

Girls and the Juvenile Justice System



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‘OJJDP believes that the needs of girls must be addressed in a developmentally appropriate manner’

↓ Introduction

Today, nearly 30 percent of juveniles arrested are girls or young women and their share of arrests, detention, and court cases has steadily increased over the past two decades. Unfortunately their stories remain unchanged. Often girls of color and girls living in poverty, they are victims of violence, including physical and sexual abuse. They are typically nonviolent and pose little or no risk to public safety. And their involvement with the juvenile justice system usually does more harm than good.

When girls are limited in their access to education and treatment, or when their numbers increase in the juvenile justice system relative to boys, particularly for assaultive behavior, status offenses, and technical violations of probation, we are often not supporting them or providing them with the tools they need to become successful adults. We’re not offering them opportunities to learn how to become healthy, safe, and productive.

Find out more about the issues concerning girls and the juvenile justice system and what your state, tribe, or local community, in cooperation with the Office of Juvenile Justice and Delinquency Prevention (OJJDP), can do to improve our responses to girls and young women in—or at risk of entering—the system.

↓ OJJDP Policy Statement

Many girls experience violence, trauma, poverty, and racial, ethnic and gender bias that can lead to their involvement in the juvenile justice system. We believe that the needs of girls must be addressed in a developmentally appropriate manner. This means recognizing a young woman's diverse pathways into and across systems and reducing her involvement so only those who pose a serious threat to public safety enter the juvenile justice system. Then, for those very few girls and young women, it means reducing reliance on secure placement and increasing gender and culturally responsive, trauma-informed, and developmentally appropriate approaches. We recognize that for girls and young women, this requires a national commitment to creating healthy social environments with family, peers, community, social institutions, and society.¹

↓ Statement of the Problem

Girls and young women have represented a growing proportion of juvenile arrests, court delinquency petitions, detentions, and post-adjudication placements since 1992, when the Juvenile Justice and Delinquency Prevention Act (JJDPA) first instructed states to provide "gender-specific" treatment and prevention service.²

Ⓣ Intersectional Disparities

Girls and young women of color are continually over-represented in the system. As a result of the intersection of their race, gender, and class, their risk for system involvement heightens.

In 2013, black females were nearly three times as likely as their white peers to be referred to juvenile court for a delinquency offense. Similarly, black females were 20 percent more likely to be detained and 20 percent more likely to be formally petitioned to court than their white peers. Also, American Indian and Native Alaskan girls were 40 percent more likely to be referred to juvenile court for delinquency, 50 percent more likely to be detained, and 20 percent more likely to be adjudicated.³

Lesbian, gay, bisexual, transgender, questioning, and intersex (LGBTQI) youth also often experience systemic disparities. One national study found that non-heterosexual girls were about twice as likely to be arrested and convicted as other girls who had engaged in similar behavior⁴; and according to 2012 data, youth who identify their sexual orientation as lesbian, gay, bisexual, or other reported seven times the rate of youth-on-youth victimization in juvenile facilities than their heterosexual peers.⁵

⤵ Gender Gap

Courts and juvenile justice agencies must hold youth accountable, prevent further offending, and treat youth fairly. OJJDP supports a positive developmental approach for all system-involved youth. The vast majority of girls who come in contact with—and are confined within—the juvenile justice system pose little or no threat to public safety. They are typically nonviolent and have significant, complex, and pressing needs. Moreover, their presence in the juvenile justice system is often because of criminalization of behaviors related to particular types of trauma and violence concentrated among girls and young women in our society.

Detention data illustrate this point. In 2013, 37 percent of detained girls were held for status offenses and technical violations, compared to 25 percent of boys. And 21 percent of girls were detained for simple assault and public order offenses (excluding weapons), compared to 12 percent of boys.⁶ For these girls who pose little or no threat to the public, the juvenile justice system is often a harmful intervention, retraumatizing them, and reducing their opportunities for positive development.

⤵ Trauma

Girls and young women in the juvenile justice system have experienced far greater rates of violence than their peers, and these experiences continue into adulthood. According to the Survey of Youth in Residential Placement, 42 percent of girls in custody reported past physical abuse, 44 percent reported past suicide attempts, and 35 percent reported past sexual abuse.⁷ The Northwestern Juvenile Project reports that girls in the study population who have been detained are five times more likely than their peers to die before age 29, and that rate increases to nine times more likely for Latinas. Causes of death included homicide, drug overdose, motor vehicle accident, suicide, and accidents.⁸

⤵ Family Violence

In 1992, females accounted for 16 percent of all juvenile arrests for aggravated assault and 24 percent of all juvenile arrests for simple assault. By 2012, these proportions had increased to 26 percent and 37 percent, respectively. Together, assault arrests accounted for 20 percent of all female juvenile arrests in 2012.⁹

The rise in arrests of girls and young women for assaults—many of which occur in their homes—has been attributed, in part, to the rise in state and local mandatory and pro-arrest policies in the years following the passage of the Violence Against Women Act (VAWA).¹⁰ This is an unintended consequence of VAWA, which was passed as a response to intimate partner violence, not intrafamily disputes.

⬇ Sexual Exploitation

Recent reports strongly recommend that children involved in commercial sex trafficking be treated as victims and not as delinquents or criminals and given safe harbor in facilities specifically designed to address their unique needs.¹¹ Virtually all states still allow minors to be charged, detained, and prosecuted for prostitution-related offenses.¹² Girls and young women are disproportionately victims of commercial sexual exploitation, and they are the majority of youth arrested for “prostitution” and commercialized vice.¹³

⬇ Pregnant and Parenting Girls and Young Women

According to the Survey of Youth in Residential Placement, 9 percent of girls in custody have children (compared with 6 percent of female youth in the general population)¹⁴; and a 2004 national census found that 5 percent of girls in juvenile justice residential placement were pregnant.¹⁵

⬇ Health Risks and Needs

The Northwestern Juvenile Project found that almost three-quarters of detained girls had one or more psychiatric disorder, and 57 percent of girls met the diagnostic criteria for two or more disorders. Forty-seven percent of detained females in the study had a substance abuse disorder.¹⁶ Girls and young women in the juvenile justice system also have under-attended physical health needs.¹⁷ Sexually transmitted diseases pose a significant health risk for system-involved girls who are sexually active with inconsistent access to health care. The Centers for Disease Control found that, in 2011, 15.7 percent of girls and young women in selected juvenile correctional facilities tested positive for chlamydia, and 4.4 percent tested positive for gonorrhea.¹⁸ According to the Survey of Youth in Residential Placement, girls in placement report significant health needs related to illness, vision, dental, and hearing.¹⁹

⬇ School Failure

Girls—particularly girls of color—are affected by school-based policies and practices that marginalize them and/or render them vulnerable to contact with the juvenile justice system. During the 2011-12 school year, 12 percent of black girls experienced an out-of-school suspension, compared with 7 percent of American Indian and Native Alaskan girls, 4 percent of Latinas, and 2 percent of white girls. Among black girls with a disability, the rate of out-of-school suspension is 19 percent.²⁰ And LGBTQI youth are at a greater risk for expulsion than their heterosexual peers.²¹

↓ Our Commitment

To promote our commitment to girls and young women, consistent with available funding, OJJDP will provide technical assistance, grants, research, and data collection support to states, tribes, and local communities as follows:

Ⓣ Technical Assistance

In 2010, OJJDP first supported the National Girls Institute to elevate the field's understanding of girls in the juvenile justice system and to assist states, tribes, and local communities in their efforts to develop effective gender-responsive programs. In 2014, OJJDP transformed the National Girls Institute into the National Girls Initiative (NGI) to build momentum; create stronger networks of juvenile justice stakeholders, practitioners, and advocates; and to develop programs that will result in systemic improvement and lasting change on behalf of girls and young women in—or at risk for entering—the juvenile justice system. In the coming years, OJJDP plans to:

- Develop and widely disseminate resources, including information on how to assess state and local justice system decisions and processes and their impact on girls and young women; promising and evidence-based, gender-responsive program models that are culturally competent, trauma-informed, and developmentally appropriate; sample state and local policies; issue papers; talking points; model standards; and assessment tools.
- Host roundtables to bring together advocates, researchers, and diverse experts from around the country to promote greater understanding of girls and young women in the system, foster collaboration across the nation, address challenges, and identify priorities and gaps (including those in data collection).
- Make innovation awards and provide training and technical assistance to support state, tribal, and local girls' coalitions, alliances, and collaborative efforts to advance the needs of girls.
- Assist state juvenile justice specialists and state advisory groups (SAGs) to develop state plans with effective gender-responsive services and interventions for high-risk or system-involved girls, including those with a history of trauma caused by physical and sexual abuse, commercial sexual exploitation, and domestic minor sex trafficking.
- Sponsor regular gatherings of state and tribal juvenile justice stakeholders, State Advisory Group (SAG) representatives, practitioners, advocates, and representatives from girls and juvenile justice coalitions to promote promising practices and policies that can foster reform at the state, tribal, and local levels.

- Collaborate with private foundations and others to support innovation and efforts (e.g., summits, decision-making processes, strategies, evidence-based treatment, and girls' programs) that will extend the reach of OJJDP into the field.

We will also actively work to connect with other OJJDP technical assistance providers, especially those working to eliminate racial and ethnic disparities.

⬇ Grants

Subject to the availability of funds, OJJDP will support innovative, community-based, trauma-informed and developmentally focused demonstration projects that are gender- and culturally responsive and promote the development of girls and their individual strengths, foster healthy relationships, and create sustainable family and community connections.

⬇ Research and Data Collection

OJJDP recognizes the value of participatory research processes for girls and young women in—or at risk of entering—the juvenile justice system. We invite the field to help us identify gaps in research and data collection that will increase understanding and improve services for at-risk and system-involved girls. We encourage researchers to present proposals that disaggregate data by gender, and cross reference it with race and ethnicity categories.

↓ Call to Action

Improving system and programmatic responses to girls and young women is an urgent need and requires engaging a broad array of stakeholders. These include state juvenile justice specialists, SAGs, girls' alliances and coalitions, advocates, law enforcement officers, prosecutors, juvenile defenders, judges, probation officers, victim service providers, researchers, and, most importantly, girls, young women, and their families.

Additionally, improving responses to girls and young women throughout the juvenile justice system requires ongoing vigilance and assessment, using data that is analyzed by gender, race, and ethnicity.

OJJDP has identified eight focus areas for states, tribes, and local communities:

1. The practice of placing girls and young women who are status offenders or domestic minor sex trafficking victims in the juvenile justice system should be prohibited.

2. Juvenile justice systems must reduce or eliminate the arrest and detention of girls and young women for status offenses, technical violations of probation, simple assault, family-based offenses, running away, and prostitution-related charges. The use of valid court orders should be phased out.
3. State and national juvenile justice advocates, state and national law enforcement agencies, and state and national domestic violence coalitions should collaborate to amend mandatory arrest policies for domestic violence, increasing discretion, and ensuring those policies focus on intimate partner violence and adults, not on youth and intrafamily conflict.
4. States should fully implement the Prison Rape Elimination Act (PREA) and its regulations, including the youthful inmate standard.
5. Alternatives to detention and incarceration for girls are in short supply and must be developed. Girls with complex needs who pose little or no risk to public safety should not be detained or incarcerated. A developmental and trauma-informed approach requires a range of community-based services to promote girls and young women's capacities while they remain with their families and communities.
6. A developmental approach for girls and young women requires opportunities that are created through healthy social environments across family, peers, community, social institutions, and society. Gender- and culturally responsive, trauma-informed, and developmentally appropriate services must become the norm and not the exception. This will require coordinated responses that address housing, education, health, family, relationships, and safety.
7. Juvenile justice stakeholders should identify and address the needs of girls who have—or have had—contact with both the child welfare and the juvenile justice systems.
8. All programs and services must be competent to serve girls and young women in—or at risk of entering—the juvenile justice system, including:
 - Girls who are the children of incarcerated parents;
 - Young mothers;
 - Lesbian, gay, bisexual, transgender, questioning, and intersex youth;
 - Survivors of domestic child sex trafficking and commercial sexual exploitation; and
 - Girls who have experienced significant levels of school suspension, expulsion, or academic failure.

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