



## ***GJJAC Policy Brief***

# **AT-RISK AND DELINQUENT GIRLS IN THE JUVENILE JUSTICE SYSTEM**

March 2008

*This is one in a series of periodic issue briefs that summarize data, research and best practices in juvenile justice and delinquency prevention, and makes policy recommendations based on that information. Its purpose is to provide policymakers, citizens and the media with the information they need to understand critical and emerging issues in juvenile justice, and to improve outcomes for young people and their communities.*

Members of the Governor's Juvenile Justice Advisory Committee are appointed by the Governor to reflect the diversity of Washington's population, and include juvenile justice experts and youth.

The mission of the Governor's Juvenile Justice Advisory Committee is to "promote partnerships and innovations that improve outcomes for juvenile offenders and their victims, to build family and community capacity to prevent delinquency, and to provide analysis and expertise to state and local policymakers."

The Committee provides data, policy advice and expertise to the Governor, the state legislature, and juvenile justice leaders across the state. It also distributes grant funding for local projects that help prevent delinquency and improve the juvenile justice system.

## **AT-RISK AND DELINQUENT GIRLS IN THE JUVENILE JUSTICE SYSTEM**

**Juvenile arrests have decreased significantly in recent years. In fact, Washington's 2006 juvenile arrest rate was the lowest since 1982. But although juvenile arrests are down, girls represent a growing percentage of the youth arrested and detained.**

**Historically, the juvenile justice system focused on addressing the needs of boys because most juvenile arrests and detentions involved boys. But girls now represent 28.7 percent of Juvenile arrests in Washington.**

**The average age of girls in the juvenile justice system is 15. Few evidence-based practices have been developed to specifically address their needs.**

***The juvenile justice system in Washington does not have standards of practice that are gender-sensitive to respond to the specific needs of at-risk and delinquent girls.***

### **BACKGROUND ON GIRLS IN THE JUVENILE JUSTICE SYSTEM**

#### **Risk factors for delinquency in girls**

Many of the risk factors for girls' and boys' delinquency are the same: Family dysfunction, living in disadvantaged neighborhoods, and low bonding and attachment to conventional institutions such as school or a faith community. However, there are specific, additional risk factors for girls:

- Sexual abuse and maltreatment,
- Relationship with a delinquent romantic partner,
- Disparity between biological and social maturity – that is, early onset of puberty, and
- Mother-daughter conflict.<sup>1</sup>

A history of physical or sexual victimization is one of the most common characteristics of girls in the juvenile justice system. Trauma also appears to be more central to the histories of girls in the system than it is for boys.

There are other gender differences as well:

- Girls tend to be more focused on relationships;
- Girls often internalize responses to trauma in the form of depression, self mutilation and substance abuse;
- Girls have a higher prevalence and experience different types of trauma, and experience more family loss and separation; and
- Girls have a higher incidence of mental health disorders and undiagnosed learning disabilities.<sup>2</sup>

## **Gender Disparity**

Gender disparity has significant impacts throughout the system, from arrest through disposition:

- Girls are disproportionately charged with status offenses (that is, offenses such as school truancy, possession of alcohol or running away from home);
- There is evidence that girls are being detained for less serious offenses than boys;
- Although girls' recidivism is lower than boys, contempt of court proceedings and probation violations make it more likely that, without committing a new crime, girls will return to detention; and
- Technical violations of probation or parole, and failures in program placements result in a significant number of girls returning to detention.<sup>4</sup>

## **What national research tells us**

A national study found that 92 percent of incarcerated girls have experienced one or more forms of physical, sexual or emotional abuse before entering the juvenile justice system. More than 45 percent have been beaten or burned at least once; 40% have been raped; 32 percent have current or past sexually transmitted diseases; and 32% have chronic health problems.<sup>3</sup>

Researchers do not know whether the growing percentage of girls in the juvenile justice system is a result of an increase in violent or aggressive behavior, a change in the system's response to girls' behavior, or some combination of the two. Experts in this field suggest several explanations: a change in the way domestic violence and aggressive behavior complaints are handled that result in more arrests; gender bias in processing misdemeanor cases; and perhaps a system failure to perceive the developmental challenges facing girls in today's world.

Girls are predominantly arrested for non-violent status offenses, such as truancy and running away, and are 170% more likely to be detained for these acts than boys. Girls are also more likely to be returned to detention for longer periods of time for minor infractions such as contempt of court (failure to abide by a court's order to attend school, return home, etc.) and probation violations.<sup>4</sup>

## **GIRLS IN THE JUVENILE JUSTICE SYSTEM IN WASHINGTON**

**Girls represent a much higher percentage of the total number of juvenile arrests than they did 15 years ago.** The table below shows the change in the percentage of girls relative to boys arrested between 1988 and 2006. The number of arrests is down, but the percentage of girls relative to boys is rising.

### **Washington male/female arrests (Ages 10-17 Years)**

	1988 number	1988 percent	2006 number	2006 percent
Males	33,057	76%	24,543	71%
Females	10,454	24%	9,889	29%

### **Washington male/female held in juvenile detention**

	1989 number	1989 percent	2005 number	2005 percent
Males	14,040	83%	20,963	71%
Females	2,855	17%	8,663	29%

The number of girls held in juvenile detention in Washington tripled between 1989 and 2005.

### **Status offenses**

**Mirroring national trends, girls in Washington are arrested and detained for status offenses at a higher rate than boys.** The most common status offenses include running away from home, truancy, and possession or consumption of alcohol.

There were almost 3,800 admissions of status offenders to juvenile detention facilities in 2005 for violations of a court order related to a status offense (contempt of court); over one-half were girls. (Data for 2006 are not yet available.) Over the past five years, the annual average number of admissions to detention related to a status offense was 3,900. (This is a 242 percent increase in admissions related to a status offense from 1996 to 2005.)

In 1995, the Washington Legislature passed the At-Risk/Runaway Youth Act, also known as the "Becca Bill." This Act addresses several areas of public policy that affect at-risk, runaway and truant youth.

The Becca Bill allows parents of at-risk youth (ARY) to petition the court to order the youth to remain in the home. An at-risk youth is defined by statute as a juvenile (under the age of 18) who is absent from home for more than 72 consecutive hours without parental consent; who is beyond the control of the parent so that the child's behavior substantially endangers the health, safety or welfare of the child or another person; or

who has a substance abuse problem. In 2006, there were 2,213 ARY filings, up from 133 in 1992.

Incidents of contempt of court due to an ARY order that result in youth being sentenced to detention disproportionately affect girls: 756, or 56 percent of these incidents, affected girls.

## **RESEARCH AND POLICY IMPLICATIONS**

**Analyze decision making points in the juvenile justice system:** The key decision-making points throughout the juvenile justice system, including arrest, detention, diversion, adjudication, disposition, violation of a court order/probation violation, etc. must be thoroughly studied to determine if gender disparity exists. If it exists, strategies must be developed and implemented to eliminate gender disparity. Further, based on the gender-specific needs of girls, these key decision-making points must be analyzed to determine if more appropriate gender sensitive/responsive decisions can be implemented.

**Develop research-based, gender-specific programs for girls:** Girls' development (social, physical, emotional and mental) differs from boys. Gender-specific programming for girls is essential in order to provide meaningful treatment.

**Contribute to the knowledge base of best practices:** Because relatively little research has been done on what works for girls in the juvenile justice system, it is critical that programs and services undergo rigorous evaluation in order to contribute to the knowledge base of gender-specific, evidence-based practices for girls. Evaluation must be an integral part of funding gender-specific services for girls.

## **PROMISING OR EFFECTIVE GENDER-SPECIFIC PROGRAMS FOR GIRLS**

National research reveals only a few programs specifically designed for girls. And among them, only the Nurse Family Partnership Program has undergone rigorous evaluation and rises to the level of a recognized "exemplary" program. Other programs designated as "effective" or "promising" on the OJJDP Model Programs Guide website include:

1. Friendly PEERsuasion, Girls Inc.
2. Preventing Adolescent Pregnancy, Girls Inc.
3. Girls' Circle, Girls' Circle Inc.
4. Urban Women Against Substance Abuse
5. Parent-Child Assistance Program
6. Project Link
7. SISTERS
8. Movimiento Ascendencia

A number of juvenile courts in Washington, often in collaboration with local community service providers, have implemented gender-specific programs for girls. Some have been funded by the GJJAC, including: Powerful Voices (King County), Evening Reporting Center and Museum of Glass (Pierce County), and Girls' Circle (Benton-Franklin Counties).

## **RECOMMENDATIONS:**

- 1. Develop statewide gender-specific policies and procedures to guide services for girls and young women in the juvenile justice system.**
- 2. Provide training and technical assistance to juvenile courts to develop policies, protocols and practices for providing gender specific services for girls. This includes programs to address their needs in detention, on probation, as status offenders, and for after-care services.**
- 3. Analyze data on girls at various decision-making points in the juvenile justice system. Address gender disparity if and where it exists.**
- 4. Encourage funding for evidence-based practices and programs that provide gender-specific services for girls.**
- 5. Require rigorous evaluation of gender-specific programs and services for girls.**

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<sup>1</sup> *The Girls Study Group*, RTI International, (funded by a grant from the Office of Juvenile Justice and Delinquency Prevention), presentation to the national Juvenile Justice Networking Forum on June 14, 2007

<sup>2</sup> *Pathways 13, Detention Reform and GIRLS*, written for the Annie E. Casey Foundation by Francine Sherman

<sup>3</sup> *Unique Needs of Girls in the Juvenile Justice System*, Physicians for Human Rights

<sup>4</sup> *Justice by Gender*, a report issued jointly by the American Bar Association and the National Bar Association in 2001