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OUR GIRLS, OUR FUTURE

Investing in Opportunity & Reducing
Reliance on the Criminal Justice System
in Baltimore



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NAACP Legal Defense & Educational Fund, Inc. (LDF)

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The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) is the first and foremost civil and human rights law firm in the United States. Founded in 1940 under the leadership of Thurgood Marshall, LDF’s mission has always been transformative—to achieve racial justice, equality, and an inclusive society. LDF’s victories established the foundations for the civil rights that all Americans enjoy today. In its first two decades, LDF undertook a coordinated legal assault against officially-enforced, public school segregation. This campaign culminated in *Brown v. Board of Education*, the case that led to the unanimous landmark Supreme Court decision in 1954 that outlawed legalized racial segregation nationwide. Today, through litigation, advocacy, and public education, LDF continues to advance issues of education, voter protection, economic justice, and criminal justice. LDF has been a separate organization from the NAACP since 1957.

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TABLE OF CONTENTS

- 1 Executive Summary
- 1 Methodology
- 2 Findings
- 2 Recommendations

PREFACE: Why Black Girls?

- 6 Baltimore: In Need of Reform and Poised for Change
- 6 Ending the School-to-Prison Pipeline
- 7 The Need for Black Girls at the Center of Reform
- 7 Black Women Leading Activism in Baltimore

FINDINGS

Past as Prologue: A Racially-Isolated School District

11 Educational Opportunity for Black Girls in Baltimore

- Educational Inequity in BCPSS Today
- Limited Investment in Needed Resources for Black Girls to Learn

14 Overreliance on Exclusionary Discipline

- Black Girls Are Suspended and Expelled at Higher Rates and for Longer Periods of Time than Their Peers in Baltimore
- Black Girls Are More Likely to be Punished for Subjective Offenses
- Punished for Challenging Unfair School Conditions
- Stereotypes of the Angry Black Girl and Harsh Punishment for School Fights
- Illegal Suspensions
- Undocumented Suspensions
- Other Process Violations
- Denial of Transportation as a Form of Punishment
- Insufficient Access to Alternative Education

20 Overreliance on School Police

- School-Based Arrests
- School-Based Referrals
- Misconduct and Use of Force by BSPF
- In Search of Supportive Adults at School

23 Overreliance on Confinement

- Black Girls Are Overrepresented in the Juvenile Justice System in Baltimore
- Jabriera's Story
- Punished for Behavior that is Associated with Trauma
- Confined for "Their Own Protection"
- Cheri's Story
- Overrepresentation of LGBTQ Youth
- History on How Maryland Has Detained "Troubled" Black Girls
- Unfit for Rehabilitation

RECOMMENDATIONS

- 29 Improve the school environment, curriculum, and resources.
- 30 Reduce reliance on exclusionary discipline and disparities in punishment.
- 31 Reduce reliance on school police.
- 35 Reduce reliance on confinement.

CONCLUSION

- 37 Young Women Leading Activism in Baltimore Today



EXECUTIVE SUMMARY

“It is impossible to talk about the criminal justice system, mass incarceration, without talking about education.”¹

—Sherrilyn Ifill, President & Director-Counsel of LDF

Across the country, large numbers of Black students are pushed out of the classroom and into the juvenile or criminal justice system through the school-to-prison pipeline. One reason is that the number of police in schools has increased dramatically in recent decades,² expanding juvenile or criminal justice involvement for youth. National data on school-based arrests and referrals to law enforcement reveals that Black and Latinx students are disproportionately targeted for harsh punishment. Moreover, national data shows that Black girls are the fastest growing demographic affected by school discipline, arrests, and referrals to the juvenile justice system. For Black girls, the pathways to the juvenile justice system disproportionately involve unaddressed social-emotional needs at school. Despite this reality, students’ educational experiences are often left out of conversations about juvenile or criminal justice reform—in particular, the experiences of Black girls in schools. Baltimore is at the beginning of a substantial effort to reform policing and its criminal justice system, but the experiences of Black girls in Baltimore City Public School System (“BCPSS”)—and the pathways that lead to their involvement with the justice systems—have been largely overlooked in this process.

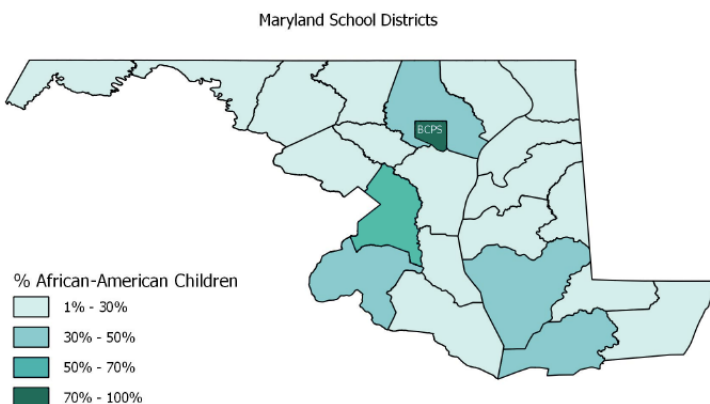
METHODOLOGY

This report is based on statistical data, surveys, and interviews with students and adult stakeholders. Unless otherwise indicated, statistical data is based on information provided by BCPSS and the Maryland Department of Juvenile Services (“DJS”) to LDF in response to a Maryland Public Information Act request.³ Qualitative data is based on interviews and surveys that were conducted with over thirty individuals, including students, justice-involved girls, parents, teachers, attorneys, service providers, and a member of the Maryland Juvenile Justice Monitoring Unit—an independent state agency housed in the Office of the Maryland Attorney General and responsible for reporting on DJS operated and licensed programs across the state. To ensure confidentiality, the names and identifying information of all participants under the age of eighteen have been omitted.

FINDINGS

Limited Investment in Educational Opportunities

BCPSS remains one of the most racially and economically isolated school districts in Maryland and in the country. The School District is approximately 81% Black. The map below shows the stark racial isolation of Black students in BCPSS, while surrounding school districts offer greater racial and economic diversity. As a result of this isolation, the challenges correlated with poverty and racial segregation are concentrated in BCPSS schools. Despite the social, emotional, and educational needs of students in BCPSS schools, many of the girls and young women interviewed for this report indicated that their schools failed to provide reasonable conditions for learning, including heat and secure bathrooms. Black girls have limited access to experienced teachers and challenging curricula, as well as to guidance and school counseling.



Exclusionary Discipline

Although overall rates of suspensions and expulsions have decreased in Baltimore since 2004, the racial disparity between students who are suspended and expelled has not. In BCPSS during the 2016-2017 school year, Black youth made up 81% of enrollment, but 93.5% of all suspensions and 96% of all expulsions. Black girls made up 80.6% of girls enrolled in BCPSS, but approximately 95% of all suspensions of girls and 92% of all expulsions of girls. In other words, in 2016-2017, Black girls were approximately four times more likely than white girls to get suspended, and Black girls were over twice as likely as white girls to get expelled. The Black girls interviewed

for this report described how they were punished with exclusionary discipline for school disturbances and defiance, including speaking out or challenging the conditions at school. Although Maryland law strictly limits the offenses for which students can be suspended, Black girls report that they continue to be pushed out of school illegally for dress code violations and for infractions that occur outside of school, through undocumented “send homes” and other tactics designed to exclude students. Even when suspensions are officially administered, Black girls have limited access to an attorney during the suspension and expulsion process to ensure protection of their due process rights.

Overreliance on School Police

Baltimore City is the only school district in Maryland with its own school police force—the Baltimore School Police Force (“BSPF”).⁴ Spending for BSPF represents a significant proportion of BCPSS’s budget: \$12,848,800 in 2016 and \$7,181,015 in 2017.⁵ In contrast, the guidance and school counseling expenditure for these years was \$345,984 and \$217,226 respectively.⁶ When schools are heavily policed, students are more at risk for arrest, referral to law enforcement, and excessive force.⁷ While the overall rates of school-based arrests and referrals have decreased in recent years, the racial disparity has not. In 2016-2017, the only students arrested in BCPSS were Black students, and Black girls were 20% of students arrested. Of the 156 school-based referrals occurring that year in BCPSS, 80 involved Black males, and 76 involved Black females. The Black girls interviewed for this report described examples of excessive force against Black female students that caused them to feel unsafe.

Overreliance on Confinement

Black girls are nearly five times more likely than white girls to be referred to DJS, Maryland’s juvenile justice agency, and are detained for longer periods of time.⁸ Approximately 33% of female youth in Maryland are Black, but they represent nearly 60% of the female intakes and nearly 65% of the female placements at DJS. The majority of Black girls in detention or committed placements are held for misdemeanors and property offenses: of the 497 total offenses reported at intake for Black females in



Baltimore, over half (268) were misdemeanors and over a quarter (127) were property offenses. The population of young women involved with DJS are more likely to have experienced trauma than similarly-situated youth. Nearly half of the girls in a committed, out-of-home placement in 2017 had been either physically or sexually abused, compared to 18% of boys.⁹ Paradoxically, a history of trauma, in particular a history of sexual abuse and exploitation, is sometimes used by judges as a justification for detaining girls for longer periods of time “for their own protection.”

Recommendations

Improve the school environment, curriculum, and resources.

- BCPSS and Maryland State Department of Education (“MSDE”) should improve access to racially and economically diverse schools.
- BCPSS should provide heat and access to safe bathrooms throughout the day.
- BCPSS should increase access to critical-thinking and inquiry-based curricula that include the voices of LGBTQ individuals and women of color.
- BCPSS should provide diversity and inclusion programming and counseling to support LGBTQ students.
- BCPSS should ensure comprehensive in-school support for students who are victims and survivors of sexual violence.
- BCPSS should provide more opportunities for girls to have a voice in the classroom and in decision-making at the school and district-level.

Reduce disparities in punishment and reliance on exclusionary discipline.

- BCPSS should systematically incorporate trauma-informed education and restorative practices school-wide at every school in the district.
- BCPSS should train school staff about intersectional implicit bias to reduce disparate punishment of Black girls for subjective offenses.
- BCPSS should audit schools to ensure that undocumented, illegal suspensions are not occurring.
- BCPSS should provide alternative transportation for those students who are denied access to Maryland Transportation Authority (“MDTA”) for misconduct.
- BCPSS should educate students and families about school discipline rights so that they can better identify when their rights have been violated.
- BCPSS should utilize appropriate referral to school-based services, such as special education, including for students whose behavior manifests untreated complex trauma.



Reduce reliance on, and misconduct and bias by, school police.

- BCPSS should improve access to social-emotional and mental health support by investing more in counselors, therapists, and social workers in school.
- BCPSS should inform students about the risks of sharing information with police officers.
- BCPSS and BSPF should prohibit officers from arresting students for non-violent misdemeanors and other offenses that are subject to diversion.
- BSPF should adopt constitutional, gender-responsive, and trauma-informed search and seizure policies.
- BSPF should adopt a transparent complaint process that holds BSPF officers accountable to communities for police misconduct and excessive use of force.

Reduce reliance on, and misconduct and bias in, juvenile facilities.

- DJS should provide in-home support for youth who have experienced sexual abuse, sexual assault, and sexual exploitation.
- DJS should provide gender and racial bias training to judges who hear child welfare and delinquency cases.
- DJS should implement non-punitive, gender-responsive, and trauma-informed behavior management in DJS facilities.
- DJS should expand gender-specific community-based programming.
- MSDE should provide quality educational programming in DJS facilities.

PREFACE Why Black Girls?

In October 2014, three Black girls at Vanguard Middle School were hospitalized after an altercation with a school security officer.¹⁰ The students were later arrested, suspended, and referred to an alternative school for allegedly attacking the officer.¹¹ However, subsequently released footage from the school's security tape showed a different story: the recording depicts the officer striking one of the girls repeatedly with her baton and pepper spraying the other two.¹²

While the disproportionate discipline of Black boys is well-documented, Black girls are often overlooked. In 2014, LDF and the National Women's Law Center ("NWLC") released a report entitled *Unlocking Opportunity for African American Girls*, highlighting disparate treatment of Black girls in schools and calling for advocacy to address the barriers to equal educational opportunity.¹³ The report found that Black girls represent the fastest growing population experiencing exclusionary discipline at school—a reality that limits their academic success.¹⁴ Moreover, Black girls are disproportionately referred to law enforcement and subjected to school-related arrests.¹⁵ Black girls are disproportionately disciplined for more subjective offenses,¹⁶ including defiance, disobedience, disrespect, and threatening others.¹⁷ These disparities result from—and perpetuate—false stereotypes that Black girls are inherently aggressive, threatening, and dangerous. Moreover, these disparities potentially violate school districts' obligations to treat students equally and avoid policies that have a disparate impact based on race and gender in violation of federal law.¹⁸



The 2014 *Unlocking Opportunity* report also found that Black girls experience high rates of exposure to trauma, which correlates with reduced school engagement and performance. Nonetheless, Black girls are disproportionately excluded from school rather than provided support. In her book, *Pushout*, Dr. Monique Morris documents how educators tend to interpret Black girls' behavior to require discipline instead of support.¹⁹ She describes how Black girls are more likely to experience schools as a hostile environment, rather than a safe haven for students facing neglect, abuse, and sexual exploitation. More recently, researchers at Georgetown's Center on Poverty and Inequality found that, compared to white girls of the same age, adults perceive Black girls as needing less nurturing, protection, and support, and knowing more about adult topics, including sex.²⁰ They hypothesize that these disparate perceptions lead adults to view Black girls as more culpable for their actions and more deserving of harsher punishment. When viewed through the lens of false stereotypes (such as "the angry Black woman"), behavior that should be identified as a cry for help is instead interpreted as defiant, and even threatening, for Black girls.

Baltimore: In Need of Reform & Poised for Change

This report focuses on Baltimore in order to understand how to improve outcomes for Black girls on a local level. Since 2015, Baltimore has been in the spotlight of a national conversation about policing and criminal justice reform, but the needs of Black girls have been largely left out of this conversation.

On April 12, 2015, several Baltimore City police officers arrested Freddie Gray, an unarmed 25-year-old Black man, for making eye contact with the police and "looking suspicious" when he began to run away from them.²¹ While in police custody, Mr. Gray sustained fatal spinal injuries as a result of a "rough ride," rolling around the back of a police truck, because he was handcuffed and not buckled in. Mr. Gray died one week later on April 19, 2017.²² Although the State's Attorney for Baltimore City brought charges against each of the six officers involved with causing his death, none were convicted.²³

This tragic incident and the public protest that followed prompted the U.S. Department of Justice ("DOJ") to

investigate the Baltimore Police Department ("BPD") and to produce a report.²⁴ The report documented systematic excessive force and racially discriminatory policing by the BPD.²⁵ The DOJ report also investigated the relationship between BPD and BSPF, noting that the former uses the BSPF as an auxiliary force by giving it authority to patrol city streets.²⁶ For many, the DOJ report was simply an affirmation of the mistreatment that communities of color had decried for decades. On January 12, 2017, the federal government filed a complaint against BPD, the Mayor, and the City Council of Baltimore City ("the City"), alleging that police officers engaged in a pattern or practice of conduct that deprived Baltimore residents of their federal constitutional and statutory rights.²⁷ On April 7, 2017, DOJ and Baltimore City officials entered into a consent decree in federal court to address the constitutional and statutory violations detailed in DOJ's August 2016 investigative report.²⁸ The City began implementing the Consent Decree this year in 2018. With unprecedented resources, attention, and the commitment of diverse community stakeholders, Baltimore has an opportunity for change.

Ending the School-to-Prison Pipeline

Importantly, the Consent Decree provides for a comprehensive assessment of how to prevent youth involvement with the juvenile justice system in Baltimore through pathways, such as the school-to-prison pipeline.²⁹ The school-to-prison pipeline refers to the phenomenon through which some students are pushed out of elementary and secondary school—and into the juvenile or criminal justice system—through policy decisions, including the increased presence of police in schools and insufficient investment in education, social services, and mental health. Research shows that regular police presence in schools leads to more arrests for non-violent offenses that would otherwise be addressed by school staff.³⁰ Research also shows that exclusionary discipline does not deter students from future misbehavior, but rather increases the likelihood that a student will be disciplined at school in the future,³¹ struggle academically,³² drop out of school,³³ fail to graduate from high school,³⁴ not attend college,³⁵ and become involved in the justice system.³⁶ Although Black students do not misbehave more than white students,



Black students bear the brunt of harsh punishments and criminal sanctions in school.³⁷ Nationwide, Black students accounted for 15% of the student body, but 31% of school-related arrests during the 2015-2016 school year.³⁸

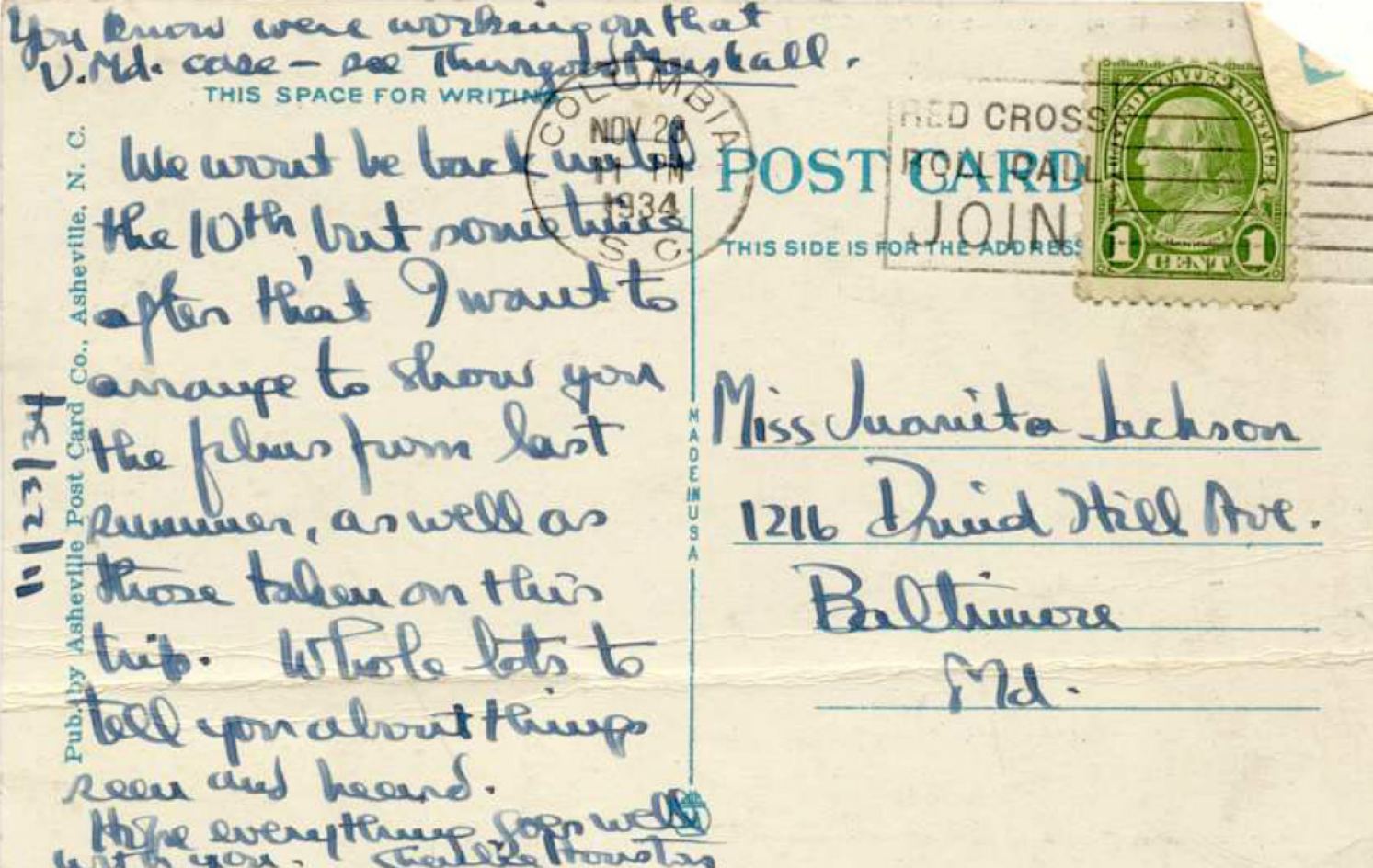
The Need for Black Girls at the Center of Reform

The DOJ report on the BPD detailed stories of Black women who were called derogatory terms based on race and gender,³⁹ subjected to excessive force,⁴⁰ unnecessarily strip-searched,⁴¹ fondled,⁴² and prostituted by BPD officers.⁴³ The investigation also found that BPD's treatment of female victims of sexual assault reflected gender-based stereotypes and assumptions that compromised effectiveness of investigations and possibly discouraged Black women, particularly Black trans women, from engaging with law enforcement.⁴⁴ Yet despite the pervasive evidence that Black women are deeply impacted by policing and their involvement with the criminal justice system, they have been largely overlooked in Baltimore's reform efforts. This disregard and devaluing of the lives of Black women and girls is consistent with what advocates have brought to light through national campaigns, including the "Say Her Name" movement, which demand recognition of the police killing and abuse of Black women.⁴⁵

Black girls are harshly disciplined, overpoliced, and the fastest growing population in the juvenile justice system. This dramatic increase is at least partly because justice-involved girls have needs that are unique from their male peers—needs that are understudied and unaddressed. Justice-involved girls are a hyper-marginalized population, unique in terms of the risk factors that they face: 45% have experienced five or more adverse childhood events ("ACEs"),⁴⁶ almost double the rate of justice-involved boys.⁴⁷ Thus, real and enduring change in Baltimore will only happen with an approach that focuses on Black girls and the specific challenges they face as central, rather than ancillary, to systematic reform.

Black Women Leading Activism in Baltimore

Despite systematic and institutional barriers, Black Baltimorean women have been at the forefront of the fight for justice and equality for generations. Noted civil rights advocate, Dr. Lillie May Carroll Jackson, was born and raised in Baltimore. Jackson's commitment to addressing social injustice developed after two of her children were denied admission to local all-white colleges and were forced to attend school outside of Maryland. In 1935, she was asked to become president of the Baltimore branch of the NAACP. While Jackson was president, the



Postcard from Charles Hamilton Houston to Juanita Jackson. Provided by the NAACP Legal Defense and Educational Fund archives.

Baltimore NAACP helped win a historic legal victory permitting the admission of Black students to the University of Maryland.⁴⁸ She also supported efforts to desegregate public schools and equalize the salaries of Black and white teachers in Maryland. Jackson held voting-registration drives, greatly increasing the number of Black voters in Baltimore.⁴⁹ In 1958, Jackson was awarded an honorary doctorate of laws degree from Morgan State College for her efforts in civil rights.

Jackson's daughter, Juanita Jackson Mitchell, was also a renowned civil rights leader in her own right. Born in 1913, Mitchell continued the family legacy by dedicating her life to battling racism and segregation.⁵⁰ She attended Frederick Douglass High School and, when she was denied admission to Johns Hopkins University due to their discriminatory admissions process, she attended the University of Pennsylvania, where she graduated cum laude. Mitchell later became the first Black woman to graduate from the University of Maryland Law School—thanks in part to her mother's desegregation efforts—and became the first Black woman to practice law in Maryland.⁵¹

Mitchell began her legal career as counsel for the Baltimore NAACP, where she worked with LDF's founder and the first

African American justice of the Supreme Court of the United States, Thurgood Marshall (another Baltimore native). In her role as a Baltimore NAACP attorney, Mitchell successfully advocated for the City of Baltimore to hire more Black social workers, librarians, and police officers.⁵² Mitchell helped file a lawsuit that led to the acceptance of two Black teenagers into a Baltimore City school, Mergenthaler (Mervo) School of Printing. She also filed a suit that integrated Baltimore's Western High School.⁵³ She was counsel in *Bell v. Maryland*,⁵⁴ which concerned the efforts of students to desegregate Maryland's restaurants, and lawsuits that resulted in the 1955 decision by the Supreme Court to integrate Sandy Point State Park, Fort Smallwood Municipal Park Beach, and Baltimore City swimming pools.⁵⁵ Mitchell worked with the NAACP national organization, serving as National Youth Director and special assistant to Walter White. While there, she led voter registration drives in the 1940-1960s, resulting in tens of thousands of new Black voters, and oversaw the rollout of NAACP youth initiatives. Mitchell was appointed to advisory positions by President Franklin D. Roosevelt, President John F. Kennedy, and President Lyndon B. Johnson.⁵⁶ Through it all, Mitchell always maintained her roots, and never left the West Baltimore neighborhood where she was born. She and her mother were each inducted into the Maryland Women's Hall of fame.

FINDINGS

Past As Prologue: A Racially-Isolated School District

A look at Baltimore's history makes clear that the segregation of Baltimore and BCPSS is no accident; it is the logical outcome of a sustained, government-backed effort to isolate Black citizens. In 1910, Baltimore adopted the nation's first ordinance establishing block-by-block segregation. Barry Mahool, Baltimore's mayor at that time, attempted to justify the City's new policy by arguing that "Blacks should be quarantined in isolated slums in order to reduce the incidence of civil disturbance, to prevent the spread of communicable disease into the nearby White neighborhoods, and to protect property values among the White majority." Over the next 50 years, subsequent administrations took up Mayor Mahool's mantle by instituting explicitly segregationist policies, including an official Committee on Segregation led by the City Solicitor, encouraging restrictive covenants, and punishing citizens that attempted to challenge Baltimore's *de jure* segregation.

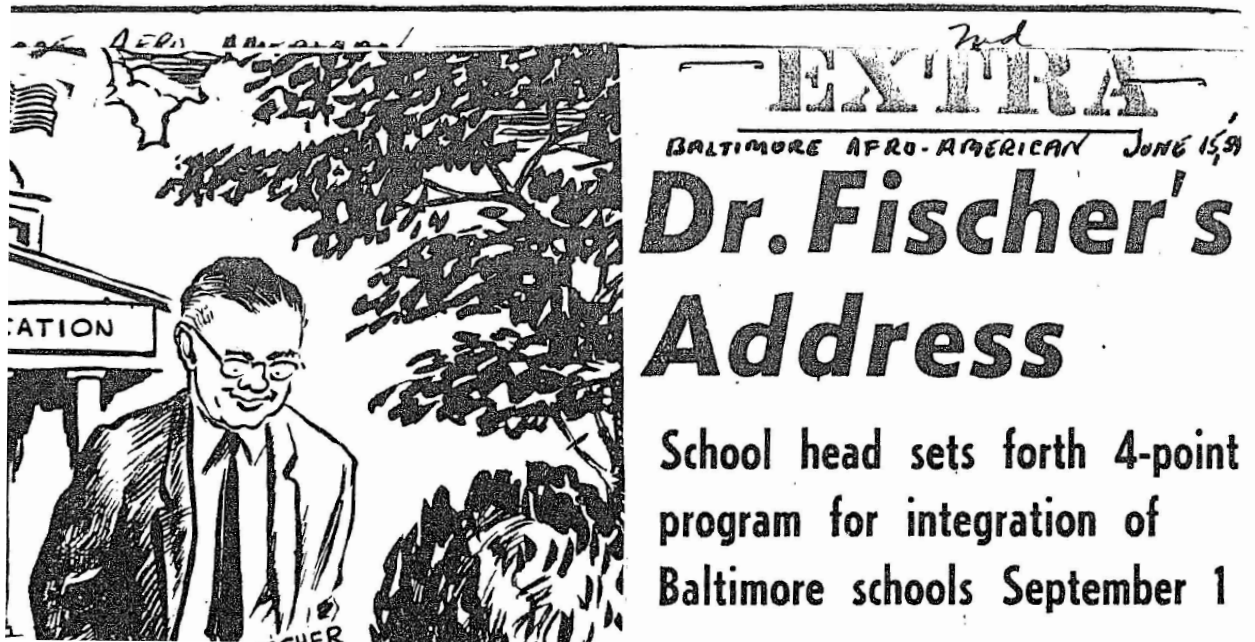
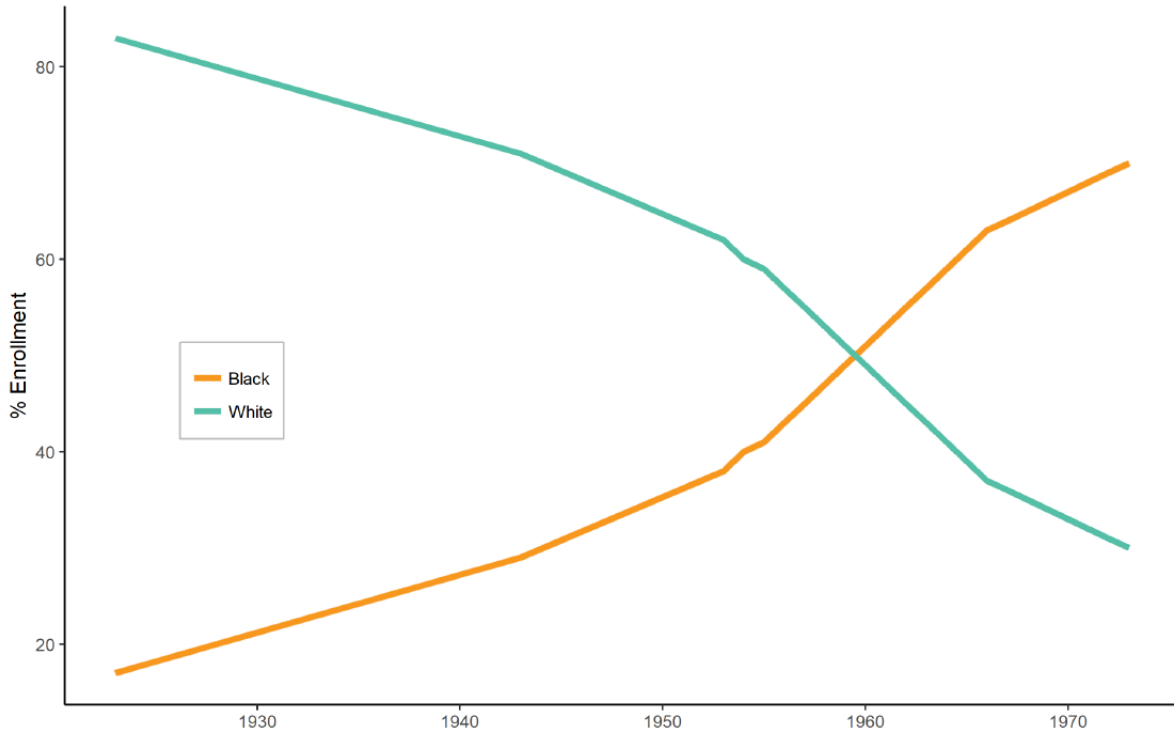
From 1867 until 1954, BCPSS schools were segregated by municipal ordinances. In 1952, LDF and the Baltimore NAACP led an effort to begin to desegregate BCPSS when sixteen Black male students petitioned the Board of School Commissioners ("the Board") to attend Baltimore Polytechnic Institute. This all-white high school offered an accelerated pre-engineering course not available in Baltimore's all Black high schools, which made it an ideal site to test the controlling "separate but equal" doctrine that permitted racial segregation so long as similar accommodations were available to both Black and white students. The Board ultimately voted 5-3 to admit the Black students to the course. Following their admittance, other Black students, often represented by Juanita Jackson Mitchell as discussed *supra*,

applied for admittance to other specialized programs given only in white high schools.⁶⁵ Lawsuits were pending in these cases in 1954 when the Supreme Court ruled in *Brown v. Board of Education* that racially segregated schools violated the Constitution because "[s]eparate educational facilities are inherently unequal."⁶⁶

In response to the *Brown* decision, BCPSS adopted a desegregation policy that allowed families free choice enrollment to schools within the district, regardless of race.⁶⁷ Protests soon followed. According to a report from the *Baltimore Sun*, on October 1, 1954, at Southern High School: "Hundreds of students participated in picketing, while others circled the building in automobiles, trucks and jeeps, shouting their objections to desegregation."⁶⁸ In some cases, the crowds turned violent, attacking Black students as they were escorted away by police, and resulting in at least six arrests.⁶⁹

When protests failed to change the new policy, white Baltimoreans resisted integration through their school choices. White enrollment in BCPSS began to decrease after 1956, and continued to do so at a rate of nearly 2,000 students per year, for the next twenty years.⁷⁰ By 1960, student enrollment in BCPSS was majority Black. During the same time frame, the city itself lost about 100,000 white residents to surrounding suburban counties,⁷¹ and Baltimore would eventually become a majority Black city.⁷² Government-crafted, inner-city Black ghettos, combined with the allure of federally-backed post-war mortgages in the suburbs, created a push-pull effect that accelerated the mass exodus of white Baltimoreans from the City.⁷³ The desegregation of BCPSS schools provided a key "push" behind white flight from inner-city Baltimore into the surrounding counties.⁷⁴

Historic Enrollment in Baltimore City Public Schools



Article from Baltimore Afro-American, June 19th, 1954. Reproduced from the Manuscript Division, Library of Congress.

Educational Opportunity for Black Girls in Baltimore

Educational Inequity in BCPSS Today

According to 2014 data from UCLA's Civil Rights Project, Maryland is the third-most-segregated state in the country for Black students,⁷⁵ and BCPSS remains racially and economically isolated from surrounding county school districts. While the overall student enrollment during the 2016-2017 school year in Maryland public schools was 34.1% Black; 16.5 Hispanic/Latinx; 38.2% white; 6.4% Asian; 4.4% two or more races; and 0.4% Other; BCPSS was 80.6% Black; 9.4% Hispanic/Latinx; 7.9% white; 1% Asian; 0.7% two or more races; and 0.4% Other.⁷⁶

BCPSS is also made up of racially isolated schools. In 2014, 75.8% of BCPSS schools were over 90% racial minority. There is no comparable racial isolation in the surrounding school districts. The percentage of schools that were over 90% minority in those counties were: 0% in Carroll, 0% in Harford, 1.3% in Howard, 4.2% in Anne Arundel, and 18.8% in Baltimore County.⁷⁷

Over sixty years of research documents the negative impact of racial isolation on educational opportunity, including the development of critical thinking skills, graduation rates, educational and career goals, and later earnings in the workforce.⁷⁸ Moreover, research shows that racially isolated schools tend to also be economically isolated schools, and that economically isolated schools tend to have inexperienced teachers, fewer high-rigor course offerings, substandard facilities, large class sizes, and less access to school materials and resources.⁷⁹ Thus, the educational inequity between BCPSS and surrounding school districts stems from the effects of isolating Baltimore students away from more diverse schools that offer the benefits of wealth, experienced and well-educated teachers, challenging curricula, higher levels of parent education, and high achieving peers—all of which are correlated with increased academic achievement.⁸⁰

First, racial isolation in BCPSS schools coincides with a wealth gap, as Black residents account for over 76%

of Baltimoreans living at or below the poverty line.⁸¹ In 2015, approximately 87.5% of students in BCPSS received free and reduced-price meals, compared to 19.6% in Carroll, 30.9% in Harford, 21% in Howard, 33.3% in Anne Arundel, and 46.9% in Baltimore County.⁸²

Second, racial isolation in BCPSS coincides with a less-qualified teaching force. Over 20% of BCPSS teachers lack certification, compared to 1.1% in Carroll County, 1.2% in Harford County, 1.2% in Howard, 0% in Anne Arundel, and 2.2% in Baltimore County.⁸³ BCPSS teachers are also less experienced and more likely to be absent from school: nearly 25% are in their first two years of teaching.⁸⁴ Over 69% of BCPSS teachers are absent more than ten days of the school year.⁸⁵

Third, racial isolation in BCPSS coincides with less access to rigorous course offerings. In the 2015-2016 school year, there were 180 BCPSS schools, but only 23 offered Advanced Placement ("AP") or an International Baccalaureate Diploma Program, and only ten offered a Gifted & Talented Education Program.⁸⁶ Only nine BCPSS schools offered calculus.⁸⁷ Based on a 2014 study, less than half of BCPSS schools offer an in-school Science Technology Engineering and Math ("STEM") program, and less than one third offer an after-school STEM program.⁸⁸

Finally, racial isolation in BCPSS coincides with lower academic achievement. Of the BCPSS high school students who participated in the Partnership for Assessment of Readiness for College and Careers ("PARCC") assessment, aligned to Maryland's College and Career-Ready Standards, only 11.4% met expectations in Algebra I (8.6% of Black students), and 17% met expectations in tenth grade English (13.7% of Black students).⁸⁹ This was 25% below the state average for Algebra, and 32% below the state average for tenth grade English.⁹⁰ According to a report by the Baltimore Project, 13 of 39 BCPSS high schools had zero students proficient in math.⁹¹ Approximately seven out of ten students in Baltimore go on to graduate from high school,⁹² compared to approximately 88% statewide,⁹³ and 53% of Baltimore students are enrolled in college two years after graduation,⁹⁴ compared to 71.1% statewide.⁹⁵

Because of the social and economic challenges that Baltimore neighborhoods face, BCPSS schools have a high proportion of high-need students. Nearly 30% of children in Baltimore, compared to 19% statewide, have ACE scores of two or more, meaning that they have experienced more than two incidences of events such as domestic violence, living with someone with an alcohol/drug problem, the death of a parent, or being a victim/witness of neighborhood violence.⁹⁶ According to Baltimore Behavioral Health Systems, approximately 16% of BCPSS students have seriously considered suicide.⁹⁷ During the 2012-2013 school year, BCPSS identified 2,716 homeless youth who attended the district's schools,⁹⁸ and over 30% of BCPSS students are chronically absent due to housing insecurity and other challenges.⁹⁹

In short, students in Baltimore experience limited educational opportunities that result from attending racially and economically isolated schools that lack the resources to meet the students' needs. BCPSS's per-pupil expenditure is slightly above most of the surrounding counties,¹⁰⁰ but is insufficient to address the impact of the economic and social isolation that BCPSS students experience. As one BCPSS teacher put it, "My students come of age in a separate and inferior system, surrounded by other disadvantaged kids. This is where they learn their place in the world."¹⁰¹ The limited investment in addressing the needs of BCPSS students constrains opportunity for all Baltimore youth, but as the findings of this report reveal, Black girls are impacted in especially harsh ways.

Limited Investment in Needed Resources for Black Girls to Learn

Black girls in Baltimore are less likely to have exposure to more challenging curricula, including Advanced Placement and "gifted and talented" classes, than their white peers. During the 2016-2017 school year, white girls were nearly five times as likely to be in gifted programs as Black girls. During the same year, white girls were more than twice as likely as Black girls to be in advanced placement.¹⁰²





One mother described how she felt her daughter began acting out, in part, because her school did not provide challenging programming and an engaging environment:

“She was always a high academic student. She played chess. She was always active in school. Then things just kinda fell off task. The school system starts cutting stuff out, like, not having as much activities as they had in school. I thought that might’ve played a part of it because them not having things for her to interact with in school, and she just fell out of place. It just started going worse, you know. Like months to weeks, you know, started getting into miscellaneous trouble and stuff like that, and it’s just like turned for worst. I figured she probably just needed to be more challenged.” ¹⁰³

The limited investment in engaging and challenging curriculum for Black girls is reflected in the achievement gap. Of the BCPSS high school female students who participated in the PARCC in 2017, 15.7% of Black female students met expectations in tenth grade English, compared to 35.7% of white female students.¹⁰⁴ The results were even more dismal for Algebra I: 9.8% of Black female students met expectations, compared to 32.4% of white female students.¹⁰⁵

Many of the young women interviewed for this report indicated that their schools failed to even provide reasonable conditions for learning. For example, girls described the lack of a reliable heating system in Baltimore public schools. Approximately one-third of Baltimore public schools went without sufficient heat for over a week in January 2018, causing the school system to close for at least two days.¹⁰⁶ As one student described her experience:

“It affected my school a lot ‘cause we were still open and you had kids that was in the classroom with their jackets on. And then at my school they’ll be like ‘oh you can’t wear outerwear, you can’t wear outerwear in school,’ so sometimes they’ll make you take ‘em off. So when it got really cold, it was like why the school not closed if y’all don’t have no heat?”

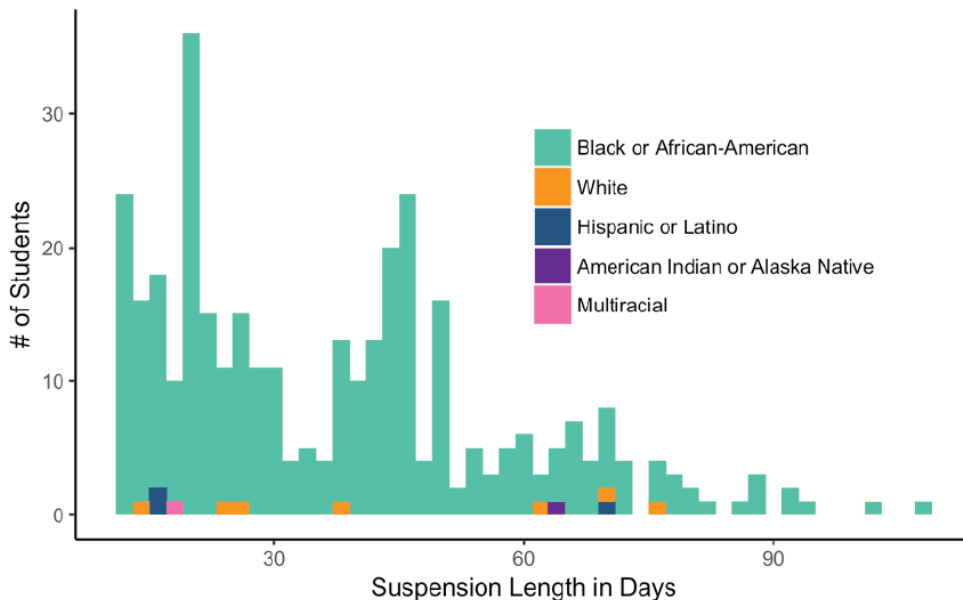
Students also identified access to bathrooms as a major challenge at school. They stated that the girls’ bathrooms are locked during much of the day due to what administrators described as “safety concerns.” As a result, they had to hold their urine for long periods of time until they were permitted to use the bathroom. Girls were not even permitted to use the bathroom to change their sanitary pads and tampons when they were menstruating.

Overreliance on Exclusionary Discipline

Black Girls Are Suspended and Expelled at Higher Rates and for Longer Periods of Time than Their Peers in Baltimore

Despite the evidence that exclusion is not an effective disciplinary tool, Black girls in BCPSS continue to be disproportionately suspended and expelled. For the 2016-2017 school year, Black girls made up approximately 95% of all suspensions of girls and 92% of all expulsions of girls, despite constituting 80.6% of girls enrolled. In concrete numbers, there were 2,920 short, long, or extended suspensions that involved girls. Of those, 2,772 involved Black girls, 78 involved white girls, and 71 involved girls from other races or ethnicities. Of the girls expelled in 2016-2017, 22 were Black girls, one was white, and two were Latina. While Black boys constitute the majority of suspensions and expulsions overall, Black girls make up 33% of total suspensions and 27.5% of total expulsions; white girls make up 0.09% of total suspensions and 0.1% of total expulsions. The disparity is greatest for long-term suspensions. The chart below shows the length of suspensions in days by race for all females in BCPSS, demonstrating the disproportionate impact on Black girls.

Suspensions Longer Than Ten Days (Females): 2016-2017



Black Girls Are More Likely to be Punished for Subjective Offenses

Maryland law makes clear that students cannot be suspended for more than ten days unless the school proves that keeping the student in school would create an “imminent threat or harm” or that the student caused a “chronic and extreme disruption.”¹⁰⁷ The terms “threat,” “harm,” and “disruption” are subjective terms that are more often applied to the behavior of Black girls. At least one in four suspensions of Black girls was for subjective offenses, including: disruptions, disturbance, threatening behavior, or disrespect.



Yasmene Mumby, a former BCPSS middle school teacher and community organizer, described the problem of how Black girls are perceived:

“I think it goes back to the subjective interpretation of Black girls being defiant, disrespectful, disruptive. Before you act on your interpretation of a Black girl and her being, you have to ask yourself: ‘Is this my bias at work? Am I about to act on it and impact a child and a scholar and a full being?’ I think that is the first start, because there is no school-to-prison pipeline, there is no criminalization of Black girls, there is no pattern of these experiences, without a teacher acting on their subjective interpretation of that child’s being and then starting the pathway to writing them up for disciplinary actions and then that snowballing.” ¹⁰⁸

Punished for Challenging Unfair School Conditions

Repeatedly, the girls that we interviewed described how they are routinely told to be polite and quiet, to “mind their business,” and not to “make a big deal out of things.” Nonetheless, our young interviewees often felt it was important to speak out about things they thought were unfair. They expressed concern not only with instances of individual injustice, but systematic injustice within their schools. This included concerns about the quality of education, the rules for which students were punished, policing, and a lack of financial investment in their schools. In some cases, students were punished for challenging unfair conditions at their schools. These girls felt it was unjust that their schools were plagued with problems that did not exist in other more affluent schools—problems about which they were expected not to complain. And when they did speak out about them, they were punished for defiance.

For example, on some occasions, complaints about the lack of access to the bathroom was considered a “defiant” act and a cause for punishment. As one young woman explained:

“Girls at my school get suspended for saying stuff about the bathrooms. They lock the bathrooms all the time, like they’re never open, like we have to go to the bathroom on the schedule they prepared. I be trying to tell them: we’re girls, so if we have to go, you have to let us go. If girls hold their pee too long, that can cause us to get like serious infections down there and everything. You have some administrators that will open the bathrooms, but others will be like, ‘Oh well, we can’t let you out of the classroom if you gotta go,’ and then you get in trouble for walking out of the classroom ‘cause you really got to go.”

When the terms “disruptive,” “disturbing,” or “disrespectful” are used to describe the behavior of Black girls, it is important to scrutinize the context in which these labels are used and how these labels may impact Black girls’ development as citizens in a democracy. While schools play a socializing role in teaching students to obey rules, schools also prepare students to think critically and develop as future leaders. In some cases, challenging the status quo may be a means for girls to advocate for justice when they believe the conditions at school are unfair. Over-punishing Black girls for “defiant” behavior may have the effect of discouraging their engagement and activism at school and, later, in society at large.

Stereotypes of the Angry Black Girl & Harsh Punishment for School Fights

The most common offense for which Black girls are suspended in BCPSS is fighting. Some educators believe that Black girls are punished more harshly for fights than other students because it is seen as “unladylike” and because Black girls are stereotyped as particularly “angry,” “aggressive,” and “threatening.” Moreover, some educators expressed concerns that the root causes of fighting by Black girls—in particular, anger and unresolved trauma—go unaddressed and are even exacerbated when Black girls are labeled “angry” and punished with exclusion, rather than receiving support for the problems that are the source of their behavior. As Kirk Crawley, a BCPSS high school teacher described:

“Really a lot of these fights are because the young ladies who are fighting are not heard. Some don’t know how to speak up, but a lot of them just are not heard. They want to establish themselves so they’re not disrespected, and they want to establish some sense of leverage or control. Instead, they are told not to be angry. I think there’s a lot of mistakes that are made when administrators and school officials try to deny a student the right to be mad because they may have a legitimate reason for being mad. My thing was to allow her to channel that anger to a point where she can express herself and not become a distraction. But do not deny her the right to be mad.”¹⁰⁹

Illegal Suspensions

BCPSS has a Code of Conduct that clearly limits suspendable offenses.¹¹⁰ But the students with whom we spoke indicated that BCPSS schools sometimes violate the Code of Conduct and state law restrictions by illegally suspending students for absenteeism and tardiness, which are not suspendable offenses.¹¹¹

The girls with whom we spoke also described illegal suspensions for dress code violations. One student whom we interviewed explained that dress code violations are enforced harshly for girls at her school:

“If you didn’t come in with uniform, you got sent home. Especially the girls, they didn’t want us to wear certain stuff. At my school, even with sports and stuff, girls couldn’t wear certain stuff to practice like leggings, and I don’t see what the issue was.”

As documented in a 2018 report by NWLC, Black girls face unique dress code burdens and are often punished for attire that is considered acceptable when worn by their white peers due to the prevalent perception that Black girls are more promiscuous.¹¹² The tendency of school officials to focus on punishing Black girls for their attire is particularly concerning because dress codes often “communicate to students that girls are to be blamed for ‘distracting’ boys, instead of teaching boys to respect girls, correct their behavior and be more responsible. This dangerous message promotes sexual harassment in schools.”¹¹³



Undocumented Suspensions

Importantly, there is reason to believe that publicly released data does not reflect the full extent of suspensions in BCPSS. Many students gave examples in interviews of illegal suspensions where students were sent home for the day or for multiple days without documentation by the school, which should have triggered formal protections for the students. In other cases, schools created an unofficial “do-not-admit” list for “problem” students. Attorneys from the Maryland Suspension Representation Project (“MSRP”), which provides free legal advice and assistance to families during the suspension process,¹¹⁴ confirmed that some of the students they represent had undocumented suspensions. In some cases, students and families complied with this practice in order to avoid an official suspension that would impact the student’s disciplinary record. Further research is needed to quantify the practice within BCPSS of imposing exclusionary discipline on students without following the required legal procedures. BCPSS’s responsibility under federal law to keep accurate records is compromised when schools fail to document and report suspensions and expulsions.¹¹⁵

Other Process Violations

Students’ rights are also violated during the suspension process when schools fail to provide written notice of a suspension or information about a suspension conference.¹¹⁶ Although students facing exclusionary discipline have the right to an attorney, the vast majority of students facing suspension or expulsion are unaware of this right or do not know how to find counsel. Maryland law requires that students facing suspension be promptly provided a list of community resources to support them throughout the suspension and expulsion process.¹¹⁷ Yet BCPSS does not provide students with any information about legal resources, such as the MSRP.

Denial of Transportation as a Form of Punishment

When students are accused of misbehavior while commuting on the Maryland Transportation Authority (“MDTA”), the MDTA has sometimes suspended the student from using public transportation for 30 days. Many students in upper grades rely on public transportation to travel to school.

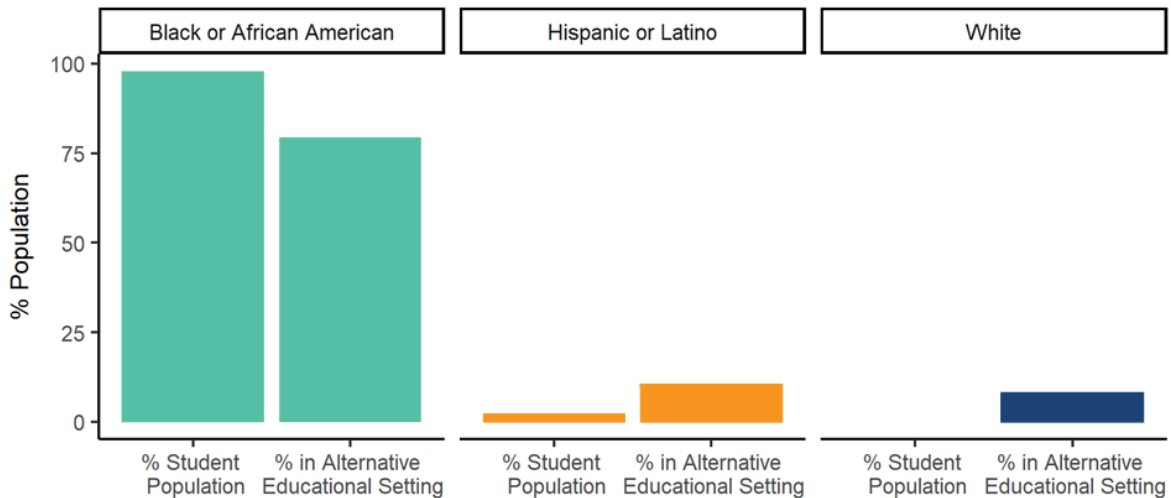
Because BCPSS does not provide an alternative form of transportation, students are in effect excluded from school if they do not have a private option for commuting. According to multiple sources, this consequence is, at times, coupled with the unenrollment of students from school by BCPSS. For example, Renuka Rege, an attorney at the Public Justice Center, described a case in which she represented three siblings who were involved in an incident on MDTA on the way to school that led to their arrest:

“The next day, there was a meeting at [the school district] to talk about this. The students’ mother did not receive notice from BCPSS about the meeting and only heard about it from the school. When their mother attended the meeting, she was told her kids were banned from MDTA for 30 days. Later that day, she learned that her kids had been disenrolled from school. She filed a complaint [with] the BCPSS ombudsman, who eventually reenrolled the kids in school after a week. Had the mom not been such a persistent advocate, the result could have been different. The takeaway is that this seems like an unofficial way to exclude kids for conduct that did not even occur at school.” ¹¹⁸

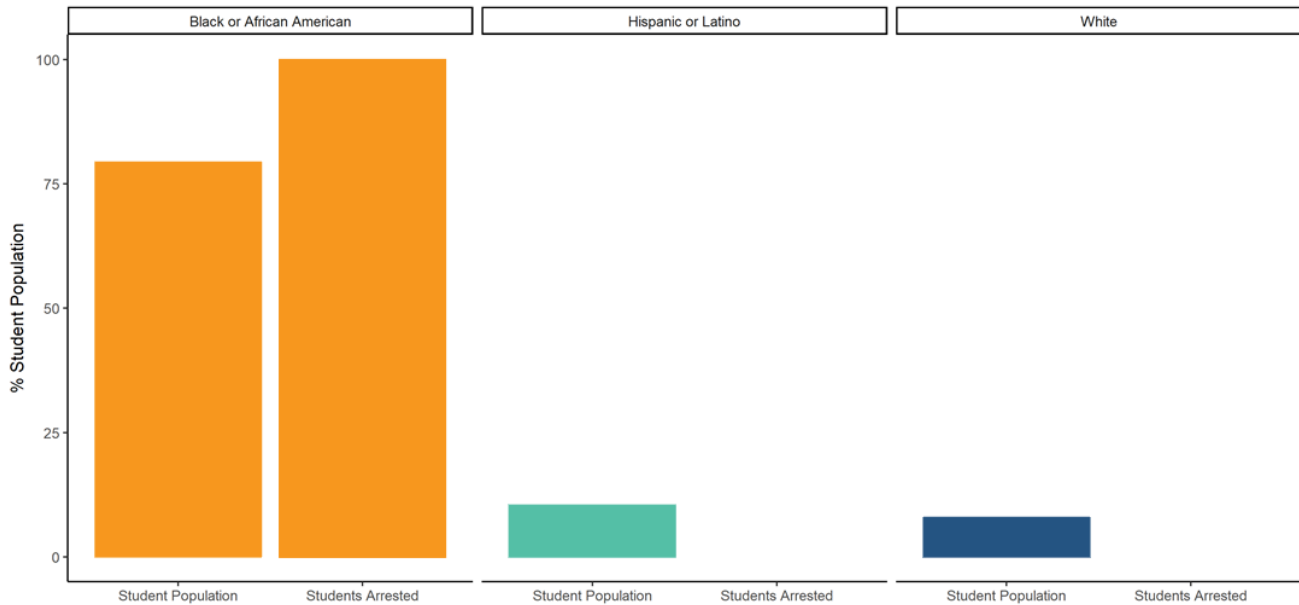
Insufficient Access to Alternative Education

Students who are suspended for more than ten days can be referred to an alternative program by BCPSS.¹¹⁹ As depicted in the table below, white and Latinx students are enrolled in alternative education at higher rates than their enrollment in the district, while Black students—who are already suspended and expelled at higher rates—are enrolled in alternative education at rates below their enrollment in the district. This suggests that once suspended or expelled, Black children are more likely to be pushed out of the school setting entirely. Further research is needed to determine and quantify the outcomes of these students after they are suspended or expelled.

Students Placed in Alternative Educational Settings by Race: 2016-2017



Students Arrested by Race: 2016-2017



Overreliance on School Police

While there is no reliable evidence that School Resource Officers (“SROs”) improve safety,¹²⁰ non-violent conflict resolution and restorative justice practices are evidence-based programs that have demonstrated results in improving relationships, decreasing incidents of violence, and reducing disorderly conduct in schools.¹²¹ Conflict resolution programs teach students how to handle conflict by both addressing the theory behind conflict resolution and by putting into place a process to resolve problems.¹²² Restorative justice considers the needs of victims, offenders, and the community by encouraging offenders to take responsibility for their actions and repair the harm.¹²³ Overall, building relationships between students, parents, and staff is demonstrated to be more effective in making a school safe than increased security measures.¹²⁴

BCPSS spent \$12,848,800 in 2016 and \$7,181,015 in 2017 on its school police.¹²⁵ In comparison, the District only spent \$345,984 and \$217,226 on guidance and school counseling respectively.¹²⁶ In 2015-2016, there were approximately 117 full-time police personnel and 111 counselors. Surrounding districts do not have school police forces, but *all have a greater student-to-counselor ratio*. Indeed, Anne Arundel, which has a student enrollment that is similar to BCPSS, has nearly twice as many counselors.¹²⁷

School-Based Arrests

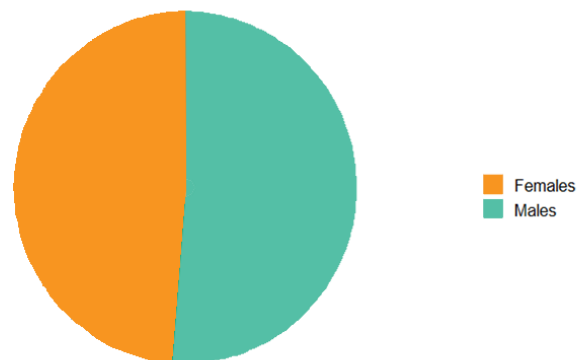
Created by statute in 1991, BSPF is comprised of officers who are employees of the Board and have “all of the powers of a law enforcement officer in the state,” including

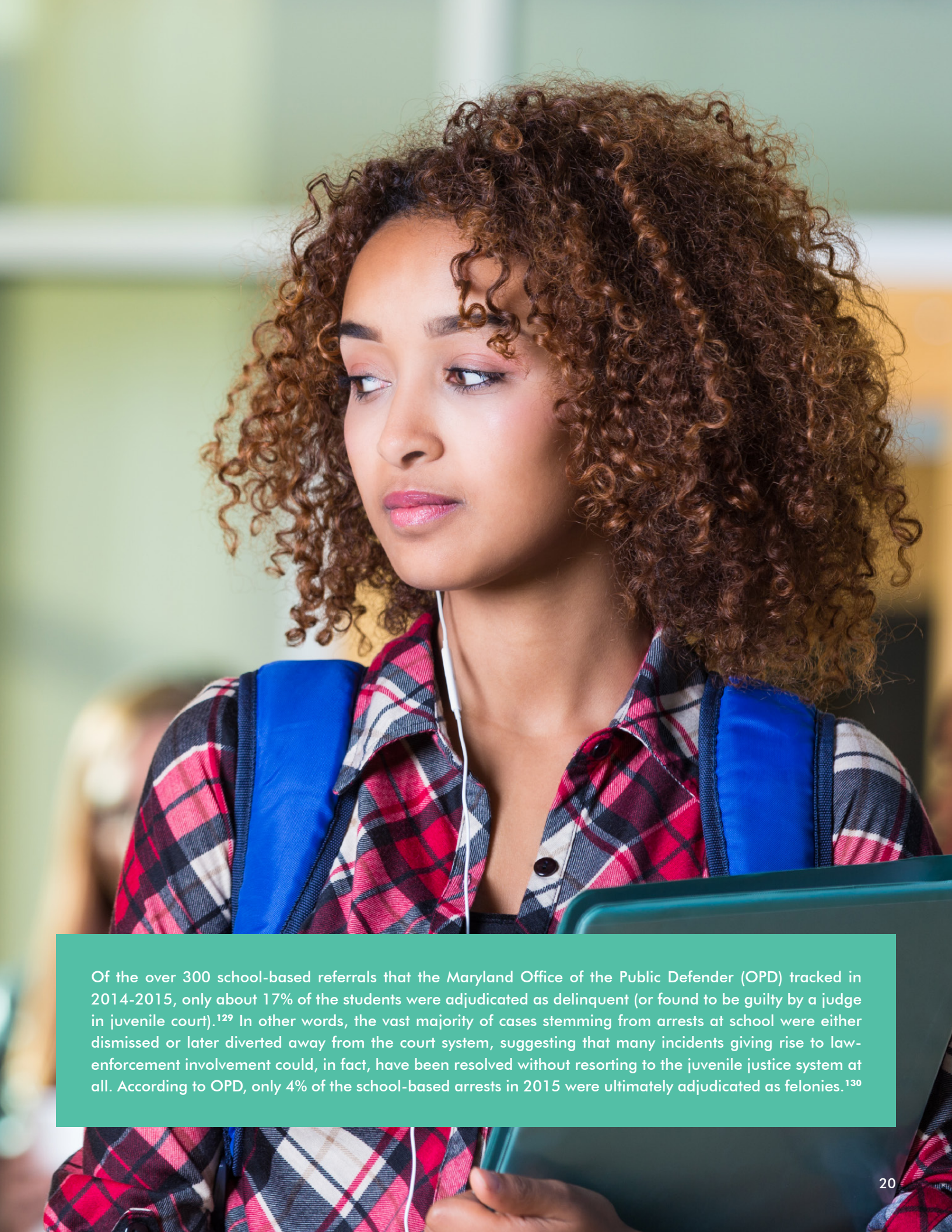
arrest powers.¹²⁸ Although the overall numbers of school-based arrests have decreased since 2014, the racial disparities have not. As of March 2017, 100% of students arrested during the 2016-2017 school year were Black, even though Black children comprised 81% of the student population; 17 of the 85 school-based arrests, or 20%, were of Black girls. Conversely, white and Latinx students represent 8% and 11% of the student population, respectively, but were involved in 0% of arrests.

School-Based Referrals

According to data from DJS, there were 156 school-based referrals to DJS that came out of Baltimore City. Black students represented 149 of these complaints. Girls and boys were represented nearly equally—80 of the school-based DJS complaints involved boys, 76 involved girls.

BCPSS School-based Referrals to DJS





Of the over 300 school-based referrals that the Maryland Office of the Public Defender (OPD) tracked in 2014-2015, only about 17% of the students were adjudicated as delinquent (or found to be guilty by a judge in juvenile court).¹²⁹ In other words, the vast majority of cases stemming from arrests at school were either dismissed or later diverted away from the court system, suggesting that many incidents giving rise to law-enforcement involvement could, in fact, have been resolved without resorting to the juvenile justice system at all. According to OPD, only 4% of the school-based arrests in 2015 were ultimately adjudicated as felonies.¹³⁰



Misconduct and Use of Force by BSPF

In March 2016, Youth as Resources, a Baltimore youth-led organization, administered a survey to students in 36 city schools that have stationed SROs about their interactions with the officers. Of the more than 5,400 fifth through twelfth grade students who participated in the survey, 48% of the students surveyed said the police used “excessive force” when dealing with conflicts.¹³¹

The students interviewed for this report described SROs using force without concern for the student’s gender. One girl reported that: “[T]hey do the same thing to girls, even when we’re not bigger than them, they do it ‘cause they can.” She described how a police officer at her school assaulted a female student while she was handcuffed:

“We don’t know what [the student] did, so I can’t say what she did, but I do know they was outside and she was already in handcuffs and [the officer] slammed her on the ground. She was really bony, like she was really small. She wasn’t a big girl, especially not bigger than him. And he slammed her in the ground. Her face was like in the mud, and he just, he bent her legs and had the chain of the handcuffs, he was like holding it, and he bent her legs, and he had his knee

on her so she couldn’t move or anything. We was outside watching her, and a couple of kids recorded it and posted it. The principal was right there.

“They didn’t let us know anything. They know some of us saw, but then they was just like, ‘Go in your classrooms, go in your classrooms.’ When they brought her into the building, you could just hear her screaming ‘cause I was in one room and she was in the next room. And she was just screaming, and like chairs was just moving so we thought she was thrown across the classroom and everything. And then some of us even tried to go in and check on her, but they wouldn’t let us even in the room. Nobody knows why.”¹³²

Some of the girls described feeling unsafe around SROs and security officers at school because of instances of excessive force. As one student stated:

“They need to train the cops that will be in school better and let them know that we’re not grown adults, you’re dealing with a bunch of children, so you can’t handle us with force and all that.”

In Baltimore, complaints that allege misconduct or use of force by SROs may be investigated through three processes: administrative complaints, internal affairs complaints, or excessive force complaints. SRO misconduct is also reviewed through the legal system, either through criminal prosecution or civil cases. In 2017, there were twelve administrative complaints against SROs: ten were sustained, one was non-sustained, and one remains pending.¹³³ There were twelve internal affairs complaints against SROs: 5 sustained; four non-sustained; one administratively closed; and two remain pending/open.¹³⁴ Of the eleven complaints of excessive force, seven were determined to be justified, and four were found to be justified with training.¹³⁵ From 2015-2017, there were three officers criminally charged with unlawful conduct during interactions with student. One pled not guilty and resigned. The remaining two officers were found not guilty and remain employed.

In Search of Supportive Adults at School

A study conducted by the University of Maryland Baltimore County's Student Voice Project found that some BCPSS female students have positive perceptions of school police when officers take an active role in talking with students, being personally engaged with them, and getting to know them outside of incidents.¹³⁶

One student in that study described an interaction when the school resource officer listened to her and encouraged her to be open, despite her initial fear of interacting with the officer:

"Officer Anna, she was like, 'Why are you crying?' I'm scared of her, first of all, so when she approached me, I was, like, shaken up. Like she would tell me, 'Just stop crying and go to class!' Nah, she sat down and she talked to me and listened to me rant. She's like, 'I don't care what you say. It's going to stay in this room. You can cuss, I don't care. Just say how you feel.' And I told her everything. She was just, like there for me to just rant. And I needed that."

Another student explained:

"I believe Officer 'Sam' is my favorite one because whenever I see him, I'm like, 'Sam!' He be like, 'You can come to the office, get your juice now.' Walk to his office, get me a juice, some candy. He walk me to class and give me a pass. He be like, 'Miss, you get this grade up, though.' I be like, 'All right.'...They're just, like, kind of second parents in a sense, because they will watch over you."

Some girls interviewed for this report also appreciated when police officers took the time to listen and build relationships with them. While it is far preferable for SROs to have these types of positive interactions with students, similar roles could be fulfilled by other supportive adults, such as counselors, coaches, or mentors, whose responsibilities include getting to know students prior to incidents occurring and helping them talk through their problems. Indeed, unlike confiding in counselors and other non-law enforcement personnel, there is a significant risk that statements made by students to SROs may be used against them or another student in some law enforcement capacity.

Some students and teachers believe that having police in the schools serve as temporary help, but does not address the underlying causes of problems in the school, such as lack of resources and support. School police officers can be a "Band-Aid" to address serious problems in the school.

As one teacher described:

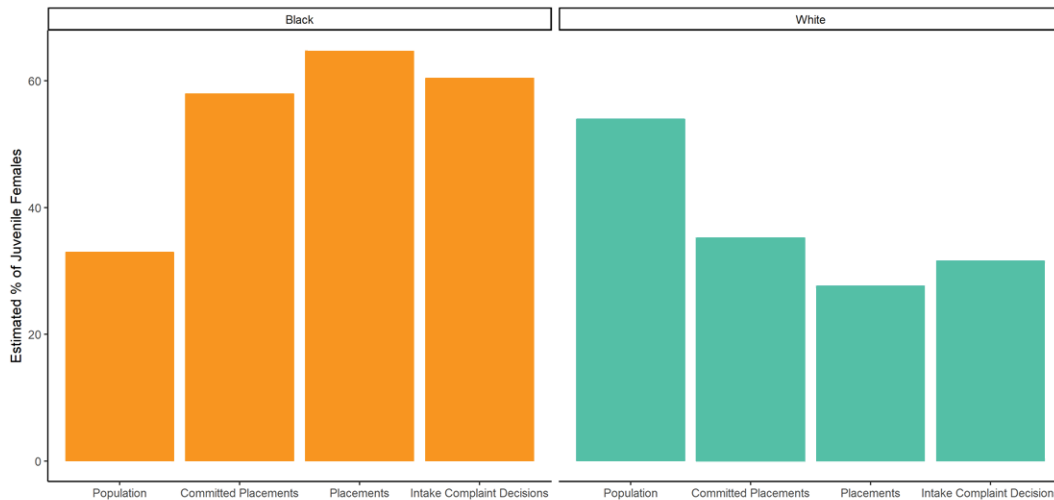
"They're not coming to resolve the problem; they're coming to control the problem. That's a major difference. Police officers want to control the problem, make it stop, and not get to the root of the problem so we can deal with whatever is causing it. So, I believe that if the situation calls for it, then they may be a restraining influence initially, but in the resolution of the problem, that restraining nature is not going to work. You're going to have to allow the student some sense of freedom of expression, and you don't get that by being ordered, 'Sit there,' 'Be quiet,' you know, but communicating in different ways."¹³⁷

Overreliance on Confinement

Black Girls Are Overrepresented in the Juvenile Justice System in Baltimore

Girls make up 17% of DJS-involved youth. Approximately 33% of female youth in Maryland are Black, but they represent nearly 60% of the female intakes, and nearly 65% of the female placements, in the juvenile justice system. Conversely, white girls represent approximately 54% of the female youth population but are involved in DJS at significantly lower rates. Black girls in Maryland are nearly five times more likely to be referred to the juvenile justice system than white girls.¹³⁸

Females Involved in MD Department of Juvenile Services 2017



Moreover, Black girls in Baltimore are also detained, on average, for longer periods of time. The chart below compares the average length of stay for Black girls and white girls.¹³⁹ Black girls are detained for longer average lengths of time than white girls at all stages of detention and commitment.

Average Length of Detention & Commitment for Baltimore Youth in Days

Placement Type	Black Female	White Female
Commitment	154.0	111.9
Pre-Disposition Detention	20.8	11.6
Post-Disposition Detention	57.4	20.4
Adult Detention	5.1	N/A



Jabriera Handy

At the age of 16, Jabriera got into an argument with her grandmother. While her grandmother was hitting her, Jabriera held her grandmother's arms back and shoved her away, before leaving the home. Following the incident, her grandmother died of a heart attack. Jabriera was charged as an adult for second-degree murder, second-degree assault, and first-degree assault. When she went to court for a hearing, she pleaded guilty to the charges in order to avoid harsher punishment. She spent eleven months in the Baltimore City Detention Center, an adult facility. Recounting why she was charged as an adult, Jabriera explains:

"You would think that the judge would consider me a child because of how I looked. The jumpsuit was so big on me—I couldn't have been more than 97 pounds at that time and I had a young face. I was 5'7 at the most. But the judge saw in [my] school record that I had been suspended a few times. In particular, he saw that I threw a book at the history teacher. What he did not see was that this was after the teacher called me a nigger and locked me out of the classroom, so I reacted and threw a book that broke the glass of the door. The judge did not see that, in fact, the teacher had written a letter in my defense.

"Words can't explain what I went through in the adult system. I was forced to shower with a woman twice my age and shamelessly exposed to a squat and cough in front of everyone. I was neglected and did not receive the psychological and healthcare help I needed throughout my stay."

Describing the other women at the facility, she notes:

"There was only one Caucasian girl. She didn't even stay an hour. She came, and she went. It was like she was a ghost. She had an armed robbery, a charge like the rest of us."

Jabriera was placed on lockdown three times. The last lockdown was supposed to last two weeks but ended up being 36 days. She explains:

"We were not allowed to use sanitary napkins and tampons. The discipline did not make sense, but we had a male captain."

Although she took accredited courses while she was incarcerated, her principal refused to sign her diploma when she was released. Nonetheless, Jabriera has a passion for helping others that has not been broken despite all of the barriers imposed upon her so early in life. Shortly after her release from detention, she began working with Just Kids Partnership to End the Automatic Prosecution of Youth as Adults as an Assistant Youth Organizer. The organization helped her get her record expunged. She later participated in Year Up. Today she is a mentor to youth and an advocate for change. When asked how to end the school-to-prison pipeline as it affects girls, she said:

"There's a lot of strengthening that needs to happen for young women. Sometimes we need gendered programming. No one is helping girls speak at all, helping them become women."¹⁴⁰

Punished for Behavior that is Associated with Trauma

Black girls are unique when one considers the offenses for which they receive punishment.¹⁴¹ The majority of Black girls in detention or committed placements in Baltimore are held for misdemeanors and property offenses: of the 497 total offenses reported at intake for Black females in Baltimore, over half (268) were misdemeanors and over a quarter (127) were property offenses.

In 2017, 78% of the complaints against girls were misdemeanors compared to 64% of boys.¹⁴² Young women in Maryland are also generally more likely to appear before a judge for probation offenses, such as running away, breaking curfew, and defiance.¹⁴³ Roughly two-thirds of girls (66%) in a DJS-committed, out-of-home program ran away at least once. These offenses represent behavior that is often a response to abuse, trauma, and family conflict that detention does not address.¹⁴⁴ As Juvenile Justice Monitor Eliza Steele notes, many girls face social-emotional and mental health challenges that the detention centers are not equipped to properly address.¹⁴⁵

DJS-involved girls in out-of-home placement have higher rates of ACEs and trauma than boys. Nearly half (47.8%) of the girls in a committed, out-of-home placement in 2017 had been either physically or sexually abused, compared to 18% of boys.¹⁴⁶ Girls were most likely to be assessed as “moderate” or “high need” in terms of mental health assessments (81% of girls compared to 61% of boys were moderate or high need) and assessments of family stability and conflict (90% of girls compared to 79% boys were moderate or high need).¹⁴⁷

Because there are fewer facilities for girls, they are more likely to be placed in settings that are more secure than warranted and inappropriate for their needs, simply due to the lack of available facilities that serve girls.¹⁴⁸ For example, although the J. DeWeese Carter Youth Facility Center “(Carter”) is a maximum-security facility, girls in Maryland are routinely referred there for misdemeanors and probation violations, including disturbing school.¹⁴⁹ Research also shows that judges are generally more likely to detain girls for longer periods of time out of a paternalistic concern that young women are uniquely at risk of danger and require supervision.¹⁵⁰ At Maryland’s most secure facilities, girls are committed, on average, 25% longer than boys and for less serious offenses.¹⁵¹ One mother explained that, when she sought help for her daughter, her daughter was committed to the secure facility for girls due to probation violations:

“She was detained because she wasn’t following the rules and stipulations that they gave her on probation. She was breaking curfew and still skipping school and stuff so um, I had called her PO, you know. Tried to get some help, you know. What can I do? When they came out, actually the day they pulled up, she wasn’t in the house, so they violated her. When she came back home, they detained her.”¹⁵²

A young Black woman with her hair in a bun, looking down at a book. She is wearing a grey sweater and a grey scarf. The background is blurred, showing what appears to be a library or study area with bookshelves.

History on How Maryland Has Detained “Troubled” Black Girls

Prior to the Civil War, Black behavior was often assessed through “plantation justice” rather than the criminal justice system, leaving Black people without legal rights and at the mercy of slave owners. After the war, alternative mechanisms of social control of Black individuals were introduced, including all-Black penitentiary systems, the convict lease system, and later the establishment of special juvenile justice institutions for Black youth. For Black women, the criminal justice system replaced slavery as the institution that regulated behavior and punished nonconformity—particularly when it came to gender and sexuality.¹⁵³ In 1882, the Maryland legislature established the Industrial Home for Colored Girls, the first juvenile home for Black females in the United States. In 1930, Judge Thomas J. S. Waxter described this facility as “inadequate for recreation, schooling and vocational training.”¹⁵⁴ Judge Waxter also identified the population in the Industrial Home for Girls as struggling with “social disease,” and claimed that nearly all of the girls were homosexual.¹⁵⁵ Judge Waxter’s advocacy led to the creation of a new residential facility for young Black women, and Baltimore’s secure facility for girls is named for him today. But many of the problems that Judge Waxter observed in his advocacy continue. In addition to the lack of education and opportunities for rehabilitation that Judge Waxter emphasized, two of his observations about the population of girls detained are borne out in statistics today: the juvenile system remains the primary means of dealing with poor, Black girls who face severe social-emotional challenges and who identify as LGBTQ.



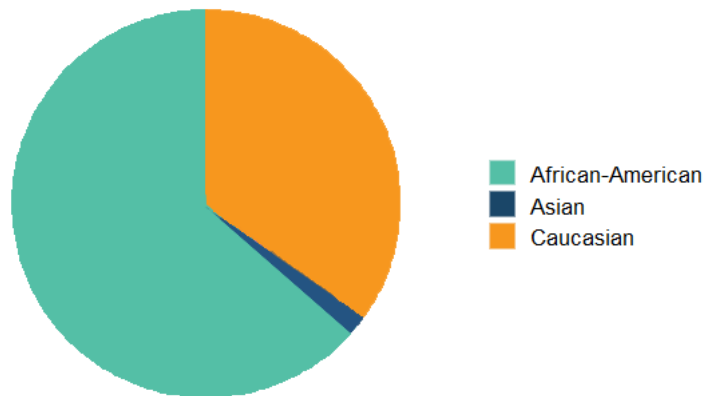
Confined for “Their Own Protection”

Girls who have been victims of sex trafficking are too often detained at secure facilities rather than provided therapeutic services,¹⁵⁶ effectively punishing them for the domestic and sexual abuse they have suffered. Jenny Egan and Catherine French, public defenders in Baltimore, reported that judges hold their female clients for longer periods of time than their male peers because of a fear that they will be vulnerable to sex trafficking.

According to the attorneys, this is particularly a problem for girls of color, who are stereotyped as being sexually promiscuous. In one case, an attorney described how an SRO asserted that her client was trafficked, but provided no information to substantiate his assertion.¹⁵⁷ Her client was confused during the court proceeding as to why adults were referring to her as a prostitute.

Sex trafficking is an issue that disproportionately affects Black girls. Of the youth identified in Maryland between July 2013 and October 2017 as suspected victims of trafficking, approximately 92.3% were female, 4.2% were male, and 3.5% were transgender female.¹⁵⁸ In the cases for which race data was available and as shown in the pie chart below, approximately 64% were Black, 35% were Caucasian, and <1% were Asian.

Reported Maryland Victims of Trafficking



Cheri's Story

When Cheri was twelve years old, a man pulled her into an alley on the way to school and raped her. She continued to pass him on the way to school every day and heard that he had attacked other girls. She began carrying a knife for protection.

One day, Cheri got into a fight with two girls at school. During the fight, her bag was kicked over and a knife fell out. While disciplining the girls, an administrator asked her why she had the knife. Cheri then told the administrator the story of her rape. Despite this, the school suspended Cheri for possessing the weapon at school under BCPSS's zero-tolerance policy. She was arrested at school, but not provided any support to address the trauma she had experienced. Cheri was charged and pled guilty to possession of a weapon at school.

About a year later, Cheri moved in with her sister. She was asked to contribute to rent and began working. She sometimes did not go to school because she was working. She learned about a job at a cell phone store and went for an interview. But the manager had other intentions. She was asked to work parties upstairs above the cell phone store and became the victim of sex trafficking.

She later realized that the young women who suggested that she work at the cell phone store knew she was going to be trafficked. She went to confront the girl, and the two girls got into an altercation. She was arrested for assaulting the girl. In court, the judge felt that it was too dangerous to release her because she might run away and engage in sex work, so she was detained in a juvenile diagnostic facility.¹⁵⁹

Overrepresentation of LGBTQ Youth

At least 40% of the girls in the juvenile justice system identify as LGBTQ—nearly three times what is reported for boys.¹⁶⁰ One mother explained that when her daughter struggled with sexual identity, she began to act out in school, and was quickly labeled. She was later detained for status offenses that included chronic truancy:

"She's gay. I think her struggling with that had a part, not knowing how to come out...I think [the school] could've handled it better. First, when they seen her falling off task, I had asked them, 'Can she see a counselor and find out what the problem was?' trying to seek and get her some type of help. I feel like that's a lot of the problem with our children, African American kids, that have problems. We don't know what's going on inside unless somebody talk to them and find out what the problem is, and they don't do that enough. I think she was labeled, so once she was labeled if you keep telling a child they're bad, they gonna be what? Bad."¹⁶¹

Unfit for Rehabilitation

With these statistics in mind, the goal of DJS should be clear: to provide services and rehabilitate youth. In reality, however, the problematic conditions of Maryland's detention and committed placement centers often result in the punishment of trauma. For example, during an incident at Alfred D. Noyes Children's Center, a girl who may have been a victim of sex trafficking was held down and restrained by three men for refusing to allow the male staff to cut off her ankle monitor.¹⁶²

Girls incarcerated in Maryland's DJS system suffer from policies and procedures that undermine their rehabilitation. By mandating punitive responses to symptoms of trauma (such as irritability, withdrawal, uncooperativeness), DJS detention facilities may worsen the core problems that lead many girls to enter the system in the first place.¹⁶³ These policies point to the increasingly obvious conclusion that juvenile detention and committed placement centers are not effective administrators of mental health and trauma treatment. As a result, many girls are put in a system that ignores and, in some cases, exacerbates their suffering. One girl expressed her opinion on the effects of this system:

"[I have] nothing to look forward to besides sitting in here every day and going outside for an hour." The same youth stated that she is "in here because [her] mom doesn't want [her] home," and that she and other girls at Carter "feel like we are getting too punished."¹⁶⁴



RECOMMENDATIONS

IMPROVE THE SCHOOL ENVIRONMENT, CURRICULUM, AND RESOURCES

Improve access to racially and economically diverse schools.

BCPSS should develop policies that consider race among other factors in creating diverse schools by developing its middle and high school choice programs to offer more racially integrated schools. MSDE should also develop regional policies that focus on reducing racial isolation through programs that allow students to attend schools outside their assigned district.

Provide the basic conditions for learning

BCPSS must provide the basic conditions for learning, including heat and access to safe bathrooms throughout the day, so that girls can focus on learning rather than meeting other basic needs. In addition, by adopting practices that focus on building a positive climate school-wide, BCPSS schools can proactively limit distractions, prevent misbehavior, and increase student engagement.¹⁶⁵ For example, positive behavior supports have proven statistically effective at improving school climate and deterring future misbehavior.¹⁶⁶

Increase access to critical-thinking and self-inquiry curricula.

BCPSS should increase access to gifted and advanced learning opportunities for Black girls. Moreover, BCPSS should implement critical-thinking and self-inquiry curricula that include the voices of queer individuals and women of color to counteract damaging narratives about Black women and girls. Educators should provide more opportunities for girls to have voice in the classroom and in decision-making at the school and district-level in order to encourage young women to become leaders and advocates for change.

Improve access to social-emotional and mental health support by increasing funding for counselors, therapists, and social workers in schools.

In addition to increasing social-emotional and mental health resources generally, BCPSS should ensure comprehensive in-school support for students who are victims and survivors of sexual violence.¹⁶⁷ BCPSS should also provide diversity and inclusion programming and counseling to support LGBTQ students. Finally, BCPSS should incorporate mentoring and college/career counseling programs that help girls identify long-term goals and plan the steps necessary to reach those goals.

REDUCE RELIANCE ON EXCLUSIONARY DISCIPLINE AND DISPARITIES IN PUNISHMENT.

Systematically incorporate evidence-based, trauma-informed education and restorative practices school-wide at every school in the district.¹⁶⁸

BCPSS is currently implementing a \$2.4 million “Promoting Student Resiliency” grant from the MSDE to focus on addressing trauma at thirteen selected schools over three years.¹⁶⁹ The selected schools will implement cognitive behavioral therapy, mindfulness, restorative practices, and expanded mental health. This is a promising approach. We recommend that this programming be expanded to all schools in BCPSS. This training should include support staff and paraprofessionals.

BCPSS has also partnered with the Open Society Institute to train staff members at fifteen schools on how to implement restorative practices over the next five years. We recommend expanding training throughout the district. Restorative practices should be more deeply integrated into the BCPSS Code of Conduct and individual school discipline policies to provide clear guidance to educators on when restorative practices should be used instead of other consequences. We also recommend that schools already implementing restorative practices provide ongoing coaching and support to reinforce the practices school-wide into all school activities.¹⁷⁰

Train school staff about intersectional implicit bias to reduce disparate punishment of Black girls for subjective offenses.

Training should include education about intersectional stereotypes, implicit bias, and demonstrated interventions to limit the impact of implicit bias in school discipline. In a recent report, LDF outlined evidence-based interventions, including “empathic discipline” that attempts to understand perceived misbehavior from the student’s perspective.¹⁷¹

Audit schools to ensure that undocumented, illegal suspensions are not occurring.

BCPSS must audit schools to ensure compliance with the Code of Conduct and state law. This could be as simple as conducting unannounced observations of in-school-suspension rooms, the school office, and other areas where discipline is administered, and conducting an annual survey to students and families when the Code of Conduct is distributed.

Provide alternative transportation for those students who are denied access to MDTA.

BCPSS must ensure that students are not unofficially excluded from school through MDTA restrictions and provide alternative transportation for those students who are denied access to MDTA as a disciplinary consequence but depend on public transportation to attend school. In addition, there must be a deeper investigation into how students are disciplined following MDTA incidents.

Inform students and families about school discipline rights so that they can better identify when their rights have been violated.

BCPSS should publicly release discipline data in a format that is disaggregated by race, gender, and special education status. Information on the MSRP and other legal resources should be provided when students are given suspension letters and when families are given the Code of Conduct at the beginning of the school year. Suspension conferences should also be formalized to include a full investigation and a BCPSS attorney familiar with the circumstances leading up to the suspension so that BCPSS's reasons for imposing a suspension are clearly documented and articulated to students and families.

Utilize appropriate referral to school-based services, such as special education, including for students whose behavior manifests untreated complex trauma.

Educators should use school-based referral services, including special education, to provide support for students whose behavior is a manifestation of a disability—including a disability that results from experiencing complex trauma.¹⁷² Too often, bias prevents school staff and SROs from recognizing the behavior of Black girls as manifesting special needs, as opposed to simply an attitude. Under the IDEA,¹⁷³ there are disciplinary provisions that protect both children with disabilities and children who may be eligible for special education and related services.¹⁷⁴ Schools also have a duty to accommodate students with known disabilities when enforcing discipline under Section 504 of the Rehabilitation Act of 1973.¹⁷⁵

REDUCE RELIANCE ON SCHOOL POLICE

Reexamine the use of BSPF personnel

During the 2016-2017 school year, there were more SROs than school-based arrests.¹⁷⁶ Most schools in BCPSS had no DJS referrals and no arrests during the 2016-2017 school year. This begs the question of whether SROs are engaged in activities that do not actually require police.

Arrests were concentrated in a minority of schools: all 85 arrests came from just 30 schools (or 17% of schools). In addition, 56 DJS referrals came out of 36 schools (or 20% of schools). These numbers could lead to a mistaken conclusion that these schools require police more than other schools. However, data shows that BCPSS school arrests are not always associated with DJS referrals. For example, one school had thirteen school-based arrests but only one referral. The following table breaks down BCPSS by the number of referrals and the number of arrests in 2016-2017.



Baltimore City Public Schools by DJS Referral and Arrests						
	0 Referrals	1 Referral	2 Referrals	3 Referrals	4 Referrals	6 Referrals
0 Arrests	121	18	4	0	1	0
1 Arrest	8	1	1	1	0	0
2 Arrests	2	2	1	0	0	0
3 Arrests	2	1	1	0	0	0
4 Arrests	1	0	1	0	0	0
6 Arrests	2	0	0	0	0	0
7 Arrests	0	0	0	1	0	1
13 Arrests	0	1	0	0	0	0

This data indicates a need to explore whether students arrested at school are being unnecessarily subjected to law enforcement involvement. As previously discussed, arrests in Baltimore schools usually do not lead to substantiated complaints. Therefore, in most cases where youth become involved with law enforcement at school, the facts are not sustained in court, and the complaints against them are dismissed or diverted. This pattern suggests that many incidents could have been addressed without ever involving the juvenile justice system. Thus, the deployment plan of SROs should be reexamined with these concerns in mind, and with community feedback and input.

Also, BCPSS must invest more in trauma-informed practices for addressing the root causes of student misbehavior and the incorporation of restorative practices to respond to non-violent misdemeanors and property crimes and to substantially reduce BCPSS’s reliance on police.

Improve and make more transparent the process used by school officials to refer students to school-based and community diversion programs in lieu of arrests and expand diversion programs that are focused specifically on girls.

Under a new Board policy, SROs will investigate allegations of criminal wrongdoing in schools, but all minor offenses will be forwarded to the school administration or to diversion programs. Charges for those youth who successfully complete the diversion program will not be prosecuted. A school diversion assessor will conduct the initial screening of youth by reviewing their arrest record and the general eligibility requirements for the various diversion programs. Further clarity is needed around the role of the assessor, the criteria for eligibility for diversion, and the limitations on the assessor’s discretion. The assessor should be someone independent of the criminal investigation and not an SRO. The diversion programming specifically designed for girls should be expanded and should include programming that addresses the needs of LGBTQ students.¹⁷⁷

Limit BSPF authority to arrest students to incidents for which diversions are not permissible.

BCPSS is currently revising its policies on school police. While BCPSS should be commended for its recently adopted policy, which limits the role of police officers in schools and identifies the types of student behavior that SROs are permitted to address, more work must be done to ensure that SROs only become involved with students as a last resort when absolutely necessary. BSPF's authority to arrest students should be limited to those incidents for which diversions are impermissible. As previously discussed, BSPF should undertake a careful assessment of the use and ramifications of arrests, given that arrests are often not associated with DJS referrals. As currently designed, BSPF policy permits arrests for offenses that are later diverted, including nonviolent misdemeanors. However, arrests are themselves a form of criminal sanction and have traumatic impact on youth, regardless of later attempts to divert students. It makes little sense to arrest students for offenses that are later removed from the criminal justice system, especially because BCPSS recognizes these offenses as behavior for which criminal sanctions are not necessary. Strictly limiting BSPF authority to arrest is essential to ending this racially discriminatory form of punishment.

Clearly warn students about the risks of sharing information with police officers.

Relationship-building is essential to reducing the risks of implicit bias in policing as SROs get to know students and rely less on stereotypes. However, relationships must be built in a manner that clearly communicates to students that information shared with police is not confidential. For example, when an SRO encourages a young woman to speak openly and promises confidentiality, without warning her of the legal risks and the limitations that come with speaking to an officer, the student may provide information that is later used against her or in police investigations against other students, while relying on a potentially false trust that she is sharing a story in confidence. BCPSS should adopt a policy that warns girls about the risks of sharing information with officers and the duties of officers to report and to share information as part of investigations, even in informal conversations.

Require youth-specific *Miranda* warnings whenever youth are questioned in the presence of police.

BCPSS must adopt a policy that provides for students to be given youth-specific¹⁷⁸ *Miranda* warnings whenever questioned in police presence in the school setting, even when administrators are doing the questioning. Specifically, there should be a policy that provides that an SRO may question or participate in the questioning of a student about conduct that could expose the child to court-involvement or arrest only after informing the child of his or her *Miranda* rights and only in the presence of the child's parent or guardian. BCPSS should also adopt a policy that youth cannot waive their rights to counsel during police interrogation without being given an opportunity to consult with an independently interested adult who is informed of the rights guaranteed to the child.¹⁷⁹ BSPF should offer a female officer to students who identify as female to conduct questioning about sensitive topics, and all officers should receive training on how to conduct investigations and interviews related to sexual harassment, sexual assault, and sex trafficking, by applying trauma-informed practices and in partnerships with counselors and crisis intervention specialists when necessary.

Train staff on the appropriate use of SROs and provide sufficient support for staff so that they do not resort to relying on police officers for work that should be handled by educators and support staff.

Educators interviewed for this report believe that adults in schools sometimes rely on SROs because they do not have sufficient capacity as a staff, both in terms of the number of staff members and in terms of training, to meet the needs of students. By implementing positive behavior supports and trauma-informed practices, educators and staff can limit their reliance on SROs to incidents that require law enforcement.

Stop using the school police as an auxiliary force to aid BPD.

Under the terms of the Consent Decree, BPD must also conduct an initial assessment to evaluate how BSPF uses BPD's authorization to exercise law enforcement powers. The DOJ Investigation expressed concern that the City used the BSPF as an auxiliary force to BPD. While the current Memorandum of Understanding ("MOU") between

BPD and BSPF more clearly delineates which agency oversees an investigation when officers from both agencies respond, the MOU maintains concurrent jurisdiction between the two agencies.¹⁸⁰

There are many reasons to be concerned about BSPF working concurrently as part of BPD. By relying on BSPF officers when BPD is short-staffed, BPD is, in effect, relying on school district money to fund BPD. Another problem is the inconsistent expectations of BSPF officers as they switch between being a police officer patrolling the street and an SRO building relationships with youth in schools. These inconsistent duties are likely to undermine the SRO's training and instruction on how to properly conduct themselves with children in schools. In addition, when incidents of excessive force or police misconduct occur, it is unclear which agency's policy would control and which agency would conduct the investigation for purposes of accountability. Data collection is also difficult when both agencies have jurisdiction over a stop, frisk, or arrest. The deployment plan of SROs should ensure that they are not used as an auxiliary force to BPD. Moreover, while some officers should be assigned to more than one school, no officer should patrol in the community without a specific school assignment, and police should not have concurrent jurisdiction with BPD outside of schools.

Adopt constitutional and gender-informed search and seizure policies.¹⁸¹

BCPSS should adopt a search and seizure policy that provides protection for consent searches that occur at a student's home as the result of an incident that occurred at school. Moreover, specific training is needed around gender-informed search and seizure practices. Students who identify as female should be offered a female officer for frisks when these actions are absolutely required. This option is particularly necessary as part of a trauma-informed approach to school policing because of the high rates of sexual harassment, sexual assault, and sexual exploitation that girls experience and the reality that being forcibly touched by an older male can be re-traumatizing for young women.

Except for the purpose of temporarily restraining students in situations of serious and imminent physical danger, SROs should not use force.

Absent a serious and imminent threat to the physical safety of a student, member of school staff, SRO, or other person, an SRO should be prohibited from using physical force or restraints, including handcuffs, tasers, mace, or other physical or chemical restraints. BSPF should require de-escalation and integrate de-escalation principles throughout all BSPF policies.

Adopt a transparent complaint process that holds police accountable to communities for police misconduct and excessive use of force.

BSPF should collect and report data on school-based arrests; police use of force; deployment of officers; and student/parent complaints, that is disaggregated by race, gender, and disability status. All complaints should be handled through BSPF and documented, and the resolution of administrative investigations, internal affairs investigations, criminal cases, and civil cases should be made available to students, families, and school staff. Finally, BSPF should expand the School Police Student Committee and the Community Advisory Board in order to provide opportunities for public input and for holding school police accountable to the public,¹⁸² as recommended by Akil Hamm, the current Chief of BSPF.

Provide annual mandatory police training in race and gender bias, adolescent development, disability awareness, and trauma-informed practices.¹⁸³

Since Chief Hamm's tenure, BSPF has held trainings on race and gender bias, adolescent development, disability awareness, and trauma-informed practices. BSPF should be commended for implementing these trainings, which should be reinforced through additional trainings and simulations on at least an annual basis.



REDUCE RELIANCE ON CONFINEMENT

Expand community-based programming.

Maryland DJS should reinvest resources in community-based programming instead of more expensive detention facilities. Currently, there are two DJS-run programs that specifically target girls: the Female Intervention Team and the Links program. Similar programs for girls outside of DJS facilities that can serve as diversion programming should be expanded.¹⁸⁴ In addition, programs that focus on providing support for LGBTQ youth should be developed.

Finally, there is a real need for community-based programming that targets youth who have experienced sexual abuse, sexual assault, and sexual exploitation. National research has found, and this study of Baltimore confirms, that for at least a century, girls have been disproportionately punished after experiencing sexual assault and sexual exploitation through pathways that have been described as the sexual abuse-to-prison pipeline.¹⁸⁵ Instead of placement in DJS facilities, when there is evidence that girls have been the victims of sexual assault or sex trafficking, they should be referred to community-based programs and services.

As juvenile public defender Neeta Pal described:

“Schools, courts, detention facilities, probation and other monitoring programs should not exist in a vacuum separate from the #MeToo movement. Too often, when these institutions acknowledge—if at all—young Black girls’ experiences with sexual assault and abuse, they do so on the back end, after they have been suspended, arrested or detained, after a court makes some finding of guilt and deems them eligible for ‘services.’ What this moment is teaching us is that we have to recognize young women’s experiences up front and decide that institutional settings are the antithesis of what they need to heal and overcome trauma.”¹⁸⁶



Implement non-punitive, gender, and trauma-informed supports in DJS facilities.¹⁸⁷

Staff at detention and committed placement centers should receive specialized training on race and gender bias and children’s mental health. DJS should also adopt a trauma-informed model in detention and committed placement centers and train all staff accordingly. More generally, MSDE should provide quality educational programming in DJS facilities that will further rehabilitation. This includes investing in and recruiting quality teachers who are paid competitive salaries and provided adequate support, including mentors, to improve retention.¹⁸⁸

Stop charging youth under eighteen as adults.¹⁸⁹

Under Maryland law, there are more than 30 crimes for which youth as young as fourteen or sixteen years old can be charged as an adult. Currently, defense attorneys must request hearings if a youth is charged as an adult, asking the judge to transfer the youth to juvenile court.¹⁹⁰ As previously discussed, research shows that Black girls are more likely to be viewed as older, less in need of support, more threatening, and less redeemable.¹⁹¹ The result is that Black girls, like Jabriera Handy, are less likely to be transferred to juvenile court than similarly situated peers.¹⁹² One study found that 68% of girls in adult court were Black.¹⁹³ The state legislature must act to remove prosecutorial authority to charge youth under eighteen as adults. Moreover, even without a change in the law, prosecutors should stop exercising discretion to charge youth under eighteen as adults.

Provide gender and race bias training to judges who hear child welfare and delinquency cases.

The attorneys interviewed for this report described how judges in their cases are more likely to detain Black girls for longer periods of time. Thus, judges should be provided with implicit bias training to understand how intersectional stereotypes may affect their decision-making and how to counteract this bias, as well as training on how trauma impacts boys and girls.¹⁹⁴ In addition, more in-home service options should be developed so that judges are not faced with a choice of detaining girls or releasing them to potentially dangerous situations.



CONCLUSION

As this report has shown, Baltimore has an opportunity for change. However, the needs of Black girls have been largely overlooked in current reform efforts. These recommendations provide an outline for how Baltimore can reduce reliance on exclusionary discipline, policing, and confinement of Black girls by improving the school environment, curriculum, and resources they are provided. Real and enduring criminal justice reform will only happen with the needs of Black girls at the center of advocacy and with sustained investment in the potential of Black girls as future leaders.

Young Women Leading Activism in Baltimore Today

Young Black women in Baltimore continue to rise in challenging moments and speak out for justice and equality. For example, Brittany Oliver, a 29-year-old Baltimore activist and the founder of Not Without Black Women, describes her organization as a movement of “everyday” Black women aiming to “radically uplift our voices through sisterhood, dialogue and self-expression.” Activist Makayla Gilliam-Price is the founder of City Bloc, a youth-led, grassroots activist collective that advocates for social justice in Baltimore, and is an organizer who leads protests against police violence. Kidra Robinson, CEO of Black Girls Vote, encourages Black women to become involved in local politics and policy. Other youth-led advocacy groups depend upon and elevate the voices of young women, including: Leaders of the Beautiful Struggle (“LBS”), a grassroots think-tank that advances the public policy interests of Black people; Youth as Resources (“YAR”), a youth-led, grant-making, community organizing and leadership development organization; and Baltimore Algebra Project, a youth-run organization that tackles math illiteracy and seeks to empower youth within BCPSS through math education and student organizing.

ENDNOTES

- 1 Sherrilyn Ifill, President & Director-Counsel of LDF, as depicted in ANNA DEAVERE SMITH, NOTES FROM THE FIELD (HBO 2017). Both Ifill and Smith are Baltimoreans and leaders who lift up the stories of Black women and girls in the fight to end the school-to-prison pipeline.
- 2 From 1997 to 2007, the number of school resource officers (“SROs”) increased by 27%. See Simone Roberts et. al, *Indicators of School Crime and Safety*, NAT. CTR. FOR EDUC. STATISTICS & THE BUREAU OF JUST. STATISTICS (2010), <http://nces.ed.gov/pubs2011/2011002.pdf>.
- 3 Whenever data is not disaggregated by race and gender, the agency(ies) providing the data did not maintain or would not release the data in that format despite our request, underscoring the need for an intersectional approach to data collection.
- 4 Seilah Kast & Andrea Appleton, *Are School Police Doing More Harm than Good?* ALL THINGS CONSIDERED (NPR Mar. 16, 2016), <http://wyp.org/term/baltimore-city-school-police>.
- 5 BALT. CITY PUB. SCHOOLS, OPERATING BUDGET 2017-18 at 92 (May 23, 2017), http://www.baltimorecityschools.org/cms/lib/MD01001351/Centricity/Domain/8051/FY18_AdoptedBudget_Final_Web.pdf.
- 6 *Id.* at 67.
- 7 See DIGNITY IN SCHOOLS CAMPAIGN, A RESOURCE GUIDE ON COUNSELORS NOT COPS at 4 (2016), http://www.dignityinschools.org/wp-content/uploads/2017/10/Resource_Guide-on-CNC-1.pdf (“COUNSELORS NOT COPS”).
- 8 See Editorial, *Girls in juvenile justice: Treating the victim as a criminal*, BALT. SUN (Dec. 19, 2016), <http://www.baltimoresun.com/news/opinion/editorial/bs-ed-girls-juvenile-justice-20161219-story.html>.
- 9 MD. DEP’T OF JUVENILE SERV., INTERIM REPORT, SERVICES FOR DJS-INVOLVED GIRLS at 29 (forthcoming January 2018).
- 10 See Saliqa Khan, *School police officer pleads guilty to assault of 3 students* (WBAL-TV Sep. 25, 2015), <http://www.wbal.com/article/school-police-officer-pleads-guilty-to-assault-of-3-students/7096193>.
- 11 Jayne Miller, *Girls injured, suspended after fight with school police* (WBAL-TV Jan. 29, 2015), <http://www.wbal.com/news/girls-injured-suspended-after-fight-with-school--Officerf31004666>.
- 12 *Id.* The state’s attorney dropped the criminal charges after viewing the tape and photos of the students’ injuries, and the officer was reassigned to administrative duties. The officer later pleaded guilty to three counts of second-degree assault.
- 13 LDF & NWLC, UNLOCKING OPPORTUNITY FOR AFRICAN AMERICAN GIRLS at 18, 20 (2014) (“UNLOCKING OPPORTUNITY”). See also PRISCILLA OCEN, JYOTI NANDA, & KIMBERLÉ CRENSHAW, BLACK GIRLS MATTER: PUSHED OUT, OVERPOLICED, AND UNDERPROTECTED (2015) (explaining “there is very little research highlighting the short and long term effects of overdiscipline and pushout on girls of color”).
- 14 UNLOCKING OPPORTUNITY at 15.
- 15 *Id.* at 16.
- 16 See LDF, LOCKED OUT OF THE CLASSROOM: HOW IMPLICIT BIAS CONTRIBUTES TO DISPARITIES IN SCHOOL DISCIPLINE at 4 (2017) (“IMPLICIT BIAS REPORT”), http://www.naacpldf.org/files/aboutus/Bias_Reportv2017_30_11_FINAL.pdf.
- 17 *Id.* at 6, 15-16.
- 18 See U.S. DEP’T OF EDUC., OFFICE OF CIVIL RIGHTS, & U.S. DEP’T OF JUSTICE, DEAR COLLEAGUE LETTER: NONDISCRIMINATORY ADMINISTRATION OF SCHOOL DISCIPLINE n.4 (Jan. 8, 2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.
- 19 MONIQUE MORRIS, PUSHOUT: THE CRIMINALIZATION OF BLACK GIRLS IN SCHOOLS (2015).
- 20 REBECCA EPSTEIN, JAMILIA J. BLAKE, & THALIA GONZÁLEZ, GIRLHOOD INTERRUPTED: THE ERASURE OF BLACK GIRLS’ CHILDHOOD (2017) (“GIRLHOOD INTERRUPTED STUDY”), <https://www.law.georgetown.edu/news/press-releases/Black-Girls-Viewed-As-Less-Innocent-Than-White-Girls-Georgetown-Law-Research-Finds.cfm>.
- 21 See Justin Fenton, *Six Baltimore Police Officers Indicted in Death of Freddie Gray*, BALT. SUN (May 21, 2015).
- 22 BALT. POLICE DEP’T, INCIDENT REPORT, FREDDIE GRAY CASE (April 12, 2015).
- 23 See Kevin Rector, *Charges Dropped, Freddie Gray Case Concludes with Zero Convictions Against Officers*, BALT. SUN (July 27, 2016).
- 24 U.S. DEP’T OF JUSTICE, CIVIL RIGHTS DIV., INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT (Aug. 10, 2016) (“BPD INVESTIGATION REPORT”), <https://www.justice.gov/opa/file/883366/download>.
- 25 *Id.* at 47-74.
- 26 BPD INVESTIGATION REPORT at 154-55 (finding that Baltimore Police Department fails to appropriately coordinate its efforts with other agencies it has granted authority to exercise concurrent jurisdiction). See also Letter from Monique Dixon, Deputy Dir. of Policy, LDF, to Vanita Gupta, Principal Deputy Asst. Att’y Gen., U.S. Dep’t of Justice (Sept. 8, 2015), <http://www.naacpldf.org/document/ldf-letter-doj-requesting-expansion-fedinvestigation-school-police>.
- 27 Complaint, *United States v. Balt. Police Dep’t*, 249 F. Supp. 3d 816 (D. Md. 2017) (No. 17 Civ. 99), 2017 WL 6604576.
- 28 Consent Decree, *Balt. Police Dep’t*, 249 F. Supp. 3d 816 (“Consent Decree”), <https://www.justice.gov/opa/file/925056/download>.
- 29 *Id.* at 74-75.
- 30 MATTHEW THERIOT, SCHOOL RESOURCE OFFICERS AND THE CRIMINALIZATION OF STUDENT BEHAVIOR (2009), <http://youthjusticenc.org/download/education-justice/school-policingsecurity/School%20Resource%20Of%EF%AC%81cers%20and%20the%20Criminalization%20of%20Student%20Behavior.pdf>.

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- 174 Section 615(k)(1)(E)(ii) of IDEA and 34 C.F.R. § 300.530(e)(1) require that, within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, review relevant information to determine: (I) if the conduct in question was caused by or had a direct and substantial relationship to, the child's disability; or (II) if the conduct in question was the direct result of the local education agency's failure to implement the individualized education plan. See also COMAR 13A.08.03.10 (regulations outlining the Maryland state manifestation determination requirements).
- 175 Section 504 of the REHABILITATION ACT OF 1973, 34 C.F.R. pt. 104.
- 176 Of the 105 full-time police personnel, 38 were assigned as school-based units. The remaining officers were: (1) assigned to multiple campuses to patrol; (2) members of the Mobile Response Unit ("MRU") who are not permanently assigned to schools, but respond as needed to calls for service at schools; or (3) members of the Night Response Unit ("NRU") which provides support for afterschool activities and to major hubs of student transition from school.
- 177 For further discussion, see Angela Irvine & Aisha Canfield, *Reflections on New National Data on LGBQ/GNCT Youth in the Justice System*, VII LGBTQ POL. J. HARV. KENNEDY SCH. (2017).

- 178 See *J.D.B. v. North Carolina*, 564 U.S. 261 (2011) (providing that age must be considered for the purposes of whether a child is in custody and should be Mirandized).
- 179 See *In re E.T.C.*, 449 A.2d 937 (Vt. 1982).
- 180 MEMORANDUM OF UNDERSTANDING BETWEEN THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS AND THE BALTIMORE POLICE DEPARTMENT at 2-3 (February 16, 2017).
- 181 See COMAR 13A.08.01.14 (providing that police officers may search students and lockers only upon the authority of a search warrant, unless the search is essential to prevent imminent danger to the safety of the student, school personnel, or school property).
- 182 The School Police Student Committee relies on students to develop recommendations on how to improve the relationships between police officers and students. The School Police Community Advisory Board is comprised of members of public and private organizations, educational institutions, and private citizens who volunteer their efforts and time to improve the relationship between school police and the community.
- 183 See Rebecca Epstein & Monique Morris, *Be Her Resource: A Toolkit About School Resource Officers and Girls of Color*, GEORGETOWN LAW CTR. ON POVERTY & INEQUALITY (2017), <https://www.law.georgetown.edu/news/press-releases/upload/be-her-resource.pdf> (providing resources for educators).
- 184 DJS and the University of Maryland Institute for Innovation and Implementation are conducting an analysis of how the agency can better serve justice-involved girls. The final report to the Maryland State Legislature is due by December 31, 2018. See *supra*, note 9.
- 185 THE SEXUAL ABUSE TO PRISON PIPELINE, *supra* note 141.
- 186 Interview with Nabanita Pal, Maryland Office of the Public Defender—Juvenile Division (Mar. 26, 2018).
- 187 Coal. Juvenile Justice, D.C., *Girls, Status Offenses and the Need for a Less Punitive and More Empowering Approach*, EMERGING ISSUES POL’Y SERIES at 6 (Fall 2013) (discussing the need for programs specifically designed for girls).
- 188 For a full discussion of recommended reforms and challenges in providing quality education in DJS facilities, see MD. JUVENILE JUST. MONITORING UNIT, FOURTH QUARTER REPORT at 63-70 (2017), http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter4.pdf.
- 189 See Paul DeWolfe, *Baltimore youth need services, not prison*, BALT. SUN (Nov. 29, 2017), <http://www.baltimoresun.com/news/opinion/oped/bs-ed-op-1130-juvenile-offenders-20171129-story.html>.
- 190 MD. CODE PUB. SAFETY § 5-134.
- 191 See GIRLHOOD INTERRUPTED STUDY, *supra* note 20.
- 192 See Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. MD. L.J. RACE RELIG. GENDER & CLASS 273, 298 (2015) (explaining that African American youth account for 33% of Maryland’s under-18 population but make up 80% of youth charged as adults).
- 193 ALLEN J. BECK & RAMONA R. RANTALA, U.S. DEP’T OF JUST., BUREAU OF JUST. STATISTICS, SEXUAL VICTIMIZATION REPORTED BY JUVENILE CORRECTIONAL AUTHORITIES, 2007-12, at 11 (2016).
- 194 For an example of resources, see NATIONAL CHILDHOOD TRAUMATIC STRESS NETWORK, BENCH CARD FOR THE TRAUMA-INFORMED JUDGE, <http://www.nctsn.org/products/nctsn-bench-card-trauma-informed-judge>.

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