

# THE SEXUAL ABUSE TO PRISON PIPELINE: THE GIRLS' STORY

## EXECUTIVE SUMMARY

Human Rights Project for Girls  
Georgetown Law Center  
on Poverty and Inequality  
Ms. Foundation for Women



CENTER ON POVERTY and INEQUALITY  
GEORGETOWN LAW



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## **The authors gratefully wish to acknowledge the following contributors for their substantive assistance to this report:**

**Maheen Kaleem**, Human Rights Project for Girls, who appeared at just the right moment, with unbending commitment and vision, to help bring us to the finish line.

**Julie F. Kay**, Human Rights Attorney, whose human rights expertise, guidance and feedback immeasurably strengthened this report in service of America's most vulnerable girls.

**Shakira Washington**, Consultant, Human Rights Project for Girls, whose brilliant research and writing on girls at the margins laid the foundation for this paper's development.

**Teresa Younger**, President of the Ms. Foundation for Women, whose leadership in supporting Ms. Fellowship during her first months at the Foundation was essential to the completion of this report.

## **And with thanks for their time and effort in reviewing this paper and providing invaluable insight:**

**Mary Bissell**, ChildFocus

**Peter Edelman**, Georgetown Law Center on Poverty and Inequality

**Carmen Perez**, Campaign for Youth Justice

**Liz Ryan**, YouthFirst! Initiative

**Francine Sherman**, Boston College Law School

**Dana Shoenberg**, Center for Children's Law and Policy

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**Design** Ines Hilde, Georgetown Law **Photography** Front cover photo and photo on page 2 by © Richard Ross, [www.juvenile-in-justice.com](http://www.juvenile-in-justice.com). All photos used by permission.

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.



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# POLICY RECOMMENDATIONS TO DISMANTLE THE SEXUAL ABUSE TO PRISON PIPELINE FOR GIRLS

## The following recommendations are excerpts from the full report.

### **STRENGTHEN THE JJDP.**

The Juvenile Justice and Delinquency Prevention Act (JJDP) is the most comprehensive federal legislation that governs conditions of confinement for youth, as well as delinquency prevention. The JJDP 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 JJDP 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 LOOPHOLE.**

The JJDP 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.

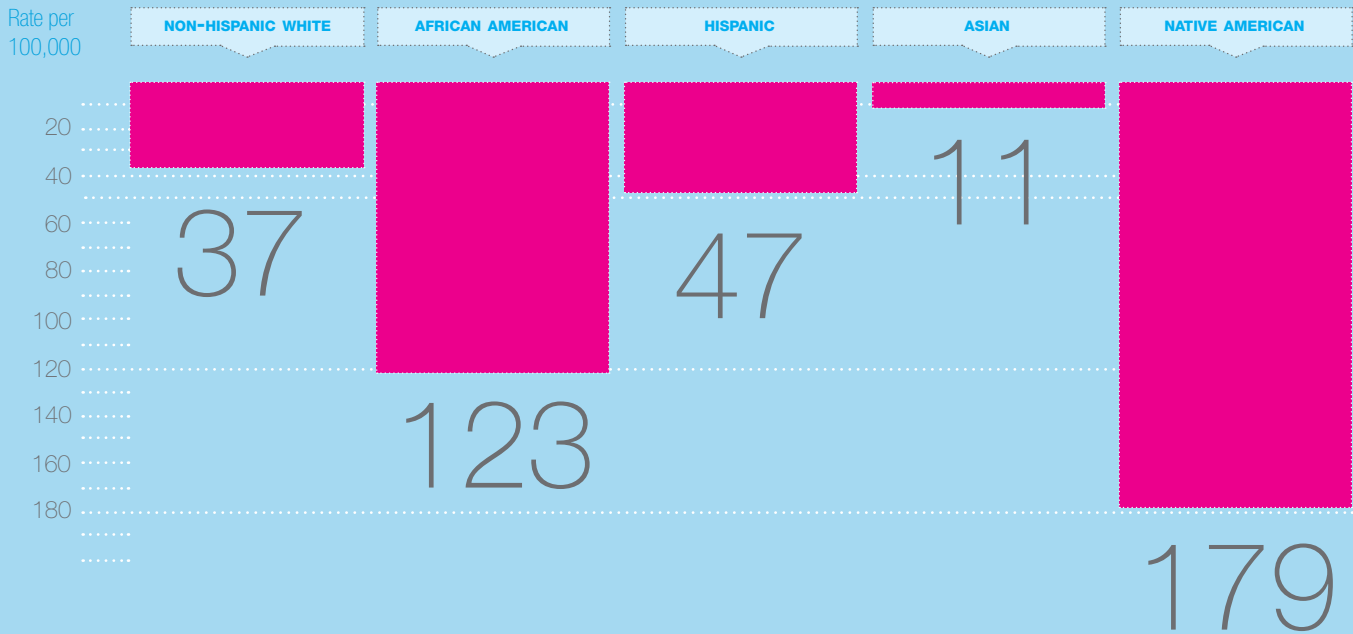
### **END THE ARREST AND INCARCERATION OF VICTIMS OF CHILD SEX TRAFFICKING.**

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 IN RESIDENTIAL PLACEMENT BY RACE AND ETHNICITY**



Adapted from CHILD TRENDS DATABANK, JUVENILE DETENTION, INDICATORS ON CHILDREN AND YOUTH 5 (2013), available at [http://www.childtrends.org/wp-content/uploads/2012/05/88\\_Juvenile\\_Detention](http://www.childtrends.org/wp-content/uploads/2012/05/88_Juvenile_Detention).

**GIRLS IN JUVENILE JUSTICE**



**BOYS IN JUVENILE JUSTICE**



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.

Source: Michael T. Baglivio et al., US Dep't of Justice, Office of Justice Programs, Office of Juvenile Justice & Delinquency Prevention, *The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders*, 3 JOURNAL OF JUV. JUSTICE 1, 9 (Spring 2014), available at <http://www.journalofjuvjustice.org/JOJJ0302/JOJJ0302.pdf>.

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

63%  
**OF GIRLS**

SEXUALLY & PHYSICALLY ABUSED

FLORIDA

84%  
**OF GIRLS**

VICTIMS OF FAMILY VIOLENCE

31%  
**OF GIRLS**

SEXUALLY ABUSED

41%  
**OF GIRLS**

PHYSICALLY ABUSED

Source: Dana D. Dehart, The Ctr. For Child & Family Studies, Poly-victimization Among Girls in the Juvenile Justice System: Manifestations & Associations to Delinquency 12 (Oct. 2009), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/228620.pdf>.

Source: Dana K. Smith, Leslie D. Leve & Patricia Chamberlain, *Adolescent Girls' Offending and Health Risking Sexual Behavior: The Predictive Role of Trauma*, 11 CHILD MALTREATMENT 346, 350 (Nov. 2006).

Source: Michael T. Baglivio et al., US. Dep't of Justice, Office of Justice Programs, Office of Juvenile Justice & Delinquency Prevention, *The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders*, 3 JOURNAL OF JUV. JUSTICE 1, 9 (Spring 2014), available at <http://www.journalofjuvjustice.org/JOJJ0302/JOJJ0302.pdf>.



CALIFORNIA

**81%**  
**OF GIRLS**  
SEXUALLY OR PHYSICALLY ABUSED

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

**56%**  
**OF GIRLS**  
SEXUALLY ABUSED

**40%**  
**OF GIRLS**  
RAPED/SODOMIZED AT LEAST ONCE

**45%**  
**OF GIRLS**  
BEATEN OR BURNED AT LEAST ONCE

**17%**  
**OF GIRLS**  
MULTIPLE OCCURRENCES

MULTI-STATE STUDY

**32%**  
**OF GIRLS**  
SEXUALLY MALTREATED

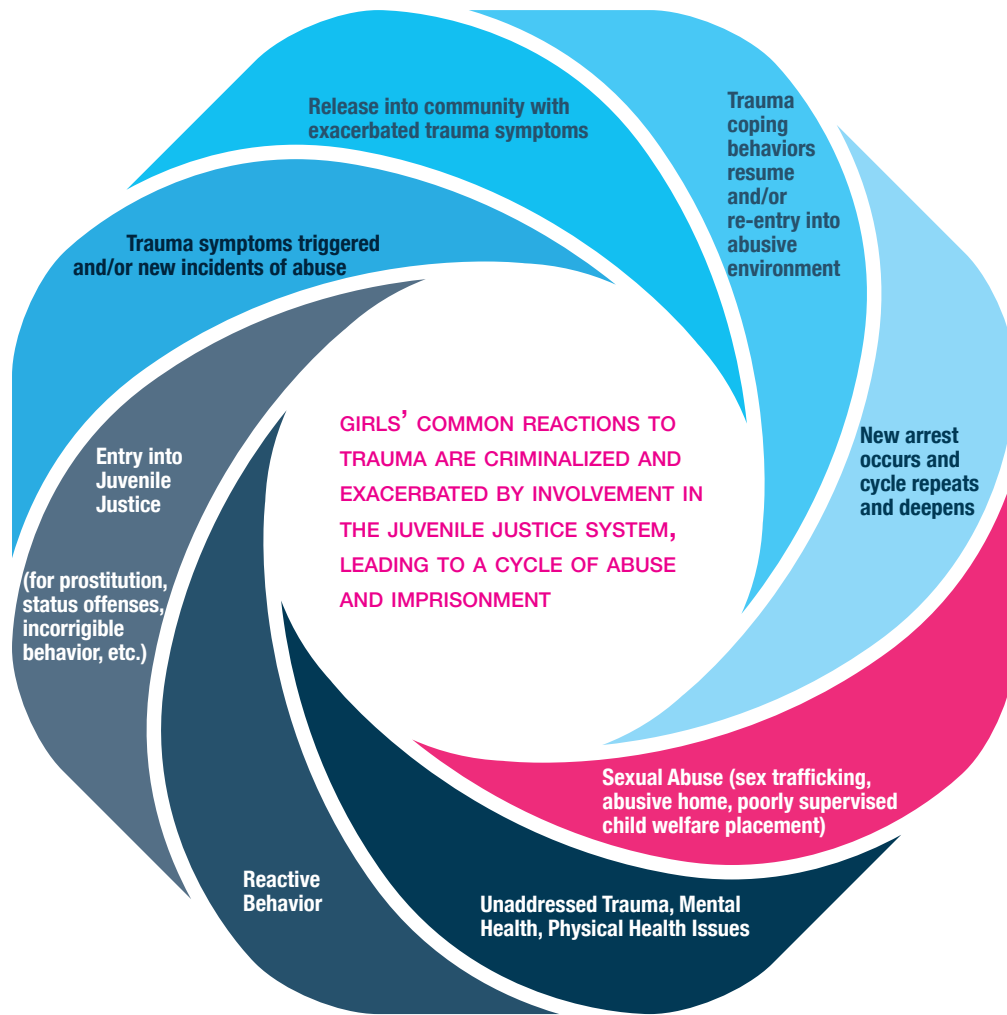
**39%**  
**OF GIRLS**  
SEXUALLY ASSAULTED/RAPED

**40%**  
**OF GIRLS**  
PHYSICALLY ABUSED

**56%**  
**OF GIRLS**  
DOMESTICALLY ABUSED

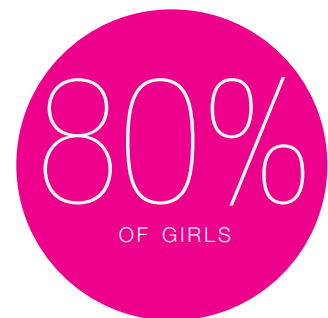
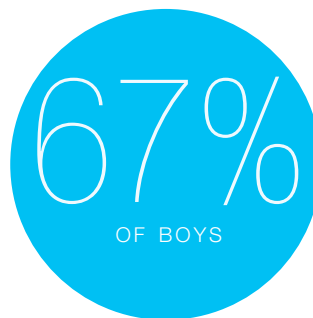
Source: Leslie Acoca, *Outside/Inside: The Violation of American Girls at Home, on the Streets, and in the Juvenile Justice System*, 44 CRIME & DELINQUENCY 561 (1988), available at [http://leslieacoca.org/images/Outside-Inside\\_-\\_The\\_Violation\\_of\\_American\\_Girls\\_at\\_Home\\_-\\_On\\_the\\_Streets\\_-\\_and\\_in\\_the\\_Juvenile\\_Justice\\_System\\_by\\_Leslie\\_Acoca.pdf](http://leslieacoca.org/images/Outside-Inside_-_The_Violation_of_American_Girls_at_Home_-_On_the_Streets_-_and_in_the_Juvenile_Justice_System_by_Leslie_Acoca.pdf).

Source: Carly B. Dierkhising et al., *Trauma Histories Among Justice-Involved Youth: Findings from the National Child Traumatic Stress Network*, 4 EUR. J. PSYCHOTRAUMATOLOGY (Jul. 2013), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/>.



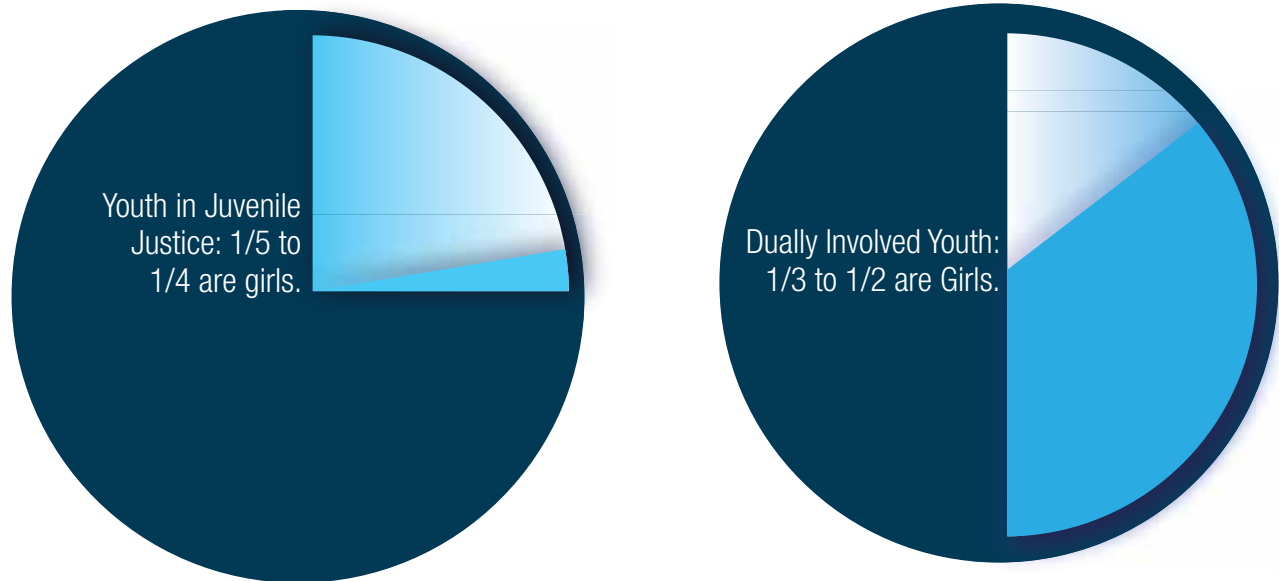
### Gender Differences in Mental Health Diagnoses

### MENTAL HEALTH DIAGNOSES AMONG JUSTICE-INVOLVED YOUTH BY GENDER



SOURCE: JENNIE L. SHUFELT & JOSEPH J. COCOZZA, NAT'L CTR. FOR MENTAL HEALTH AND JUVENILE JUSTICE, YOUTH WITH MENTAL HEALTH DISORDERS IN THE JUVENILE JUSTICE SYSTEM: RESULTS FROM A MULTI-STATE PREVALENCE STUDY 4 (June 2006), available at <http://www.ncmhjj.com/wp-content/uploads/2013/07/7.-PrevalenceRPB.pdf>.

Girls are disproportionately represented in the dually involved youth population.



SOURCE: DENISE HERZ ET AL., GEORGETOWN UNIV., CTR. FOR JUVENILE JUSTICE REFORM, ADDRESSING THE NEEDS OF MULTI-SYSTEM YOUTH: STRENGTHENING THE CONNECTION BETWEEN CHILD WELFARE AND JUVENILE JUSTICE 1 (Mar. 2012), available at [http://cjjr.georgetown.edu/wp-content/uploads/2015/03/MultiSystemYouth\\_March2012.pdf](http://cjjr.georgetown.edu/wp-content/uploads/2015/03/MultiSystemYouth_March2012.pdf).

This report was made possible by the generous support of The Annie E. Casey Foundation, the JPB Foundation, the Moriah Fund, and the Overbrook Foundation. The views expressed in this report are the authors' alone and do not necessarily reflect the opinions of these foundations.



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