experienced grief, trauma, or both. Additionally, 56% of young women experienced incidents in both categories. Excluding the cases that did not experience any trauma or grief, there was an

average of 4.8 instances of trauma and 3.2 instances of grief and loss per young woman. Since these incidents are based on court files, and not on self-report data, the number of incidents is likely to be underreported.

Table 1 (on the next page) reveals the number of young women with incidents of trauma, grief and loss described in their files. Of the types of trauma experienced by the young women, 52% of cases revealed incidents of family abuse while 45% of cases reported incidents of family involvement in crime. Consistent with other reports on the roots of young women's delinquency, 45% of the young women in the sample also experienced incidents of sexual assault (Zahn 2010). Importantly, 29% of the young women self-harmed, 22% reported expressions of fear, whether of home life, the neighborhood or school, and 21% were abandoned by adults who were supposed to care for them. These incidents of trauma, grief and loss are telling of the incredible adversity that many of the young women faced in their lives.

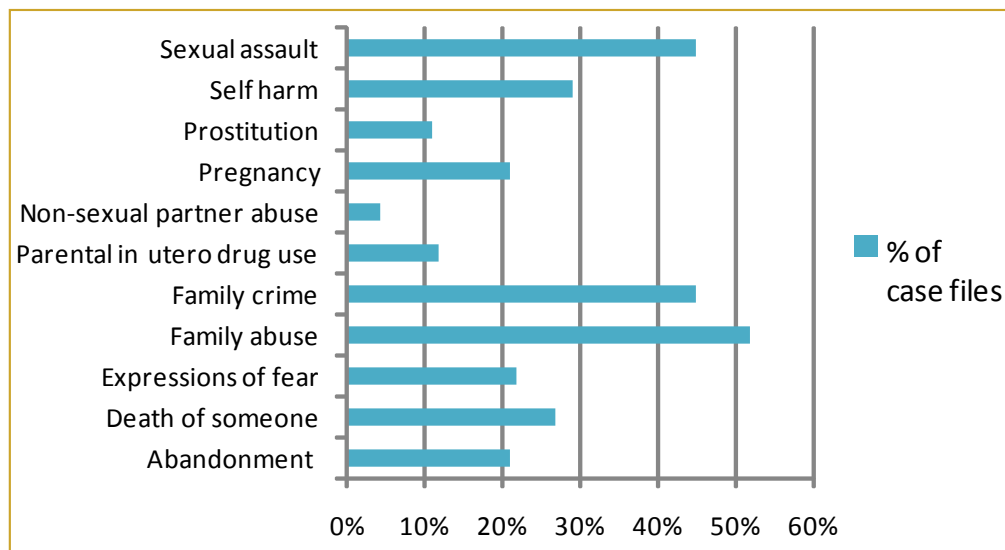


Table 1: Case Files With Incidents of Trauma

Theme 2: Prosecutorial “Upcharging”

Early juvenile court founders explicitly reasoned that the juvenile court should be separate both institutionally and philosophically from the adult court. Originally, juvenile courts were developed under the judicial reasoning of “*parens patriae*” where the judge would play a considerably different role than that played in the adult court. Under the juvenile model, judges would be assigned to consider the totality of circumstances, rather than the facts of the case alone, as was the responsibility of judges in the adult court. Judges were tasked with discovering the “best interests of the child” and setting into motion a plan of action that would place the child on a law-abiding path. Over the past 40 years, however, the “best interests of the child” mandate has withered, and the current juvenile court is one concerned with accountability, responsibility, and punishment (Feld 1995; Zimring 1998). It is not surprising, then, that common practices of punishment in the adult court, such as plea bargaining, were found to be a frequent occurrence in juvenile court for the girls in our study.

A common practice of punishment in the adult court is what is called prosecutorial “upcharging.” This happens when the prosecutor charges defendants with a range of charges related to a single incident. In the adult court, as the case continues, these charges are frequently dropped in plea bargaining, often resulting in the defendant eventually being convicted of (or pleading to) a significantly

smaller number of charges. Although this is often described as a “win-win” situation for both sides, as the prosecutor gets a conviction and the defendant has to face punishment for a fewer number of charges (Emmelman 2003), it also often ensures that at least some punishment is endured by any who navigate the court process (Feeley 1980). In the juvenile court, prosecutorial upcharging reveals one important indication that concern for convictions and certainty of punishment—rather than the social welfare of the youth—shape the juvenile court process as well.

The practice of upcharging was a frequent occurrence in the adjudication of young women in this study. The number of charges young women faced initially ranged from 1 to 22, with an average of 5.98 charges. By the point of disposition (the equivalent of sentencing), however, the range of charges had decreased to between 0 and 7, with an average of 2.17 (in 7 of the 67 cases, no upcharging was apparent). On average, the difference between the original charges alleged and those sustained at disposition was 3.7. For example, if a young woman was initially charged with 5 offenses, by disposition time, the number of charges sustained dropped to 1.3. While the dropping of charges might seem beneficial to the young women, it reveals how concerns for punishment shape the juvenile court process, and as the “In Her Words” section on the following page demonstrates, is not without consequences to the young woman so charged.

In Her Own Words: Prosecutorial “Upcharging”

One YJI client was first incarcerated at the age of 13, and by 17, a single incident involving a fight at a night club led to the allegation of nine different charges, including attempted murder, assault and robbery. Her recollection reveals how the threat of adult punishment and strikes shaped her experience of the juvenile court system.

I had that battery charge pending, and then since I was on the run they never—they just put it on hold and stuff. And then I went back for my case, so since I had nine serious charges they kind of just dropped the battery. Well, I had to plead guilty and they dropped the battery and all the other charges. On that one incident.

[Interviewer: And those nine charges, did they end up all sticking?]

No, I plead . . . well, I came in jail for two attempted murders and six assault with a deadly weapon and robbery. And I pleaded guilty to the robbery and the assault and the attempted murder. And they switched it, instead of giving me the attempted murder . . . they gave me two grand thefts and two assaults. Which were all felony counts. . . . All my charges, from what I was told, was like strike offenses. So I was pretty much struck out if they charged me as an adult. So I was kind of, like, stuck, I didn’t really have no choice, there was nothing I could do to get out of it. I didn’t know what they were going to do with me. First . . . they were saying something about

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the CYA [California Youth Authority] and stuff, if it came down to it and if they had to they were going to send me there and stuff. And my lawyer, I kept telling him, like, “Can you lower down my charges and get them to give me a good deal or something?” Yeah so . . . he ended up getting to where they could lower it down, but it was four felonies with no strike or anything.

In Her Own Words: Probation Violations and AWOLs

One YJI client revealed how her frequent AWOLs were the result of not feeling safe in out of home placements and frustration with their more restrictive rules that prevented her from visiting her family.

Oh my god, I thought it was scary. I thought it was like jail, I thought it was hard and I mean, that’s cause . . . that’s the first time. But as I started going, I don’t know if I was becoming institutionalized or not but I just started getting comfortable. I felt like I had a place to stay, I had a meal, and nobody was going to hurt me or beat me or do anything my mom was doing to me so I felt like, you know? This is somewhere I want to be. It was kind of a safe spot for me. Yeah on the flip side I would want to be out. . . . But sometimes I would feel safe there, I could get some rest. I was getting put out at 13 and 14 simply because. I was running away from group homes. . . . Don’t get me wrong . . . I never stayed at

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Theme 3: Probation Violations and AWOLs

One of the most common dispositions (the equivalent of sentences) in the San Francisco Juvenile Court is probation. Orders of probation place a whole series of restrictions on the lives of young women who have been adjudicated delinquent, and frequently include the following: obeying parents, obeying a curfew

65% of cases involved at least one AWOL, some cases with as many as 11 different incidents, and with an average of 1.88 instances per file.

(most often 6 p.m.), staying in placement, submitting to warrantless searches, attending community programs, submitting to drug and alcohol testing, meeting with the probation officer, attending school on time and regularly, and obeying stay-away orders from victims, any co-defendants, and scenes of delinquent behavior (whether a store, street or neighborhood).

One of the most striking themes in the review of court files was the prevalence of young

women running away from court placement, considered “AWOL” by the court. While 23 of the 67 cases (35%) involved no AWOL, the remaining 65% of cases involved at least one AWOL, some cases with as many as 11 different incidents, and with an average of 1.88 per file. Group homes and court placements

can play a key role in young women’s lives, as discussed below, but the notably high rate of AWOLs demonstrates a need for further study into the actual conditions and rates of success of group homes in the San Francisco Bay Area and elsewhere. While we have focused primarily on the incidence of AWOLs in this report, the challenge girls face in avoiding violation while on probation is such a significant issue that its complexity cannot be captured in a single report; we urge further exploration of all of the ways in which probationary requirements may serve to (unnecessarily) perpetuate or extend the presence of the court in a young woman’s life.

Building on the Themes: Considering the Lives of Young Women in Creating Gender Competent Juvenile Justice Systems

The themes revealed by the court files tell of the often incredibly difficult circumstances many of the young women face both before and during their juvenile justice system involvement. Unanimously, all five of the interviews recalled that juvenile justice intervention served as the springboard for creating more lasting and positive relationships and support.

Key system players—such as therapists, group home counselors, community organizations, probation officers, defense attorneys, and judges—were important catalysts in the lives of the young women. Young women revealed that long-term supportive help often outlasted formal juvenile justice system intervention. For instance, one young woman revealed that she continues to keep in contact with her defense attorney, who provides one of the few stable relationships in her life. Another young woman in her twenties recalled that one of her main sources of support continued to be the YJI therapist she worked with while in the ju-

venile justice system. And yet another young woman revealed that despite the difficulties of her four years at the California Youth Authority, her time there provided a stable environment, and allowed her to escape an abusive home.

One of the most important themes revealed by the voices of the young women (difficult to quantify through court files) is the need for stability in their daily lives. Key players helped by providing stable relationships, and in many cases, a stable living environment. In this context, AWOLs reveal young women struggling to find stability in their own lives, while the incredible presence of grief, loss and trauma provides a lens into their daily realities. For many of the young women, delinquency may have revealed issues of substance abuse, anger management, and prostitution, but these behaviors and practices were frequently the result of the struggle to survive and thrive in home and neighborhood environments.

YJI's gender competency model (see Figure 1, "Gender Competency in Four Steps," below), can address these themes by building and supporting programs and juvenile justice interventions that build competencies and provide safety, healthy relationships, and leadership opportunities (see further Aced-Molina and Haas 2007; Bloom et al. 2002).

Step 1: Safety

Girls need physical and emotional safety in order to thrive. As described above, physical and sexual abuse, sexual assault and violence are everyday realities for far too many girls involved in the juvenile justice system. One study found that girls involved in justice systems experienced sexual and physical abuse at 200-300 times that of the national population; 93% had experienced physical or sexual abuse, 63% had experienced both, and 76% had experienced at least one act of sexual abuse before turning 13 (Smith et al.

2006). The overwhelming number of incidents of grief, trauma and loss experienced by the young women in this report provide just one example of how the lack of emotional and physical safety can often serve as a catalyst to delinquency system involvement. Trauma-informed strategies take a girl's history of abuse into consideration in every aspect—from policies to practices—and work to avoid exacerbating and/or further traumatizing her while in the system.

Step 2: Healthy Relationships

Girls need healthy adult role models, skills and opportunities to build friendships with peers, particularly same-gender peers, and support to be in healthy romantic relationships that do not lead to exploitation or abuse. As interview data stressed, girls value relationships and their connections can serve as protective factors. However, when these relationships are damaged, severed, unstable

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no group home they sent me to or the regular foster care. And I would run back home to my mom. And she would get mad at me, when she got on drugs and put me out. And I had nowhere to go. My family whose house I could go to were all asleep and I don't want them . . . to be in our business. So I would just . . . try the bus, or . . . sleep in the Greyhound station, you know, just pretty hard stuff, yeah, like I would commit crimes just to go to juvenile hall so I could be there. So I would always think like "juvenile hall, yeah I'm locked up but at least my parents can come see me"—where in group homes [parents] can't come see you. So I ended up staying in jail for four months. They trying to find me another group home and while I was in a group home I ended up . . . becoming a ward of juvenile court. And I . . . started getting sent to the group homes . . . and I was still running. . . . I've been in Juvenile Hall a total of 12 maybe 13 times. All of that was just running from group homes. That's a—that's a crime to them. I don't know how, but you have a warrant because you're AWOL from a group home.



Figure 1: Gender Competency in Four Steps

or abusive, they can cause trauma, maladaptive coping and negative behavior. Interviews with the young women revealed that many turned towards delinquent behavior only after experiencing abuse and exploitation at home. Gender competency training can help adults and girls learn about the unique needs and strengths of young women, and it can provide a framework for incorporating these strategies into every aspect of treatment and services.

Step 3: Competencies

Girls need opportunities to learn and practice skills like communication, boundary setting, decision making, and goal setting in order to transition to healthy adults. During adolescence, youth struggle to individuate and define themselves and need opportunities to make and learn from mistakes. Young women often do not have these opportunities if they have been involved in restrictive and punitive systems instead of well-resourced and supportive homes. Young women often exit the system at age 18 without the skills or resources to be independent. Development of these skills must be part of the treatment and rehabilitation plan.

Step 4: Leadership Opportunities

It is important to include girls in every aspect of services and treatment, from planning to implementation, in order to have their buy-in and to lead ultimately to their success. Youth need to be empowered to make positive changes in their lives in order to make progress. Young women are often ignored or dismissed in their own lives and not provided opportunities to speak and act for themselves. When this happens, they make opportunities for themselves—even if there are negative outcomes. Girls already play many leadership roles in their families, peer groups, and communities and these skills can be directed to assist them in taking ownership of their futures.

Each of these four steps provide opportunities for juvenile justice intervention to address delinquency as the outcome of a more dynamic and complicated life than that portrayed by the mantra of “girls gone wild.” Gender competency is a first step to understanding the unique needs of young women. With this understanding, each part of the juvenile justice system can work to implement these lessons, ensuring that safety, healthy relationships, competency building, and leadership opportunities are accessible to all young women.

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Methodology

Youth Justice Institute (YJI) staff conduct intakes with almost all young women detained in San Francisco Juvenile Hall, resulting in a database of over 1200 names. The sample used in this report is based on 100 young women whose names were pulled from this database, 50 at random and 50 who were well-known to YJI staff. Despite this difference in the selection, final analysis revealed no significant statistical differences between the 50 names chosen at random and those who were well-known to YJI on the variables included in this report. Court files included reports from court hearings, court orders, probation officer reports, psychological evaluations, school attendance and disciplinary records, letters and reports from community agencies, attorney motions, and other documents related to the processing of the young women through the system. The authors of this report reviewed these files, taking detailed notes on each stage of the court process. Of the 100 files requested, only 67 court files were able to be reviewed, suggesting that the remainder are either sealed files or lost due to incongruous information between the court and YJI. Once completed, the notes on the records were culled to create a list of codes pertinent to the dataset, and these codes were then statistically analyzed to determine the most prominent trends affecting the lives of the young women. These trends form the themes discussed in this report. In addition to the review of court files, researchers also conducted semi-structured, open-ended interviews with five young women. These interviews asked the young women about the experiences in their life that led up to juvenile justice system involvement, their experiences of the juvenile justice system and institutions, and the challenges they continue to face in their lives. Excerpts from these interviews provide the voices of the young women in the "In Her Own Words" sections throughout this report.

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About Youth Justice Institute

Youth Justice Institute (YJI) works to improve the lives of youth involved with the juvenile justice and foster care systems by linking them to critical services and by facilitating positive changes within the systems that affect them. YJI works within and outside the system as an independent, accountable third party, and serves as a catalyst to promote engaged and informed discussion that leads to positive change for youth involved with the juvenile justice and foster care systems. This work includes convening, speaking, facilitating trainings, writing reports, and providing a range of technical assistance and consulting services.

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