



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION
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FACT SHEET: GIRLS AND JUVENILE JUSTICE

"I didn't like how you had to put your hands behind your back, and how they'd restrain you. I was four months pregnant, and this [staff member] slammed me up against the wall. I could've miscarried! He knew I was pregnant because I had purple laces. I was in mudroom standing with my hands in a diamond." – Dana G., 16, held in a unit at Tyron Girls Center in Johnstown, NY¹

What are the current JJDPA provisions related to gender?

To access formula funds under the JJDPA, each state must submit a three-year plan to the Department of Justice, including a plan for providing needed gender-specific services. States must also assure equitable treatment according to gender.

In addition, programs for girls and prenatal care for pregnant juveniles are listed as allowable expenditures under the Juvenile Delinquency Prevention Block Grant, but this program has never been funded.

How should these provisions be strengthened?

- Eliminate the valid court order exception for status offenders
- Add an accountability mechanism for the existing state plan requirement, which is often ignored
- Require at least one member of the State Advisory Group (SAG) to have expertise in gender-specific services
- Direct funding to gender-specific prevention and treatment programs under Title V Delinquency Prevention Programs
- Require gender-specific screening and assessment to identify immediate health and mental health needs of youth
- Increase research and data collection on girls in the juvenile justice system, including the prevalence of pregnant and parenting girls, histories of involvement with the child welfare system, and exposure to sexual violence and trauma
- Increase information dissemination on effective practices to serve justice-involved girls

Why are these changes needed?

Between 1991 and 2003 girls' detention rates rose by 98%; boys' detention rates rose 29%.² **The juvenile justice system remains under-equipped to handle the increased presence of girls.** Because boys have dominated and still dominate the juvenile justice system, juvenile facilities, staffing, policies, and programs fail to address the unique needs of girls.

Research points to **significant differences** in the male and female population that call for a gender-specific approach:

- In 2010, boys' arrest rates were down by 26.5% but girls' arrest rates were down by only 15.5%.³

- Girls comprised less than 10% of all arrests for violent offenses.⁴
- Girls receive inappropriately harsh treatment for status offenses, for which they are routinely and disproportionately detained—in 2011, girls comprised approximately 16% of the detained juveniles, but 37% of youth detained for status offenses.⁵
- As a group, girls in the juvenile justice system are disproportionately "high-need" and "low-risk" which means that they have critical needs for services but do not, generally, pose a serious threat to the public.⁶
- Incarcerated girls are more likely to suffer from Post Traumatic Stress Disorder (PTSD) and more likely to be victims of family violence and sexual assault than incarcerated boys.⁷
- In many states, pregnant girls in the juvenile justice system are routinely shackled, placing both the mother and unborn child at risk.⁸
- Domestic child sex trafficking disproportionately affects girls. Instead of being treated as victims, they are often arrested and incarcerated as offenders.⁹

Case Studies

In 2002, an investigation by the Assistant Attorney General of Mississippi reported on girls being placed naked in a windowless, dark isolation cell, with only a drain in the floor, for as long as three days to a week at a time. The facility had no separate logbook to record the use of this isolation cell.¹⁰

In 2002, a 12 year-old runaway from New York was taken into custody after she was found on the streets of Washington, DC Having no available alternative placement, the girl was sent to the city's juvenile facility. She was placed in a cell with two other girls, who sexually assaulted her.¹¹

In 2012, a 15 year-old was kidnapped by a trafficker on her way home from school in Los Angeles. He held her captive for six months, raping, beating, and starving her. At night, he sold her for sex to other men. She tried to escape by telling the men who purchased her, "I'm only 15. Can you please take me to a police station?" When she finally encountered police officers, she was arrested for prostitution and incarcerated.¹²

In a 2012 report on youth in solitary confinement, the ACLU and Human Rights Watch shared the story of Melanie H., who was held in protective solitary confinement at age 15 for three months. Her isolation triggered past memories of childhood sexual abuse. She reported: "I was so upset ... and a lot was surfacing from my past ... I don't like ... feeling alone. That's a feeling I try to stay away from. I hate that feeling."¹³

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¹ Lewis, Mie (2006). *Custody and Control: Conditions of Confinement in New York's Juvenile Prisons for Girls*, New York, NY: American Civil Liberties Union and Human Rights Watch.

² Meda Chesney-Lind et al., *Girls' Troubles, Girls' Delinquency, and Gender Responsive Programming: A Review*, 41 *Austl. & N.Z. J. Criminology*, 162, 163 (2008).

³ FBI, *Uniform Crime Report, Crime in the United States, 2010 Tbl. 33* (2011).

⁴ Charles Puzanchara, *Juvenile Arrests 2008, Juvenile Justice Bulletin* (Office of Juvenile Justice and Delinquency Prevention, Washington D.C.), at 3.

⁵ Melissa Sickmund, Anthony (T.J.) Sladky, Wei Kang & Charles Puzanchara, *Easy Access to the Census of Juveniles in Residential Placement, Offense Profile of Detained Residents by Sex and Race/Ethnicity for United States 2011*, (National Center for Juvenile Justice, Washington, D.C.)

⁶ Watson, Liz & Edelman, Peter, *Improving the Juvenile Justice System for Girls*, Georgetown Center on Poverty, Inequality, and Public Policy, at 1 (2012)

⁷ Patricia K. Kerig and Julian D. Ford, *Trauma Among Girls in the Juvenile Justice System* (National Child Traumatic Stress Network, National Center for Child Traumatic Stress, Los Angeles, CA & Durham, NC, 2014), at 5.

⁸ American College of Obstetricians and Gynecologists, Committee on Health Care for Underserved Women, Committee Opinion. Health Care for Pregnant and Postpartum Incarcerated Women and Adolescent Females (2011), at 14.

⁹ Kristin Finklea, *Juvenile Victims of Domestic Sex Trafficking: Juvenile Justice Issues*, Congressional Research Service(CRS) Report, at 4, August 5, 2014

¹⁰ Boyd, Ralph F., Jr., Assistant Attorney General (June 19, 2003). Letter to The Honorable Ronnie Musgrove, Governor of Mississippi, Re: CRIPA Investigation of Oakley and Columbia Training Schools in Raymond and Columbia, Mississippi.

¹¹ "In the City's Hands." *The Washington Post*. Dec. 11, 2002: A32.

¹² Malika Saada Saar, "There is No Such Thing as a Child Prostitute." *The Washington Post*. Feb. 17, 2014.

¹³ ACLU & HRW, *Growing Up Locked Down*, (October 2012), at 34.