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 juvenile justice system have experienced abuse, violence, advocacy, and deprivation across many of the domains of their lives—family, peers, intimate partners, and community. There is also increasing understanding of the costs of programs helpful to these girls. What is missing is a focus on how systems—and particularly juvenile justice systems—can be redesigned to promote 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 tailor-made to each girl’s social environment, risk level, and needs. As a result, even the most well-intentioned reforms designed to provide “off-ramps” from the formal justice system for girls living in traumatic social contexts, re-traumatizes vulnerable girls.

Authors argue that juvenile girls are criminalized by damaging environments that are out of girls’ control. Discrimination often stems from girls living in traumatic social contexts. Train law enforcement to respond respectfully 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. Prevent detention of girls for status offenses and eliminate the Valid Court Order (VCO) exception. Reimagine school policies to support girls in need, limiting school-based arrests and court referrals.

Gender Injustice
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