

# NATIONAL JUVENILE JUSTICE NETWORK

## Policy Platform

### GIRLS IN THE JUVENILE JUSTICE SYSTEM

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Most theories of juvenile delinquency are based on adolescent male behavior, and this has led to a set of juvenile justice policies that is tailored to boys. Girls in the juvenile justice system have unique emotional, mental, and physical health needs which require gender-specific programs and services. A large proportion of girls in the system suffer from physical disorders, mental health disorders, trauma as the result of abuse, and school failure.<sup>1</sup> Incarcerated girls present with high rates of post-traumatic stress, self-harm, and suicide attempts.<sup>2</sup> Up to 92 percent of girls in the juvenile justice system have experienced some form of sexual, physical, or emotional abuse.<sup>3</sup>

Girls are the fastest growing population in the juvenile justice system.<sup>4</sup> They are most often arrested for status offenses (offenses that would not be considered a crime if committed by adults) and are more likely to be confined for these acts than boys.<sup>5</sup> Additionally, like boys of color, girls of color are over-represented at every stage of the juvenile justice system.<sup>6</sup> Many girls in the system are mothers, which presents a unique set of issues, including the separation of young mothers from their children.<sup>7</sup> Gender-responsive approaches within the juvenile justice system acknowledge girls' unique pathway into the system and address social factors such as race and poverty. These approaches help girls cope with substance abuse, trauma, relationship difficulties, health concerns, and low self-esteem, and encourage the development of self-efficacy.

### The National Juvenile Justice Network makes the following recommendations:

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- Juvenile justice systems must ensure that all policies, practices, and programs recognize the unique needs of girls.
- All jurisdictions should identify, reexamine, and revise policies and practices that drive girls into the system, especially those that lead to confinement of girls for status offenses such as running away, truancy, and curfew violations, and those that criminalize girls for sexual exploitation. Jurisdictions must create gender-specific alternatives to secure confinement and community-based programs targeted to runaways and other status offenders and sexually exploited girls. Sanctions and interventions should recognize the low risk to public safety presented by these youth.

- Jurisdictions must reexamine and revise their detention and commitment policies and practices to ensure that they do not exacerbate or trigger mental health concerns specific to girls' experiences of abuse (such as use of isolation, strip searching, and shackling).
- Systems should implement a gender-responsive screening and assessment process that identifies risk level, intervention needs, strengths, and supervision strategies that are tailored to girls' needs.
- All staff must be trained in gender-responsive treatment that teaches an understanding of girl offenders in terms of their unique characteristics and the patterns of experience that shape their behavior as offenders. This will help staff members develop constructive attitudes toward girls and identify guidelines for appropriate interactions with girls in the system.
- Facilities and program staff must be aware of and respect girls' need for privacy. Girls must have access to gender-specific health and personal care items. Facility and program staff must include women.
- Staff must appropriately assess and address, within a comprehensive youth development framework, the physical, mental, and emotional needs specific to girls. Attention must be paid to meeting the pre- and post-natal health needs of pregnant girls and young mothers in the system. Girls who give birth while in confinement must be allowed and encouraged to parent while in confinement and must be given resources and training to develop good parenting skills.
- Facilities and programs must strive to be culturally competent and must provide equitable treatment for girls and boys, such as equal access to recreation.
- Gender-responsive policies must consider girls' relationships with their families, especially with their children and the fathers of their children.
- Courts and facilities should collect and maintain thorough aggregate data on girls in the system, including types of offenses committed, history of abuse or trauma, physical and mental health, and substance abuse. Courts and facilities should also collect statistical data specific to pregnant girls and young mothers.

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<sup>1</sup> Bonita Veysey, "Adolescent Girls with Mental Health Disorders Involved with the Juvenile Justice System," *National Center for Mental Health and Juvenile Justice* (July 2003): 1.

<sup>2</sup> "Unique Needs of Girls in the Juvenile Justice System," *Physicians for Human Rights* <<http://physiciansforhumanrights.org/juvenile-justice/factsheets/girls.pdf>>.

<sup>3</sup> Lawanda Ravoira, "Pathways for Girls Into the Juvenile Justice System," *National Council on Crime and Delinquency* (October 2008): 1.

<sup>4</sup> Anne Stahl et al., "Juvenile Court Statistics 2003-2004," *National Center for Juvenile Justice* (March 2007): 12.

<sup>5</sup> Status offenses include running away from home, serious trouble with a parent, and promiscuity. "Unique Needs of Girls in the Juvenile Justice System," *Physicians for Human Rights* <<http://physiciansforhumanrights.org/juvenile-justice/factsheets/girls.pdf>>. While girls' arrest rates for simple assault increased 24 percent from 1996 to 2005, self-report data indicate that girls' behavior has not actually changed. Rather, researchers believe that increases in arrest rates can be attributed to arrest laws and changes in law enforcement policy. Margaret A. Zahn et al., "The Girls Study Group: Charting the Way to Delinquency Prevention for Girls," *Office of Juvenile Justice and Delinquency Prevention* (October 2008): 3.

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<sup>6</sup> Howard N. Snyder et al., “Juvenile Offenders and Victims: 1999 National Report,” *Office of Juvenile Justice and Delinquency Prevention* (September 1999): 199.

<sup>7</sup> “Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System,” *American Bar Association and National Bar Association* (May 2001): 8.