

# Dual Status Girls:



## *Decriminalizing Trauma and Advancing a Gender Responsive Approach within Juvenile Justice*

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# Roadmap

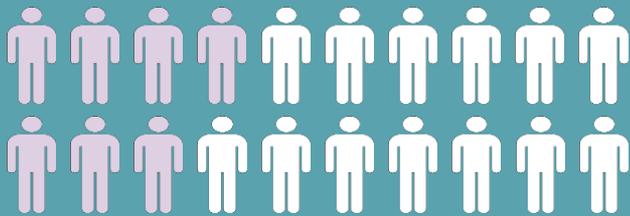
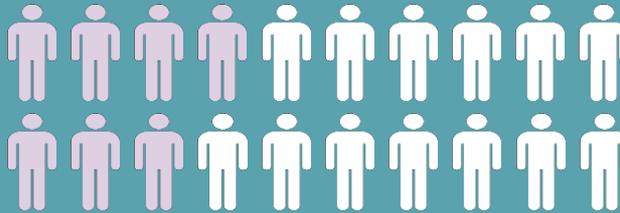


- Theoretical and Research Background
- Preventing girls with histories of abuse/neglect from entering JJ
- Responding more effectively to all girls in JJ
- Discussion

# Gender Gap

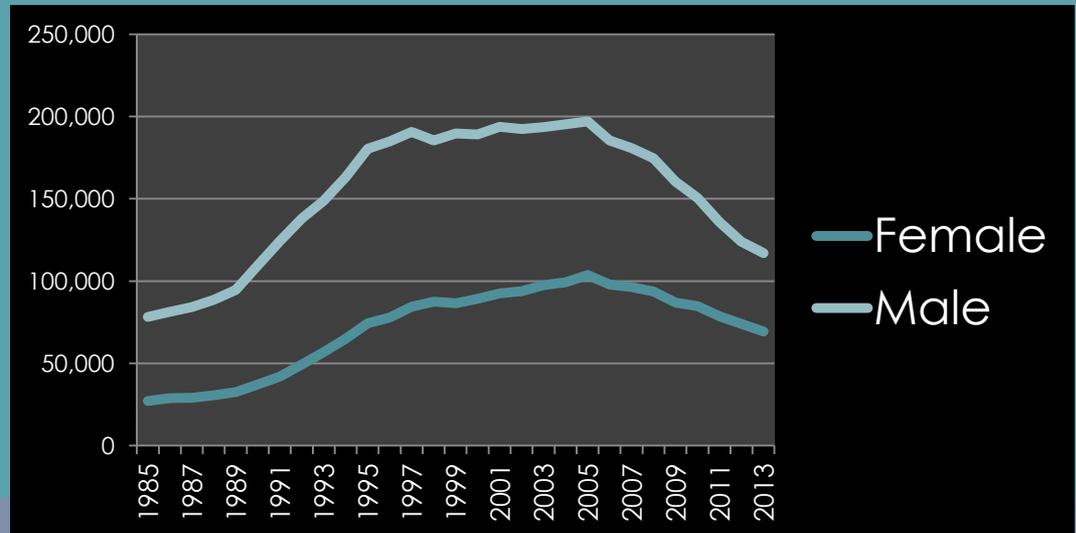


Held in detention for status offenses and technical violations (Girls 37%, Boys 25%)



Detained for Simple Assault and Public Order Offenses (Girls 21%, Boys 12%)

Since 1983, arrests for simple assault have increased by 150% for girls and 50% for boys.



# Intersectionality



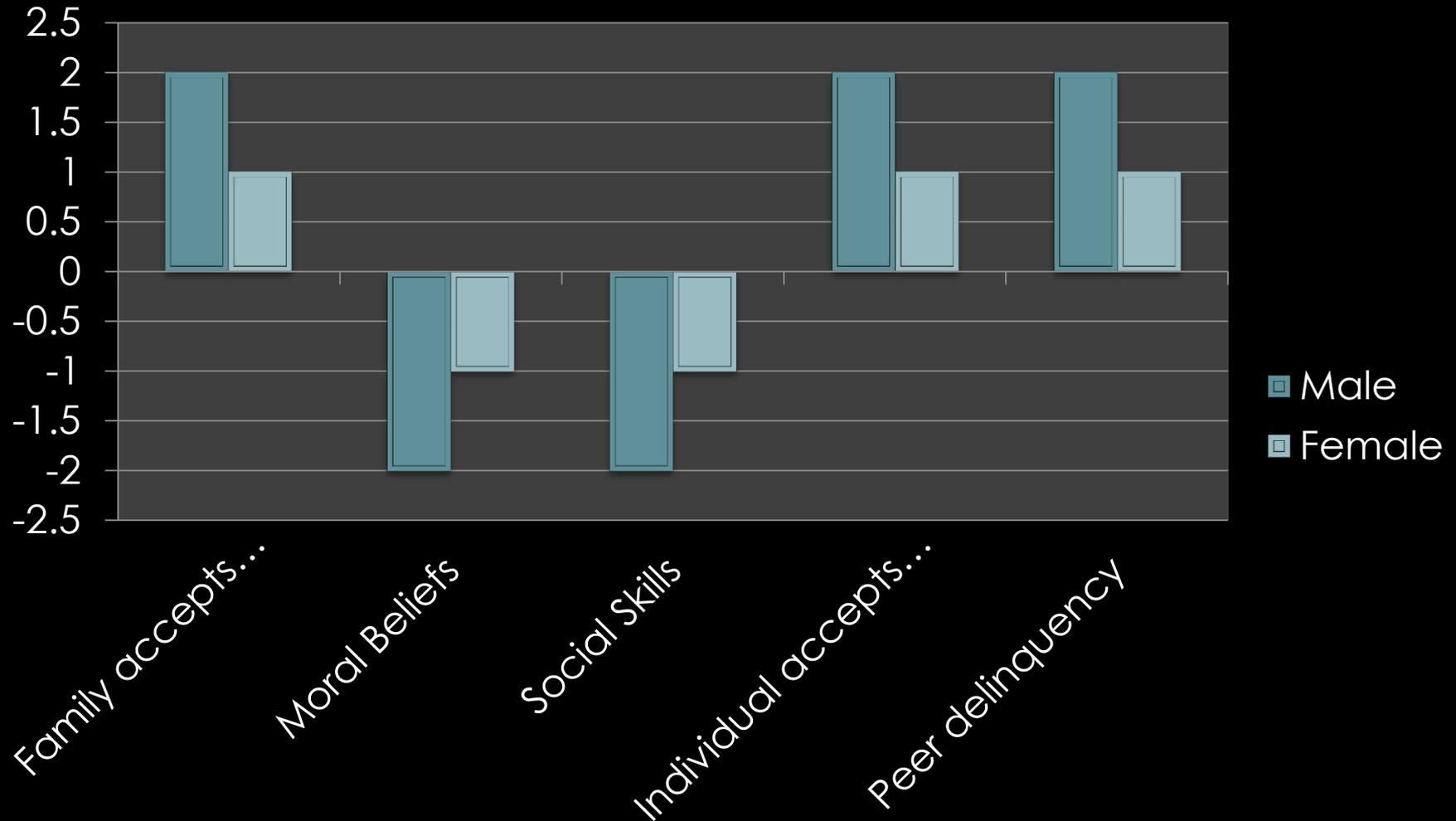
Girls of color are disproportionately arrested and detained (20-50%) compared to white girls.

AND

	<b>Formal</b>	<b>Informal</b>	<b>Total</b>	<b>% Formal</b>
<b>White</b>	78,686	100,835	179,521	0.44
<b>Black</b>	54,046	50,521	104,566	0.52
<b>American Indian</b>	3,156	2,734	5,890	0.54
<b>Asian/NHPI</b>	1,800	1,903	3,703	0.49
<b>Total</b>	137,687	155,993	293,681	

They are less likely to have matters resolved informally (above).

# Risk models are generally worse at predicting offending for adolescent females



# Theoretical and Research Background, Contd.



## NEHA TO FILL IN – flesh out content and add cites

- [Girls are disproportionately represented in the dually involved youth population (youth in JJ  $1/5 - 1/4$ ; dually involved youth  $1/3 - 1/2$ )
- Girls enter the JJ system overwhelmingly for minor offenses that pose no threat to public safety and that can be traced back to early childhood abuse
  - Note that once they enter, and penetrate the system, often offenses escalate (which is true for all youth, regardless of gender)
- Girls in JJ system are disproportionately victims of sexual abuse
  - In fact, sexual abuse is one of the primary predictors of girls entry into JJ\*\*\*\*this is not strictly true. Sexual abuse in the context of other home conflict and social stressors put girls at risk of jj involvement. But girls in the jj system do have the highest rate of sexual abuse compared to jj boys and non-jjgirls and boys.

# Justice-involved girls have higher rates of mental health disorder than boys



Non-detained JJ-involved

Non-JJ Involved

	Boys	Girls	Boys	Girls
PTSD	9%	23%	3%	7%
MDD	12%	45%	10%	14%
Alcohol Abuse	25%	26%	3%	5%
Drug Use	34%	34%	5%	6%
Sexual Assault	9%	26%	3%	10%
Physical Assault	47%	40%	14%	10%
Physical Abuse	31%	35%	9%	11%

# Trauma Exposure, Girls and the Juvenile Justice System



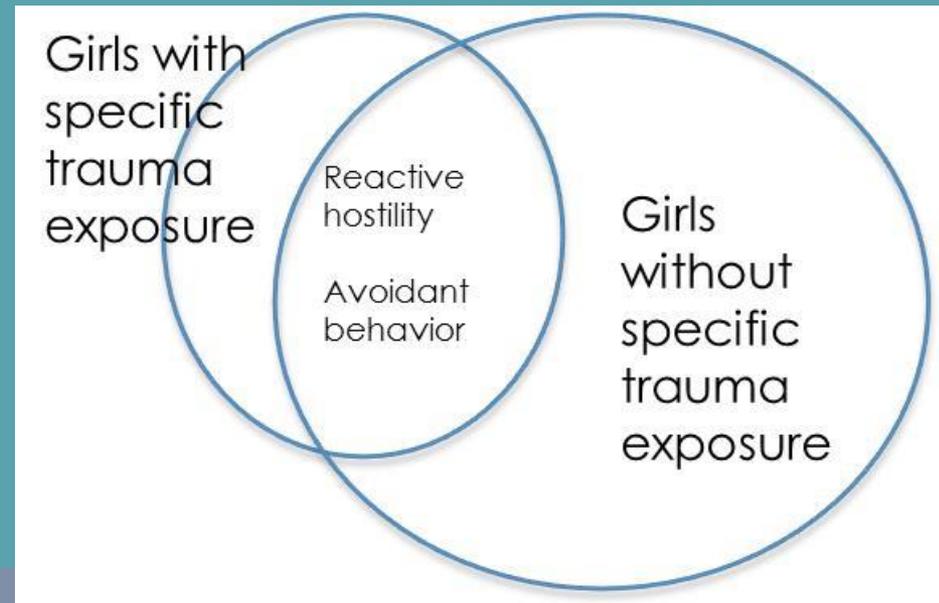
SAFE  
RESPECTFUL  
STRENGTHS-BASED



The risk of aggravating a hostile or avoidant response is greater for all youth, and particularly youth with a trauma history, if these are not in place

Don't do these if possible . . .

- Strip searches by male staff
- Body cavity searches by male staff
- Take downs
- Shower observations by male staff
- Demeaning names
- Sexual jokes or casual comments about a girl's body
- Discussing trauma or mental health incidents in open court
- Posturing, power struggles, brusque orders



# Preventing Girls With Histories of Abuse/ Neglect from Entering the Juvenile Justice System , Cont'd



## Child Welfare & Commercially Sexually Exploited Children

In 2013, estimated that 1 in 7 child runaways was a victim of CSEC, and of these youth, 67% were in the care of child welfare when they went missing (National Center for Missing and Exploited Children CSEC Fact Sheet)

Quote from Judge that oversees specialty CSEC Court

- *“One recovered youth told me that, ‘being in foster care was the perfect training for commercial sexual exploitation. I was used to being moved without warning, without any say, not knowing where I was going or whether I was allowed to pack my clothes. After years in foster care, I didn’t think anyone would want to take care of me unless they were paid. So when my pimp expected me to make money to support ‘the family’ it made sense to me.’”*

# Preventing Girls With Histories of Abuse/ Neglect from Entering the Juvenile Justice System , Cont'd



## Child Welfare & Commercially Sexually Exploited Children

### Snapshot of Liza's Story

- Age 10: Removed from home due to mom's physical abuse and sexual abuse
- Ages 10 – 14: placed in 6 different foster homes, placed with a relative, returned to mom twice; ran away 12 times during this four year period
- Age 14: lived off and on at mom's house and on the street; arrested for making criminal threats and assault
- Age 15: lived off and on at mom's house and on the street; arrested for solicitation

# Preventing Girls With Histories of Abuse/ Neglect from Entering the Juvenile Justice System , Cont'd



## Juvenile Justice System & Commercially Sexually Exploited Children

- Historically victims of commercial sexual exploitation had to be arrested and therefore criminalized in order to access specialized services
- In CA, until recently some child welfare agencies did not believe that there was a bases for dependency jurisdiction since abuse was not at the hands of caregiver
- Many key stakeholders believe that, even though CSEC should be seen as victims rather than perpetrators, secure detention and therefore JJ involvement was the only way to keep them safe

# Preventing Girls With Histories of Abuse/ Neglect from Entering the Juvenile Justice System , Cont'd



- California's Response:
  - CA Governor and Legislature passed SB 855 in June, 2014
    - ✦ Clarification of child welfare jurisdiction (see following slide)
    - ✦ Development of a funded CSEC Program to serve identified and at-risk CSEC through a multidisciplinary team approach
      - 35 of 58 counties have opted in
  - Currently numerous pending bills before legislature that address decriminalization of CSE

# Preventing Girls With Histories of Abuse/ Neglect from Entering the Juvenile Justice System , Cont'd



## Clarification of Child Welfare Law

### CA Welf. & Inst. Code § 300(b)(2)

“The Legislature finds and declares that a child who is

- sexually trafficked, as described in Section 236.1 of the Penal Code, **or**
- who receives food or shelter in exchange for, **or**
- who is paid to perform, sexual acts described in Section 236.1 or 11165.1 of the Penal Code,
- **AND**
- whose parent or guardian failed to, or was unable to, protect the child,
- is within the description of this subdivision, and that this finding is declaratory of existing law. These children shall be known as commercially sexually exploited children.”

# Preventing Girls With Histories of Abuse/ Neglect from Entering the Juvenile Justice System , Cont'd



## Recommendations:

- Child Welfare
  - Improve prevention and response to youth that tend to AWOL
  - Implement gender responsive protocols for trauma screening and assessment
  - Train foster parents, kinship caregivers, congregate care providers on effective prevention and response to CSE
  - Monitor and address referrals from group homes to law enforcement
- Juvenile Justice
  - At point of entry, identify whether youth has prior/ current CW involvement and calibrate response based on history of abuse / neglect
  - Train Probation, DA, court officers on pathway from childhood abuse/ neglect to JJ involvement
  - Close loophole on Valid Court Order, which undermines JJDPA's prohibition on detaining youth for status offenses
- Dual Status
  - Develop/ strengthen individualized, multi-disciplinary response to Dual Status youth, adding gender responsive components to improve services and outcomes for dually involved girls

# If Girls DO end up in the justice system – how can we make it a developmentally appropriate experience?

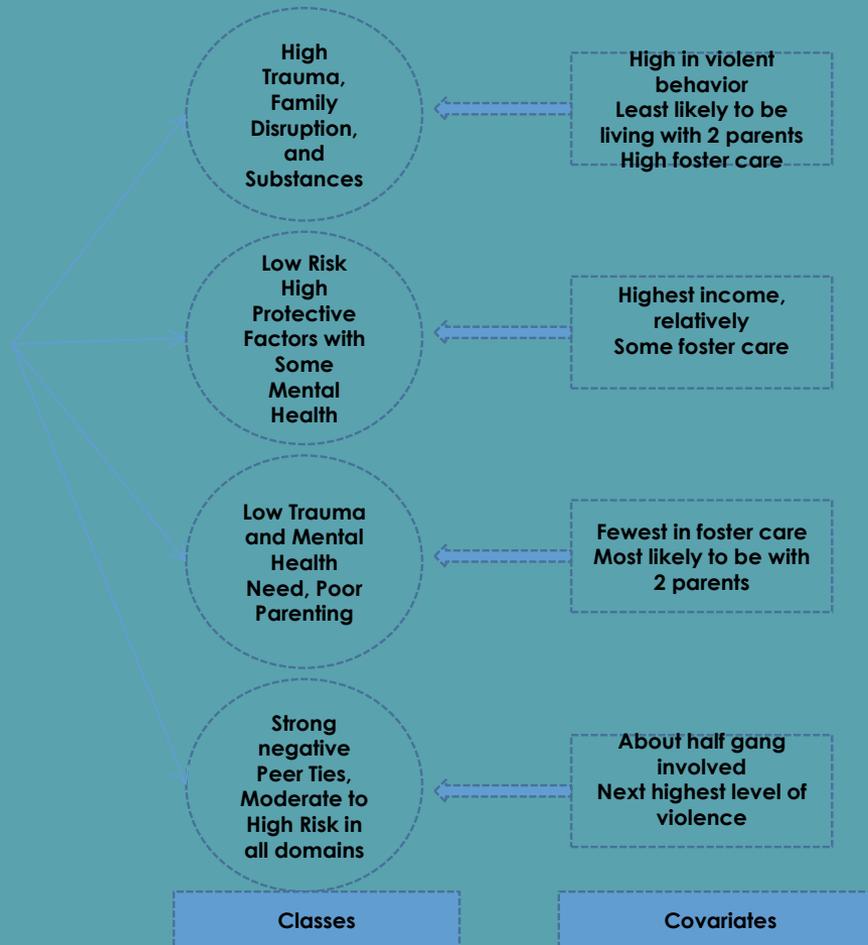
## Step 1: Do individualized program planning based on criminogenic and urgent health needs

20% of your girls likely need stable housing and significant support with behavioral health needs

12% of your girls likely need little to no intervention or a referral to mental health support

38% of your girls likely need a substance abuse program and some parenting support

30% of your girls likely need intensive, in home services for multiple needs.



# Introduce Girl-Responsive Programming



- Relational, Socially Informed, Strengths-Based, Skills-Based



Group-Based is BEST if gender-specific.

Family-Based is BEST if focuses on home conflict and relationships among other needs:

Functional Family Therapy  
MultiSystemic Therapy  
Multidimensional Treatment Foster Care

# Step 2: Review your court and probation practices for gender-responsiveness



## 1. Gender-Responsive Standards and Assessment Tool for Probation (GSAT-P) Oregon Coalition for Equal Access for Girls/Justice for Girls Coalition of Washington State

### 44. Programs and services are available to help girls establish healthy family connections and support

- Families are invited to program functions that celebrate the girl.
- Family members are provided with information about the programs and services girls are attending.
- Family-teacher conferences are held where possible.
- Girls have an active voice in how their families are involved in their treatment and programming.
- Family counseling is offered on site or by referral to a community provider who is trained in gender-responsive issues.

## 2. Gender-Responsive Program Assessment (Covington & Bloom)

<http://www.stephaniecovington.com/assets/files/assessment/GRAssessmentToolNonCj.pdf>

# Train your Staff



- National Council on Crime and Delinquency, Center for Girls and Young Women
  - <http://www.nccdglobal.org/what-we-do/center-for-girls-and-young-women/gender-responsive-training-curricula-and-practical-tools>
- Girl Matters and Savvy Sister
- <https://www.seethegirl.org/resources/activities-for-working-with-girls/>

# Contact Information



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