



No Place for Youth: *Girls in the Adult Justice System*

GENDER-RESPONSIVE STRATEGIES
for Justice-Involved Women and Girls

July 2016 | *Antoinette Davis, Andrea Gentile, Caroline Glesmann*



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During the past three decades, states across the country passed legislation making it easier to move youth under age 18 into the adult criminal justice system (*Puzzanchera & Addie 2014; Johnson, Lanza-Kaduce, & Woolard; Mulvey & Schubert 2012; Griffin, Addie, Adams, & Firestine 2011*).

These laws made youth eligible for transfer to the adult court system for a greater number of crimes, lowered the age of adult criminal responsibility, increased the ability of prosecutors to file cases in adult court directly, and excluded certain crimes from eligibility for juvenile court adjudication. These legislative changes resulted in an unprecedented rise in youth serving time in adult criminal justice facilities (i.e., jails and prisons). Not only does this phenomenon add a layer of difficulty to the operation and staffing of facilities charged with overseeing these young offenders, but it also directly conflicts with research showing that housing youth in adult correctional facilities is harmful, on a variety of levels, for young people.

Adult jails and prisons are not designed for the confinement of youth, and as a result most are not equipped to meet the inherent and specific needs of adolescents. Studies show that youth in adult confinement do not receive age-appropriate educational, medical, or rehabilitative services. They are subject to conditions that are developmentally inappropriate and physically and emotionally unsafe; these conditions run counter to rehabilitative goals. In addition, a growing body of research shows that youth confined in adult facilities are exposed to seasoned offenders and, as compared to youth who are placed in juvenile facilities, are more likely to recidivate with more severe crimes upon release (*Hahn et al., 2007; Redding 2010; Fagan, Kupchik, & Liberman 2007; Johnson, Lanza-Kaduce, & Woolard 2011*).

FROM THE DIRECTOR

Over the past three decades, States have enacted legislation making it easier to transfer youth to the adult criminal justice system. Although the process occurs with male and female youth, this document specifically addresses the challenges of transferring girls to adult court and correctional systems. Mechanisms developed to move youth into adult systems include Judicial Waiver/Transfer Laws, Prosecutorial Direct Filing, Statutory Exclusion Provisions, the “Once an Adult, Always an Adult” Provisions and Age of Jurisdiction Laws. When making those transfer decisions, less consideration may be given to the idea that adult jails and prisons are not designed for the confinement of youth, and as a result most are not equipped to meet the inherent and specific needs of adolescents.

Even in adult facilities housing women, policy and practice were designed and delivered to the majority correctional population, adult men. Further, the physical structure, institutional culture, policies and practices may have the unintended consequences of impeding the physical and emotional safety of girls and exacerbating those very issues that brought them to the attention of the courts. Studies show that when transferring to the adult court system, youth in adult confinement do not receive age-appropriate educational, medical, or rehabilitative services. Additionally, little focus has been directed to policies, programs, classification tools, facilities, and services that are developmentally inappropriate for youth, and in this case, girls.

While not intended as a research document, this bulletin highlights challenges when transferring juveniles to the adult criminal justice system for administrators and the individual justice involved girls. It is hoped that the audience for this document will extend beyond that of adult and juvenile correctional administrators and reach other related stakeholders who are involved in the decision-making regarding the transfer of juveniles to the adult criminal justice system.

Jim Cosby
Director



Although not widely considered by practitioners, researchers, and other stakeholders, a growing proportion of youth prosecuted as adults are female. In 2010, girls were defendants in 8% of all cases judicially waived from juvenile to adult court¹ (*Puzzanchera & Addie 2014*). This bulletin focuses on the population of girls under age 18 who are confined to adult facilities in the United States. It provides a summary of current research, incorporates the voices of practitioners, and offers recommendations for improving conditions and outcomes for girls who are sentenced to adult facilities. Data examined for this bulletin include results of a national survey of correctional administrators conducted by the National Institute of Corrections (NIC) and the National Council on Crime and Delinquency (NCCD) in 2014. The NIC/NCCD survey was designed to collect information from members of the Association of State Correctional Administrators (ASCA) about issues and challenges that adult facilities face in serving youth under age 18, with a particular focus on girls. ASCA is a professional organization whose membership consists of current and former administrators of correctional facilities or the correctional system of a jurisdiction. Survey findings are included throughout the bulletin, and results are summarized in the appendix. NIC and NCCD also held a listening session with a select group of corrections professionals; these individuals have extensive experience overseeing state correctional departments or women's correctional facilities and providing services for female offenders. Quotes from this listening session are highlighted in the bulletin.

MECHANISMS THAT MOVE GIRLS INTO ADULT COURTS

Some experts explain the growing number of youth in the adult system by pointing to the proliferation of juvenile transfer policies that widen the net and capture youth who otherwise would be served in the juvenile system. As described below, states use a variety of mechanisms to move youth into the adult court, including the following:

- **Judicial Waiver/Transfer Laws.** These laws give juvenile court judges the discretion to transfer youth to adult court for certain offense types at certain ages. Forty-six states have judicial waiver provisions (*Griffin et al 2011*).
- **Prosecutorial Direct File.** These laws allow prosecutors to file juvenile cases for certain offense types in adult courts directly, without hearings. Fifteen states have prosecutorial direct file provisions (*Griffin et al 2011*). In recent years several of these states passed policies to narrow the use of direct file by age or offense (*Daugherty 2013; Arya 2011*).
- **Statutory Exclusion Provisions.** These provisions automatically exclude certain cases from adjudication in juvenile court. Twenty-nine states give original jurisdiction for specific crimes to adult courts if youth are of a certain age. The minimum age for statutory exclusion ranges from 10 to 17 years (*Griffin, Addie, Adams, & Firestine 2011*). Several of these states recently passed laws that limit eligibility for automatic prosecution in adult court (*Daugherty 2013; Arya 2011*).
- **“Once an Adult, Always an Adult” Provisions.** In 34 states, these provisions require any youth with a past offense that was waived to adult court be sent to adult court for any subsequent offense — regardless of offense type (*Griffin, Addie, Adams, & Firestine 2011*).
- **Age of Jurisdiction Laws.** Two states currently treat all youth ages 16 and older as adults in the criminal justice system for all offense types, including nonviolent misdemeanors; an additional seven states automatically treat all 17-year-olds as adults. Several states are considering legislation that would raise the age of jurisdiction, while five states that had jurisdictional ages below 18 have raised the age of jurisdiction in recent years. The vast majority of youth in adult court are there due to age of jurisdiction laws (*Zeidenberg 2011*).

Once designated an adult for the purpose of criminal law, a young person's experiences of confinement vary depending on the state she is in and the mechanism used to prosecute her as an adult. Many states and local jurisdictions allow youth to be held in juvenile detention facilities rather than adult jails before trial (*Griffin, Addie, Adams, & Firestine 2011; Human Rights Watch and American Civil Liberties Union 2012; Zeidenberg 2011; Campaign for Youth Justice 2007; Deitch 2011*). At least 16 states hold sentenced youth in state juvenile confinement facilities until at least their 18th birthday rather than transferring them to adult prisons (*Deitch 2011*). Estimates conclude that between 200,000 (*Woolard et al. 2005*)

and 250,000 (Zeidenberg 2011; Arya 2011) youth under age 18 are tried in adult courts each year, and approximately 4,600 youth are held in adult jails on any given night in the United States (Minton & Golinelli 2014). A snapshot of 2008 prison statistics found that 3,531 boys and 119 girls under age 18 were held in prisons in the United States (Sabol & West 2009). These numbers do not include youth in prison who were under age 18 when they committed their offense and have since turned 18.

PROFILE OF JUSTICE-INVOLVED GIRLS

A common perception is that children prosecuted as adults are the most dangerous and violent of youth. However, evidence suggests that youth in the adult criminal justice system do not differ significantly from youth in the juvenile justice system (Deitch 2011). Many are first-time offenders (or are not repeat offenders) and pose little risk to public safety (Fagan, Kupchik, & Liberman 2007; Mulvey & Schubert 2012). Nationally, approximately half of youth transferred to adult court in 2007 were waived for property offenses, drug offenses, or offenses against the public; and slightly less than half (48%) were waived for offenses against persons (Griffin, Addie, Adams, & Firestine 2011).

Research and information available on the characteristics and experiences of girls in the adult system are limited. However, research shows many similarities between this population and girls in the juvenile justice system, including the following examples:

- Justice-involved girls have **disproportionately high rates of past physical and sexual abuse and trauma** (Weemhoff & Staley 2014; Gaarder & Belknap 2002; Wu 2010; Selph 2014) and, as a result, experience high rates of mental and emotional health issues (Wasserman, McReynolds, Schwalbe, Keating, & Jone, 2010; National Prison Rape Elimination Commission 2009; Selph 2014).
- Justice-involved girls are **more likely to be pregnant or parenting** than girls in the general population (Office of the Child Advocate 2008; Selph 2014; Listenbee et al. 2012).
- Justice-involved girls are **disproportionately low risk, yet they exhibit a high need for services** (e.g., alcohol and drug treatment, mental health counseling, etc.). Their crimes often stem from their need to escape, survive, or cope with difficult or unsafe circumstances (Wu 2010; Gaarder & Belknap 2002).
- Justice-involved girls are **not a homogenous group**. A variety of experiences and characteristics, including race, ethnicity, sexual orientation, gender identity and expression, income level, and immigration status frame their experiences in and out of the justice system.

While little research exists that examines the interactions between gender and race in the prosecution of girls in adult courts, data point to severe racial disproportionality in transfer. Girls of color are more likely to be arrested and treated harshly in the criminal justice system (Gaarder & Belknap 2002; Crenshaw 2012). One study found that 68% of girls in adult court were Black compared to 59% of boys, and 88% were girls of color compared to 83% of boys (Juszkiewicz 2007). Policies that move youth into the adult system adversely affect Black and Latino youth at much higher rates than their White peers (Burgess-Proctor, Holtrop, & Villarruel 2008; Bishop 2000). Evidence suggests that this disproportionality is largely due to systemic bias at key decisionmaking points in the juvenile and criminal justice systems, high levels of surveillance in low-income communities of color, and implicit biases within systems and not necessarily the result of differences in levels or severity of crime (Arya & Augarten 2008; Alexander 2012; Burgess-Proctor, Holtrop, & Villarruel 2008). Black and Latino youth face “accumulated disadvantage” in their progression through the criminal justice system nationally (Hartney & Silva 2007); at each decision point they are more likely to face harsher punishment than their White counterparts.

Research shows that approximately 27% of girls in the justice system are lesbian, bisexual, questioning (LBQ), or gender-nonconforming (girls whose behavior or appearance is different from social expectations of femininity; *Irvine 2010*). Girls who are LBQ or gender nonconforming—and particularly LBQ and gender-nonconforming girls of color—are especially vulnerable to adult court prosecution. Gaarder and Belknap (2002) suggest that lesbian girls are often “stereotyped as hyper-masculine, aggressive, and delinquent” and thus subject to harsher punishment. In an analysis of data from the National Longitudinal Study of Adolescent Health, Himmelstein and Bruckner (2011) found that girls who identified as lesbian or bisexual were at significantly greater risk than straight peers of being expelled from school, stopped by police, subjected to juvenile arrest and conviction, and subjected to adult arrest and conviction. While research on this subject as it relates to adult facilities is lacking, LGBTQ youth and particularly transgender girls² in juvenile confinement facilities are also vulnerable to isolation, unsafe conditions, and staff who are insensitive or hostile to their identities (*Majd, Marksamer, & Reyes 2009*).

CHALLENGES TO PROVIDING ADEQUATE PROGRAMMING AND SERVICES

It’s just an oxymoron that you think you can give a kid in an adult facility the type of access they need at their age and developmental level that we worked very hard at providing for adults.

— Retired Deputy Secretary and former Female Command Manager, listening session participant

In the adult criminal justice system, girls are met with policies, programs, classification tools, facilities, and services that are developmentally inappropriate. For a typical high school teenager, adolescence is a time to build positive relationships with peers and adults, obtain a high school education, and develop interests and learn skills that form a foundation for adult identity. Entry into the adult criminal justice system often marks an extended interruption or end to this period of growth. A report documenting the experiences of girls in a Northeastern state prison found that frequent lockdowns caused girls to miss school regularly (*Office of the Child Advocate 2008*). The prison also did not have programming specifically for adolescent girls, although girls could attend programs with adult women (*Office of the Child Advocate 2008*). A study of girls in a Midwestern women’s prison found that girls in programs with adult women felt like they were talked down to by the older women in the facility and that the programs were not relevant to their lives (*Gaarder & Belknap 2004*).

Despite the fact that some girls commit serious crimes, the weight of developmental research confirms that adolescents are different from adults. Adolescence is a critical stage of identity formation, with unique needs, strengths, and vulnerabilities (*Roper v. Simmons 2004; Mulvey & Schubert 2012; American Bar Association 2008*). Youth are cognitively similar to adults but are more prone to risk-taking and impulsivity; they are also more flexible and likely to change (*Steinberg 2008; Steinberg & Scott 2003*).

CHALLENGES TO KEEPING GIRLS SAFE

Self-harm is a critical issue for justice-involved youth. Youth under age 18 were the most likely population to commit suicide while incarcerated in adult jails, and they did so at twice the rate of adult inmates (*Mumola 2005*). Even youth who spend very short periods of time in jail are at high risk, as 48% of jail suicides happen within the first week of incarceration (*Mumola, 2005*). Youth in adult jails are regularly held in isolation, which exacerbates mental and emotional health issues and suicide risk (*Human Rights Watch/American Civil Liberties Union 2012; Campaign for Youth Justice 2007; Deitch et al. 2012*). Correctional staff must contend with the competing needs of making sure youth are not isolated and have access to programming and recreation while keeping youth safe from violence and separate from the adult population (*Campaign for Youth Justice 2007*).

So when girls came in and we did not have a separate facility, we would have to admit and process them, and depending on the length of the sentence, keep them either at a women's prison or transfer them to the area that had the most robust education. We had to isolate them literally. Isolation is not good for kids—it's not good for adults—but we had to isolate their access to programming.

— Retired Deputy Secretary and former Female Command Manager, listening session participant

In adult facilities, youth are especially vulnerable to sexual and physical assault (Goff, Jackson, Di Leone, Culotta, & DiTomasso 2014; Beck & Berzofsky 2013). Though less is known about rates of assault for girls specifically in adult facilities, girls in juvenile confinement are disproportionately victims of sexual violence. One study found that 26% of all cases of abuse in state and local juvenile facilities were perpetrated against girls; and 51% of all cases of staff abuse involved the victimization of girls, though girls make up only 15% of youth in facilities (Beck, Adams, & Guerino 2008, as cited by National Prison Rape Elimination Commission 2009). Transgender girls also are extremely vulnerable to abuse and assault (National Prison Rape Elimination Commission 2009).

Classification systems designed without youth in mind may pose challenges to keeping youth safe from violence. Youth must be reevaluated regularly and require individualized gender-responsive classification systems that consider their social history, age, medical and mental health, suicide risk, physical size, psychological development, and offense (American Bar Association 2002).

A listening session participant noted the challenges of adhering to state policies requiring young people to be out of sight and sound of adults. Although these policies frequently lead to isolation for youth, to mitigate this factor, girls are processed in adult facilities and then moved to juvenile facilities for housing.

STAFFING CHALLENGES

Ensuring that youth are safe while in adult jails and prisons is difficult when staff lack appropriate training to meet the needs of youth (Human Rights Watch/American Civil Liberties Union 2012). Staff-to-youth ratios also exacerbate the challenges of keeping youth safe and meeting their developmental needs. Juvenile detention facilities maintain on average a 1:8 staff-to-youth ratio to protect youth, but staff-to-inmate ratios in adult jails can be as low as 1:64 (Campaign for Youth Justice 2007).

In their interviews in a Midwestern women's prison, Gaarder and Belknap (2004) found high rates of staff turnover and staff discomfort working with youth. Girls in the prison also reported that they were underserved and overmedicated by the psychiatrists at the prison and had inadequate access to medical care and preventive health screenings (Gaarder & Belknap 2004). As importantly, evidence indicates that jail staff are not trained or equipped to take care of youth (Campaign for Youth Justice 2007).

The need for appropriate training for staff on working effectively with girls housed in adult facilities is supported by the NIC/NCCD survey data. While 59.1% of respondents said the staff-to-inmate ratio in their adult facilities provided sufficient staffing to monitor, treat, and educate youth, multiple respondents described the need for additional training and other resources to meet the disparate needs of youth. Areas identified for training included management of young people, gender responsiveness, and trauma-informed care.

CONCLUSION AND RECOMMENDATIONS

Adult confinement settings face challenges to providing adequate programs and services for adolescent girls. Appropriately measured interventions that emphasize and develop young people's strengths can have a positive effect, while programs that simply treat youth punitively or as adult criminals can have long-lasting negative consequences (*Mulvey & Schubert 2012; Jordan 2014*), including higher rates of recidivism (*Redding 2010; Burgess, Proctor, Holtrop, & Villaruel 2008*).

Physical plant design and staffing constraints within adult facilities make it difficult to keep girls safe from violence while meeting their emotional, psychological, and recreational needs — a concern that is echoed in the NIC/NCCD survey data. While a majority (68.2%) of survey respondents said the institutional cultures of their adult facilities are equipped to handle the needs of youth adjudicated into the adult system, less than half (40.9%) reported that their facilities' physical plants — including having safe, well-monitored space separate from the general adult population for housing, programming, recreation, and other needs — are adequately prepared to address this population's issues.

Where laws require that youth be tried and housed as adults, corrections professionals have a duty to follow accepted standards designed to keep youth safe from harm. The following recommendations are meant to offer practical guidance on treating appropriately and humanely those girls who must be placed in the adult system and, where possible, keeping them out of the adult system altogether.

1. Minimize Harm to Girls in the System

- *Keep girls in their communities when possible.* Most adolescents can be served safely in non-residential community settings and benefit from staying in their communities. The Attorney General's National Task Force on Children Exposed to Violence suggests that most girls are best served by nonresidential treatment in their communities, and girls who must be in residential settings for public safety reasons should be placed in small gender-responsive and culturally competent facilities (*Listenbee et al. 2012*).
- *Keep girls out of adult jails and prisons when possible.* Adult jails and prisons are not appropriate for adolescent girls. While policies persist that prosecute youth in adult courts, adult corrections departments should, where possible, develop memoranda of understanding with existing juvenile justice facilities to house youth who require secure residential confinement. Multiple respondents to the NIC/NCCD survey recommended keeping youth under age 18 in the juvenile justice system rather than moving them to the adult system.
- *If adolescents must be housed in adult correctional facilities, house them in units separate from adults without the use of isolation.* Staff working in these units should be trained in gender responsiveness, adolescent development, strengths-based approaches, trauma-informed care, cultural competency, and LGBTQ competency. Girls should have access to equitable recreational, educational, and vocational opportunities. They should also have medical and mental health care, including preventative health screenings and reproductive health care services, that meets their needs.
- *House transgender youth where they will feel most safe and comfortable, and avoid the use of isolation.* Transgender youth should not be automatically housed based on the sex they were assigned at birth. Best practices for housing and classification decisions recommend "prioritizing the youth's evaluation of his or her safety" (*Majd et al. 2009*).

- *Keep LGB and gender-nonconforming youth safe from harassment and violence without the use of isolation and without requiring separate housing solely for LGBTQ and gender-nonconforming youth.* Ensure that nondiscrimination policies properly protect LGBTQ and gender-nonconforming youth and that staff are trained in LGBTQ and gender-nonconforming competency.
- *Avoid re-traumatizing practices such as isolation and restraint.* Because forming connections and relationships with others is a crucial part of girls' development, isolation can increase feelings of anxiety and tendencies toward self-harm (Human Rights Watch & American Civil Liberties Union 2006). The issue of restraints is particularly relevant for girls and young women who are pregnant or give birth while in confinement. The National Task Force on the Use of Restraints with Pregnant Women under Correctional Custody identified five key principles and 11 best practices that support these principles regarding the use of restraints in correctional settings (National Task Force on the Use of Restraints with Pregnant Women under Correctional Custody 2012).
- *Ensure safety from sexual and physical abuse without the use of isolation.* More than one quarter (28.6%) of NIC/NCCD survey respondents believed that staff were not adequately prepared to comply with Prison Rape Elimination Act (PREA) standard 115.14 regarding requirements for youth housed in adult facilities, which indicates a need for additional and ongoing training.

2. Provide Appropriate Programming and Services

- *Girls should have access to programs and services designed with them in mind.* Programs and services should be youth-specific, gender-responsive, strengths-based, trauma-informed, LGBTQ-inclusive, and culturally competent.
- *Provide trauma-informed care.* Services for justice-involved girls should offer “healing from violence and other traumatic events, including sexual and physical abuse” (Listenbee et al. 2012).
- *Ensure access to age-appropriate education, mental health services, and health care.* Most youth confined in adult facilities have not yet completed high school or obtained a general educational development (GED) certificate and should have access to full-time schooling. They also should have 24-hour access to mental health providers who specialize in adolescent development. Detained youth should have access to health care professionals and mental health care providers who are experts in adolescent health care (American Academy of Pediatrics 2011). Health care providers should be knowledgeable and nonjudgmental about adolescent girls' health needs and offer appropriate preventive and reproductive health care.
- *Train staff in gender-responsive, strengths-based, culturally relevant, trauma-informed, and youth-specific practices.* Correctional staff working with adolescents benefit from training in the “unique social, educational, recreational, and supervisory” needs of youth (American Academy of Pediatrics 2011) and in culturally competent, gender-responsive, trauma-informed, and strengths-based approaches (Office of the Child Advocate 2008).
- *Provide appropriate programs and services to girls under community supervision.* Many girls under age 18 tried in adult courtrooms are sentenced to adult probation (Mulvey & Schubert 2012; Arya 2011), and appropriate staffing and programming in the community may prevent girls from moving deeper into the criminal justice system. Community corrections staff who work with adolescent girls should also be trained to serve their specific needs.

3. Use Gender- and Age-Appropriate Classification Tools and Risk and Needs Assessments

- *Ensure that classification tools and assessments are validated for use with young people and with young women specifically.* Evidence-based risk/needs assessments that ensure gender equity are responsive to girls' developmental pathways and complex needs. Providing regular training for staff helps ensure appropriate administration and interpretation of risk assessment tools. This is supported by NIC/NCCD survey data, as close to half (42.9%) of respondents indicated the need for staff training on the use of instruments validated on girls.

4. Create Opportunities for Relationship-Building with Peers, Family Members, and Community Supports and Resources

- *Girls should have regular access to contact with family members and adults.* Positive relationships with family and other supportive adults are protective factors for justice-involved girls. Though not all relationships are constructive and girls should not be forced to maintain contact, girls should have the opportunity to stay in touch with family and positive adults.
- *Girls should have opportunities to form friendships with peers as a normal part of their development.* Adult facilities with very small numbers of girls under age 18 may develop agreements with juvenile detention facilities to ensure that girls are not isolated from their peers. Such agreements could allow girls to be held in juvenile confinement with their peers until their 18th birthday or create arrangements for joint recreational or educational activities with girls in juvenile confinement.

5. Provide Off-Ramps Out of the System

- *Ensure youth are kept in the least-restrictive settings possible.* Serving youth in community-based environments can reduce additional justice system involvement, lead to positive outcomes for the youth, and reduce system costs (*Center for Juvenile Justice Reform et al. 2011*).
- *Create opportunities for education and vocational training.* Opportunities for girls should be equitable to those provided to boys. Providing educational assistance and job training can improve youth's employability. Further, maintaining stable employment may help reduce the likelihood of reoffending.

6. Listen to Girls

- *Girls are the experts in their lives and experiences.* Facilities and community supervision departments working with girls should ask them about their needs; celebrate their strengths and successes; and work with them to provide adequate housing, programming, and resources.
- *Learn more about the experiences of girls in the adult system.* More research is needed on the specific experiences of girls who are tried as adults and who serve time in adult jails and prisons.

Many girls under age 18 tried in adult courtrooms are sentenced to adult probation (Mulvey & Schubert 2012; Arya 2011), and appropriate staffing and programming in the community may prevent girls from moving deeper into the criminal justice system.

APPENDIX: NIC/NCCD SURVEY RESULTS

In 2014, NIC and NCCD developed and distributed a survey designed to collect information about issues and challenges that adult facilities face in serving youth under age 18, with a particular focus on girls. The target audience for the survey was members of the Association of State Correctional Administrators (ASCA). ASCA is a professional organization whose membership consists of current and former administrators of correctional facilities or correctional systems of jurisdictions. The survey was administered using an online survey instrument. The invitation to participate in the survey was distributed via email to 56 ASCA members.

The survey yielded a 57.1% response rate, with respondents representing 31 states and the District of Columbia. Respondents included wardens and deputy wardens, superintendents, directors, and others. About two thirds (62.5%) of respondents reported that their agency has responsibility for both adult and juvenile offenders. Almost that many (60%) stated their agency houses girls (under age 18) in adult facilities. The data described in figures 1–3 reflect respondents who indicated that their agency has responsibility for both adult and juvenile offenders and/or houses girls in adult facilities (N=24).³

Respondents were asked to indicate the extent to which their agency’s adult facilities are prepared to address the issues that young people adjudicated into the adult system present. Topics included the agency’s physical plant (for example, having safe, well-monitored space separate from the general adult population for housing, programming, recreation, shower/bathroom facilities); staff-to-inmate ratio (having sufficient security and programming staff to monitor, treat, and educate this population); and institutional culture (having an institutional culture that is prepared to work differently with the needs of this population). The majority of respondents believed the staff-to-inmate ratio and the institutional culture of their adult facilities were prepared to meet the needs of young people (59.1% and 68.2%, respectively), while less than half (40.9%) believed that the physical plant was able to do so (figure 1).

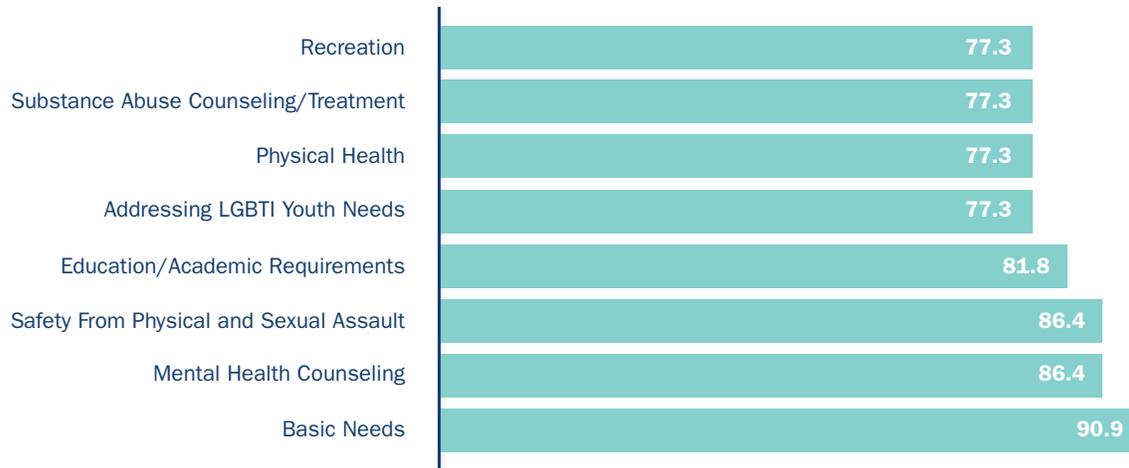
FIGURE 1: ADULT FACILITIES PREPARED TO ADDRESS JUVENILE ISSUES (N=22)



Note: Figure 1 displays the percentage of respondents who answered “agree” or “strongly agree” to a particular survey item.

Respondents also were asked to indicate the degree to which staff are prepared to meet the developmental needs (e.g., needs related to case management, recreation, substance abuse counseling and treatment) of juveniles in adult facilities. The areas in which the largest percentage of respondents indicated the need for additional staff preparation or training include vocational training and risk/needs instruments validated on girls. See figures 2 and 3.

FIGURE 2: STAFF PREPARED TO ADDRESS JUVENILE ISSUES (N=22)



Note: Figure 2 displays the percentage of respondents who answered “agree” or “strongly agree” to a particular survey item.

FIGURE 3: STAFF PREPARED TO ADDRESS JUVENILE ISSUES (N=22)



Note: Figure 3 displays the percentage of respondents who answered “agree” or “strongly agree” to a particular survey item. All Ns for figure 3 are 22, except Risk/Needs Tools (N=21) and Compliance with PREA Standard (N=21).

Finally, respondents were asked to provide short-answer responses on two main topics. The first question asked respondents to describe the resources that can help corrections officials appropriately address the needs and issues of girls tried, sentenced, and remanded to adult facilities. The most common needs reported were for training on managing and addressing the needs of young people; appropriate housing to serve this population, including meeting PREA standards; and training that is gender-responsive and/or trauma-informed.

The second short-answer question asked respondents to list changes or suggestions they would like to see in the way court-involved girls under age 18 are sentenced and treated after sentencing. The most common response was to sentence this population as juveniles and/or house them in a juvenile facility.

ENDNOTES

¹ The overall number of youth transferred to adult court declined during this time, in part due to an increase in direct-file laws allowing prosecutors to automatically try certain juvenile crimes in adult courts without a transfer hearing. Though the overall number of transfers dropped by nearly half, the number of girls transferred remained stable at approximately 830 in both 1994 and 2009 (authors' analysis of data reported in Adams & Addie 2012). This likely corresponds to the rise in arrest and prosecution of girls—girls are the fastest growing population in the juvenile justice system (Listenbee et al. 2012). These percentages only look at waivers, not statutory exclusion or direct file. They also do not include age of jurisdiction laws—currently in seven states, youth 17 and older are adults in the eyes of the justice system, and in two states youth 16 and over are adults. In these states, the proportion of girls in the adult system is likely similar to their proportion in the juvenile justice system.

² A transgender woman is someone who was assigned male at birth, but whose gender identity (internal sense of gender) is female.

³ Two of these 24 respondents did not respond to the survey items described in figures 1-3, leading to a maximum sample size of N=22 per item.

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