

**THE WINSTON CHURCHILL
MEMORIAL TRUST OF AUSTRALIA**

**Report by Bernadette O'Reilly
2001 Churchill Fellow**

**To study different models of custodial
intervention for young women and girls
in the United States**

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INTRODUCTION

Acknowledgements

Many people gave me incredible amounts of time and energy for which I am grateful. There are too many to name individually but I especially want to thank James Bell for all the guidance, support and friendship while traveling, John Frangis, Julia Posadas, and Kristin Winokur for their time and energy. I want to thank the young women I met in the United States, particularly those in the San Francisco Juvenile Hall, at Alachua house in Gainesville, the Marine Institute in Tallahassee and at Ventura CYA, for their openness. I am especially grateful to the young women at Yasmar Detention Centre in Sydney, NSW who provided a reason and impetus for me to embark on the project. Thank you also to the Native American Indian elders and participants who ran the sweat tent at Ventura, where I was privileged to sweat with the young men serving sentences. Finally, thanks are due to the Winston Churchill Memorial Trust for the opportunity to receive financial support to undertake a valuable study tour overseas.

Short summary

The purpose of my application for the Churchill Fellowship was to find out about programs overseas, both within jails and communities, that offered viable and positive alternatives for young women offenders. The result of my Fellowship was a snapshot/overview of contemporary trends with reference to specific programs and facilities in the United States.

I visited Yasmar Juvenile Justice Centre in Sydney weekly in the course of my work as a Children's Court solicitor. During a visit on one occasion, I asked a detainee named Kylie, "If you could be anything in the world, what would it be?" She said, "Free." We counted up how many times she had been in Yasmar. She had lost count, so we counted up her birthdays. The only birthday between 11 and 17 years she had celebrated outside Yasmar was her 13th.

It is a source of both continual sadness and outrage to many professional people working with young offenders that it costs approximately \$110,000 per annum to incarcerate a young person, when setting an individual up in independent accommodation and providing training as a commercial pilot, for example, would be more cost-effective.

Governments appear devoid of ideas and lack creativity when it comes to alternatives for children who break the law. The imprisonment of children is based on the identical precepts underpinning the adult correctional system, namely punishment, deterrence and rehabilitation, in that order. Due to their age, I assert that it is more brutal and inhumane for children to be imprisoned for several reasons: imprisonment separates children from their families, it isolates them from everything that is familiar, and it subjects them to brutal and dehumanising regimes that push them further away from society.

There are some good and committed people working within our institutions, but the very notion of locking children up reflects a limitation in thinking and policymaking. In a "law-and-order" climate, it would take a widespread and determined grassroots campaign to build programs which could legitimately challenge public and official support for the easy option of incarceration.

Initially I designed a questionnaire to put to young women who were locked up. Despite many attempts prior to departure, I was unable to gain consent from any of the authorities in the United States to present the questionnaires. Each facility offered a guided tour of and in some instances, I was granted time to talk with detainees, however none were willing to let me conduct in-depth interviews with young women inmates. Nevertheless, I obtained a significant body of highly relevant information.

EXECUTIVE SUMMARY

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PROJECT DESCRIPTION:

To study different models of custodial intervention for young women and girls in the United States.

HIGHLIGHTS OF THE PROJECT:

- Centre for Young Women's Development (San Francisco, California USA)

A group of young women that have been locked up, on the streets and worked in street economies are running their own organization and working to better the lives of all young women in San Francisco.

- Keeping It Real - 5th Annual Young Women's Conference (San Francisco, California USA)

Sponsored by the For Girls Coalition of the Delinquency Prevention Commission, The Goldman Fund, Juvenile Probation Department and the YWCA of San Francisco and Marin. Included 21 workshops and a resource fair of 30 plus agencies.

Lesson/conclusion: In conjunction with major players, run a Girls and Young Women in Juvenile Justice conference in NSW

- Girls Talk (Chicago, Illinois USA)

A 48-week per year program for girls detained at the Cook County Juvenile Temporary Detention Center, Chicago. Staffed by only a part-time program co-coordinator and volunteers, it is collaborative community project involving organisations such as Northwestern University School of Law, Children and Family Justice Center, Chicago Women's Health Center, Women in the Directors Chair (a women's film-making organisation), the Illinois Caucus for Adolescent Health, Chicago Legal Aid to Incarcerated Women (CLAIM), the Prison Action Committee, the Southwest Youth Collaborative. Projects include Health Series, Poetry Workshops, Developing a Code for Living Series, Youth Summit, Video Production, Gardening, Girls Leadership Group, Library, Newsletter, Mural Project, Quilting Project, and Talk Out.

Lesson/conclusion: Advocate to Department of Juvenile Justice to develop a community-based program for implementation at Yasmarr Juvenile Justice Centre, NSW.

- Girls Link (Chicago, Illinois USA)

Coalition of juvenile justice officials from Cook County (includes more than 20 public and private agencies) whose mission is to create a juvenile justice system aware of and responsive to the particular needs of girls within Cook County.

Lesson/conclusion: Encourage and advocate for the establishment of a Girls Juvenile Justice Unit, in the metropolitan area of Sydney, NSW.

- Boystown Staff Secure (Philadelphia, Pennsylvania USA)

Privately run residential detention program for female offenders for girls aged from 11 to 18 years old.

Lesson/conclusion: Conduct an independent evaluation and review of all existing programs for girls including those in custody.

PROGRAMME

1. 28th National Conference On Juvenile Justice (Reno, Nevada USA)

Sponsored by the National Council of Juvenile and Family Court Judges and the National District Attorneys Association.

Key sessions attended:

What works with Juvenile Offenders: Characteristics of Effective Programs

Presented by Edward J. Latessa, Professor and Head Division of Criminal Justice, University of Cincinnati, OH.

What do I do with these girls?

Greene, Peters & Associates, Trainers and Technical Assistance Program to promote Gender-specific Programming for Female Juvenile Offenders, Nashville, TN.

Other sessions of interest:

Defense Counsel Caucus

Juvenile Detention Reform: It's everybody's business

Costs and Benefits of programs to reduce crime

The Very Young Offender

2. Centre for Young Women's Development (San Francisco, California USA)

People: Marlene Sanchez, Program Director
Lateefah Simon

A group of young women that have been locked up, on the streets and worked in street economies are running their own organization and working to better the lives of all young women in San Francisco.

3. Keeping It Real - 5th Annual Young Women's Conference (San Francisco, California USA)

People: Julie Posadas, Coordinator of Girls Services for Juvenile Hall, Juvenile Probation Department (conference organizer)

Sponsored by the For Girls Coalition of the Delinquency Prevention Commission, The Goldman Fund, Juvenile Probation Department and the YWCA of San Francisco and Marin. Included 21 workshops and a resource fair of 30 plus agencies.

4. San Francisco Public Defenders, Juvenile Division (San Francisco, California USA)

People: Patricia Lee, Public Defender (Juvenile Division)

Attended Juvenile Court, observed cases, attended client conferences and the detention centre.

5. San Francisco City Juvenile Hall (San Francisco, California USA)

People: Julie Posadas, Coordinator of Girls Services for Juvenile Hall, Juvenile Probation Department

- Attended workshops presented by Centre for Young Women's Development (*see above*)
- Met with Julie Posadas, Coordinator of Girls Services for Juvenile Hall, Juvenile Probation Department
- Attended workshops in Juvenile Hall as part of the *Keeping It Real* conference (*see above*)

6. Meeting with Leslie Acoca

Founder and Executive Director - In Our Daughters' Hands, Inc., Director - Women and Girls Institute at the National Council on Crime and Delinquency (NCCD), Principal Investigator - Florida Girls Research Project. This research profiles over 1,000 girl offenders in Florida. The study *Educate or Incarcerate? Girls in the Florida Juvenile Justice System* provides recommendations and a legislative agenda for halting girls' delinquency in the 21st century.

7. Youth Law Center (San Francisco, California USA)

People: James Bell, Director and Staff Attorney
Virginia Van Zandt, Director of Development

Overview of national juvenile justice issues.

8. California Youth Authority Ventura Girls Detention Centre (Ventura, California USA)

People: Mrs Brown, Senior Social Worker

Population of 327 female inmates, aged from 13 years to 25 years old, comprising Assessment Unit, Mental Health Unit, Specialised Counselling Unit, Younger Girls Unit, Segregation Unit.

9. Tallahassee Public Defenders (Tallahassee, Florida USA)

People: John Hedrick, Children's Public Defender

Attended Juvenile Court, observed cases, attended client conferences and the detention centre.

10. PACE Centre for Girls Inc (Tallahassee, Florida USA)

People: LaWanda Ravoira, Director
Debbie Moroney

Provides girls and young women an opportunity for a better future through education, counselling, training and advocacy.

11. Tallahassee Marine Institute Inc (Tallahassee, Florida USA)

People: Shannon Baker, Unit Manager

Private provider of non-residential court-referred day program for juveniles.

12. Juvenile Justice Centre (Tallahassee, Florida USA)

People: Accompanied John Hedrick, Children's Public Defender (client visits)

13. Juvenile Assessment Receiving Center (JARC) (Tallahassee, Florida USA)

People: Visit arranged by Kristin Parsons Winokur, Florida Department of Juvenile Justice

Juveniles are taken here upon arrest for bail determination by specialized counselors rather than by law enforcement authorities at a police station.

14. Capital City Youth Services (Tallahassee, Florida USA)

People: Visit arranged by Florida Department of Juvenile Justice

Short term residential care facility for homeless youth or runaway children.

15. Department of Juvenile Justice (Tallahassee, Florida USA)

People: Kristin Parsons Winokur, Florida Department of Juvenile Justice

16. Alachua House Medium Security Unit (Gainesville, Florida USA)

People: Centre Manager

Female government remand and detention centre for girls aged 13 to 18 years.

17. Miami Juvenile Court (Miami, Florida USA)
Miami Public Defenders (Miami, Florida USA)
Miami Local Court (Miami, Florida USA)

People: Mary Leraria, Juvenile Court Clinic
Stephen Harper, Public Defender

Attended Juvenile Court, observed cases, and attended client conferences.

18. Florida Institute for Girls (County Palm Beach, Florida USA)

People: Centre Manager

50 bed privately run Maximum Security Unit, described as 'hardware secure program for the most serious female offenders aged from 12 to 19 years'.

19. Cook County Public Defenders (Chicago, Illinois USA)
Chicago Juvenile Court (Chicago, Illinois USA)
Chicago Juvenile Hall (Chicago, Illinois USA)

People: John Frangis, Patricia Dillon, Valerie Panozzo-Gore (Public Defenders)

Attended Juvenile Court, observed cases, attended client conferences and the juvenile facilities.

20. Cook County Public Defender Juvenile Transfer Advocacy Unit (Chicago, Illinois USA)

People: Elizabeth Kooy Litigation Assistant/Social Worker

Work in relation to the adult/juvenile transfers.

21. Northwestern University School of Law (Chicago, Illinois USA)

People: Professor Bernadine Dohrn, Clinical Law School

22. Department of Criminal Justice, University of Illinois (Chicago, Illinois USA)

People: Professor Laurie Schaffner, Author of *Teenage Runaways Broken Hearts and Bad Attitudes*, previously founder of San Francisco Coalition for Girls

23. Girls Talk (Chicago, Illinois USA)

People: Cheryl

A 48-week per year program for girls detained at the Cook County Juvenile Temporary Detention Center, Chicago. Staffed by only a part-time program co-coordinator and volunteers, it is collaborative community project involving organisations such as Northwestern University School of Law, Children and Family Justice Center, Chicago Women's Health Center, Women in the Directors Chair (a women's film-making organisation), the Illinois Caucus for Adolescent Health, Chicago Legal Aid to Incarcerated Women (CLAIM), the Prison Action Committee, the Southwest Youth Collaborative. Projects include Health Series, Poetry Workshops, Developing a Code for Living Series, Youth Summit, Video Production, Gardening, Girls Leadership Group, Library, Newsletter, Mural Project, Quilting Project, and Talk Out.

24. Girls Link (Chicago, Illinois USA)

People: Monica Mayhem, Northwestern University School of Law (Social Worker)

Coalition of juvenile justice officials from Cook County (includes more than 20 public and private agencies) whose mission is to create a juvenile justice system aware of and responsive to the particular needs of girls within Cook County.

25. Female Offenders Unit, Department of Probation, Cook County (Chicago, Illinois USA)

People: Yolanda Myles, Probation Officer

26. Justice For Illinois Youth Campaign

People: Debi Chess-Mabie, Organiser

27. Juvenile Law Centre (Philadelphia, Pennsylvania USA)

People: Robert Schwartz, Executive Director

28. Boystown Staff Secure (Philadelphia, Pennsylvania USA)

People: Patricia Odom

Privately run residential detention program for female offenders for girls aged from 11 to 18 years old.

29. Philadelphia Public Defenders (Philadelphia, Pennsylvania USA)

People: Sandra Simpkins, Public Defender

MAIN BODY AND CONCLUSIONS

a. The National Agenda in the United States

Girls and young women's issues are on the national agenda, due to explosions in the number of girls entering the system. The government and community have been talking, funding research and planning for girls. For example, in November 2000 Leslie Acoca, released a provocative publication entitled *Educate or Incarcerate, Girls in the Florida and Duval County Juvenile Justice Systems*. In May 2001 the American Bar Association and the National Bar Association released a report *Justice by Gender, The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Juvenile Justice System*.

In the United States, the research reflects a collaborative endeavour to establish fundamental links and conclusions about the causes of crime and young women's offending by examining issues such as teen pregnancy, gang membership, in a multi-disciplinary context. For example, Girl Link in Philadelphia is a coalition of juvenile justice officials from Cook County (includes more than 20 public and private agencies) whose mission is to create a juvenile justice system aware of and responsive to the particular needs of girls within Cook County.

There are two challenges applicable to both Australia and the United States: the overwhelming perception by professionals in the field that young women and girls are more difficult than boys, and a severe lack of resources for young women and girls.

In my view, in NSW particularly there is a dire lack of interest and research in relation to girls and young women's issues, apart from sensationalist media reporting of high profile crime. There is no body of research, few experts, little academic interest and no whole-of-government response to this specific demographic within the juvenile justice system.

b. Assessment and case planing in the United States

States such as Pennsylvania and Florida are plainly pursuing best practice models of assessment upon entry into the system which informs the case planning process. Authorities know a lot more about the juvenile offending population, even although it may not filter through to practice. Even a first offender was documented and assessed in some States. This allowed for greater crime prevention, more accurate programming and planning and the implementation of diversionary and other measures. Data collection and initial assessment was far superior to NSW.

IN NSW, the assessment of children only comes when it is time to do a report for court. The focus on court reports in my view is wasteful and assessments should be conducted on entry not merely for the purpose of sentencing.

In the United States, there have been two unique phenomena: gang affiliation and the crack cocaine epidemic. Both trends have necessitated strategic responses by planners, which are currently foreign to the NSW environment.

It was interesting to observe the professional profile of detention centre staff in the United States. Social workers, criminologists and psychiatrists undertake casework (not psychologists), partly due to the way in which the US system has evolved.

c. Jurisdictional issues

In Florida, Illinois, Pennsylvania and California, there did not appear to be a clear distinction between welfare/care jurisdiction and criminal jurisdiction. As a result, many girls are on probation and court orders for being runaways or truants, with a breach of these orders resulting in criminal sanctions.

The Juvenile Courts in some States impose lengthy probations or orders of up to 5 years with stringent restrictions such as a curfew for the entire period. Many girls then are what is called 'bootstrapped' into the juvenile justice system for breaking probation and may end up in custody as a result.

Probation Officers in some States are like police, with powers of search and arrest. They see their role as enforcing court orders. For example, at the Reno Juvenile Justice Conference, some probation officers were advocating for the right to carry guns.

In Florida, the Juvenile Court was not closed, and the likelihood of a transfer to the adult system for certain types of offences was high. In the course of my traveling, two children were tried in Florida as adults and sentenced to life imprisonment for murder.

d. Custody and Imprisonment

Many of the facilities visited in the United States were on a par with our adult jails in NSW. In fact, workers talked about hardware and security issues in similar terms. Many of the regimes observed were extremely punitive bearing the classic hallmarks of compliance such as an overweening concern about nail polish, make-up, uniforms, gang colours and insignia. In addition, workers had access to and regularly employed straight jackets, restraint chairs, cuffs and shackles in maximum-security environments.

A large amount of custodial and community-based programs have been tendered out by government to private providers. This raises enormous issues about standards and accountability. Sometimes the motivation is profit-driven and the criticisms that apply to private jail for adults are the same for children. There are no private juvenile detention centres in NSW.

A child would be bail-refused in a Juvenile Hall until a program became available. They would then be sentenced to complete the program, which may be a residential facility (some of these were interstate). The programs were often based on performance and did not have a definite finish date. This was not only unfair in the sense that no finite sentence date was given but also because the program may be run by a private provider paid on a daily basis for the amount of children in the program.

The school leaving age is 18, so all detainees required to attend school in some detention centres even over 18 year old, were made to attend school. Every centre I visited placed a high priority on schooling.

Some centres I visited did not allow men to work with young women or allowed men to do so only in an administrative role, whilst others employed men as direct workers with girls in custody, but ensured they were never left alone with young women.

Some centres had two types of staff: caseworkers and security. There were people in army boots and overalls with 'Swat Team' written on their backs whose roles were security-based and designed to keep the children in the facilities. These centres also had trained social workers employed as unit caseworkers on site every day. There did not appear to be any blurring of these roles.

DISSEMINATION OF MAIN BODY AND CONCLUSIONS

1. Deliver a paper to Department of Juvenile Justice (NSW) (*completed*).
2. Deliver a paper to Legal Aid Commission (*pending*).
3. Deliver a paper to the next Juvenile Justice National Conference (*pending*).

RECOMMENDATIONS

1. Develop a community-based program for implementation at Yasmar Juvenile Justice Centre, NSW. The program would be based on the model of collaboration seen in Girls Link (Chicago, Illinois USA) auspiced by Northwestern University School of Law. Girls Link is a coalition of juvenile justice officials from Cook County (includes more than 20 public and private agencies) whose mission is to create a juvenile justice system aware of and responsive to the particular needs of girls within Cook County.

In NSW, a group of women in the community in conjunction with the girls in Yasmar would develop a curriculum to deliver to the girls one evening a week. The community women need to be drawn from a wide cross section of the community, including the arts, health, education, and legal centres. The program would include a combination of creative, educational and entertaining aspects.

2. In conjunction with major players, run a Girls and Young Women in Juvenile Justice conference in NSW.
3. Encourage and advocate for the establishment of a Girls Juvenile Justice Unit, (based on the Female Offenders Unit, Department of Probation, Cook County in Chicago, Illinois USA), in the metropolitan area of Sydney, possible western Sydney, offering all levels of supervision including community service and specialist services, hand picked Juvenile Justice Officers (JJOs) who will work with girls only.
4. Conduct a major research project of young women and girls in the juvenile justice system in NSW. This would involve interviewing girls in custody and those on community-based orders. The purpose of the research is to identify the department's client group and to identify their needs.
5. Review the Department's assessment process of clients. Encourage the development or adoption of a comprehensive assessment instrument for application to every client subject to departmental supervision or care.
6. Conduct an independent evaluation and review of all existing programs for girls including those in custody. In relation to Yasmar, the terms of reference for such a review would include the evaluation of disciplinary procedures, assessment methods, educational and vocational options and programs, pre- and post- release programs, staffing and models of therapeutic intervention.
7. Advocate for a whole of government approach towards identifying the unique needs of young women and girls in the juvenile justice system in NSW, and the implementation of strategic responses in policymaking and resource allocation, which encourage both a collaborative approach and alternatives to imprisonment.