

Gender Responsiveness
in the
Juvenile Justice System

Abigail Comee-McCourt

Independent Study, IND 494

Professor Rankis

June 10, 2008

Contents

Summary and Introduction	3
What is Gender Responsiveness?	4
Why is Gender Responsive Care Important?	6
How is Maine Doing?	9
Suggested Online Readings	12
References	13
Appendix A:	
Survey response rate by county	14
Female caseload by respondent	15
Gender Responsive Training	15
Adequacy Of Training Received	16
Appendix B:	
Survey questions used	17

Summary and Introduction

The purpose of the survey conducted on behalf of the Juvenile Justice Advisory Group was to assess how Maine's current practices incorporate the six key components listed below. This assessment can be used to make recommendations that enable the state to use best practices for gender responsive care in the juvenile justice system.

There are six principles that are necessary to have a successful gender responsive program, according to the National Institute of Corrections' gender responsive strategies guidebook. These principles are, foremost, the acknowledgement that gender makes a difference. This is followed by the necessity of a safe, respectful environment; an understanding of the importance of relationships in the lives of females; provision of services to deal with substance abuse, trauma, and other issues raised by victimization; services to help girls to better their economic status; and lastly, to help girls access the services they need outside the facilities. (National Institute of Corrections [NIC], 2003, p. 76) Without these key components, any attempts at structuring a gender responsive justice system will not be successful. Examples of programs that have succeeded in applying gender responsive strategies are PACE Center for Girls, in Florida; the AMICUS Girls Restorative Program, in Minnesota; the Girl's CIRCLE program, nationwide; and many other programs that are still in the pilot stage.

What is Gender Responsiveness?

Most often, when a juvenile enters the corrections system it is for delinquent behavior that has estranged them from their families and communities. The teens that we have in our corrections facilities don't have much going for them, their "schools see them as troublemakers. Parents of their friends view them as bad news. Victims...are either afraid of them or angry at them."(AMICUS, 2004 p.8) When the delinquents are female we must help them to repair the damage they have done within their communities. Girls place great value on the relationships in their lives, healthy or not. Gender responsiveness uses an understanding of this key element of female behavior to develop "programs that support and encourage girls to have goals, realistic expectations, and the specific skills needed to reach their goals." (Girls Equitable Treatment Coalition [GET], 2003, p. 4)

Gender responsiveness is defined by Bloom and Covington as "creating an environment... that reflects an understanding of the realities of women's lives and addresses the issues of the participants."(as cited in NIC, 2001, p. 75) This environment includes not only the facilities the females are housed in, but also the staff assigned to them, and the availability and content of programming provided to girls.

Some of the issues that need to be addressed are the importance of relationships to girls, victimization issues and substance abuse behaviors that

result from them, and acknowledgment of female offenders' pathways into the justice system. Also, female offenders confront several problems that are specific to their gender like teenage pregnancy, single parenthood, sexual abuse, and battery. (GET, 2003, p. 4-5) In order to be able to help keep female juvenile offenders from re-offending it is imperative that gender responsive strategies be implemented throughout the juvenile justice system.

It is important to understand that there is a distinction between gender bias and gender responsiveness. Gender responsiveness is designed to ensure equality of treatment within our justice system; gender bias is showing favoritism to a specific gender resulting in unfair treatment. Belknap, Dunn, and Holisinger make this distinction clear:

It is important to recognize equality does not mean "sameness." Equality is not about providing the same programs, treatment, and opportunities for girls and boys... [it] is about providing opportunities that mean the same to each gender... Programs for boys are more successful when they focus on rules, and offer ways to advance within a structured environment, while programs for girls are more successful when they focus on relationships with other people and offer ways to master their lives while keeping these relationships intact. (as cited in Bloom & Covington, 2001, p. 6)

While it is necessary to have different programming for girls than boys, this is not evidence of gender bias; instead, this is ensuring equal treatment for both sexes.

Why is Gender Responsive Care Important?

The programs that have been found to work for male juveniles in deterring recidivism are not effective with most girls. Gender responsive programming is an important aspect of reducing recidivism. An example of this is a study by the Juvenile Detention Alternatives Initiative in the mid- 1990s. This study showed that warrants and technical violations of probation by juvenile offenders, without new offenses, resulted in return to detention for females at much higher rates than males. This discrepancy increased with each subsequent return to detention for status offenses:

Of youth that returned to detention once within one year, 53 percent of girls [returned] as compared to 41 percent of boys...twice within one year, 66 percent of girls as compared with 47 percent of boys...returning to detention three times within one year, 72 percent of girls as compared with 49 percent of boys.

(Sherman, 2005, p. 33)

This survey shows not only that the national programming currently in place to reduce recidivism is not working for females, but also that girls are more likely to be re-detained for status offenses. The statutory principle in juvenile law that requires that the least restrictive alternative be used when sentencing juvenile offenders is not being used appropriately with females, especially when it comes to status offences. Many of the minor infractions that girls are frequently detained for do not warrant detention. (National Juvenile Defender Center [NJDC], 2001, p. 17-18)

Gender responsive programming works to find the cause of the girls' status offenses and help them to overcome them. If the status offense is substance abuse, for example, gender responsive programming is designed to deal with the emotional or familial problems that cause the girl to use in the first place. More importantly, gender responsive programming in facilities works on these problems when a girl is first committed, not just when they are detained for violations. If we can eliminate the problems or stressors that cause a girl to use drugs or run away before we release them back into the community, the rate of recidivism will drop.

The importance that gender responsive programming places on the relationships in a girls' life is also critical to reducing recidivism. By including programming in our facilities that incorporate important relationships in a girl's life, it is possible to help set up a safety net for the girl once she is reintegrated into the community. While female offenders typically have little support from family or their community, it is possible to help them mend the rifts created by their behaviors. (AMICUS, 2004, p. 7) Even girls who are not connected with their family are likely to have a bond with people who have played a significant role in their life like social workers, foster parents, teachers, or even probation officers. These adults, who have demonstrated that they care about the girl's well-being, are instrumental in helping the juvenile to "take a different perspective on their lives" and to "offer them a path of healing, re-connection, and hope" (AMICUS, 2004, p. 7) The importance of relationships to these girls also provides the opportunity for mentors to work in facilities and within the communities to

provide an offender with an adult “who can model and support survival and growth along with resistance and change.” (GET, 2003, p. 4) Helping girls to develop and maintain healthy relationships, both in the facility and their community, is an imperative aspect of gender responsive programming.

Another important piece of gender responsive programming is collaboration between service providers statewide. Juvenile girls in our facilities usually have abused drugs, have gaps in their education, have been abused, and are not safe at home. Frequently, these same teens have been involved in the foster care system, mental health system, or have received special education services.(NJDC, 2001, p. 22-23) In order to ensure that the juveniles continue to receive the services they need while committed, and more importantly, after reintegration in the community, it is imperative that these state agencies and other providers work together. While the juvenile facilities provide most of the needed programs to juveniles while they are committed, when the offender is released back into the community, these services often stop. Frequently, the failure of these agencies to work together causes “extended incarceration and inadequate services for young female clients.”(NJDC, 2001, p. 25) By utilizing gender responsive strategies and encouraging intra-agency collaboration we can ensure that female juvenile offenders get the continuum of services they need to succeed.

How is Maine Doing?

Currently, Maine's Juvenile Community Corrections Officers and other service providers are being trained to use "Motivational Interviewing" during the intake process as well as through out their interactions with the juvenile offenders they serve. This approach to communicating with the offender in a non-confrontational manner helps to avoid triggering a defensive response to discussing the offense as well as the other issues the offender may have. The goal of motivational interviewing is to enable the juveniles to sidestep their ambivalence about changing their behaviors and see how their present path and actions are detrimental to achieving their goals, whatever they may be. All of the survey respondents feel that the intake process currently used is adequate. Most also reported, however, that they feel a more individual approach is necessary when handling offenders of either gender.

The Juvenile Community Corrections Officers who responded to this survey had a low of 1 and a high of 23 girls on their case loads. The average count was 5.15 girls. This average excludes respondents with female only caseloads whose counts are much higher and the current count at LCYDC. Most JCCOs reported that these counts were atypical, most often higher than normal.

When asked about training relating to gender responsiveness, 52.3% of respondents said they have had formal training; 38.1% said they had received no or very little training; and 9.6% failed to respond to the question. When asked if the training received was adequate, 31.6% responded that they felt it was

adequate and 68.4% responded that it was not adequate. However, 47.4% were able to define gender responsive care. The most received comment was that training in gender responsiveness was often part of a workshop and one of several choices. There is also a feeling that the training available will be the “same information” or that it is “common sense”. Most respondents felt that if specific training were offered, they would be interested in participating.

When responding to questions about training on issues specifically relevant to females only 1 in 3 respondents stated that they had received any training. The remaining two thirds have not received any training on issues such as gender identity, the importance of relationships, or development and sexuality as they relate to female juveniles. Only 19% of respondents felt that the training they had received could not be improved on. The consensus is that the training was not adequate and often the respondents stated they would like the opportunity to further their training in these areas.

When asked about mentoring options available to female juvenile offenders, such as Big Brothers/Big Sisters there is an overwhelming response that more options are needed throughout the state. Long Creek Youth Development Center does have in-house mentoring available to the offenders in their care. This program has community members come in and spend time with the juveniles doing recreational activities, crafts, and just spend time listening to the offenders. Training is offered for these mentors through the facility. Unfortunately, most are unwilling or unable to continue the mentoring relationship once the juvenile returns to the community. This is where there is the most need

for juveniles to have a positive, reliable, role model to help them begin to change the negative patterns of behavior they have established in their communities.

Overall, Maine is doing well implementing gender responsive strategies and care. There is much effort to help juveniles of both sexes understand where their delinquency is coming from and where it will take them. The use of motivational interviewing by the JCCOs is evidence of this. Also the implementation of Collaborative Problem Solving and the mentoring program at LCYDC are also important in helping the offenders to change their behaviors.

While there is always room for improvement, as a state, Maine is doing a good job remaining on the cutting edge when it comes to serving our juvenile offenders. There is a need for increased training for the service providers throughout our state, especially in areas relating to teen brain development, sexuality, and the importance of relationships to teen females. There is also an increased need for community based mentoring options and community involvement in follow-up and aftercare once these juveniles are returned to their communities.

Suggested Online Readings

OJJDP- OCT 1998- report “Guiding Principles for Promising Female Programming: An Inventory of Best Practices”

<http://www.ojjdp.ncjrs.org/pubs/principles/contents.html>

Girls Equitable Treatment Coalition – MAR 2003-“Guidelines at a Glance”

http://dcj.state.co.us/oajja/Boards_and_Councils/Guidelines%20at%20a%20Glance%202004.pdf

NICIC- JUN 2003-Research, Practice, and Guiding Principles for Women Offenders: Gender Responsive Strategies

<http://www.nicic.org/pubs/2003/018017.pdf>

American Correctional Association-Corrections Today AUG 2006- RADIUS Program for Girls

<http://www.allbusiness.com/public-administration/justice-public-order/4077618-1.html>

American Correctional Association-Corrections Today DEC 2006- The South Carolina Department Of Juvenile Justice: Raising the Voices of Girls

<http://www.aca.org/fileupload/177/prasannak/Alford%20-%20dec06.pdf>

National Juvenile Defender Center- MAY 2001- Justice by Gender: The lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System

<http://www.njdc.info/pdf/justicebygenderweb.pdf>

AMICUS (Girls Restorative Program)-JAN 2004-“From Corrections to Connections”

<http://www.amicususa.org/Girls%20Final%20Report%20-%20Jan%202004.pdf>

References

- AMICUS (2004, January). *From Corrections to Connections: A report on the AMICUS Girls Restorative Program*. Retrieved April 4, 2008, from <http://www.amicususa.org/pubs/Girls%20Final%20Report%20-%20Jan%202004.pdf>
- Bloom, B.E. & Covington, S.S. (2001) *Effective Gender-Responsive Interventions in Juvenile Justice: Addressing the Lives of Delinquent Girls*. Retrieved March 10, 2008, from <http://www.centerforgenderandjustice.org/pdf/7.pdf>
- Girls Equitable Treatment Coalition, Colorado Division of Criminal Justice (2003, March). *Guidelines "At a Glance": Effective Gender-Specific Programming for Delinquent and At-Risk Girls*. Retrieved March 29, 2008, from http://dcj.state.co.us/oajja/Boards_and_Councils/Guidelines%20at%20a%20Glance%202004.pdf
- National Institute of Corrections (2003, June). *Research, Practice, and Guiding Principles for Women Offenders: Gender Responsive Strategies*. Retrieved April 4, 2008, from <http://www.nicic.org/pubs/2003/018017.pdf>
- National Juvenile Defender Center (2001, May). *Justice by Gender: The lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System*. Retrieved March 12, 2008, from <http://www.njdc.info/pdf/justicebygenderweb.pdf>
- Sherman, F.T. (2005) *Pathways to Juvenile Detention Reform: Detention Reform and Girls: challenges and solutions*. Baltimore, Maryland: Annie E. Casey Foundation

Appendix A:

Survey Response Rate by County:

County	Number of Responses
<i>Androscoggin</i>	4
<i>Cumberland*</i>	4
<i>Aroostook</i>	3
<i>Penobscot</i>	2
<i>York</i>	2
<i>Franklin</i>	1
<i>Kennebec</i>	1
<i>Lincoln</i>	1
<i>Oxford</i>	1
<i>Piscataquis</i>	1
<i>Sagadahoc</i>	1
<i>Washington</i>	1
<i>Hancock</i>	0
<i>Knox</i>	0
<i>Somerset</i>	0
<i>Waldo</i>	0
State Total	0
Response Rate	22
	42.31%

* Cumberland County responses include 2 responses from staff at LCYDC

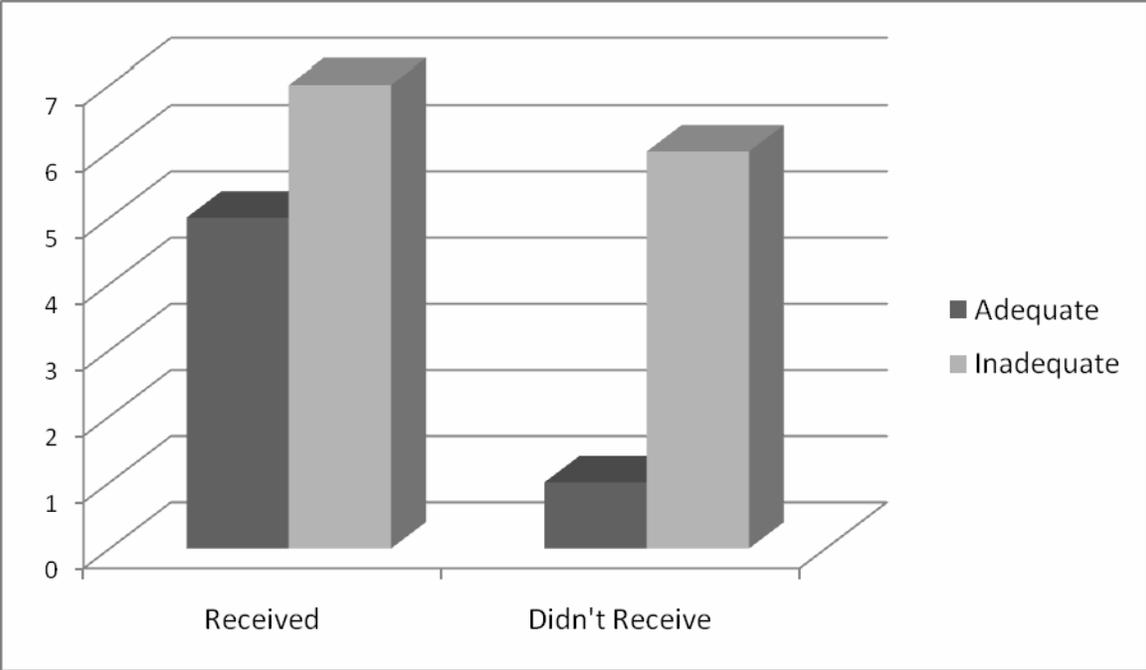
Female Caseload by Respondent:

Respondent	Number of Females	Respondent	Number of Females
A	3	L	7
B	1	M	7
C	11	N	2
D	6	O	2
E	18*	P	6
F	16	Q	31**
G	1	R	2
H	4	S	3
I	2	T	4
J	11	U	35**
K	3	V	23

*LCYDC female count, includes both committed and detained.

**Respondents have all female caseloads.





Adequacy of Gender Responsive Training

Appendix B:

Survey Questions Used

What is your current female caseload?

Is this count typical?

How many Females do you have at this time?

Committed?

Detained?

Is this count typical?

Do you use the same intake process/assessment for both males and females?

Differences, if any?

Is there communication between agencies during the intake process?

Could this be improved, how?

Are there any areas in the intake process you feel need improvement?

For female juvenile offenders how do you handle...

Housing?

Education?

Recreation?

Are there problems with the current system?

Do you receive formal training in gender responsiveness?

When/ how much?

Do you think it is adequate?

Survey Questions Continued:

Can you define gender responsive care?

Do you receive training on issues unique to females, specifically..

Development/ sexuality?

Gender identity?

Importance of relationships?

Do you think this training could be improved on?

Are you aware of alternative options to detainment for female offenders in the areas you serve?

Do you utilize them?

Do you feel that there are adequate alternatives?

Do you have options for female offenders who are pregnant or mothers?

Do you offer parenting classes?

Other skill building classes?

What aspects of your programming is focused on the offenders' future orientation?

School, job, etc.?

Goal setting?

Skill sets needed to achieve goals?

Building a positive support system?

Are there mentoring options, such as Big Brothers/Big Sisters available?

Is the community involved in the rehabilitation process?

Survey Questions Continued:

Volunteering?

Community service/restitution?

Do you have opportunities for female offenders to give feedback throughout the process?

Gender bias?

Individual effectiveness?

Formal AND informal?

What is the level of follow up/ aftercare?

Other services- i.e. mental health?

Recidivism prevention?

What aspects of your current programming are targeted at helping girls cope with the issues raised by victimization?

Substance abuse?

Self esteem?

Interpersonal relations/ healthy relationships?

In the facilities?

In the community/ family?

Do you feel this programming is adequate?

What improvements are needed?

Please feel free to include any other thoughts or comments here:

