Lost girls: Young women face harsher punishment in Maryland’s juvenile justice system

By Erica Green, Baltimore Sun Reporter

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The Baltimore teen and her mother had been fighting for months. Sometimes the arguments got physical, and one night when the high school freshman came home late from prom dress shopping, she said she decided to shove back. Her mother called the police.

In a matter of minutes, the 14-year-old went from teenager to juvenile delinquent, charged with second-degree assault. Now, the same things she’d done before — not coming home on time, leaving the house without permission — were offenses that landed her back in maximum-security lockup nearly a dozen times over the next two years.

“I’m not a criminal — I just have family problems,” said the girl, who is not being identified because juvenile criminal records are private, and The Baltimore Sun generally does not name young offenders.

If she had been a boy, statistics show, it probably would have been different.

Young women are disproportionately locked up for misdemeanors, which are low-level offenses, in Maryland’s juvenile justice system. And they are more likely than boys to be taken before a judge for probation offenses such as running away, breaking curfew and defying their parents.
Once in the system, they are often detained longer. At the state’s most secure facilities, they are committed 25 percent longer, on average, than boys, even though girls are less likely to be there for felonies or violent offenses.

There are racial disparities as well. African-American girls in Maryland — like the young woman who fought with her mother — are nearly five times more likely to be referred to the juvenile justice system than white girls. That’s twice the national disparity.

Moreover, juvenile advocates and public defenders say facilities for girls are dilapidated or unsafe. They also offer fewer vocational and treatment options, compared with the facilities for young men, even though the young women are more likely to have come from fractured families, experienced abuse or neglect, suffered from mental illness, or been victims of sex trafficking.

“It’s a disgrace,” said Debbie St. Jean, director of the Juvenile Protection Division in the state public defender's office, a specialized unit that monitors the conditions of confinement. “Girls don’t have anywhere near the same resources that boys do.”

**It’s a disgrace. Girls don’t have anywhere near the same resources that boys do.** — Debbie St. Jean, director of the Juvenile Protection Division in the state public defender's office

The advocates and attorneys say they are not only concerned about conditions in state-run facilities but in treatment programs and group homes that contract with the Department of Juvenile Services to house and rehabilitate young offenders.

The department has stopped sending young women to one residential treatment center and one group home for failing to comply with departmental
polices and standards, officials said this month in response to questions from The Baltimore Sun. The juveniles have been diverted to other facilities.

At the Good Shepherd Services residential treatment center in Baltimore County, a girl reported being sexually assaulted, and surveillance video showed another resident raiding the medicine cart before she and two other residents showed signs of overdosing. The state health department, which regulates such treatment centers, documented the incidents in recent months.

State officials have declined to provide details on problems found at Mary’s Mount Manor Therapeutic Group Home in Anne Arundel County, also under a moratorium on placements from juvenile services.

Sam Abed, Maryland Secretary of Juvenile Services, speaking during a meeting of the Education Coordinating Council on December 7, 2015.

(Amy Davis / Baltimore Sun)

Sam J. Abed, secretary of Maryland’s Department of Juvenile Services, said state officials quickly address problems when they are brought to their attention but acknowledged the disparities between the experiences of boys and girls in the system.
He said that the expense of expanding programs and placement options for girls isn’t justified because there are so few of them. The agency, with a $280 million annual budget, spends $160 to $795 a day to detain a juvenile.

While there have been more than 1,400 placements of girls in the juvenile justice system in the past five years, on a given day fewer than 100 girls may be under the department’s care. Girls make up 17 percent of the juvenile offender population in Maryland.

There are a lot of kids who don’t belong here, especially girls.— Sam J. Abed, secretary of Maryland’s Department of Juvenile Services

In fact, Abed says that the best option for many girls is to keep them out of the juvenile system. He argues that only kids who are violent or a threat to public safety need to be committed.

“There are a lot of kids who don’t belong here,” Abed said, “especially girls.”

But judges have the final say on commitment, and juvenile advocates say too many girls in the juvenile justice system are still treated as just that — threats to public safety.

Though their crimes are rarely violent, they are detained for weeks and months in programs where their advocates and attorneys say underlying issues such as trauma often go unaddressed or worsen.

That’s because there are limited places to send them: to the state-run facilities where they are subjected to security practices like strip searches and shackling; mental institutions where they’re under 24-hour-supervision, or community-based options including group homes, where infractions such as truancy can send them back to a secure facility.
“They are high-need, low-risk, and in the deep end of the system,” said Nick Moroney, director of the state’s Juvenile Justice Monitoring Unit, an independent agency in the Maryland attorney general’s office.

By the Department of Juvenile Services' own measure, programs are unsuccessful in rehabilitating girls in about half of the cases. That can mean that the juveniles failed to follow the rules or finish the treatment plan. Many girls are then recycled through the system, placed in different programs.

Juvenile boys are afforded more options, including reporting centers where those awaiting court dates can check in and get job training and a meal; youth centers where there are no fences and community college courses are taught; and a boarding school that offers intensive treatment, vocational programs and the chance to graduate from high school with college scholarships.

No such options exist for girls in Maryland.

Juvenile advocates say the system is discriminatory and sexist — viewing boys as worthy and redeemable, girls as criminals or crazy.

“The vast majority of girls in the system simply don’t belong there, by any objective measure,” said Francine Sherman, consultant to the federal Office of Juvenile Justice and Delinquency Prevention and a clinical associate professor at Boston College Law School.

Last year she co-authored a national report, “Gender Injustice,” which found that girls were the fastest-growing population in the juvenile justice system and were treated more harshly than boys.

Problems facing young women in the juvenile justice system had been largely overlooked by policymakers until 2010, when the U.S. Department of Justice
called for more research and declared improving programs for them an urgent need.

Despite that spotlight, states are still grappling with the issue.

In Maryland, lawmakers tried and failed to pass legislation mandating equal placement options and services for girls in 2012. Lawmakers have also tried to shutter the aging Thomas J.S. Waxter Center, the first stop for many girls who enter the juvenile justice system — but plans to do that have been delayed.

For many girls, the juvenile system brings with it unintended consequences, like missing time from school and family, learning behaviors from other troubled girls such as cutting oneself to cope with emotional pain, and getting caught in a cycle that is hard to escape.

I just go wherever they send me and count the days. You just gotta sleep when they tell you to sleep, eat when they say eat and ask to go to the bathroom.— 16-year-old Baltimore girl who has been in the juvenile system

The Baltimore girl said she would leave her home to avoid fighting with her mother, who would then call the police to report her missing — a situation sometimes referred to in juvenile records as “on the wing.” Orders would then be issued, saying the girl should be “apprehended and delivered” to the Baltimore City Juvenile Justice Center.

The girl, now 16, has become numb to the routine. She feels lost.

“I just go wherever they send me and count the days,” she said. “You just gotta sleep when they tell you to sleep, eat when they say eat and ask to go to the bathroom.”
‘Wayward’ girls

For at least a century, judges, lawyers and advocates in Maryland have called out the juvenile justice system, saying it fails girls.

The state’s system, started in 1866, was designed to provide delinquent girls with homes, education and job training. In those days, most of the girls were considered “wayward” — poor, immigrant, pregnant or promiscuous. Some girls were arrested and charged with being “incorrigible.”

In 1930, Judge Thomas J. S. Waxter — whose name is on the state’s detention center for young women — advocated for a new institution for black girls. He
THE BALTIMORE SUN

described the now-defunct Industrial Home for Colored Girls at Melvale as “impossible,” a “fire trap,” and inadequate for recreation, schooling and vocational training.

Even then, state officials denounced so-called “reformatories” as “deformatories.” Officials called for detention and commitment to be used only after every social service had been exhausted.

That approach hasn’t evolved much since then, Sherman said.
“The social welfare part of the system was more for girls, but the problem is that the apparatus has shifted,” she said. “The problem is we’re still doing that, but we’re doing it with detention and shackles.”

Most are committed for low-level offenses that are often linked to their own victimization. They are more likely to have been raped or physically abused than boys in the juvenile justice system, and to have mental health problems. Many are runaways. Some are poor and exposed to danger in violent neighborhoods.

“There’s a double standard. The system says when you act out as a victim of abuse, we’re going to punish that, and we’re going to punish that hard,” said Eliza Steele, senior monitor with the state’s juvenile monitoring unit, who has overseen the girls’ facilities for the last few years. She said boys are treated differently.
Eliza Steele, Senior Monitor in the Juvenile Justice Monitoring Unit of the Maryland Attorney General's office, discusses the experiences of girls in the juvenile justice system, and ways to serve the girls better.

(Amy Davis / The Baltimore Sun)

For girls, she said, the system “criminalizes their experience of having a real hard life — circumstances that define who they are, but that they have no control over.”

According to state data, girls come into the system with more problems than boys. Twenty-four percent of the girls have a history of physical abuse, compared to 11 percent of boys, and 30 percent have a history of sexual abuse, compared to 5 percent of their male counterparts. Sixty-two percent have a “high” need for mental health treatment, while 41 percent of boys do.
As the juvenile justice system tries to balance their welfare with holding them accountable, their backgrounds often make for more complicated cases than the boys’.

“The charge that brings them in is so insignificant in the grander scheme of things,” said Melanie Shapiro, the chief public defender in Baltimore. “By the time they get to court for the fighting or shoplifting, it’s not even about that anymore.”

Some girls are more vulnerable, advocates say.

Nationwide, as much as 40 percent of the girls in the juvenile justice system are lesbian, gay, bisexual, questioning, gender non-conforming and transgender, or nearly three times the percentage for boys, according to a 2016 study led by Dr. Angela Irvine. The vice president of Impact Justice, an Oakland-based think tank, has conducted a number of national studies on juvenile delinquency.

Researchers traced the paths of these girls and found that many are rejected and abused by their families, get involved in the child welfare system, and later become homeless. They said the girls wind up committing crimes to survive.

Advocates also say black girls in particular face bias. Sociological studies have shown that society judges them harshly for talking loudly, dressing differently, challenging authority and other behavior that runs counter to cultural norms of white, middle-class femininity. And, they say, that makes them more likely to land in the juvenile justice system.

Young black women make up two-thirds of the juvenile offender population but about one-third of Maryland’s population.
About 10 percent of young women in the system are there for violent crimes, about half the rate of boys. The majority of girls — 83 percent — are committed for misdemeanors, compared to 65 percent of boys.

The girls’ offenses are primarily fighting and shoplifting, while boys are more likely to be committed for felonies.

Abed has called the misdemeanor disparity “troubling and quite large.”

While he said some juveniles should be committed because of the nature of their crimes, Abed believes too many are in the system for low-level offenses. Many of the girls don’t need to be confined, he said, just given a chance to grow up and mature.

Abed has cut the overall population of young offenders being detained or committed, in part by diverting those who are not public safety risks to community programs, counseling or other services.

But change has come more quickly for boys. Since 2011, the average daily population for young men who have been committed has dropped by 41 percent, from 818 to 480, while the girls’ population has dropped by 33 percent from 139 to 93.

Abed points to the population dropping to below 10 girls this fall at one of the facilities, the J. Deweese Carter Center on the Eastern Shore, the state’s long-term, maximum-security placement option for girls, as evidence of the department’s progress in keeping them out of the deep end of the system.
But juvenile advocates say that many of the girls who land at Carter still shouldn’t be there.

Carter is supposed to house the most dangerous youths — comparable to the state’s facility for boys, the Victor Cullen Center. Yet, 60 percent of Carter placements last fiscal year were for misdemeanors.

On average, girls at Carter are locked up 201 days, compared to an average of 166 days for boys at Cullen. That is inconsistent with national trends, which show girls getting shorter stays because they committed lesser crimes.

Earlier this year, juvenile justice monitors documented the offenses that landed a dozen girls at Carter. Several had probation violations; others were there for disturbing school activities, malicious destruction of property and second-degree assault.

“We’re way more likely to penalize girls for minor or certain deviations from expectations, like manners and purporting yourself like a ‘young lady,’” said Steele, the juvenile monitor for Carter. “The system is not willing to always be flexible the way they are with boys being boys.”
Abed said he’s worried in particular about the criminalization of black girls, given what he calls the “enormous” racial disparity, and he’s working on training staff to help address the bias.

But he’s also concerned about too many girls being committed in an attempt to protect them. Abed and public defenders said judges fear that if they release juvenile girls, they’ll be vulnerable to sex trafficking, prostitution and other dangers.

Judges declined to be interviewed for this article, according to a spokeswoman for the Maryland judiciary.

In a statement, the spokeswoman, Terri Charles, said judges are working with the Department of Juvenile Services and state lawmakers on improving the system. She also noted that juvenile judges attend an annual conference to learn more about cognitive development in youth, implicit bias and race-neutral policies.

Abed also said some judges take a more punitive approach than others. “If you’re a hammer,” he said, “you’re going to see everything as a nail.”

“A lot of times, the kid just needs help. But our help comes with a lot of strings,” he said, adding that many youths would benefit more from counseling than incarceration. “By dragging them into our system, for something that is developmentally appropriate, we’re doing more harm.

“It’s like hugging someone who can’t breathe.”

Custody of the state

Not knowing where to turn, one Frederick woman sought out a residential treatment center to get mental health help for her 13-year-old daughter, after the girl’s behavior became erratic. These centers house juvenile delinquents
and placements from the Department of Social Services, as well as private patients.

Her daughter wouldn’t sleep alone, and she always had to have the light on. She began to meet up with men she met on websites. She ran away.

It wasn’t until her mother voluntarily checked her into the facility that the girl told her she had been sexually assaulted, at age 7, by her older brother’s friend, and later by another family friend.

But by then, it was too late to consider bringing her home and finding less restrictive treatment options.

During her stay at the facility, the teen said, she accidentally hit a staff member who was trying to restrain her. She was charged with second-degree assault and went from patient to juvenile offender, now in the custody of the Department of Juvenile Services.

The Frederick mother said if she could bring her daughter home, she would.
But she can’t. The girl, now 17, has made the rounds at seven different facilities over four years, and her mother said she hasn’t received the mental health help she needs. She said her daughter still battles severe post-traumatic stress disorder and depression.

The mother, whom The Sun isn’t naming to protect the identity of her daughter, recently told state lawmakers that her daughter was stripped naked and held in a padded room at a residential treatment center in Maryland. State officials responded at the public hearing this fall that they couldn’t comment on individual cases, citing privacy concerns.
As with many juvenile offenders, the girl’s arms and legs are shackled at every court hearing, a controversial practice because the Supreme Court has ruled that shackling adults in court in most cases violates their civil rights. And just this fall, juvenile officials sent her to a program in Florida because they believed all other in-state programs had been exhausted.

The teen said she was shackled for the 20-hour drive, including to go to the bathroom and eat meals, accompanied by four men and one woman. Officials said that they only shackle youths for that period of time if they express a desire to flee or have a history of being a flight risk.

“There are more opportunities for boys than girls,” her mother said. She pointed to the youth centers, or camps, where there are no fences. "Those could have been good for her.”

Many girls in Maryland’s juvenile justice system are detained in or committed to facilities that are locked and fenced-in and required to employ the most invasive and restrictive practices, such as routine shackling and strip-searches. The only all-girls facilities run by the state — the Carter and Waxter centers — are “hardware secure.”

Compared to their male counterparts, girls have fewer options for “staff-secure” facilities, where they can serve sentences for six to nine months at a time, free of fences and maximum-security tactics, and where there are more opportunities for rehabilitation.

“The system says, ‘We expect more of you, but we’re going to give you less,’” Sherman said.

Boys may be placed at one of four youth camps in the mountains of Western Maryland, where they are able to work in the woods and take community college courses. Boys may also be sent to the privately contracted boarding
school, Silver Oak Academy in Carroll County, where they can leave with a high school diploma, trade licenses, internship hours, college acceptances, scholarships and full-time jobs.

Those options often are more successful in rehabilitating youths.

State officials said they do try to rehabilitate girls through the programs that are available.

Annette Miller, the superintendent at Carter, a small, ranch-like building with low ceilings in Chestertown, tries to balance making a safe, homey environment for the girls — they get to pick which colorful bed comforter that fits their personality — with the demands of a punitive system.
Miller, who has worked for 30 years with juvenile offenders, described the young women as “high-risk, high-need” and more challenging. “Boys come into the facility ready to go home. They come in, do their time,” she said. “With the girls, there’s a lot of mistrust, so they don’t come in as open to the process.”

By the time they leave, she said, “they’re truly talking about making changes in their lives.” Still, she worries about the family and social problems they must confront on the outside.

“It’s just so much that can get in their way.”

**Problems flagged**

The inequities were flagged by Maryland lawmakers six years ago.

Del. Kathleen Dumais, a Montgomery County Democrat, introduced legislation to require the Department of Juvenile Services to provide parity — meaning giving girls, on a regional basis, a range of services substantially equivalent to those offered to boys.

The bill never made it out of the Judiciary Committee, with critics saying there weren’t enough girls in the system to warrant the law and the expense. Dumais said she couldn’t believe the blatant discrimination.

“They get the short end of stick because there are fewer of them,” Dumais said in a recent interview.

A year later, then-Sen. Jamie Raskin, also a Montgomery County Democrat, introduced legislation to require that the department provide girls with a “range and quality of services that are substantially equivalent” to those
offered to boys. He said he introduced the bill after taking a tour of the state-run juvenile facilities. Raskin recently won election to Congress.

“It just struck me how juvenile institutions are where the old gender stereotypes went to die,” Raskin recalled.

But all mentions of “parity” were struck from the legislation. Lawmakers, instead, required that the department take stock of resources for girls and boys and produce a “gap analysis.”

In response to the lawmakers’ concerns, the Department of Juvenile Services allowed girls to start using a reporting center in Baltimore where teens awaiting adjudication can get help. It provides transportation, meals, job training and education programs.

But last year, the center stopped serving girls because of the low number of referrals.

Officials were also supposed to build a new detention center to replace the 1960s-era Waxter center by June 2017. They have not broken ground on the $66 million project, and it is now due to be completed in 2019.
And the department recently shut down a group home in Baltimore, where there are few community-based programs for girls, because officials said there weren’t enough girls to support it.

In addition to the gender disparities, juvenile advocates and attorneys say they are troubled by conditions in some of the places where young female offenders are housed.

At Good Shepherd, the hardware-secure facility in Halethorpe, state documents reveal several incidents over five months during the spring and summer, including two alleged sexual assaults on one teenage resident by another resident. Even though police were called, staff didn’t document the attack for six days, the health department found.

In a separate incident, three residents showed signs of overdosing on medications that one teen managed to get from a cart, according to the documents.

Michele Wyman, president and CEO of Good Shepherd Services, declined to discuss the incidents but defended the center’s programs, noting that they work with a difficult population of patients.

At the Mary’s Mount group home, which is also under a moratorium on placements, officials declined to comment.

The state agency that cares for foster and other children stopped sending youths to those facilities as well.

Advocates have also raised concerns about the Waxter center, the Laurel detention center that is often the first and most frequent stop for girls picked up on low-level charges.
The facility, which houses about 20 girls a day on average, logged more fights and more uses of restraint last year than the Cullen center, which houses the most dangerous boys in the state, according to state records. Of the 330 suicide attempts and suicide ideations recorded across Maryland’s juvenile facilities last year, half were at Waxter.

A Baltimore Sun investigation found that girls are disproportionately locked up for low-level offenses.

Earlier this year, juvenile justice monitors pointed to a case in which staff members refused to help a girl having a miscarriage at Waxter. Instead, they shackled her for the trip to the hospital, saying that because she was no longer pregnant, she needed to be restrained. The advocates said the incident underscores that the system is ill-equipped to deal with girls.
Abed said that the case showed lapses in judgment and the need for “trauma-informed care.” He recently implemented new training for all staff in that kind of care that takes into account the various effects of trauma on behavior and psychology. The department also pointed to a drop in the last six months in fights and the use of restraints at Waxter.

Shortly after he was appointed in 2011, Abed separated girls with long-term commitments at the facility from girls awaiting court or a placement. The change brought down the number of incidents such as fights and group disturbances.

But a recent change in state law undermined that move.

Beginning last October, the Department of Juvenile Services began to house youths charged as adults, a move meant to keep those youth out of adult prisons. That means on any given day, Waxter may house a girl detained for being truant alongside one who allegedly committed murder.

**Roving door**

While boys are more likely to become adult offenders, research shows an even gloomier outlook for girls. According to the Northwestern Juvenile Project, a study that tracked juvenile offenders in Chicago over several years, girls who enter the juvenile justice system are five times likely to be killed or kill themselves by age 29 than the other youths not in the system.

One former juvenile offender, who agreed to share her story with The Sun, has scars that cover her arms — the only signs of healing from being locked away for half of her life. She is now 27.
Scars are seen on the arms of a 27-year-old former juvenile offender. "If there was broken tile in the cell, I would probably bite it up with my teeth and try to chew it or scratch myself with it - little things to get some type of attention." The woman was in the juvenile justice system for six years.

(Amy Davis / Baltimore Sun)

Each gash comes with its own story of questions, confusion and crisis that started when her brother molested her at the age of 12. The courts determined she was emotionally disturbed from her past, which also included physical abuse and repeated run-ins with the child welfare system, she said.

Over six years, she says she was placed in 22 facilities, including state-run facilities, privately contracted boarding schools and psychiatric institutions up and down the East Coast.

“They were just shipping me here, there, everywhere,” she recalled.
She says she caught a single charge — for assault — in a residential treatment center where she bloodied a staff member’s nose during a fight. After that, she said she was labeled a menace, and it wasn’t long before she started acting the part. She fought for sport, lashed out for attention, and did sexual favors for staff to get out of trouble.

From other girls, she said she learned to snort pills and how to feel a sense of relief from cutting her skin — with staplers, the metal ring from pencil erasers, or the broken tile from the floor.

“It felt like I was releasing the pain from my insides,” she explained. “When the blood comes out, it feels like you’re crying.”

She reached 12th grade, but her academic credits rarely transferred to the next juvenile facility and ultimately she gave up. She said she never received vocational training.

Today, she lives alone in a basement apartment. “I'm still trying to find my way,” she said. “I’m learning life ... on my own.”

She still carries a perfectly packed caddy to the bathroom, initials the tags on her clothes, and meticulously folds her bedsheets, just as she did in the facilities. “I feel like maybe I need to be, and am supposed to be institutionalized,” she said.

Juveniles can be recommitted in the system for a number of reasons, including if they commit another crime or if they fail a program and are sent to a new residential treatment center or group home.

But the one of the most common reasons they are committed again is for technical probation violations, such as skipping school or getting home late. Abed said that’s a bigger problem for girls.
Abed said girls tend to be “more defiant” because of their backgrounds, which gets them into trouble in the justice system when they might just need help.

“The doors to detention for them are revolving,” Shapiro, the Baltimore head juvenile public defender.

A few years ago, Abed created a tool that would help probation officers make more objective decisions about probation violations. That program cut down violations by one-third.

But juvenile advocates say the department should be more aggressive in refusing to take in youths who are not threats to public safety — which can be a tough balancing act — and referring them to social service agencies so they and their families can get support.

Still, some young offenders feel probation sets them up to fail.

“They trap you,” said a 15-year-old Baltimore girl who spent more than one year in the system, including for probation violations such as missing a 7 p.m. curfew and failing to follow rules at home, records show.

“It’s like they get you one time, and they never stop coming back for you.”

They trap you. It’s like they get you one time, and they never stop coming back for you.— 15-year-old Baltimore girl who has been in the juvenile system

Advocates have called on the courts to increase diversion programs, curtail the duration and terms of probation, and prohibit sending girls to be securely detained at Waxter for technical violations of probation. They also say the department needs to employ more case managers and mentors who have been proven to help girls in the community.
Around the country, other models have shown success, such as courts that specialize in handling the cases of young women and provide community-based programs.

Some young women in Maryland feel the state’s juvenile justice system, as it is now, does them more harm than good.

**A lot of kids want... to press a button to make it all go away.**—17-year-old Frederick girl who has been in multiple residential treatment centers

The Frederick teenager who is now in a Florida residential treatment center doesn’t like who she is becoming. She found herself shouting at a 11-year-old girl the other day, something she says she wouldn’t have done before. She feels paranoid and quick to snap, the same kind of fight-or-flight mentality that got her into trouble in the first place.

“A lot of kids want ... to press a button to make it all go away,” she said.

She’s looking forward to a place where she can finally feel safe, asking her mother several times during each night’s 10-minute phone call: “When can I come home?”

Sun researcher Paul McCardell and reporter Luke Broadwater contributed to this article.

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