THE ABUSE TO PRISON PIPELINE

WHAT IS THE ABUSE TO PRISON PIPELINE?

For girls, one of the key drivers of youth justice involvement is sexual abuse.[i] The Abuse to Prison Pipeline[ii] is a term used to describe the pathways of gender-based violence that lead girls into the legal system as a direct result of their victimization.

MOST GIRLS IN THE JUSTICE SYSTEM HAVE SUFFERED ABUSE PRIOR TO SYSTEM-INVOLVEMENT

- Data from a nationally representative survey revealed that 84% of women who were incarcerated as girls have histories of child sexual abuse, 84% have histories of physical abuse, and 92% have histories of emotional abuse.[iii]
- Research shows that 80% of girls sentenced to life in prison without the possibility of parole have been physically abused and 77% of girls have been sexually abused.[iv]
- Rates of sexual abuse are more than 4x higher for girls in the youth justice system than for boys.[v]
- Girls in in the justice system are nearly 2x as likely as boys to report having experienced 5 or more forms of abuse and trauma.[vi]

HOW DOES ABUSE PUSH GIRLS INTO THE JUSTICE SYSTEM?

Status Offenses

- Status offenses are non-criminal acts which are only unlawful when committed by youth, such as running away or truancy.[vii]
- Girls often engage in these behaviors in response to abuse or trauma; for example, running away to escape emotional, physical, and sexually abusive situations at home or in foster care.[viii]
- Girls are overrepresented among status offenders. Girls account for almost 55% of youth arrested for running away,[ix] and nearly 60% of youth incarcerated for running away are girls.[x]
- In California, more than two-thirds of arrests of girls and gender-expansive youth were in response to misdemeanors or status offenses. [xi] Black and Latina girls made up 76% of those detained on these charges.[xii]

Dual System/Crossover

- "Dual-system" or "crossover youth" are youth who are involved in both the child welfare and youth justice systems.[xiii] Girls are overrepresented among crossover youth.[xiv]
- Girls frequently cross over from the child welfare to the justice system because of their responses to abuse and trauma that have gone unaddressed.[xv]
- In a representative study of the Mountain West region of the US, although girls were only 25% of the youth justice population, they were 38.5% of all crossover youth.[xvi] In Los Angeles, despite being only 14.7% of the youth justice population, girls are 26% of all crossover youth.[xvii]
- Involvement with these systems increase girls' chances of sexual exploitation and abuse. A study on girls with prior youth justice involvement in Los Angeles found that between 69% and 76% of girls who experienced child sex trafficking were dually-involved girls.[xviii]

Mandatory Arrest Policies

- One of the unintended consequences of mandatory domestic violence arrest policies are that girls are sometimes arrested for simple assault or fights in the home with family members, especially their mothers or caretakers.[xix] Though in-home conflict is a key pathway for girls into the legal system, it should be noted that there is often little to no injury reported by girls' family members.[xx]

Reporting Abuse

- Girls who report abuse to law enforcement are sometimes charged with filing false reports.[xxi]
- Teens who allege sexual abuse are seen as less credible due to what researchers call a "credibility discount," where law enforcement presume they invent false claims to cover up "bad behavior."[xxii]
- Law enforcement and schools, who are entrusted with authority over girls' lives, fuel the pipeline by filing false reporting charges or suspending girls from school when they report instances of sexual abuse— effectively turning the very systems that girls turn to for help into mechanisms of punishment.

Child Sex Trafficking

- Girls are still arrested for prostitution, even though they are legally incapable of consenting to sex and even though federal law defines them as victims of human trafficking.[xxiii] According to the Department of Justice, just over 100 children were arrested for prostitution nationally and 71% were girls[xxiv], though local reports suggest this total number of arrests to be a gross underestimate.[xxv]
- Trafficked girls also become involved in the justice system for offenses other than prostitution that are committed as a direct result of their exploitation, or proxy charges, such as trespass or loitering.[xxvi]
- Child trafficking survivors are sometimes pushed into the adult system as a result of being coerced into committing more serious offenses by their traffickers, such as armed robbery, money laundering, recruitment, trafficking other youth, and more. Often referred to as "forced criminality," in these cases, survivors can be misidentified as perpetrators who commit such acts with full agency or are used by prosecutors to compel their cooperation to secure prosecutions against more serious offenders.[xxvii]

Self-Defense

- Finally, survivors are also criminalized and pushed into the adult system for acts of self-defense or attempts to escape their abusers.[xxviii]
- In these cases, child sex crime victims resort to violence as a means to escape or protect themselves against their adult abusers and then face harsh punishment for what essentially amount to acts of self-preservation.
- Many girls, and especially girls of color, have faced decades to life in adult prison in these cases.[xxix]

GIRLS OF COLOR ARE DISPROPORTIONATELY AFFECTED BY THE PIPELINE

- Girls of color account for 62% of girls who are in residential placement, despite constituting only 24% of the youth population.[xxx]
- Black girls make up 34% of all cases, despite being only 15% of the female youth population.[xxxi]
- Native American girls are over 4x more likely than white girls to be incarcerated.[xxxii]
- Black girls are 3.5x more likely than white girls to be incarcerated.[xxxiii]
- Latina girls are 38% more likely than white girls to be incarcerated.[xxxiv]

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[iv] Campaign for Fair Sentencing of Youth, Facts About Juvenile Life Without Parole, https://cfsy.org/media-resources/facts-infographics/#:~:text=80%20percent%20of%20girls%20and,they%20have%20been%20sexually%20abused.
[v] Id. at 8.
[vi] Id. at 8-9.
[vii] LawBirdie. *Status Offenses and Female Delinquency.* (Mar. 19, 2024).
[viii] National Center for Missing and Exploited Children. *Why Kids Run Away & How We Can Help.* (Nov. 2021).
[ix] Office of Juvenile Justice and Delinquency Prevention, Runaway Offenses: Cases per 1,000 youth ages 10-upper age by sex, https://www.ojjdp.gov/ojstatbb/court/JCSCR_Display.asp?ID=qa06271 (2018).
[x] Charles Puzzanchera, Anthony Sladky & Wei Kang, Easy Access to Juvenile Populations: 1990-2019 (2019); Melissa Sickmund, Anthony Sladky, Wei Kang & Charles Puzzanchera, "Easy Access to the Census of Juveniles in Residential Placement." (2019).
[xi] Vera Institute for Justice, Getting to Zero: Ending Girls' Incarceration in California (April 25, 2023).
[xii] Id.
[xiii] National Institute of Justice. *Program Profile: Crossover Youth Practice Model.* (2020).
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[xvi] Crosby Modrowski, Shannon Chaplo, & Patricia Kerig. *Youth Dually-Involved in the Child Welfare and Juvenile Justice Systems: Varying Definitions and Their Associations with Trauma Exposure, Posttraumatic Stress, & Offending.* (2023)
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[xix] Fran Sherman, OJJDP's National Girls Initiative. *Unintended Consequences: Addressing the Impact of Domestic Violence Mandatory and Pro-Arrest Policies and Practices on Girls and Young Women.* (2022).
[xx] Id.
[xxi] Yasmin Vafa & Rebecca Epstein, *Criminalized Survivors: Today's Abuse to Prison Pipeline for Girls* (2023), p.14.
[xxii] Id. at 14.
[xxiii] Id. at 8.
[xxiv] Id.
[xxv] Id.
[xxvi] Department of State, Trafficking in Persons Report 20th Edition (2020), p. 516.
[xxvii] Yasmin Vafa & Rebecca Epstein, *Criminalized Survivors: Today's Abuse to Prison Pipeline for Girls* (2023), p. 8.
[xxviii] Id. at 9.
[xxix] Id. at 11.
[xxx] Charles Puzzanchera, Anthony Sladky & Wei Kang, Easy Access to Juvenile Populations: 1990-2019 (2019); Melissa Sickmund, Anthony Sladky, Wei Kang & Charles Puzzanchera, "Easy Access to the Census of Juveniles in Residential Placement." (2019).
[xxxi] Office of Juvenile Justice and Delinquency Prevention, *Who are the Girls and Gender Expansive Young People: Understanding the Data Webinar.* (June 2024).
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[xxxiii] Id.
[xxxiv] Id.