THE SEXUAL ABUSE TO PRISON PIPELINE: THE GIRLS’ STORY

EXECUTIVE SUMMARY

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The powerful narrative of the “School to Prison Pipeline” exposes the ways that boys of color are routinely criminalized and trapped in a cycle that prevents them from leading successful lives.

Often lost in the conversation about this unjust phenomenon is a parallel sexual abuse to prison pipeline for girls. The girls’ pipeline is different. For them, entry into the juvenile justice system is intertwined with experiences of abuse — especially sexual abuse — that are criminalized.

The common justifications for girls’ arrests are minor offenses such as running away, substance abuse, and truancy — all of which are common responses to abuse. The connection between the sexual abuse of girls and their ultimate incarceration is not coincidental; sexual abuse is a direct, contributing cause of their detention.

The purpose of this report is to define and describe the sexual abuse to prison pipeline, reveal its underlying causes, and provide guidance to policymakers for reforms that would help shut it down forever.

The pipeline into juvenile justice strikes girls of color especially hard.

- Youth of color account for 45 percent of the general youth population, but girls of color — who are approximately half of all youth of color — comprise approximately two-thirds of girls who are incarcerated.

- African-Americans constitute 14 percent of the general youth population nationally, but one-third of incarcerated girls.

- Native Americans are one percent of the general youth population, but Native American girls are up to four percent of girls incarcerated.

- Latina girls are confined at a rate of 47 per 100,000, compared to 37 per 100,000 of non-Hispanic white girls.

Our report maps out key points in the pipeline—the detention of girls who are victims of sex trafficking; the criminalization of girls who run away from home or become truant; and those who cross from the child welfare system into juvenile justice — to create an understanding of the ways that girls, especially girls of color, are unfairly punished after their experiences of sexual and physical abuse.

Finally, the paper offers policy recommendations and solutions to dismantle the abuse to prison pipeline. This is essential if we wish to give girls a world in which they are honored, their pain is understood, and their humanity is fully recognized.
POLICY RECOMMENDATIONS TO DISMANTLE THE SEXUAL ABUSE TO PRISON PIPELINE FOR GIRLS
The following recommendations are excerpts from the full report.

STRENGTHEN THE JJDPA.

The Juvenile Justice and Delinquency Prevention Act (JJDPA) is the most comprehensive federal legislation that governs conditions of confinement for youth, as well as delinquency prevention. The JJDPA has not been reauthorized since 2002. Reauthorization is critical to funding services, innovation, and creating new standards to serve the needs of children in the juvenile justice system. As part of the reauthorization process, the following changes to the JJDPA would help improve conditions for girls in the juvenile justice system:

- Require states to use validated, comprehensive screening and assessments to screen all children entering the juvenile justice system for trauma and to develop appropriate treatment plans and programming in response to identified needs.
- Require states to screen children at intake for commercial sexual exploitation and divert identified victims away from the juvenile justice system whenever possible.
- Explicitly prioritize funding for the development of programs to train law enforcement officers and other juvenile justice system staff to identify and respond to trauma.
- Require the collection of data on girls in the juvenile justice system and their outcomes to be disaggregated and cross-tabulated by race and ethnicity.

CLOSE THE VALID COURT ORDER LOOPOLE.

The JJDPA prohibits youth from being incarcerated for status offenses, like running away or truancy, which are essentially defined by the perpetrators’ age. The Valid Court Order exception, however, allows children to be detained if they violate court orders that prohibit them from committing enumerated status offenses. Since girls are disproportionately charged with and detained for status offenses, closing this loophole would particularly benefit girls.

STRENGTHEN THE PRISON RAPE ELIMINATION ACT.

The Prison Rape Elimination Act (PREA) could be a more effective means of preventing and addressing sexual violence against girls in juvenile justice if amended, including the following changes:

- Provide for mandatory penalties if states fail to adopt and comply with federal standards within a reasonable period.
- Limit the time that a state can offer an assurance before funding is cut.

PROVIDE LAW ENFORCEMENT TRAINING ON GENDER AND RACIAL BIAS AND STEREOTYPING TO DECREASE GIRLS’ CONTACT WITH THE JUSTICE SYSTEM.

Girls who commit low-level violations and who do not pose a risk to public safety do not belong in the justice system — especially those whose behavior stems from sexual abuse. Training should be required to inform judges, juvenile justice staff, and others about implicit and structural gender and racial bias that results in disproportionate rates of girls in the system, and to better recognize trauma.

END THE ARREST AND INCARCERATION OF VICTIMS OF CHILD SEX TRAFFICKING.

Consistent with federal and state law, children should not be eligible for arrest, detention, or prosecution for prostitution, prostitution-related offenses or other acts based on sexual exploitation. States that continue to allow the arrest and detention of children on prostitution charges should enact effective safe harbor laws to ensure that trafficked youth are treated as victims, not perpetrators.

PROVIDE GENDER-SPECIFIC HEALTH CARE IN JUSTICE SETTINGS.

Juvenile justice systems should adequately identify, assess, and treat girls’ mental and reproductive health needs and help ensure ongoing access to
Girls' rate of sexual abuse is 4 times higher than boys' in juvenile justice, and girls' rate of complex trauma (five or more ACEs) is nearly twice as high.

necessary health care when they re-enter their communities. We recommend these actions:

- Implement gender-specific health screening and assessment
- Require facilities to be accredited for the provision of medical care
- Provide comprehensive reproductive health care
- Include trauma-related health treatment in re-entry or aftercare plans

DEVELOP CROSS-SYSTEM COLLABORATION BETWEEN THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS.

Youth who are involved in both the juvenile justice and child welfare systems are some of the most vulnerable children in state custody, and they are disproportionately female: girls comprise one-fifth to one-fourth of the juvenile justice population, but one-third to one-half of dual-system youth. The crossover pathway is especially significant for African-American youth, who are involved in the child welfare system at 2.26 times their representation in the general population of children and, once there, are disproportionately likely to become involved in the juvenile justice system. Collaboration between child welfare and juvenile justice is critical to preventing increased involvement and reducing time spent in the justice system.

IMPROVE THE CHILD WELFARE SYSTEM’S IDENTIFICATION OF VICTIMS OF ABUSE AND IMPLEMENT A GENDER-RESPONSIVE APPROACH TO VICTIMS OF ABUSE.

The child welfare system can act as a leading force in helping prevent and respond to girls’ trauma. Although it is challenging for underfunded and overburdened systems to fully accommodate the needs of girls struggling with complex needs, failing to do so carries consequences that are significant and enduring. We suggest the following reforms to improve services to girls and all youth:

- Implement system-wide gender-responsive protocol for trauma screening and assessment of girls to identify urgent needs relating to violence and abuse.
- Develop protocols for teams of caregivers to cooperatively use assessments as the baseline for developing an effective treatment plan.
- Train foster parents and kinship caregivers on the risks of sex trafficking and child sexual abuse and how best to mitigate them.

USE MEDICAID FUNDS TO IMPROVE QUALITY CARE AND TRAUMA-RELATED SERVICES FOR GIRLS IN CHILD WELFARE.

Medicaid is currently underutilized as a tool to help youth in need of services to address the trauma they have experienced. Medicaid funds can cover the cost of certain trauma-related services needed by abused and neglected girls in state custody, including multi-systemic therapy and functional family therapy, two of the most commonly recommended evidence-based treatment services for system-involved youth.

IMPLEMENT POLICIES THAT IMPROVE RESPONSES TO THE BEHAVIOR OF FOSTER YOUTH WHO HAVE EXPERIENCED TRAUMA AND ABUSE.

It is critical for child welfare agencies to implement strategies to better and more responsively attend to children who have experienced severe abuse and who are most at risk of juvenile justice involvement:

- Implement “no eject, no reject” policies to prevent discrimination and guard against cherry-picking youth.
- Prohibit child welfare agencies and providers from discharging runaway girls.
- Require continuing crisis de-escalation training for all providers in the child welfare system to help staff effectively manage trauma-rooted behavior.
FINDINGS VARY, BUT LOCAL AND REGIONAL STUDIES SHOW ALARMINGLY HIGH RATES OF ABUSE AMONG GIRLS IN THE JUVENILE JUSTICE SYSTEM.

**SOUTH CAROLINA**
- 81% OF GIRLS VICTIMS OF SEXUAL VIOLENCE
- 42% OF GIRLS VICTIMS OF DATING VIOLENCE

**OREGON**
- 93% OF GIRLS SEXUALLY OR PHYSICALLY ABUSED
- 76% OF GIRLS SEXUALLY ABUSED

**FLORIDA**
- 84% OF GIRLS VICTIMS OF FAMILY VIOLENCE
- 41% OF GIRLS PHYSICALLY ABUSED


In the California study, of the girls who had been sexually abused, the abuse was severe and often occurred multiple times.


SEXUAL ABUSE (sex trafficking, abusive home, poorly supervised child welfare placement)

New arrest occurs and cycle repeats and deepens

Trauma symptoms triggered and/or new incidents of abuse

Sexual Abuse (sex trafficking, abusive home, poorly supervised child welfare placement)

Entry into Juvenile Justice
(for prostitution, status offenses, incorrigible behavior, etc.)

Reactive Behavior

Unaddressed Trauma, Mental Health, Physical Health Issues

Release into community with exacerbated trauma symptoms

Trauma coping behaviors resume and/or re-entry into abusive environment

GIRLS’ COMMON REACTIONS TO TRAUMA ARE CRIMINALIZED AND EXACERBATED BY INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM, LEADING TO A CYCLE OF ABUSE AND IMPRISONMENT

Mental Health Diagnoses among Justice-involved Youth by Gender

Gender Differences in Mental Health Diagnoses

67% of boys

80% of girls

Girls are disproportionately represented in the dually involved youth population.


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