

# Evidence

## Gender Injustice

Authors argue that juvenile girls are victimized by a male-focused system.

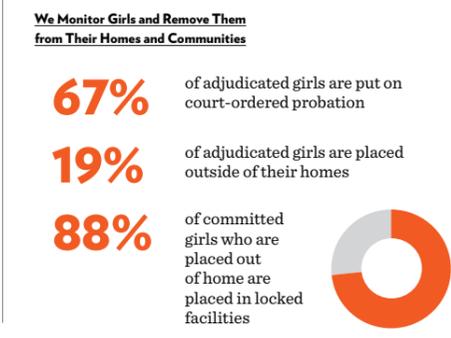
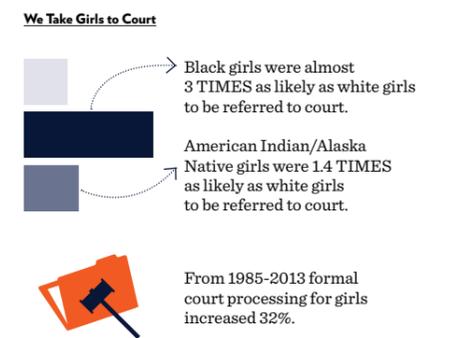
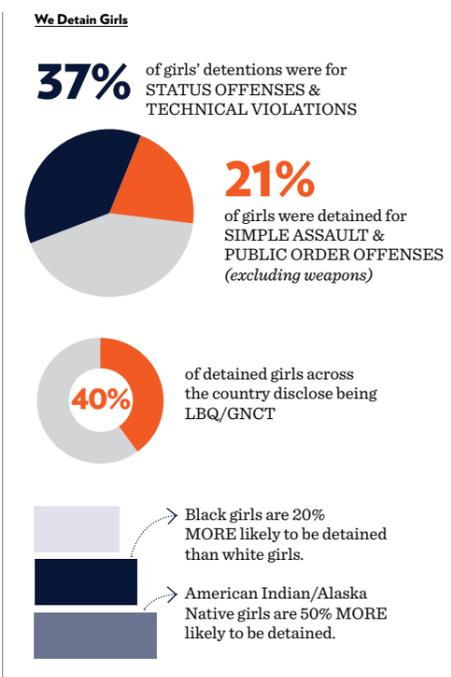
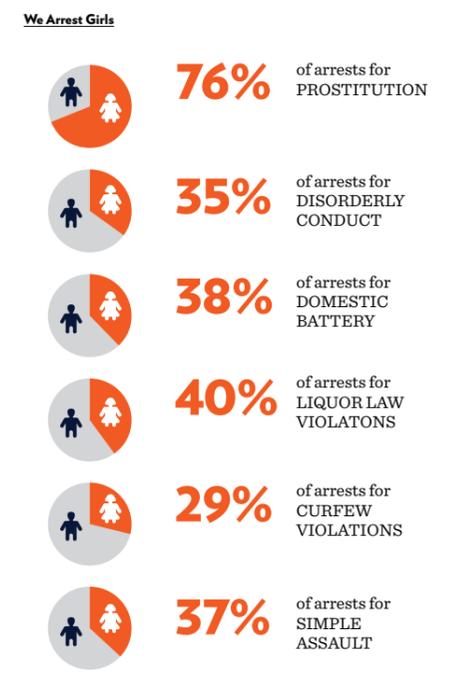
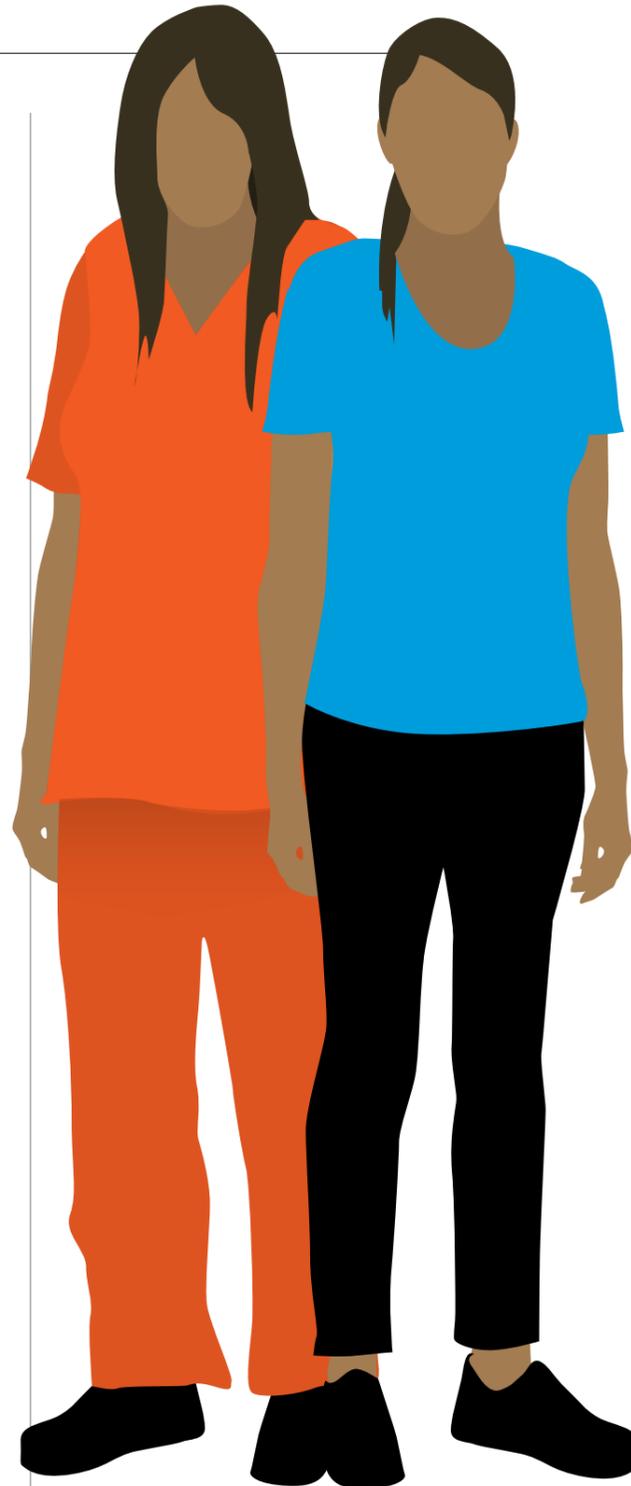
Last fall, BC Law clinical professor **Francine Sherman '80** and **Annie Balck '05** authored *Gender Injustice: System-Level Juvenile Justice Reforms for Girls*, the most comprehensive study to date on the subject. Findings from the report, produced in partnership with the National Crittenton Foundation and National Women's Law Center, are depicted in the graphic representation, at right.

Despite decades of attention, the proportion of girls in the juvenile justice system has increased and their challenges have remained remarkably consistent, resulting in deeply rooted systemic gender injustice. Girls in the justice system have experienced abuse, violence, adversity, and deprivation across many of the domains of their lives—family, peers, intimate partners, and community. There is also increasing understanding of the sorts of programs helpful to these girls. What is missing is a focus on how systems—and particularly juvenile justice systems—can be redesigned to protect public safety and support the healing and healthy development of girls and young women.

Many of the traditional tools of juvenile justice systems are blunt instruments—formal petitions, court proceedings, detention, and findings of rules violations—rather than individualized approaches, consistent with developmental research and tailored to each girl's social environment, risk level, and needs. As a result, even the most well-intentioned juvenile justice systems tend to push girls further into the system.

Happily, system-level reforms are occurring across the country, approaching youth behavior through a developmental lens and reducing the number of youth who enter and move through the justice system. We need to make the most of this time of reform by intentionally focusing our efforts on girls.

As the report details, by assessing the impact of system decisions on girls throughout the juvenile justice process and modifying many existing juvenile justice reforms to fit the needs of girls, juvenile justice systems can be redesigned to promote healthy relationships, shore up girls' social supports, and give girls agency over their lives.



- A Developmental Approach**
- 1. Stop Criminalizing Behavior caused by damaging environments that are out of girls' control.**  
Decriminalize offenses common to girls living in traumatic social contexts.  
Train law enforcement to respond supportively to girls in need and avoid arrest.  
Use a child welfare—not juvenile justice—approach.  
Stop punishing girls for living in chaotic and violent homes by reforming mandatory and pro-arrest domestic violence laws.  
Treat sexually exploited girls as victims by decriminalizing “prostitution” for minors and diverting sexually exploited girls from the juvenile justice system.  
Prohibit detention of girls for status offenses and eliminate the Valid Court Order (VCO) exception.  
Revise school policies to support girls in need, limiting school-based arrests and court referrals.
  - 2. Engage Girls' Families throughout the juvenile justice process.**
  - 3. Use Pre-Petition Diversion to provide “off-ramps” from the formal justice system for girls living in traumatic social contexts.**
  - 4. Don't Securely Detain Girls for offenses and technical violations that pose no public safety threat and are environmentally driven.**
  - 5. Use Trauma-Informed Approaches to improve court culture for girls.**
  - 6. Adopt a Strengths-Based, Objective Approach to girls probation services.**
  - 7. Use Health Dollars to Fund Evidence-Based Practices and programs for girls and address health needs related to their trauma.**
  - 8. Limit Secure Confinement of Girls, which is costly, leads to poor outcomes, and re-traumatizes vulnerable girls.**
  - 9. Support Emerging Adulthood for Young Women with justice system histories.**