

# A Comparison of Juvenile Misconduct in Residential Facilities in Florida by Gender

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**Abstract:** Many studies have been completed on juveniles involved in the juvenile justice system, and to a lesser extent within correctional institutions. However, research is lacking which examines institutional violence by juveniles with consideration of gender. This study will contribute to filling this gap in the literature by examining youth-on-youth and youth-on-staff misconduct from two male and two female high- to max-risk residential facilities in Florida. Official disciplinary reports will be analyzed for 68 reported incidents from April 2017 to December 2020 utilizing qualitative methods. This research will have implications for policy and practice regarding gender-based disparities in treatment and programming within juvenile residential institutions in order to address violence issues more effectively in juvenile facilities.

**Keywords:** juvenile delinquency; corrections; misconduct; gender; PREA; violence

## Introduction

Misconduct within correctional institutions is a prominent issue in both adult settings (Edens *et al.*, 2008) and juvenile settings (Charles *et al.*, 2019; Craig & Trulson, 2019). Extensive research has analyzed factors predicting misconduct among prisoners (Cunningham & Sorenson, 2007; Semenza & Grosholz, 2019), and has frequently focused on prison culture and misconduct among male inmates (Wooldredge, 2020). To a lesser extent, scholarship has also examined misconduct in women's prisons (Houser & Welsh, 2014; Pflugradt & Allen, 2014).

Limited work has examined misbehavior among youth in correctional settings and the comparison of male and female misconduct in juvenile institutions is rare. Some research on juvenile institutions has investigated official misconduct (Trulson, 2007), gang issues (Long & Kidd, 2015; Scott 2020), and other personal issues resulting in violence among incarcerated male youth (Scott, 2018). Although some work has examined female misconduct in youth correctional settings (Magnus & Scott, 2021), it is scarce. The current study contributes to this gap in the literature through a comparison of male and female misconduct reports that involved youth incarcerated in secure facilities.

This exploratory study analyzes official incident reports in which law enforcement was contacted, from four male and female juvenile institutions in Florida. These incidents cover a variety of topics including violent acts, staff and youth charges, the Prison Rape Elimination Act, facility location, staff use of force, and whether incidents are planned or unplanned. Comparisons between male and female misconduct are conducted to improve comprehension of youth behavior in correctional settings and examine potential differences based on gender in institutional responses to misconduct that warrants contacting law enforcement. Due to the limited research on incarcerated youth this study will help to inform future work analyzing gender differences among incarcerated juveniles, and the potential need for gendered correctional policies and practices.

This study begins with an analysis of past scholarship on juvenile institutional misconduct. The literature review then transitions into a discussion of scholarship on the Prison Rape Elimination Act. The paper then shifts into a qualitative exploratory analysis of official incident reports in male and female youth correctional settings in which law enforcement were contacted. The paper then concludes with a discussion of implications for theory and policy as it relates to gender in youth correctional settings.

## Literature Review

When looking through research on misconduct in correctional settings, it is apparent that most of the research focuses on adults. Whereas many adult studies concentrate on men (Edens *et al.*, 2008), few researchers address these same issues with women (Pflugradt & Allen, 2014), with even less focusing on gender-based differences in misconduct (Gover & Perez, 2008). But research on juveniles is becoming more common, as discussed below.

## Juvenile Research

The research on females in the criminal justice system is lacking in general, and as the focus of study narrows, such as juvenile females or females within institutions,

the information gets even more sparse. While girls still offend at a lower rate than boys and the juvenile crime rate has continued to decrease since approximately 1996, the rate of decrease for girls is smaller than boys and in 2019 three out of every ten juvenile arrests were girls (Puzzanchera, 2021). Much of the research conducted on juvenile institutional behavioral issues looks at predictors of misconduct (Charles *et al.*, 2019; Craig & Trulson, 2019) and risk of victimization (Ahlin & Hummer, 2019), many using assessment tools such as PACT and MAYSI in order to determine likely characteristics of those involved in misconduct (Rembert, Henderson *et al.*, 2018; Rembert, Threadcraft-Walker *et al.*, 2018; Leitch, 2019). This research stems from studies on adult correctional institutions and assessment tools, reinforcing the notion that adult research is used to shape juvenile policies (Ahlin, 2019).

### *Girls*

Studies on predictors for institutional misconduct by girls consistently report mental health as a strong predictor (Blackburn & Trulson, 2010; Craig & Trulson, 2019), with age (Blackburn & Trulson, 2010) and United States citizenship (Craig & Trulson, 2019) also being significant factors. Other common themes included the minor nature of misconduct by girls (Blackburn & Trulson, 2010), gang involvement and mental health issues increasing institutional violence (Blackburn & Trulson, 2010; Craig & Trulson, 2019), and deleterious effects of childhood trauma on mental health and institutional misconduct (Craig & Trulson, 2019). Institutional misconduct by girls serving time in juvenile facilities before being transferred to complete an adult sentence showed that the majority of misconduct was minor, such as not following instructions and program disruption (Blackburn & Trulson, 2010). Race (Blackburn & Trulson, 2010) and mental health issues (Blackburn & Trulson, Craig & Trulson, 2019) also increased the likelihood of violent misconduct by the girls in these studies. Of those with increased mental health issues, prior trauma and victimization were also prevalent (Craig & Trulson, 2019). Overall, major risk factors in a girl's background that were found to significantly increase the frequency of violent misconduct while institutionalized was US citizenship (Craig & Trulson, 2019), mental health issues (Craig & Trulson, 2019; Blackburn & Trulson, 2010), and gang involvement (Blackburn & Trulson, 2010). Additionally, older age at intake served as a protective factor against institutional misconduct (Blackburn & Trulson, 2010)

### *Boys*

Numerous studies have attempted to identify risk factors for institutional misconduct for boys and these differ significantly from what has been found in studies on girls. Some research has found that a juvenile's friend network affects the likelihood of being

involved in institutional misconduct (Reid, 2017), while others focus on the offense-history of the juvenile (MacDonald (1999; DeLisi *et al.*, 2011). In general, length of stay in the detention facility appears to be a common factor in many studies examining risk factors for institutional misconduct, although results and explanations vary across studies. For some, it has been hypothesized that as a juvenile experiences more time incarcerated, they may develop alternative ways of coping, or they may have already earned their respect during previous stays in the facility, thus negating the need for continued violence (MacDonald, 1999). However, other researchers identify increased gang involvement and friendship groups turn longer stays into more violent institutional experiences (Reid, 2017; DeLisi *et al.*, 2011). The impact of a boy's friends within the institution has been shown to effect involvement in institutional misconduct depending on the length of detention: Longer stays increase the likelihood of friend impact on misconduct while those who have shorter stays in the institution may not have made the social connections necessary for friends to influence institutional behavior (Reid, 2017). Higher security institutions and gang involvement also increased the odds of involvement in violent institutional misconduct, both of which may be an indirect result of the length of a boy's sentence (MacDonald, 1999). Longer stays at a juvenile institution have also been found to result in an increase in involvement in all areas of misconduct except escape attempts (DeLisi *et al.*, 2011). Another focus of research has been the boys' lives prior to incarceration. Boys with a violent criminal history had an increased likelihood of violent misconduct within the institution (MacDonald, 1999; DeLisi *et al.*, 2011). In some cases, the length of the youth's criminal history has been shown to significantly decrease violent misconduct (MacDonald, 1999). In order to determine potential relationships between a boy's life prior to incarceration and inclinations towards institutional misconduct, examination of the family and history of boys was conducted (DeLisi *et al.*, 2011). A history of substance abuse proved to be significantly related to increased involvement in drugs and weapons categories of misconduct, and physical and sexual abuse had aggravating effects on various categories of misconduct, highlighting the impact on different types of misconduct for boys based on life experiences (DeLisi *et al.*, 2011).

### *Girls and Boys without Comparison*

Many studies regarding institutional misconduct include both male and female participants but provide little or no comparison or discussion of any differences between genders. Adverse childhood experiences are frequently linked to delinquent behavior (DeLisi *et al.*, 2010; Craig *et al.*, 2023; Craig & Trulson, 2019; DeLisi *et al.*, 2011). Boys and girls with a greater amount of exposure to traumatic events were more frequently involved in noncompliant behavior while incarcerated (DeLisi *et al.*, 2010). Similar to

studies of girls (Craig & Trulson, 2019; Blackburn & Trulson, 2010), direct and indirect effects of trauma on institutional misconduct have been analyzed, emphasizing mental health factors which are also predictors of institutional misconduct; such as increased anger and irritability, depression and anxiety, somatic complaints, and suicide ideation (Craig *et al.*, 2023). Other studies examining boys and girls lives prior to incarceration highlight the effect of education on institutional behavior and misconduct, with increased levels of education leading to decreased levels of misconduct (Engstrom and Scott, 2020). While these studies had both male and female participants, females were underrepresented and the discussion of the results focused on those variables that showed significance mainly related to male characteristics. The focus on significance is to be expected, but the lack of discussion about the absence of significant findings for females also demands attention.

### *Girls and Boys with Comparisons*

More recently, scholarship has begun to focus on differences in misconduct within juvenile male and female institutions. Boys are significantly more likely than girls to be involved in “institutional danger” types of misconduct, such as assaults and possession of weapons (Trulson, 2007). Girls report greater levels of childhood trauma and victimization, which increases the likelihood of negative behaviors into adulthood (Blackburn & Trulson (2010). More recent scholarship has utilized both quantitative (Butler *et al.*, 2012) and qualitative (Magnus & Scott, 2021) methods to analyze differences between boys and girls in juvenile institutions. Predictors of chronic noncompliance include increased adjudications, African American, being female, gang activity, multiple forms of institutional programming, being a danger to oneself, or sex offenders. Youth who were considered chronically noncompliant were considered to be in the 99<sup>th</sup> percentile for behavior issues (Butler *et al.*, 2021). However, no significant predictors for female institutional misconduct have been identified (Trulson, 2007). Magnus and Scott (2021) found that males and females in juvenile facilities had similar justifications for violent behavior but different reasons for that justification. They posit that females are not seeking to be more masculine by resorting to violence; they are using violence as a means of survival while institutionalized. Gendered pathways have been identified as a major focal point in the differences between male and female offending patterns, which is also used to try to explain differential adjustment to institutional settings (Blackburn & Trulson, 2010).

### **Sexual Assault**

When examining misconduct in correctional settings, it is important to understand that it comes in multiple forms and is not solely physically violent misconduct. In 2003,

President George W. Bush signed the Prison Rape Elimination Act (PREA). The intent of this law is to reduce incidents of sexual assault in prison, both juvenile and adult (34 USC § 303). Sexual assault is investigated for both inmate-on-inmate accusations and staff-on-inmate accusations (Bureau of Justice Assistance, 2021). Juvenile facilities were also ordered to conduct screening procedures upon intake to identify youth who were at risk of victimization or perpetration of sexual misconduct (Vincent & Nunez, 2018). This was ordered not just for jails and prisons, but also rehabilitation centers and group homes. The most recently released PREA data is from 2018, which showed that males are more likely to report both staff and inmate sexual assaults when compared to females (Bureau of Justice Statistics, 2021). Juvenile statistics show that from 2012 to 2018, reports of victimization by staff dropped from 7.7% to 5.8%, and victimization by another inmate dropped from 2.5% to 1.9% (Bureau of Statistics, 2019). This decrease in reported sexual victimization is promising, but sexual victimization within a juvenile institutional setting is still a major concern. When looking at gender of juvenile victims, 7.1% of boys and 6.6% of girls reported victimization in the last 12 months (Bureau of Statistics, 2019).

Minimal research has been conducted on sexual victimization of youth in juvenile facilities. Theoretical framing of sexuality and sexual identities in prisons have been examined, but only in relation to adult men (Horley, 2019). The difficulty of conducting research on sexual activity in prison is also discussed, reinforcing the precariousness which researchers face in attempting to study sexual activities of incarcerated juveniles. While juvenile facilities are also responsible for reporting PREA violations, research continues to focus on adult jails and prisons which are often used to develop policies in juvenile facilities (Ahlin, 2019). However, predictors and risk factors for sexual assault in juveniles may not be the same as for adults, and youths are more likely to be victims of sexual assault in juvenile facilities (Bureau of Justice Statistics, 2021). For example, predictors of victimization for adults, such as size or age at incarceration, are not considered risk factors for juveniles, and locations of sexual assaults in juvenile facilities have not been adequately researched, whereas showers and cells are more likely to be the place of victimization in adult institutions (Ahlin, 2019).

The paucity in research on sexual assault in juvenile institutions is exacerbated when looking at females in treatment and institutional facilities. Successful rehabilitation is important in effective reintegration into society, and explorations into the long-term effects of sexual victimization while in custody are sparse. Victimization has been found to result in increased involvement in continued criminal behavior upon release from incarceration, along with symptoms of post-traumatic stress and increased depressive symptoms. These results were shown for all types of abuse experienced in a facility: physical, sexual, and psychological (Dierkhising *et al.*, 2014). The effects of institutional

victimization may also perpetuate the continuation of that violence into society after release from prison, either as a form of revenge against others or acceptance of behavior already occurring when they return (Nielsen, 2017). This research shows that long term effects of sexual assault while incarcerated can be damaging for all victims.

Much research conducted on the effects of sexual assault for juvenile females focuses on victimization as a child, and girls report greater levels of childhood trauma and victimization which increases the likelihood of negative behaviors into adulthood. This includes self-harming behavior, increased risk-taking activities, high-risk sexual activities, and drug use as a coping mechanism. Females are also more frequently diagnosed with anxiety, depression, and PTSD as a result of prior victimization (Blackburn and Trulson, 2010). The effects of childhood sexual assault and trauma (Jones *et al.*, 2018; Blackburn & Trulson, 2010; Craig *et al.*, 2023) coincide with risk factors for increased institutional misconduct, such as aggressive beliefs and mental health issues (Kuanliang & Sorensen, 2008; Semenza & Grosholz, 2018).

Statistics vary on sexual assault for juveniles and adults as well as by institution. In an analysis of reports of sexual assaults of juveniles who are housed in adult prisons, 6% of youth reported sexual assault in juvenile facilities, whereas less than 2% of youth housed in adult institutions report victimization, less even than the reported amount of adult victimization in adult institutions (Ahlin & Hummer, 2019). This would imply that juveniles are at more risk in juvenile institutions where research is less frequent. Studies on predictors of victimization for forced and “consensual” sexual contact for both youth-on-youth and staff-on-youth found that institutional variables, such as holding capacity or availability of resources, have more influence than state level variables in explaining sexual victimization of youth. These factors may be used to highlight the need for further research into the individual-level risk factors among juveniles (Koski *et al.*, 2018). Sexual assault in prisons is less frequently researched and the effects are not easily found in extant literature, especially regarding juveniles.

The research that has been conducted on institutional misconduct on males and females, both juvenile and adult, shows there are differences by gender, and the continued study into gendered pathways theories attempts to explain these discrepancies. While there are researchers who have devoted much time on institutionalized juveniles, much of the work is quantitative; the use of a qualitative approach to issues of gender disparities in correctional settings is necessary for examining previously unexplored issues. This exploratory study contributes to these unexplored areas by utilizing qualitative methods to analyze institutional misconduct reports. These reports will be examined to compare gender-based similarities and differences in incidents when law enforcement is contacted. The current study explores the situational factors that may contribute to more serious and violent institutional misconduct among juveniles

and how these may differ by gender. Based on the reviewed literature highlighting the need for more research on youth in correctional settings, and specifically a comparison of male and female incarcerated youth, the current study asks the following research question:

How do official incident reports resulting in law enforcement contact within secure juvenile correctional settings vary among male and female youth?

## Data and Methods

The present study was an intensive case study that focused specifically on official incident reports within secure youth correctional facilities in Florida. The initial request made to the Florida Department of Corrections was for all official incident reports for incarcerated male and female youth in the last two years, and they provided all incident reports in three years and eight months for which law enforcement was contacted. The final sample consisted of 68 official incident reports that were filed between 2017 and 2020, which were coded by the principal investigators over a span of about 6 months.

The main goal of this study was to compare incident report descriptions of misconduct among incarcerated male and female juvenile offenders. Given the lack of research directly comparing misconduct among incarcerated boys and girls no specific variations were expected. Thus, the two principal investigators for the project coded the data utilizing open coding (Saldaña, 2013). This was accomplished through thoroughly reviewing the incident descriptions independently to identify common themes, which were then transformed into codes. Each investigator created a codebook draft using spreadsheet software. The researchers discussed identified codes, rationale and justification for coding until they were able to come to an agreement on the codebook. Codes were identified utilizing various methods including structural and descriptive coding, which were all applied while also utilizing sub-coding (Saldaña, 2013).

The use of open coding is frequent in qualitative work and broadly defines multiple approaches to coding; the current study primarily utilizes structural and descriptive coding. According to Saldaña (2013: 87), descriptive coding provides a “label to data to summarize in a word or short phrase the basic topic of a passage”. For the current study, examples of a descriptive code are ‘Youth Charges’ or ‘Staff Charges,’ which were described as substantiated or unsubstantiated. Structural coding was also utilized, which is “a content based or conceptual phrase representing a topic of inquiry to a segment of data that relates to a specific research question” (Saldaña, 2013, pg. 84). For this study, comparing ‘Incident Type,’ which was described as physically violent, nonviolent, or sexually violent, is an example of structural coding. The differences and similarities in these types of themes will help to illuminate how misconduct among

male and female incarcerated youth is approached and reported. Upon agreement of the identified themes, the principal investigators started coding the 68 incident reports provided by Florida Department of Juvenile Justice.

## Results

Table 1 provides descriptive frequencies for themes found through analysis of the incident reports. Some of the themes identified include whether the staff or youth charges were substantiated, the type of youth charge, whether force was used, if the incident was planned or unplanned, and the location of the incident. These themes were then examined for variations between male and female institutions.

**Table 1: Frequencies**

		<i>Male</i> <i>N=38</i>	<i>%</i>	<i>Female</i> <i>N=30</i>	<i>%</i>
Staff charge	<b>Formally charged</b>	<b>8</b>		<b>13</b>	
	Substantiated	7	87.5	1	7.7
	Unsubstantiated	0	0	12	92.3
	Undetermined	1	12.5	0	0
Youth charge	Substantiated	35	92.1	15	50
	Unsubstantiated	3	7.9	15	50
Youth charge type	<b>Physically Violent</b>	<b>34</b>	<b>89.5</b>	<b>15</b>	<b>50</b>
	Youth on staff	33	97.1	14	93.3
	Youth on Youth	1	2.9	1	6.7
	<b>Nonviolent</b>	<b>4</b>	<b>10.5</b>	<b>2</b>	<b>6.7</b>
	Computer	3	75	2	100
	Contraband	1	25	0	0
	<b>Sexually violent</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>43.3</b>
Force	Force used	7	18.4	11	36.7
	No force used	31	81.6	19	63.3
Planning by youth	Planned	18	47.4	13	43.3
	Unplanned	18	47.4	8	26.7
	Undetermined	2	5.3	9	30
Location	Dorm/Living area	17	44.7	3	10
	Group/rec area	3	7.9	11	36.7
	Controlled observation	6	15.8	4	13.3
	General/unknown	5	13.2	3	10
	Classroom	4	10.5	3	10
	Office	2	5.3	0	0
	Shower	1	2.6	0	0
	In transition	0	0	6	20

## Youth and Staff Charges

Substantiation of youth charges was determined by the law enforcement agency that was contacted in each incident and the investigation they completed. It is apparent when looking at the percentage of substantiated youth charges that this category is inextricably linked to youth type of charge. In all physically violent incident reports for girls and boys, the youth charges were substantiated and many were transported to a county jail or reception center. However, when you look at the percentage of substantiated youth charges for boys (92.1%) versus girls (50%), the difference in charge types is clear.

“While in Alpha dorm on 12/20/19 at 8:46 pm, youth 1 refused to go to his room. A ‘code blue strong’ was sounded, and additional staff responded for assistance. Staff counseled the youth for approximately 5-10 minutes; however, he still refused to comply. Staff redirected youth 1 with an escort technique and escorted him to his room. While in his room, youth 1 turned around and punched Shift Manager A in the face. Staff then secured the youth’s room door without further incident. Video coverage and witnesses are available. SM A sustained a bruise on his right cheek, but he declined medical attention. SM A requested to press charges against youth 1 and law enforcement was contacted.” (Male facility)

“Tonight (2/22/19) while being escorted to the donn, youth loosened staff’s grip from around her hands and striking staff Teana Cunningham several times in the face. Additional staff intervened, physical intervention was applied (ground control) and the youth was secured/escorted to controlled observation without further incident” (Female facility)

In both of the previous cases, the boy and the girl both clearly assaulted the staff and were charged for it. The youth were both caught on camera and there were witnesses and injuries to the staff. Youth charges were more likely to be substantiated in misconduct involving boys, although this appeared to be a result of the number of sexually violent offenses involving girls and the lack of substantiation in all of those cases.

Another interesting result from the analysis of the misconduct reports is the number of charges against staff. Only eight staff were charged with rule violations or excessive use-of-force in male facilities, with 13 charged in female facilities. In the male facility there was one case that was classified as undetermined, as the case was still active when we received the misconduct reports, which results in no unsubstantiated staff charges in male facilities. Substantiated staff charges also varied by gender of the facility, with 87.5% (seven out of eight cases) of staff charges being substantiated in male facilities with only 7.7% (one out of 12 cases) substantiated staff charges in female facilities. Take, for example, the following excerpts from one incident report:

“As staff entered her room, youth 1 punched Youth Care Specialist II A twice in the face. Staff restrained youth and removed the torn clothing from her room. She was placed in a green smock and secured within her room without further incident”

“...wrapped his arms around her, they were face-to-face. Staff B tried to grab her as well and ended up grabbing her breast. She sustained a bruise to her breast”

“After her shirt was pulled off, her shorts were pulled from her body next. Her panties came off at the same time as the shorts were being removed” (Female facility)

This was one of the few cases in the sample that resulted in substantiated staff charges, and the only case that resulted in repercussions for select staff involved. In this case, staff charges were substantiated for violating the facility’s suicide prevention plan by forcibly disrobing the girl and for the inappropriate use of force techniques. Florida’s corrections officers are trained in the use of Protection Action Response (PAR) techniques which guide the use of force when an incident occurs within juvenile facilities (Fla. Admin. Code R. 63H-3, 2022). According to the official incident report, the staff members resigned due to unrelated reasons, so no further sanctions were ordered.

The examination of staff charges showed differences for incidents involving boys and girls, with only one incident in the female facility resulting in substantiated staff charges. In male facilities seven of the eight staff charges were considered substantiated.

### Physically Violent

Between boys and girls, the frequency of violent offending also varied greatly. Out of a total of 38 male incident reports, 34 (89.5%) were classified as physically violent, with the remaining 4 (10.5%) classified as non-violent. For female incident reports, 15 (50%) of the cases were physical violence, with 2 (6.7%) identified as non-violent, and 13 (43.3%) categorized as sexual violence.

Physical violence in secure facilities frequently involves youth attacking correctional staff:

“This morning (6/6/18) at 8:34 am as staff (teacher) A entered classroom #2, youth 1 attacked staff A from behind and struck her several times in the head. Other staff intervened and escorted youth from the area...” (Female facility)

However, this violence is not limited to correctional staff:

“While in Echo dorm at 11:17 am this morning (12/7/18), youth 1 charged and punched youth 2 several times in the face. Staff responded and attempted to intervene, and a ‘code blue strong’ was sounded. Additional staff responded and escorted youth to controlled observation without further incident. Youth 2 sustained a laceration above his left eye and was evaluated by the facility nurse.” (Male facility)

“On 1/3/19 at 4:25 pm, youth 1 was engaged in an altercation with another youth. Staff intervened and attempted to separate the youths, using physical redirection. While separating the youths, staff A was struck approximately three to five (3-5) times by youth 1, who began attacking staff. Staff A sustained swelling around his right eye and a laceration to the inside of his upper lip.” (Female facility)

The male and female incidents above portray differing situations of youth-on-youth physical violence, with the second female incident resulting in violence against staff as well. In the first female incident, the girl attacked a teacher, whereas the other incidents represent attacks on other youth or correctional officers.

As seen above, youth-on-youth attacks may have no clear reason identified by staff. These attacks may result in a call to the police and a possible charge. This was equally as frequent among male incarcerated youth as female, with only one for each gender resulting in law enforcement being contacted. Occasionally, an unusual situation will present itself:

“...while doing a post-recreation perimeter check, staff A was attacked by youth 1 who approached staff from behind and struck him six (6) times on the right side of his face. Another youth, 2, saw the incident and intervened on behalf of the staff, grabbing youth 1 and pulling him away from staff A. At that point, further staff responded to the incident and gained control of youth 1” (Male facility)

In this incident a youth attacked a staff member. However, another youth came to the staff member’s aid and attempted to restrain the assaulting youth from further harming the correctional officer.

## PREA

One observation made upon initial review of the incident reports was the prevalence of PREA reports for girls and the utter lack in the male institutions. There are several reasons that could explain this gender disparity and break from official statistics, but research on PREA in juvenile institutions is severely limited. The one case in the male facility that reported inappropriate touching was involving a male resident who inappropriately touched a female staff member, thus negating the use of PREA and resulting in a charge of assault against correctional staff.

The following case highlights some difficulties faced by staff in facilities when working with youth of various backgrounds and identities. The incident was clearly planned, as they had recruited other youth to help distract the staff. Same-sex relationships within juvenile institutions could frequently be seen in the incident reports when the youth were questioned about the incident, and in some cases the contact was planned and agreed upon by the two youth.

“While on site, LE interviewed youth 1 who at first refused to speak with them, but then advised that youth 2 had digitally penetrated her on 2/17/19, while in group room #3. Youth 2 was then interviewed and advised that it had been consensual between the two youths and that youth 3 had been there to act as a distraction while it occurred. Youth 3 was interviewed and corroborated the information provided by youth 2. A review of video for that day, showed the youths in group room #3, with youth 3 distracting the guard in the room, by what appeared to be the youth approaching her and asking about things on the table near them, while youth 1 and 2 were sitting on the other side of the room, under a blanket. The video then showed youth 2 put her hand under the blanket to, what is believed to be the alleged action. Youths 1 and 2 have been separated from contact and placed in different groups. Law enforcement departed at 6:37 pm, advising that this appeared to be a planned event and no charges would be pursued.” (Female facility)

In other instances, reports of sexual contact between youth appear to be an attempt by one youth to “frame” the other or try to get them in trouble, with no support for the accusation:

“On 8/1/18 at 1:02 pm, youth 1 placed a call to the Abuse Registry with allegations against another youth. Youth 1 alleged that while during a line transition, youth 2 touched her on her groin area (above clothing) and threatened to hit her if she told anyone. The call was accepted for further investigation (operator name and ID unknown). At 1:33 pm, Martin CSO arrived on site to begin their investigation into the incident. While on site, LE interviewed both youth 1 and 2, as well as reviewed video footage. During the review of footage it was shown that during the time frame in which youth alleged the incident occurred, it showed that neither youth came into contact with one another. At 2:13 pm, Martin CSO departed the facility, advising that there were no findings.” (Female facility)

There were no reports of sexual violence in male facilities, while 13 of the 30 incidents involving girls were considered to be of a sexual nature. Interestingly, in all the PREA cases analyzed for this study, there were no substantiated charges or arrests made by police, even when one or both parties admitted to sexual contact.

### **Use-of-Force by Staff**

For this study, use-of-force was identified in the misconduct report written by staff. The training provided to correctional staff in Florida is on Protection, Action, Response (PAR) techniques, and reports using force identified the PAR technique that was used. Staff use-of-force beyond escorting youth to a secure area was not often necessary, with 18 incidents being accompanied by staff use-of-force. Of these, over half (61.1%) were at a female facility. Whereas approximately 18% of male incidents resulted in staff use-of-force, almost 37% of female incidents were resolved by staff use-of-force.

In the following female incident, an arm control technique was used in order to maintain control of the youth, but no further force was necessary:

“while being escorted to controlled observation, youth 1 became combative while in controlled observation and staff used an arm control technique. Youth 1 then headbutted and spit in the face of staff member” (Female facility)

This description highlights a situation in which staff use of force was necessary for staff to try and redirect the youth and protect themselves. Some situations escalate more rapidly and use-of-force techniques are more aggressive, including take-down techniques combined with other forms of control.

“youth 1, youth 2, and youth 3 attempted to take the snack cart from staff A. Staff A attempted to redirect the youth and called for assistance. The youth then began attacking staff A by punching him in the face and head. Other staff responded and used a straight arm to a takedown technique on youth [3]. Staff were able to redirect the youth... All three youth were charged with Battery on Staff.” (Male facility)

In this incident report, the technique described is a “straight arm to a takedown technique”, which the staff used in self-defense. The techniques utilized were able to successfully stop the youth from attacking, but the youth may persist in their efforts:

“youth 1 threw water on staff A and youth 2 then proceeded to turn off the lights. At that point, those two youth 1 and youth 2 initiated a physical assault of staff A, striking staff in her head and face. Staff A (along with two other staff) applied ground control on youth 1 with her kicking and flailing her legs.” (Female facility)

In this situation, the resistance by the youth continued and injuries to staff resulted from the use-of-force as well. Overall, 18.4% of incidents with boys resulted in staff use-of-force, while 36.7% of incidents involving girls resulted in use-of-force. When type of offense is taken into account, boys more frequently used physical violence in the facility but were less likely to be met with violence from staff.

### **Planned or Unplanned**

The determination of whether an incident was planned or unplanned was difficult for those incidents involving sexual contact. Many of these were classified as undetermined. Planned incidents included such things as throwing urine, teaming up with other youth, contraband, or computer-based crimes. Unplanned incidents as identified in this research were more likely to be emotionally charged incidents, such as receiving a write up or the perception of unfair treatment. When looking at the male and female incidents, girls had more instances that were considered undetermined, as most of the sexually violent charges were considered undetermined. Approximately 43.3% were considered planned, with 26.7% unplanned and 30% undetermined. Boys were equally

as likely to plan their offenses as they were to act impulsively (47.4% for each), with only two instances (5.3%) being coded as undetermined. Some of these incidents are more distinct in the classification of planned or unplanned:

“youth 1 approached staff A in group room #3 and struck her in the face without provocation. Staff B called for assistance and additional staff responded to the room. Youth was escorted to confinement without further incident.” (Female facility)

“On 6/3/17 at 4:09 pm, staff A was verbally redirecting youth 1 to the control observation room, when youth struck staff with a closed fist. Two additional youths 2 and 3 then proceeded to punch staff with a closed fist. Staff was kicked by all three youth 1, 2 and 3, and youth 3 pulled staff by his hair. Additional staff was called to the area and the youths were placed in a secured location.” (Male facility)

In the two incident descriptions above, the youth planned the assaults. The first description involved female youth, where they approached the staff member unprovoked and hit them. In the second incident description, the male youth coordinated the incident. The staff was hit by one youth and then additional youth also began hitting the staff member. Planned events are categorized by reports that lack any provocation, and incidents where multiple youth coordinate to attack staff. Girls were more likely to plan their misconduct than to act spontaneously or undetermined, but still had a lower percentage of planned misconduct than boys (43.3% versus 47.4%).

Alternatively, when the incident is unplanned it is quite clear, and frequently reactionary among the youth committing the act resulting in police contact. For example, the incidents below highlight two examples of staff responses that resulted in physical violence from youth:

“On 3/26/18 at 7:25 am, youth 1 became upset about a write-up which he received the day before. Youth then tore up a staff’s 10-minute check form. Staff called for assistance. Youth then pushed staff A and struck him in the face with a closed fist. The youth then began throwing milk toward staff A.” (Male facility)

“Tonight (1/9/19) after being instructed by staff to leave the shower area, youth 1 walked up to staff A and punched him one time in the face. Additional staff intervened, and the youth was secured without further incident.” (Male facility)

“Last night (4/2/19), youth 1 became upset because she received a behavioral referral and attempted to break the toilet and sink in her room. Staff A opened the door to address her behavior, and the youth began approaching and threatening to strike staff. As the youth approached staff making threats, she then began striking staff.” (Female facility)

In the first description the youth responds violently due to staff penalizing them for their behavior. It appears to be an emotional response for complete dislike of what is

occurring. The second description also resulted in violence in response to a staff action. In this specific case though, the youth appeared to want to continue his shower even though his time was up. In the female incident, the physical violence also appeared to be an emotional response more similar to the first male incident, in which the girl was upset about getting in trouble and lashed out at the officer.

## Location

Location of misconduct incidents also varied by gender. Whereas the majority of male incidents occurred in or around the room or living area of the youth (44.7%), girls were more likely to be involved in misconduct in group or recreational areas, such as day rooms or the cafeteria (36.7%). For example:

“Youth 1 refused to line up for head count. While staff A was redirecting youth 1, youth 2 struck staff A in the face with a closed fist. Youth 1 then struck staff A in the face several more times with a closed fist. A ‘code blue’ was called and all available staff reported to the area and removed youth 1 and 2 from the module. The youths were then placed in confinement.” (Male facility)

“At approximately 3:45 pm (8/26/17), a code was called for staff assistance in response to an incident in group room 2. According to the caller, youth 1 threw water on staff A and youth 2 then proceeded to turn off the lights. At that point, those two youth 1 and youth 2 initiated a physical assault of staff A, striking staff in her head and face. Staff A (along with two other staff) applied ground control on youth with her kicking and flailing her legs. Staff A attempted to secure youth 1 legs but she was kicked in the process.” (Female facility)

As can be seen in the previous incident descriptions, the locations of the incidents vary between boys and girls as well, with girls more likely to be involved in incidents where more people are present, whereas boys more frequently act out around the living areas and dorms.

## Summary and Discussion

Research on misconduct in juvenile institutions based on gender is limited and tends to focus on risk assessment tools. The current study helps to fill this gap in the literature by directly comparing institutional misconduct among incarcerated male and female youth. Drawing from official reports from four Florida juvenile institutions, we focused on gender disparities and asked: How do male and female misconduct incidents within youth correctional facilities vary when law enforcement is involved? In analyzing the reports, the researchers found a few themes, including whether youth or staff charges were substantiated, the type of offense (physically violent, non-violent, or sexually violent), whether the misconduct was planned or not, and the location of the

misconduct. Within these themes interesting differences were found between male and female inmates which may further future research into juvenile institutions.

The levels of reported sexual victimization in male and female institutions in this study raises a major concern. According to the Bureau of Justice Statistics (2019), 4.7% of female institutionalized youth and 1.6% of male institutionalized youth reported sexual victimization in 2018. While they have found that males are more likely to report victimization by staff (Bureau of Justice Statistics, 2019), the lack of any PREA reports from the male facilities is troubling. This may have a number of causes, such as shame, feeling they are to blame, or fear of reporting due to the societal perceptions of male victims of sexual assault as “unmasculine” (McLean, 2013). Law enforcement officers often perpetuate the male rape myths that men cannot be raped or that only gay men are raped (Javaid, 2020). These myths may also prevent incarcerated males from reporting sexual victimization.

Looking at the effects of sexual assault on future chances of rehabilitation is important for all involved in the juvenile justice system. Rehabilitation and mental health treatment should be of particular concern for females being released into the community. These women are often mothers and are trying to reunite with their children (Chesney-Lind & Brown, 2016). The mental health issues that are aggravated by experiences in prison, whether physical, sexual, or psychological (Lurigio & Harris, 2016), don't just affect the women but their children as well, continuing the revolving door of the criminal justice system (Chesney-Lind & Brown, 2016). Active and additional research is essential for juvenile institutions to reach those most in need of help and who are at high risk for continuing their behavior into adulthood.

The statements made by perpetrators and victims of the sexual contact incidents in the cases may point towards the prevalence of myths and stereotypes of sexual assault against LGBTQ+ individuals. Mortimer *et al.* (2019) discuss the stereotypes of police and society as a whole when learning about sexual victimization of sexual minority individuals. The victims are often blamed, or their victimization is discounted because “no one has a penis therefore there can't be any rape done” (p. 341) or the male victim should have fought back to stop the victimization (Mortimer *et al.*, 2019). In the incidents we analyzed, none of the PREA incidents resulted in charges filed, even when contact was admitted by the perpetrator and the victim did not consent. These beliefs may result in victims not reporting for fear of not being believed or being ridiculed, which also makes it more difficult for sexual assault victims to reach out to community services for help (Mortimer *et al.*, 2019).

The results of this study show vast differences in the locations of misconduct incidents between males and females. Whereas males were more likely to commit their acts in and around housing units and living areas, females more frequently chose open

and busy locations, such as the cafeteria or recreation areas. There are many possible explanations for these differences, such as opportunity, but it may also point towards status maintenance explanations and relationship symmetry in misconduct incidents as discussed by Griffiths *et al.* (2011). The application of relationship symmetry may be shown in the prevalence of females to challenge those of a similar status in order to maintain dominance, since they are unable to maintain dominance over correctional staff (Griffiths *et al.*, 2011). The finding of the increase of male violence in housing units supports the results of Reid and Listwan (2018), who reported housing units as the most likely place for violent behavior among a population of California incarcerated youth. The responses from this study may also help to dispel some misconceptions by correctional staff regarding unsupervised areas as the most likely place for violent interactions, as the majority of all violent incidents occurred under staff supervision (Reid & Listwan, 2018). Overall, the locations of misconduct, particularly physically violent or sexually violent crimes, need further attention to influence youth safety.

Overall, the results showing disparities by gender for staff substantiated charges and staff use-of force is concerning, especially considering the lack of research in these areas. Male incidents resulted in more substantiated staff charges than females overall. Surprisingly, female incidents were more likely to result in use-of-force by staff, but charges of excessive use of force were more frequently dismissed in female facilities. Considering that correctional staff have positions of power and potential for being an agent of change for these youth (Marsh & Evans, 2009; Marsh *et al.*, 2010), the interactions between youth and correctional staff need to continue to be studied to ensure the success of juvenile programming and reduction of recidivism in youth.

This study is not without its limitations. Being a qualitative study, the sample size of the population is smaller than one may prefer. However, the exploratory nature of the study highlights important areas for future study. Identifying demographic characteristics of youth and having access to more data from other states may also affect commonalities found during analysis. Also, being solely descriptive in nature, we are unable to determine behavioral cause directly which could enhance our understanding of misconduct in juvenile facilities. We were only given access to those incidents resulting in law enforcement being contacted; if we were able to examine all misconduct reports, it may also show different trends and themes. The reports studied were limited to incidents initiated by youth, but further research needs to be conducted on sexual victimization within the juvenile correctional system. While PREA was an important step in preventing sexual assaults in prison, there must be a continued focus on quality research within the institutional setting to determine effective ways to protect those placed under the care of the state or federal government. Additionally, the Department of Juvenile Justice only provided incidents in which law enforcement was contacted.

Analysis of other incident types comprising incarcerated boys and girls will be essential in future research.

According to the Florida Department of Juvenile Justice (2021), their mission is, “To increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth.” This statement is similar to many other juvenile justice departments across the country. Research has shown the impact institutionalization can have on youth, affecting employment opportunities, education, relationships, and recidivism rates, learning about these effects not only from statistics, but from the young men themselves (Nurse, 2010). It is clear that research needs to continue on practices within juvenile institutions, but this research also needs to further delve into long-term effects of incarceration experiences on youth. Research itself cannot make the changes needed to keep society’s children from the revolving door of the prison complex. Researchers and practitioners must continue to collaborate in advocating for these youth and their futures.

The findings for this study are the results of the authors’ work and do not necessarily reflect the views of the Florida Department of Corrections.

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