

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/gender-and-justice-in-america/ending-the-unjust-treatment-of-girls-charged-with-minor-offenses>

Public Facing Advocacy Writing

Since the early 90s, research has shown that girls in the juvenile justice system are more likely than their male peers to be detained for status offenses and minor delinquent behavior. The findings of [recent study](#) by researchers at the University of Texas provides strong evidence that, despite dramatic reform over the last 15 years, the tendency to lock girls up for less serious offenses, such as running away from home, has not budged.

In the study's analysis of 5,019 cases across three jurisdictions in Texas over a two-year period, researchers found that not only were girls typically punished for less serious offenses, but they also spent more time in juvenile justice facilities as a result: Girls were held in pretrial detention for an average of five days longer than boys in the study and the median time from initial incarceration to discharge was 18 weeks for girls compared to 7 weeks for boys.

The reasons behind these trends are complicated and not well understood. Research has shown that [sexist stereotypes may play a role](#) in decision making, because system actors feel a stronger need to protect girls who skip school or run away by locking them up and keeping them off the streets, an attitude often referred to as protectionism. Similarly, sexist stereotypes may cause system actors to view even non-serious misconduct on the part of girls, especially girls of color, as more transgressive than the same behavior committed by boys in keeping with the clichés that boys will be boys and girls are sugar and spice and everything nice. Still other research has shown that girls in the juvenile justice system face [higher rates of complex trauma](#), mental health disorders, and more chaotic family contexts than boys. These factors may prevent girls from being able to return home and thus influence the system's decision to keep them in out-of-home placements. Indeed, the young women in the University of Texas study had rates of mental health conditions 25 percent higher than their male peers and they endured nearly twice the level of past traumatic experiences compared to boys in the study.

In reality, all of these factors likely combine to produce a disparate impact on girls who are unjustly pulled into the juvenile justice system due to the overly harsh treatment for low-level offenses and noncriminal status offenses they receive. After 15 years of remarkable successes in decreasing the number of youth who spend time in juvenile detention, especially at the so-called shallow end of the system for offenses that do not impact public safety, it is disheartening to see these gender disparities have such staying power.

So what steps can systems take to [achieve gender equity](#)?

In [anew report](#) released by the National Women's Law Center and National Crittenton Foundation, co-authors Francine Sherman and Annie Balck outline an alternative approach to girls in the juvenile justice system. They argue that the purely programmatic focus that has dominated gender-responsive juvenile justice reform doesn't adequately attend to the systemic inequities, described above, that girls encounter in the juvenile justice system. The authors' system-level focus emphasizes policy and practice changes to improve the juvenile justice system's capacity to respond to the [gendered social context](#) that drives girls into the justice system.

Many of Balck and Sherman's proposals for system reform include banning detention for status offenses in all circumstances, including violations of court orders related to status offenses; changing law enforcement responses to family-based violence; increasing use of diversion for girls; and implementing regular data analysis to reveal gender and racial differences in detention practices. These practices enjoy broad consensus in the field and would go a long way towards helping systems identify and eliminate gender disparities that have persisted for too long.

As the authors conclude, It's time to end decades of unfairness to girls and young women and treat them with the respect and care they deserve.

Through the [Gender & Justice in America](#) blog series, Vera will explore issues facing justice-involved women and girls in the fields of adult corrections, youth justice, immigration, victimization, substance use, and mental health.

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