

Interview with Hon. Kathie E. Davidson and Kristen Anne Conklin, Esq.

John Caher: Welcome to Amici, News and Insight from the New York Judiciary and Unified Court System. I'm John Caher. On today's program, we have two guests: The Administrative Judge for the Ninth Judicial District, Kathie E. Davidson, of Westchester County, and Kristen Conklin, Executive Director of the New York State Commission on Justice for Children. They are here to discuss a novel specialty court, the Gender Responsive Initiative and Partnerships, or GRIP Court.

The GRIP Court is a gender and trauma responsive court that was launched last October after three years of study and work. It was created in response to data suggesting that girls designated juvenile delinquents, or persons in need of supervision, seem to be treated differently than boys. Its mission is to "promote healing and provide opportunities, justice, and support that improve outcomes for girls, in particular for girls of color who are at risk or involved in the juvenile justice system."

Judge Davidson, what problem did you identify and how did you identify it?

Judge Davidson: There was an experience over a period of time of seeing the girls come into the and there seemed to be a trend in terms of the behaviors of the girls, and the lack of sufficient tools for the judge to address the issues that brought them into court.

John Caher: What does the data show? What are the issues? Kristen, do you want to take that?

Kristen Conklin: Sure. PINS petitions are filed for girls and boys, generally by a parent or guardian about 90 percent of the time. In Westchester County, girls have a slightly higher number of PINS petitions relative to girls across the United States.

PINS petitions are significantly more likely to be filed for girls when they are "not where they're supposed to be," such as a home or at school, or when there's a concern for their personal safety. In contrast, PINS petitions are significantly more likely to be filed for boys when they engage in aggression, violence towards other, or represent a threat to public safety. I should say that this research was conducted by our research partners at NYU, particularly by Dr. Shabnam Javdani, who's an associate professor of applied psychology at NYU.

With regard to juvenile delinquency petitions, looking at the Westchester County numbers, girls represent a lower proportion of JD petitions compared to boys. However, they are overwhelmingly likely to receive a new JD petition when they are in residential facilities. There's essentially a one-in-two, or a 50 percent, chance that girls will get a new JD petition when in residential facilities compared to about a one-in-eight chance if you are a boy. The reasons for the JD filings also differ for boys and girls with new girls' JDs filed almost always for

simple assaults. Boys' new JDs involve a variety of more severe offenses such as aggravated assaults and sex-related offenses.

John Caher: The data is different for girls than it is for boys?

Kristen Conklin: Correct.

John Caher: Is it different for girls of color?

Kristen Conklin: On the national level, yes. Girls of color are overwhelmingly represented in all processing points of the juvenile legal system, and particularly likely to receive confinement.

A New York City based study conducted by Dr. Javdani found that less than 1 percent of referred girls are white. Locally, in Westchester County, we cannot account fully by race because the data are not systemically reported in the petitions. However, I think Judge Davidson will tell you, in her experience, girls of color are disproportionately represented in the juvenile justice system in Westchester County. I will say that there is a recommendation that we're going to make going forward to ensure a child's race information is systemically collected and accessible in order to look for racial disparities going forward.

John Caher: The data shows that there is a disparity. Maybe this is a question that we don't have the answer to yet, but why is there a disparity? Do we know the answer to that?

Kristen Conklin: We do know that girls fare worse in residential placement compared to boys. The statistics that we just talked about, the one-in-two versus one-in-eight, and the Westchester County data. Nationally there's a handful of residential models that support gender responsive and trauma informed care in which girls can do well. The models all have essential ingredients including training from leadership to frontline staff, staff support, accountability and incentives for engaging in best practices. Also access to gender responsive programming within the residential placements.

John Caher: Okay. Judge, tell me about the GRIP Court. What's the purpose? What's the aim? What are you trying to achieve.

Judge Davidson: Sure. Let me just go back to one thing. I think you asked the question, why do we think it's mostly girls of color that we see in the court? I think that's a trend. I think it's not something that's just by chance. It's a systematic institutionalized racism, looking at girls of color differently in terms assessing why targeted. I think the need for the GRIP Court, which is Gender Responsive and Initiative Partnership, is because we realized that, in order to address the issue of girls of color, you have to have a court that's sensitive that what brought this young girl before the court may not be the same for another girl.

Additionally, we've started to look at the girl from a holistic perspective, which means that usually it's not just the girl in terms of why she's before the court. It usually tends to be some issues specifically with the family, parents, the caretakers. We felt that, in order to address the needs of the girls, in order to prevent them from coming back into the system at a very critical point in their life, we have to approach the girls differently. That's why you need a partnership which is what we have with the GRIP Court, the stakeholders, to address this specific issue.

John Caher: What goes on that's different? Is the proceeding any different, or are just the participants a little bit different?

Judge Davidson: It's still the court case. We're not a social service agency. We look at the case differently. We call it a dispositional court. Clearly, there is some behavior that brings that particular young girl before the court. We address them like we would address any other juvenile delinquency case, whether it's by way of an admission to an act which would constitute a crime or a fact-finding.

It's at the dispositional phase that we look at it differently and begin to really drill down with all of our stakeholders. Our stakeholders in terms of creating the court, you are going to have your presentment agency, your attorney for the child. You're going to have your probation department. You're going to have social workers. We look to include educational consultants. By really diving in and saying, 'What's really going on in this young girl's life?' we hope by this intervention at the end of the day can, in fact, allow her to go on to be a productive person and self-confident in herself, which may look differently in each different case. That's where the court takes on a different track once the case comes before the court.

John Caher: Does a GRIP Court judge have any specialized training or knowledge or expertise in this area?

Judge Davidson: The first thing is that you want a GRIP Court judge to be a judge who wants to do this, who wants to go above and beyond. We hope they would have special training and an understanding of the trauma, the family dynamics. They should be trained to understand what are the needs of, specifically, the type of young girls that we usually see, or bring in the professionals who can talk about those needs.

John Caher: Okay. Kristen, I understand the Westchester initiative is the first of its kind in New York State. Have courts in other states done this sort of thing?

Kristen Conklin: A handful of other states have done so, beginning with Hawaii. It began a little over a decade ago. I believe there's also a court in California and a couple of other states. Few of these courts have been evaluated, though, so it's unclear how well they "work", or what might make them sustainable. Key features of sustainable versions of these courts involved ensuring access to resources,

including basic needs like family housing assistance, gender responsive programming that centers the girl's self-determined goals, and an explicit emphasis on eventually reducing the reach of the court in the girls' lives. We feel that the evaluation part of what we're doing here in New York is going to help lay the groundwork for future courts.

John Caher: Okay. Judge, I realize there's less than a year of experience running the GRIP Court, but what's been achieved? Have you had to change your perception? What constitutes a successful outcome?

Judge Davidson: First of all, we really see a change in the girls from the initial time they come into court until they get to the dispositional phase. We begin to see girls establishing a relationship with the court, a relationship with the attorney for the child, a relationship with the court officer. Everyone plays a huge role. They begin to see that there are people, adults, that are coming into their lives, who care about what ultimately happens to them. We're beginning to see just who that young person was when they came into court, and who that young person is as they move on to whatever change we determine in disposition. That's the positive.

We've also come to the realization that success looks different in each case. We don't set success as, 'Oh, you come into the GRIP Court and the next thing you know, they're going to be going to college and they'll be a doctor.' It's not that. It's how we build the confidence and allow these girls to understand they've been heard and that there are trusting adults who believe ability to become something more than what maybe they think they're being perceived when they enter the court.

John Caher: Okay. Kristen, Are there any plans to expand GRIP?

Kristen Conklin: Based on Westchester's experience, we believe that we should. In fact, as one GRIP Court team member said, "We have actually a responsibility to do this work." We're hoping that our conference at the end of the month, on July 31 at NYU, is an opportunity to get the word out and get more people interested in starting a GRIP Court in their jurisdiction.

John Caher: Great. Judge, Kristen, thank you for your time this morning.

Kristen Conklin: Thank you, John.

Judge Davidson: Thank you.

John Caher: Thanks for listening to Amici. You'll find all of our recent podcasts on the court system's website at www.nycourts.gov. Most are also in the iTunes podcast library. If you have a suggestion for an Amici podcast, please let me know. I'm John Caher. I can be reached at 518-453-8669 or jcaher@nycourts.gov. In the meantime, stay tuned.

