



Freedom and Justice: Ending the Incarceration of Girls and Gender-Expansive Youth in California

By the Vera Institute of Justice and Young Women's Freedom Center

YOUNG WOMEN'S
FREEDOM CENTER

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Executive Summary

This report is the product of a two-year, multidisciplinary, mixed-methods study by Young Women's Freedom Center (YWFC) and the Vera Institute of Justice (Vera). The work leading to this report was a community-based research project that included outreach, quantitative data collection, collaborative analysis, and original qualitative data collection in the form of interviews with 50 system-involved women, girls, and gender-expansive young people across the state.

The report offers policymakers, funders, advocates, and communities the data and evidence they need to understand the scope of girls' incarceration in California. The report

- › provides background on the history and context of girls' incarceration,
- › lays out the key findings from quantitative and qualitative analyses, and
- › provides a roadmap of how communities and state leaders can work together to end the incarceration and criminalization of girls and gender-expansive youth.

This analysis shows that it is possible for every county in California to end girls' incarceration with bold and decisive action.

Key takeaways

Vera’s analysis of monthly arrest and citation records and data from the Juvenile Court and Probation Statistical System (JCPSS) and the Juvenile Detention Profile Survey (JDPS) shows that¹

- Juvenile arrests, detentions, and placements are steadily declining. Girls’ incarceration numbers are low enough to put ending incarceration well within reach for the state.
- Most girls’ arrests and probation referrals—and almost half of girls’ detentions—are for alleged misdemeanors and status offenses.
- Girls of color, and Black girls in particular, are disproportionately impacted by California’s juvenile legal system, making ending girls’ incarceration an urgent matter of race equity.
- Once girls and gender-expansive youth become involved in the legal system, even for minor infractions, they can experience cycles of probation and incarceration that last years.
- Girls’ incarceration varies across the state, but the average daily population is low in every county.

To reflect the experiences of incarcerated women and girls and center the voices of those most directly impacted in California, YWFC interviewed 50 women, young women, and gender-expansive young people about their experiences in the criminal legal system. Analysis of these interviews highlighted the following points:

- Girls and gender-expansive youth are criminalized for infractions related to their experiences with family conflict, abuse, housing instability, and school pushout.
- Girls and gender-expansive youth experience harm at every point in the juvenile legal system from arrest through incarceration, including verbal, physical, and sexual violence, as well as failure to meet basic needs, such as access to adequate medical care in facilities. The trauma from these experiences can last a lifetime.
- Young people also described the types of support and solutions that would be most helpful to them in healing from trauma and staying out of the legal system. They recommended investments in community-based healing, therapy, and mentorship resources; housing and material economic support; and opportunities to be engaged in advocacy and give back to their communities.

California can end girls’ incarceration and create community-based solutions that promote safety by building on successful work already happening across the state—such as in Santa Clara, Alameda, and San Francisco counties—and nationally, in places like New York City, Hawai’i, Maine, and others.



Photo credit: FG Trade Latin, Getty Images.

Recommendations for local policymakers

Jurisdictions that have hit zero girls' incarceration offer important proof points that it is a realistic goal and one that contributes to community safety. They also provide models that counties can adapt to continue reform efforts across the youth and adult criminal legal systems. Every county in California could significantly reduce, if not eliminate, the incarceration of girls and gender-expansive youth by taking these six key action steps:

- 1. Prevent confinements based on concerns for girls' safety and eliminate confinement for low-level charges.** Arrest and confinement on charges that do not require formal processing or detention under state law are out of step with best practice in juvenile justice and youth development.
- 2. Prevent confinement due to technical violations of probation and significantly limit the use of formal community supervision.** Counties should align to national best practices by eliminating the use of formal probation or community supervision in response to low-level charges, limiting and individually tailoring conditions of release, and eliminating detention for technical violations of probation.
- 3. Invest in gender-responsive programming to create off-ramps from the youth legal system.** Stakeholders at every point in the youth legal system—including law enforcement,

probation departments, judges, district attorneys, and public defenders—should *build in access to gender-responsive diversion programming that does not require formal probation supervision*.

4. **Prevent crossover from child-serving systems.** All child-serving systems—including child welfare, behavioral health, public health, education, and housing systems—should *invest in and use non-law-enforcement crisis responses* and look to restorative justice and holistic crisis response models.
5. **Invest in holistic, gender-responsive community-based supports.** Girls and gender-expansive youth should never be detained because they lack housing. *Counties should expand the continuum of local housing options for young people and their families that can be used as prevention and diversion.*
6. **Invest in collaborative leadership through diverse and multidisciplinary workgroups that facilitate the sharing of power and resources.** Counties should *develop collaborative, multidisciplinary workgroups* that bring together diverse leadership from child-serving agencies, community-based organizations, advocates, and directly impacted young people to examine data, explore system gaps, and discuss solutions. *This means sharing power and resources with those most directly harmed by carceral systems.*

Recommendations for statewide change

System reform also needs to happen at the state level. California legislators and policymakers should

1. **Support and champion legislation to limit the circumstances in which young people can be arrested or detained.** Detention should be an option only when public safety is seriously and immediately at risk and that risk cannot be mitigated by community-based supports.

2. **Support and champion legislation aimed at eliminating detention for technical violations of probation.** Formal probation supervision should be used only when public safety is a serious and immediate concern, and technical violations should not result in detention.
3. **Incentivize and support local work to end girls' incarceration through access to funding.** Include milestones associated with ending girls' incarceration as eligibility requirements for statewide funding streams.
4. **Develop flexible funding streams to support community-based, gender-responsive diversion and prevention programming.** Funding should flow to local community-based diversion and prevention programming that operates in line with best practices for gender-responsive care.
5. **Encourage innovation in prevention by developing funding streams for holistic healing and economic supports, including for housing.** Continue to fund, support, and evaluate pilot programs aimed at holistic supports and healing.
6. **Issue statewide guidance and associated training for local court stakeholders** (judges, district attorneys, probation officers, public defenders, and law enforcement) to adopt practice changes.

Eliminating custody is one important and easily measurable step on the road to supporting girls and gender-expansive youth in realizing their own freedom. Instead of responding to safety concerns with incarceration, communities should invest in making communities safer for girls and gender-expansive youth.

Imagine what California could look like if instead of investing in girls' incarceration, we invested in their freedom. If instead of *telling* girls and gender-expansive youth what they need, we listened to what *they* say they need. If instead of supporting a system that views girls as if they were somehow “broken,” we worked to dismantle broken systems.



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Introduction

In 2022, there were more than 1,300 detentions in girls' secure juvenile detention units across California.² Thousands more were arrested and placed on probation. California has more girls in juvenile legal system placements than any other state in the country other than Texas, accounting for 8 percent of all girls' placements nationwide.³ Despite this, reform efforts have systematically excluded girls and gender-expansive youth, largely erasing their experiences in the juvenile legal system from the map of priorities.

Meanwhile, for decades, directly impacted young people have shined a light on solutions that can help transform communities and end incarceration—solutions that target the root causes of criminalization and incarceration of girls and gender-expansive youth.⁴ These solutions call for policymakers to imagine what California could look like if instead of investing in incarceration it invested in the healing, well-being, and freedom of girls and gender-expansive youth, especially those of color and those living in poverty.

A NOTE ON INCLUSIVE LANGUAGE

Although the juvenile legal system classifies youth as girls and boys, the authors of this report recognize youth of all genders and identities and are committed to ending incarceration for all youth confined to the girls' side of the system. In this publication, the authors intend for all terms to be inclusive of cis and trans girls, as well as trans boys and gender-nonconforming youth confined to girls' facilities. "Girls" within this publication is representative of cis and trans girls, and "gender expansive" is an umbrella term used to represent all genders and identities, including transgender, gender-nonconforming, nonbinary, and genderqueer.⁵

Recently, communities have started to answer the call and commit to the work of ending incarceration of girls and gender-expansive youth. Government leaders in counties throughout the state have partnered with young people and community organizations to identify and champion solutions that are informed by both research and the lived experiences of young people. Their work is paying off and showing in real time that ending girls' incarceration is possible.

- › In 2018, Santa Clara County committed to ending girls' incarceration and focusing on community-based solutions. Because of these efforts, the county maintained an average daily population between zero and two girls in custody for a full year between June 2021 and June 2022.⁶
- › San Francisco has partnered with YWFC and other community-based organizations to keep girls out of custody and has maintained stretches with zero girls in juvenile hall.
- › In 2021, Los Angeles passed a motion committing to decarcerate the girls' units in the county's halls and camps, and its population incarcerated in girls' units is at historic lows.⁷
- › In 2023, four counties—Imperial, Los Angeles, Sacramento, and San Diego—joined Vera's Ending Girls' Incarceration in California (EGI-CA) Action Network, committing to making

court-based policy and practice changes that will immediately and significantly reduce the numbers of girls and gender-expansive youth in custody and invest in community-based alternatives.⁸

It is possible for every county in California to end girls' incarceration with bold and decisive action. As a new analysis by Vera—presented in this report—explains, more than 70 percent of girls' arrests and half of girls' detentions across the state are in response to misdemeanor or status offense charges—a practice that research shows is *only* harmful.⁹

But charges do not represent the full picture of risk to the community, and evidence suggests that many girls charged with serious offenses can also be safely diverted to community-based programming.¹⁰

In 2022, 30 counties had a 12-month average daily population (ADP) of fewer than five girls in custody, and 20 counties had at least one day during the year when there were no girls in any facility. Together, the counties with the 10 highest ADPs accounted for 60 percent of the statewide ADP in December 2023. This means that continued efforts in just a few counties could significantly reduce statewide numbers.¹¹

Racial equity must be centered in any efforts to end incarceration: California's girls' detention population is more than 50 percent Latina, and Black girls make up 24 percent of all girls' detentions despite the fact that Black girls constitute only 6 percent of girls in California.¹² This report offers policymakers, funders, advocates, and communities the data and evidence they need to understand the scope of girls' incarceration in California. It begins by providing background on the history and context of girls' incarceration, lays out key findings from quantitative and qualitative analyses, and provides a roadmap of how communities and state leaders can work together to end the criminalization and incarceration of girls and gender-expansive youth.

It is possible for every county in California to end girls' incarceration with bold and decisive action.

The Injustice Behind the Incarceration of Girls and Gender-Expansive Youth

Analysis of the U.S. criminal legal system makes plain the racism embedded at its core and the role that racial stereotypes have played in perpetuating the present-day system of mass incarceration.¹³ This history is foundational to understanding the discrimination and inequity inherent in the structure of the youth legal system today.¹⁴ But it is incomplete without attention to the ways that sexism compounds racial inequity to criminalize girls and gender-expansive youth of color. In California and nationally, incarcerated girls and gender-expansive youth are disproportionately those living in poverty and youth of color—an inequity that is rooted in a long history of criminalization, particularly for Black, Indigenous, and Latina girls. Moreover, in California, an estimated 51 percent of youth in girls' juvenile justice facilities identify as “lesbian, bisexual, questioning, gender nonconforming, or transgender.”¹⁵

THE DISPARATE IMPACT OF INCARCERATION ON GENDER-EXPANSIVE YOUTH¹⁶

Data collected by most criminal legal and other government systems lacks information on sexual orientation, gender identity, and gender expression.¹⁷ Research has consistently shown the overrepresentation of lesbian, gay, bisexual, transgender, and gender nonconforming (LGB/TGNC) young people on the girls' side of the system.¹⁸ However, very little data exists to assess and hold people and systems accountable for this disparate impact. Research shows that LGB/TGNC young people have unique experiences that bring them into the legal system, and these pathways require focused attention and intervention.¹⁹ LGB/TGNC youth

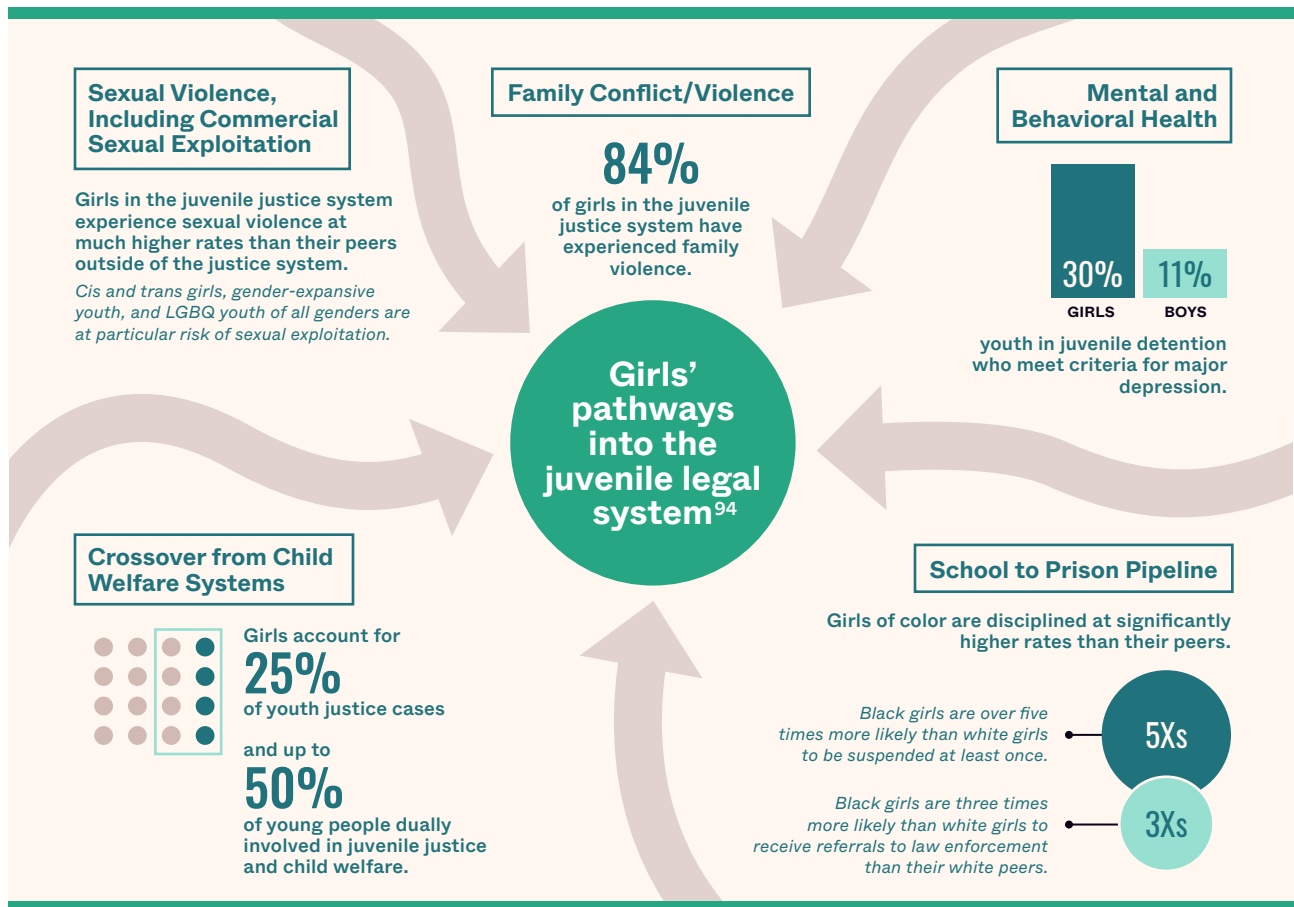
- › are overrepresented among runaway and homeless youth, including because of family rejection and trauma or abuse at home;²⁰

- › are disproportionately suspended and expelled, facing higher rates of police contact following school pushout;²¹
- › are overrepresented and subjected to abuse and discrimination in child welfare;²²
- › are disproportionately impacted by sexual abuse and commercial sexual exploitation;²³ and
- › experience high rates of suicide and mental health challenges.²⁴

National data highlights specific pathways that drive girls' incarceration.²⁵

The distinct experiences and pathways that drive girls' incarceration mean that girls and gender-expansive youth have unique needs from preventive and diversionary programs. Evidence shows that the challenges that most commonly drive the incarceration of girls and gender-expansive youth—such as sexual abuse, commercial sexual exploitation, family conflict, and housing instability—are more effectively addressed through gender-responsive programs that are lacking in many communities in California.²⁶

Although a key purpose of the juvenile legal system is to protect public safety, decisions to incarcerate girls and gender-expansive youth are overwhelmingly driven by efforts to keep them safe or provide access to services that should be available to all young people in the community. Too often, well-meaning adults criminalize girls and gender-expansive youth in response to typical and expected reactions to the trauma and adversity they have experienced.²⁷ Confronted with these behaviors, child welfare, behavioral health, education, and other child-serving systems may push girls and gender-expansive youth into the juvenile legal system in an effort to protect them from further harm or force them to comply with services. But confining girls due to concerns for their safety or service needs is out of step with best practice, exposes them to more harm, and exacerbates the very issues that brought them to court in the first place.



These gendered drivers of incarceration are not new.²⁸ In California, the roots of what would grow into the state's penal system stretch back to Spanish missionaries, who locked Tongva women and girls over the age of eight in dormitories at night to compel them to comply with the priests' gender mores.²⁹ For hundreds of years, laws regarding rape were not applied to Black and Indigenous women, who were explicitly prohibited by law from defending themselves against sexual abuse, particularly when committed by white men.³⁰

This legacy remains today. The girls and gender-expansive youth in California's youth legal system are overwhelmingly and disproportionately Black and Latina/x.³¹ Racial biases impact how adults respond to young people. For example, one study found that Black girls as young as five years old experience a phenomenon known as adultification bias and are viewed by adults as

less innocent, less in need of support, and more adultlike than their white peers, with the experience of adultification bias peaking between ages 10 and 14.³²

Once they enter the youth legal system, girls and gender-expansive youth can get trapped in a cycle of detention and release for things like running away from home or placement, failing to comply with mandated therapy or anger management classes, or skipping school.³³ Gender and racial biases, combined with desires to protect girls from themselves, can lead court stakeholders to be quick to detain girls when they fail to comply with conditions of release or probation.

Incarceration Is a Harmful and Ineffective Response

Instead of receiving support, space, time to heal, or access to resources, many girls and gender-expansive youth are met with criminalization and incarceration. But research has clearly shown that incarceration neither addresses the service or safety needs of young people nor redirects young people away from further legal system involvement as effectively as community-based interventions.³⁴ In fact, juvenile correctional facilities are ineffective at best and counterproductive at worst.³⁵ Arrests and detentions not only do not reduce recidivism and prevent future contact with the criminal legal system, but they are also actively harmful to those experiencing them.³⁶

The impacts of these initial and early experiences with law enforcement and the juvenile legal system are far-ranging and include trauma and disruptions to a young person's development: Studies consistently find high rates of recidivism and an increase in the risk of engaging in delinquent acts for young people incarcerated on low-level charges.³⁷ Furthermore, for those charged with more serious charges, lengthier stays do not correlate with improved outcomes.³⁸

For girls and gender-expansive youth, who often enter the system while actively in crisis or reacting to trauma, removing their agency and self-determination by mandating them to specific services or subjecting them to strict conditions of probation is harmful and counterproductive.³⁹ Court mandates can mimic and replicate patterns of control in abusive relationships, and conditions of incarceration and probation can replicate physical and sexual abuse histories.⁴⁰ And, perversely, girls continue to experience high rates of sexual abuse in the very facilities purporting to protect them.⁴¹

National research regarding juvenile probation identifies extensive concerns with probation supervision. One important concern is that probation commonly uses a surveillance-oriented model—which is out of step with research on adolescent development; is used too often in response to charges that do not pose a risk to public safety; is ineffective and counter-productive, especially for low-level charges; imposes excessively long probation terms and problematic conditions of probation; perpetuates racial disparities (one study found that more than two-thirds of youth in residential facilities for technical violations were youth of color); leads to unnecessary incarceration; and fails to adequately engage family and community support.⁴²

The same underlying needs and pathways that drive girls and gender-expansive youth into the youth legal system also drive incarceration of women and gender-expansive adults.⁴³ Women are the fastest growing population within the adult criminal legal system, further underscoring that current interventions in the juvenile legal system are failing to interrupt this intergenerational cycle of criminalization and harm.⁴⁴ Moreover, one study reported that girls who have ever been detained by the juvenile legal system are five times more likely to die from preventable causes before reaching young adulthood than their peers in the community, showing that juvenile incarceration does not offer long-term solutions to the challenges that bring girls into the system.⁴⁵

Once they enter the youth legal system, girls and gender-expansive youth can get trapped in a cycle of detention and release.

Ending girls' incarceration by supporting survivors of commercial sexual exploitation

By National Center for Youth Law

The commercial sexual exploitation (CSE) of children is a primary driver of incarceration for girls and gender-expansive youth, and effective solutions to respond to their needs must be part of California's plan to get to zero. Although as of 2017, young people can no longer be arrested for "prostitution" in California, youth experiencing CSE continue to interact with the juvenile legal system because of and in spite of their exploitation.⁴⁶

Who are CSE survivors? Young people experiencing CSE are students, siblings, athletes, poets, and leaders in their communities. They have goals and challenges. They are more than their exploitation. Black, Latina/x and Indigenous girls and gender-expansive youth are overrepresented among those who are exploited due to many of the same historic and present-day racist and sexist policies and practices that lead to their overrepresentation in the child welfare and juvenile legal systems.⁴⁷ Youth who are homeless, undocumented, or otherwise disconnected from their communities are also at higher risk of exploitation.⁴⁸

While in the child welfare system, CSE survivors often experience further abuse, more placements, and more absences

from placement than youth who have not experienced CSE.⁴⁹ The child welfare system's failure to meet their needs and the resulting instability can compound trauma and create a deep distrust of public systems.⁵⁰ Moreover, these earlier system failures can push young people into the juvenile legal system, criminalizing them for behaviors that are manifestations of trauma and unmet needs.

Why are they criminalized and incarcerated? Youth impacted by CSE are criminalized for a variety of reasons.⁵¹ For example:

- › resorting to activities such as shoplifting to meet their basic needs;
- › defending themselves against traffickers and buyers;⁵²
- › getting involved in other illegal activity at the direction of their traffickers and exploiters;
- › violating GPS reporting requirements or running away from placement settings;⁵³ and violating probation for status offenses or other behaviors related to exploitation or trauma, such as substance use.

Because of the repeated exposure to sexual violence and harm endured by CSE-impacted young people, adults involved in the young person's life often wish to keep them safe. Legal system actors often improperly rely on incarceration or ongoing probation supervision as a default response to youth whose behaviors are impacted by exploitation when they would not do so for other youth.

Why is incarceration an ineffective response to survivors' needs? Incarceration and probation supervision of CSE survivors are ineffective because they

- › punish survivors for having been victimized;
- › result in a loss of agency, further isolation, and a narrower set of options for survivors when they return to their communities;
- › do not address the root causes of behaviors;
- › remove survivors from positive activities and relationships in their communities;
- › expose young people to others who are engaged in illegal activity;
- › expose young people to more harm and abuse in facilities; and

- › attach a criminal record and stigma that make it harder for youth and their families to access services.

What works? Young people who have experienced CSE often share how powerless they feel because the systems that were supposed to help them instead punished, ignored, and stigmatized them.⁵⁴ To get to zero incarceration of CSE-impacted girls and gender-expansive youth, solutions should include the following elements:

- › Youth and survivor leadership: those with lived experience, their families, and their communities should drive solutions and responses.
- › Multidisciplinary collaboration: government, community leaders, direct service providers, and directly impacted people must work together.
- › Investment in a continuum of community-based healing services: youth and family programs must be accessible outside of the juvenile legal system.
- › Economic supports: young people and their families need financial assistance to meet their needs.



Photo credit: Cavan Images, Getty Images.

About This Report

This report is the product of a multidisciplinary, mixed-methods study completed over the course of two years in partnership with Young Women's Freedom Center (YWFC). The work leading to this report was a community-based research project that included outreach, primary and secondary data collection, analysis, and interpretation. The following research questions guided this study:

- › What is the scale of the criminalization and incarceration of girls and gender-expansive young people?
- › At what rates do girls and gender-expansive young people interact with California's juvenile legal system—via police stops, arrest, court petitions, detention, placement—each year?
- › How does the incarceration of girls and gender-expansive young people vary statewide over time and county by county?
- › How many girls and gender-expansive young people are confined pre- and post-adjudication in carceral facilities?

- › What are the rates of incarceration by charge level and other variables?
- › To what extent are there disparities in these variables by race and gender?

The authors answered these questions by collecting the most pertinent criminal legal system data in consultation with a Community Expert Advisory Council (CEAC) and a Youth Community Expert Advisory Council (YCEAC). With the guidance of these experts, researchers processed this data, conducted descriptive analysis, and shared these analyses in a series of collaborative research meetings.

In addition to collecting and analyzing state-produced criminal legal system statistics, the authors collected original qualitative data through an extensive recruitment effort, building on the leadership of YWFC and system-involved women, girls, and gender-expansive young people across the state and especially in Los Angeles, Santa Clara, and San Francisco. The research questions in this effort were

- › What have been the experiences of system-involved women, girls, and gender-expansive young people?
- › What is the impact of the criminalization and incarceration of girls and gender-expansive young people?
- › What do women, girls, and gender-expansive people who have been impacted by the system recommend be put in place for effective prevention and intervention?

Using their established community-based research approaches, YWFC led the effort to collect this data and conducted targeted collaborative analysis. Using a life-course frame, the research team developed an in-depth inquiry into the experiences of women, girls, and gender-expansive young people with the multiple systems that have impacted their lives. The qualitative data this effort produced complements the administrative data analysis by recording the experiences and stories of incarcerated women and girls and centering the voices of those most directly impacted in California. The qualitative data illustrates the complexity of experiences girls and gender-

expansive youth have as they interact with a multitude of systems and how these experiences vary regionally across the state.

Data and methods

Data is an important tool to drive reform conversations, particularly in helping to right-size local solutions. But data capturing the criminalization and incarceration of girls and gender-expansive youth is often difficult to access, aggregate, and understand. This lack of data can create a barrier to reform efforts. In collecting information for this report, the authors noted gaps in access and information that, if filled, could help accelerate local and statewide efforts for change. (See Appendix A on page 67 for recommendations to fill these gaps.)

To answer the research questions, Vera reviewed more than 80 quantitative, administrative, publicly available, and specialized datasets. The main datasets used in this report are listed below along with their benefits and limitations.

- › **Juvenile Court and Probation Statistical System (JCPSS) data from 2012 through 2017 for county-level processing and dispositions of youth going through the juvenile justice courts and probation in the state of California.** Vera received this data via a public records act request. The JCPSS is a record of all referrals to juvenile probation, as reported by county probation offices. With this data, Vera was able to study case processing details, demographics, most serious charges, pre-adjudication detentions, and placements. It is the best and only source for an estimate of county-level juvenile detentions.⁵⁵
- › **JCPSS data from 2012 through 2022.** For these years, Vera accessed a more limited version of the court system data to conduct state-level analysis. This dataset details individual-level referrals by charge category, detention, placement, and other case information for all referrals of young people in the state of California. County probation agencies submit JCPSS data to the California Department of Justice. However, this data is not identified by county.⁵⁶

- › **Monthly Arrest and Citation Register (MACR) from 1980 through 2022.** This is a rich, publicly available dataset of arrests and charges by race, age group, gender, and county.⁵⁷
- › **Juvenile Detention Profile Survey (JDPS).** This is a database of point-in-time statistics reported by local agencies to the California Board of State and Community Corrections.⁵⁸
- › **County population/demographic profiles from 1990 through 2020.** These are publicly available and maintained by the U.S. Department of Justice, the Office of Justice Programs, and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), among other agencies.⁵⁹ The authors used this population data to weight the arrest and incarceration rates in order to make comparisons across counties and years possible.

The Vera team compiled these datasets into county-by-county statistics where available. The authors shared the compiled data and fact sheets with basic descriptive statistics across the research team and with the CEAC and YCEAC.

State and local agencies generate most of the statistics presented in this report, typically with the voluntary cooperation or compliance of local agencies, including law enforcement. When interpreting the numbers Vera presents in the following sections, it is important to keep in mind that this data was primarily for case-processing and operational purposes and not for critical and comparative assessments, community organizing, or philanthropic and community-based investment. Additionally, this data becomes accessible on a lag—sometimes years after agencies collect it.

Even the most complete quantitative information from the most conscientious data and research providers is not sufficient for the deep inquiry necessary to understand a problem as complex as gendered pathways to incarceration. Because of this—and given the opportunity to build on expertise and other strengths within the partnership—the authors also engaged in qualitative inquiry. Researchers from YWFC conducted 50 semi-structured interviews of adult women, young women, and gender-expansive young people about their experiences in the criminal legal system.

YWFC staff recruited participants from across the state.⁶⁰ Although the focus of this report is incarceration and criminalization of girls and gender-expansive young people, the interview subjects ranged in age from 18 to 60.⁶¹ The average age of the respondents was 29, but their actual ages skewed younger, with most respondents under 25 and the most common age 18. Forty-eight of the 50 respondents identify as female”; two respondents identify as agender, transfeminine, and/or gender nonbinary. (For a statistical portrait of the interview respondents and more information on how researchers collected qualitative data, see Appendix B on page 69.)

This report discusses findings from the interviews throughout and displays the data obtained from respondents in anonymized form (using pseudonyms) in the form of excerpts, in addition to the tables and graphs of administrative data.

Findings: Overview of Girls’ System Involvement in California

This section reviews trends and demographic patterns in girls’ system involvement over time, analyzing data on arrests, detentions, and commitments statewide and at the county level to describe the scale of criminalization and incarceration of girls and gender-expansive youth. (The authors use “girls” in this analysis as shorthand for “all people assigned to the girls’ side of the system, regardless of their actual gender.”) As illustrated below, Vera’s analysis of the MACR, JCPSS, and JDPS data shows that

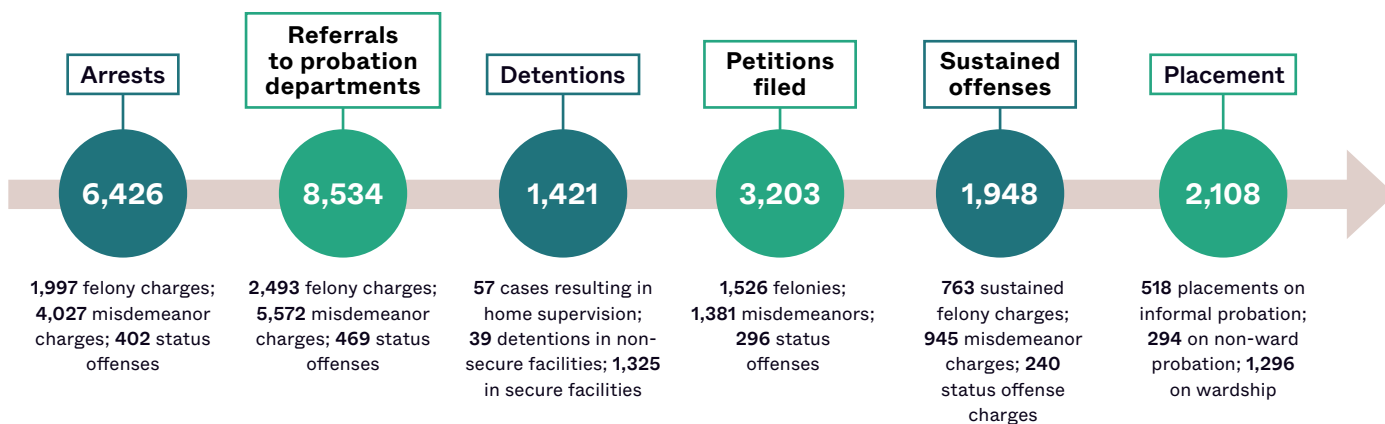
- › Consistent with all youth arrests, girls’ arrests have declined sharply (by 91 percent) over the last 22 years.
- › In 2022, 1,325 out of a total of 8,534 girls’ referrals resulted in girls’ detentions in facilities across California. Even with significant declines in numbers, the majority of girls and gender-expansive youth continue to be arrested and detained on low-

level charges. Almost half (43 percent) of those detentions were on low-level charges (33 percent misdemeanor and 11 percent status offenses) that system stakeholders generally agree pose no serious threat to community safety and should be diverted.

- › Further, data regarding racial disparities underscore the urgency of ending girls’ incarceration as a matter of race equity—as numbers have declined, racial disparities have held steady or increased. In 2022, young people categorized as Latina/x made up the majority (52 percent) of girls’ admissions to detention and of girls’ wardships. Although only 6 percent of girls in California are Black, Black youth made up 24 percent of all girls’ admissions to detention.
- › Girls’ detention numbers are low in almost every county in the state, but girls’ incarceration rates vary county by county. The rates of some smaller counties are consistently higher across all detention metrics.

Most public analysis does not review trends in girls’ incarceration throughout the state. To document the scale of their involvement with the legal system, Figure 1 outlines the flow of girls through major decision points. (See Appendix C, “System point statistics by gender” on page 70 for more information.)

FIGURE 1
The flow of young people through the girls’ side of the juvenile legal system, 2022



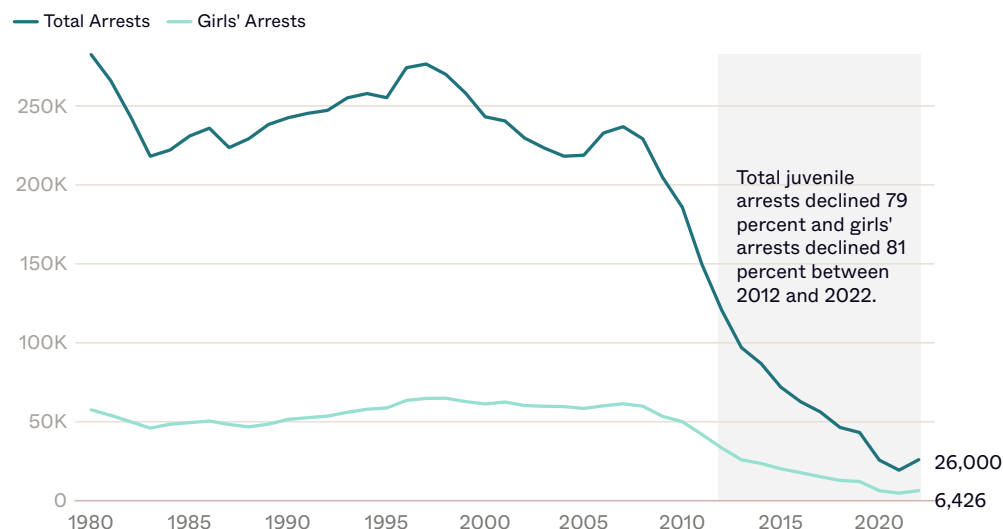
Source: Vera analysis of MACR and JCPSS data.
 Note: The number of petitions filed represents a count of cases with filed petitions. Each petition may include more than one offense and young people may have more than one petition filed within a year.

Juvenile arrests, detention, and placements are steadily declining

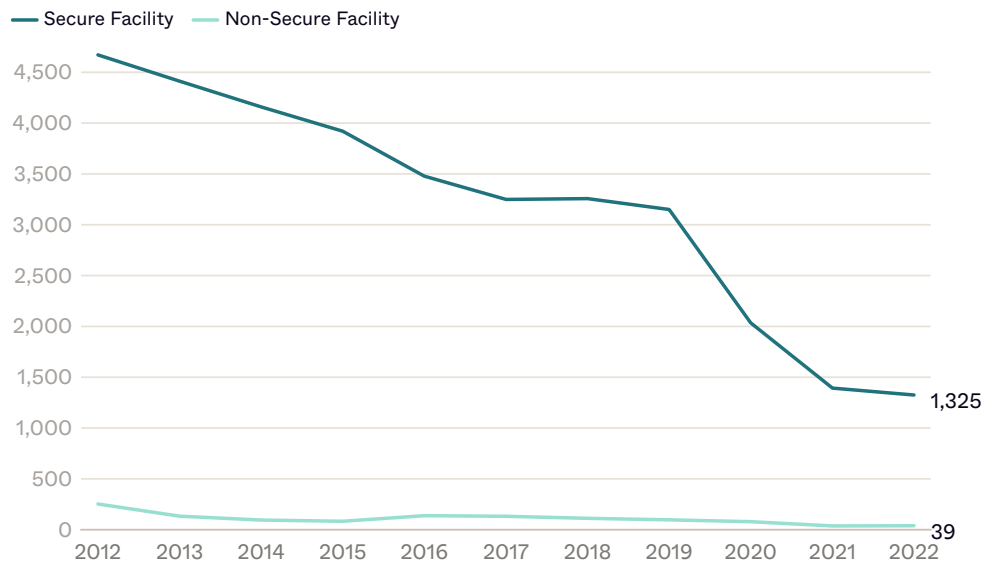
Successful reform efforts, combined with investments in diversion programming, have significantly reduced the number of young people coming into contact with the youth legal system in California, putting the end of girls' incarceration within reach.

Over the past decade, California has made significant strides to reform its juvenile legal system, working to reduce the use of detention and increase community-based diversion programming. Juvenile arrests, referrals, detentions, and wardships have all declined substantially over the past decade for all youth. Juvenile arrests for alleged offenses of all types—felony, misdemeanor, violent, and property offenses—fell in 2019 to their lowest level in recorded history and continued to decline through 2022.⁶² (See Figure 2.) Vera's analysis of the MACR data shows that from 2012 to 2022, the number of juvenile arrests dropped by 79 percent for all juveniles and by 81 percent for girls. In 2022, there were 26,000 juvenile arrests, including 6,426 arrests of girls and gender-expansive youth categorized as girls in the data. In 2022, arrests of girls made up about 25 percent of overall juvenile arrests in California.

FIGURE 2
California juvenile arrests, 1980–2022



Source: MACR.

FIGURE 3**Girls detained statewide, 2012–2022**

Source: JCPSS.

These drastic declines in arrest have happened at the same time as historically low juvenile detentions. Vera’s analysis of the JCPSS data shows that, from 2012 to 2022, the state decreased facility detention admissions by 70 percent for all youth and by 72 percent—from 4,924 to 1,364 admissions—for young people categorized in the data as “female.” As a result of these successful reform efforts, the end of girls’ incarceration in California is well within reach in the near term for every county in the state.

Most girls’ arrests and probation referrals and almost half of girls’ detentions are for alleged misdemeanors and status offenses

The trends illustrated above underscore just how close the state is to being able to end girls’ incarceration. Despite the significant progress in reducing unnecessary incarceration, California’s juvenile legal system continues to incarcerate girls and gender-

expansive youth for reasons out of step with best practice. Vera's analysis of the MACR data shows that, across the state, most girls and gender-expansive youth were arrested on misdemeanors (63 percent) and status offenses (6 percent). (See Figure 4.) Together, 69 percent of girls' arrests, 71 percent of girls' probation referrals, and 44 percent of girls' detentions were for misdemeanor or status offense charges.

Of the 1,364 girls' detention admissions in 2022, 11 percent were for status offenses and 33 percent were misdemeanor referrals. (See Figure 5.) A greater proportion (71 percent) of girls' wardships in California are for these low-level charges than boys' (57 percent). Based on Vera's analysis of the MACR and JCPSS data, the types of misdemeanor charges that most often result in arrest and detention include assault, vandalism, other misdemeanors, drug charges, joyriding, and petty theft. (See Appendix D on page 72 for a detailed overview of charge categories for all girls' probation referrals and detentions, including the cases in which young people were detained on the charge of being "incorrigible" or running away.)

FIGURE 4
Girls' arrests by charge level, 2022

Charge level	Count	Percent
Felony	1,997	31.1
Misdemeanor	4,027	62.7
Status offense	402	6.3

Source: MACR 2022.

FIGURE 5
Girls' referrals and detentions by charge level, 2022

Charge level	All girls' referrals		Referrals where girls were detained	
	Count	Percent	Count	Percent
Felony	2,493	29.2	768	56.3
Misdemeanor	5,572	65.3	444	32.6
Status offense	469	5.5	152	11.1
Total	8,534	100.0	1,364	100.0

Source: JCPSS 2022.

DEEP DIVE ON STATUS OFFENSES

Status offenses are behaviors that are only considered law violations because of a young person's status as a minor. Examples of behaviors leading to status offenses are skipping school, running away, violating curfew, or drinking alcohol—all of which would be legal but for a young person's status as a minor. Consistent with provisions in federal law requiring the deinstitutionalization of status offenses through the Juvenile Justice and Delinquency Prevention Act, national standards dictate that young people should not be detained on status offenses and that jurisdictions should seek to divert them away from the legal system entirely.⁶³

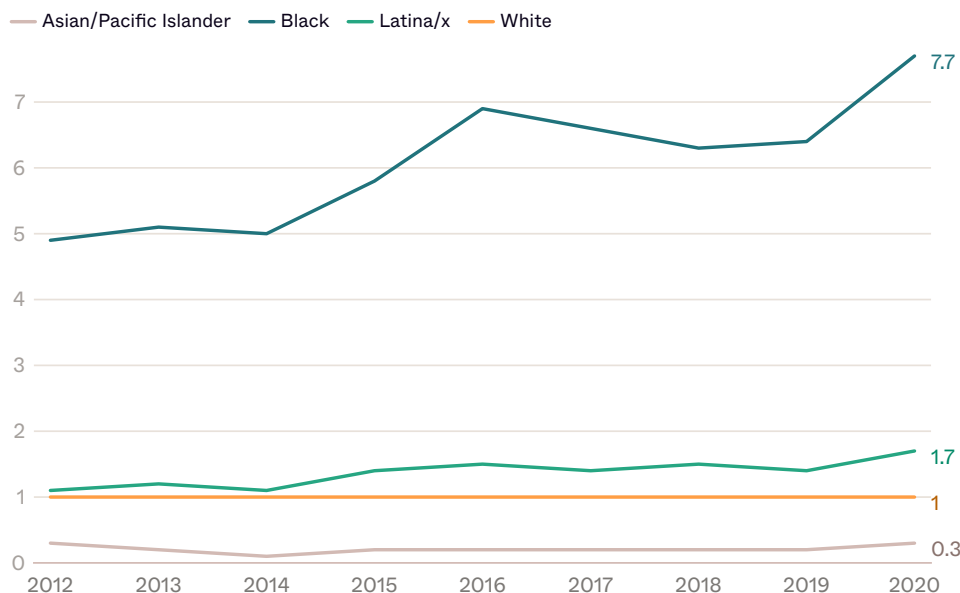
Fully eliminating detention for status offenses would begin to bring California in line with long-accepted best practice and would immediately lead to a significant reduction in girls' incarceration.⁶⁴ State law does not require that court petitions be filed on misdemeanors or status offenses, let alone that detention be considered, yet these initial interactions on low-level charges can be the catalyst for ongoing involvement with the youth legal system. Most of the petitioned status offenses in the state are for violations of court orders, highlighting the ways in which girls and gender-expansive youth can experience cyclical stays in detention resulting from status offense behaviors.

Girls of color, and Black girls in particular, are disproportionately impacted by California's juvenile legal system

California's juvenile legal system has significant racial disparities, with Black, Indigenous, and Latina/x girls overrepresented throughout compared to their white counterparts, making ending girls' incarceration an urgent matter of race equity. At every major system point, Latina/x young people are the largest proportion of girls and, at most system points, represent the majority of young people. Black and Indigenous girls are referred, detained,

placed, and given wardship at higher rates than white girls—up to nearly seven times the rates.⁶⁵ This disparity has increased over time. Figure 6 illustrates these disparities in detentions.

FIGURE 6
Racial disparity in secure detention, 2012–2020



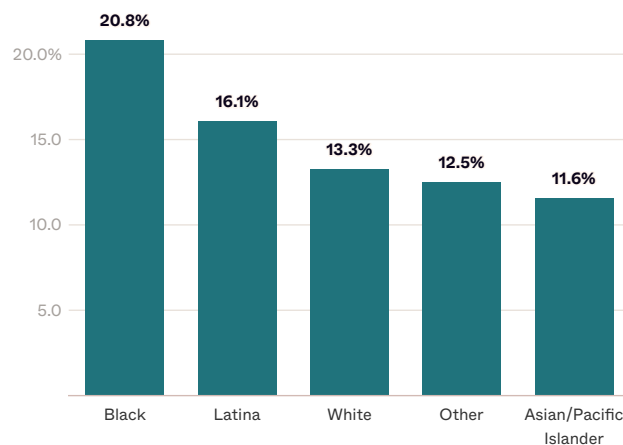
Note: Detention rates expressed relative to white detention rates. Data from JCPSS no longer identifies the number of Indigenous people in secure detention, meaning Vera was not able to include disparity rates for this group in its analysis. Vera researchers calculated detention rates using community population data for young people ages 10 to 17 for years 2012 to 2017 and ages 12 to 17 for years 2018 onwards.

Source: JCPSS and OJJDP EZAPOP.

Disproportionalities are particularly stark for Black girls, who are more likely to be detained following a referral as compared to their peers. Twenty-one percent of referrals of Black girls in 2022 resulted in detention as compared to 13 percent of referrals of white girls. Latina girls are also more likely to be detained than white and Asian American and Pacific Islander (AAPI) girls. AAPI girls have the lowest detention rate compared to other racial and ethnic identities. (See Figure 7.)

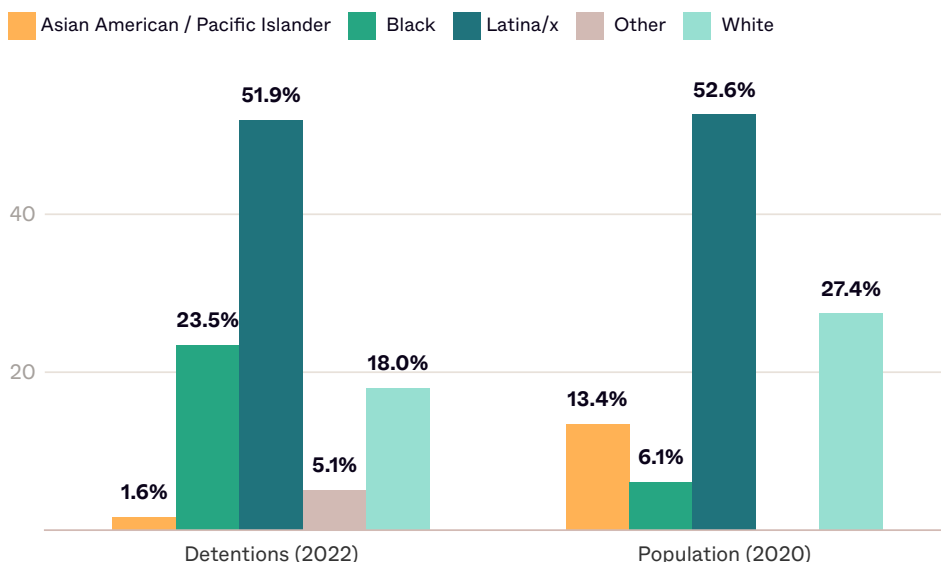
Black and Latina/x youth are not only more likely to be detained than their white peers, but they are also disproportionately represented among the detention population. Black girls made up 24 percent of all girls' detention admissions in 2022, despite making up only 6 percent of all girls in California in 2020. (See Figure 8.) Unfortunately, the JCPSS data no longer identifies young people who are Indigenous.

FIGURE 7
Proportion of girls' referrals that result in detention, 2022



Source: JCPSS.

FIGURE 8
Girls' detentions (2022) and girls' statewide population (2020) by race



Note: JCPSS and EZAPOPOP record race and ethnicity differently, with only EZAPOPOP allowing for people to be identified as Latina/x in combination with one of the racial categories. To allow for comparison with the detained young people, Vera presents population data for non-Latinx white, non-Latinx Black, and non-Latinx AAPI people and, separately, those identified as Latinx in combination with any category. Further, the JCPSS no longer provides data on the number of people who identify as Indigenous. Population data is for girls ages 12 through 17.

Source: JCPSS and OJJDP Easy Access to Juvenile Populations (EZAPOPOP).

UNDERCOUNTING LATINA/X YOUTH

There have long been challenges in accurately collecting ethnicity data, and recent research has highlighted the lack of consistent methodology for counting Latina/x youth, many of whom are inaccurately labeled as white.⁶⁶ The lack of accurate data collection results in a systematic undercounting of Chicano, Indigenous, and Latina/x people. Local probation departments, which vary widely in their data collection and reporting practices, provided the data sources used for this report. Some criminal legal system data contains nuances of racial and ethnic identity. However, sometimes system administrators need to redact this information due to the small number of cases in each category. Because of this undercounting, the authors believe that the actual rates of detention are likely larger for Latina/x young people and that the ethnic disparities are worse than those reported here.

Interactions with the legal system begin at a young age for girls, especially girls of color

Many girls' and gender-expansive youths' first contact with law enforcement happens at a young age. The JCPSS documents the age at first referral alongside the other details of each case. The most recent available data shows that the average age at which girls and gender-expansive youth received their first probation referral was just under 15 years old, with some as young as five. (Appendix E on page 75 tabulates all of the racial and ethnic categories of girls' cases with the average age of first referral to the system.) The data shows that Black, Indigenous, Latina/x, and Southeast Asian girls were first involved in the system at younger ages than others.

Girls and gender-expansive youth experience cycles of probation and incarceration that last years

The interview respondents who offered personal histories (see “Qualitative Findings from Interviews with 50 People Directly Impacted by the System” on page 36) spoke about the deep and lasting psychosocial impact of some first and early interactions with the system. Once they are involved in the juvenile legal system—even for minor infractions—they experience extensive harm during their formative years. Statewide, these early interactions could be the beginning of a long road of surveillance and increased involvement, restriction, and harm. Out of 8,534 referrals of girls in California in 2022, 2,385 girls’ cases (28 percent) were placed under wardship or put on some form of probation supervision.

Statewide data shows that many girls experiencing detention in California have had previous referrals to probation. In 2022, 29 percent of girls’ detentions in California were for subsequent rather than new referrals.

Girls’ incarceration varies by county in California, but ending girls’ incarceration is well within reach for every county in the state

Identifying the highest and lowest incarcerators statewide offers a roadmap for government, philanthropic, advocacy, and community leaders to advance the goal of ending incarceration statewide. Although California does collect information on probation referrals by county, publicly shared data is only available statewide.

Another way to look at county-by-county differences is to compare average daily population (ADP) numbers. ADP numbers are shared monthly in the JDPS on the Board of State and Community Corrections (BSCC) website and are calculated at a facility level by adding

up the number of youth in the facility at the same time each day, adding these daily counts together, and dividing by the number of days in the month.⁶⁷ From January 2022 to December 2022, some 215 girls, on average, were held in juvenile legal system facilities on any given day across the state. In December 2022 30 of the state's 58 counties had an ADP of five or fewer girls in custody. These low numbers held steady through June 2023—Vera's most recent data point.

Not surprisingly, the counties with the greatest number of girls in custody are the most populous in the state. Together, the counties with the 10 highest ADPs accounted for 60 percent of the state-wide ADP in December 2023. This means that continued efforts in just a few counties puts ending girls' detention closer to reality in California. Comparing monthly ADP numbers year over year, February consistently emerges as the month with the highest ADP across all facilities. Viewing the ADP for February of each of the years 2002 through 2022, each county has its own trajectory of change, although every county follows a general pattern of decline year over year. Los Angeles County shows the most dramatic change over these years, declining from a monthly ADP of 302 young people in county girls' facilities in 2002 to 35 in February 2022 (increasing slightly to 47 in December 2022). (See Figure 9a.) Los Angeles County's numbers, especially in the earlier years, were a function of its extremely large population relative to all other counties. When calculated as a rate per 100,000 girls, Los Angeles's ADP pattern looks similar to other counties.

All jurisdictions across the state experienced a reduction in their juvenile legal system populations. Recently, there has been growing momentum in Los Angeles, San Francisco, and Santa Clara Counties focused specifically on girls and gender-expansive youth.⁶⁸ Looking at these three counties (see Figures 9a–9c) shows significant and steady declines over time that have accelerated over the last several years:



Photo credit: FG Trade, Getty Images.

FIGURE 9A
LA County ADP per
100,000 girls

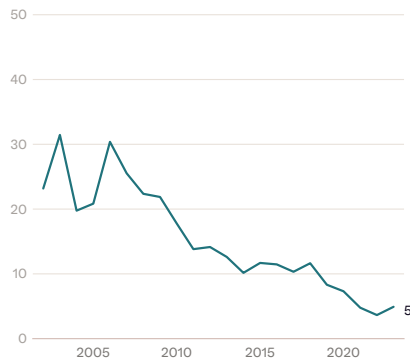


FIGURE 9B
San Francisco ADP per
100,000 girls

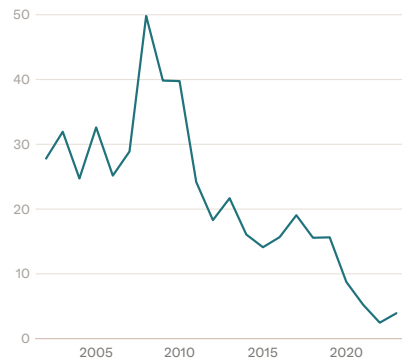
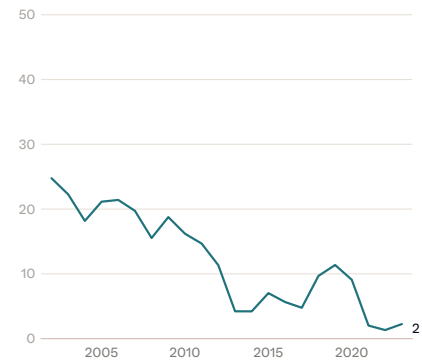


FIGURE 9C
Santa Clara ADP per
100,000 girls



Note: Data for 2023 is January–June.

Source: JDPS; population comparisons from OJJDP EZAPOP. Rate calculated per 100,000 girls under the age of 18.

Because of the cyclical nature of detention, it can be challenging to maintain low numbers in juvenile halls. However, several counties have significantly reduced their juvenile hall populations. These low numbers are echoed by analysis of a 12-month ADP. (Appendix G on page 78 contains a comprehensive table with monthly ADPs and population information.)

Of the 43 counties with reported ADP, 39 counties (all but four) have a 12-month average of fewer than 20 girls in 2022. Thirty-seven have an average of fewer than 10. Thirty counties have an average of fewer than five, and four counties have an average of zero for 2022. Twenty counties had at least one day during the year when they had zero girls in any facility.

Qualitative Findings from Interviews with 50 People Directly Impacted by the Juvenile Legal System

Pathways into the system and criminalization for low-level infractions

“

There's definitely a lot of criminalization that's done on the poverty side of our community here.

— Eloise

Low-level offenses and poverty

Consistent with data on pathways into the system for reasons rooted in personal safety or family conflict, as well as data on arrests and detentions for low-level charges, the majority of interviewees described how they first came into contact with law enforcement at home, in school, or at retail stores for minor infractions, including petty theft or parental conflict. These initial interactions were often the catalyst for ongoing involvement with the youth legal system. Lack of social support, such as affordable and safe housing and educational spaces, intersected and overlapped with getting pulled into and stuck in criminal systems.

Menari was 13 years old when she was first arrested in Contra

Costa County for petty theft. She discussed the shock and fear she experienced during her first contact with the juvenile system: “I got caught stealing at a mall, and I got arrested for it. . . . It was really confusing because I was young, and I’ve never been to jail. The first experience, the first day, it was really confusing to me. I didn’t really know what was going to happen in the jail. . . . I had a really bad first day.”

Theft was often the result of survival needs. For example, Rhonda was arrested for stealing lunch from Safeway, while Aaliyah pointed out, “I needed the money at the time . . . instead of going to jail they could have let me off with a warning or helped me with resources.”

Dangerous or unstable home lives

Many interviewees discussed how housing instability, family conflict, and abuse contributed to system involvement. Eloise stated, “[T]hroughout the years [when I was arrested and put on probation], I didn’t have a stable home. So for any little violation, I would just be put into the hall.” Several interviewees described fleeing abusive or negligent foster homes. Sophie stated, “I grew up in the system. I was born and taken away from my parents. My parents were in and out of prison. They never got me back. I got adopted by my foster mom when I was five, which also was not an ideal home. . . . I was tormented and verbally abused and emotionally abused by her biological children . . . obviously there [was] a reason why I was running away from there.” Family instability also contributed to arrests for minor infractions. Mia described how her first arrest resulted from a conflict with her mother: “I was about 15 and . . . my mom had pressed charges against me saying that I had hit her or something, and I ended up getting a citation or whatever to show up to court. . . . That first court date I took a deal of 10 days in juvenile hall.” Family conflict was also often the result of survival needs or self-defense. Tracey was defending her sister from her mother’s boyfriend the first time she was arrested. She explained, “I got into a physical altercation with my mom and she called the

police on me. [But] it was basically self defense—[my mom] was with a guy that liked my little sister and they was doing inappropriate things in the same room as me and my sister.”

The role of schools

Others articulated their thoughts on the role of schools in both funneling them into criminal systems and trapping them there, including for rambunctious behavior expected of young people during adolescence, rather than criminal behavior. Rhonda described her first arrest, which happened at school:

The first time [I went to jail] was because I got into an altercation with [school] staff. [It was] a bus helper that when kids get off the school, they make sure they monitor them and make sure they sit quietly. . . . I understand some people can't tolerate kids, but we should be able to—once we get out of school, we are excited. We have a lot of energy. So most of the time kids look loud and stuff. . . . [The bus monitor] was trying to tell me to get off the bus because I guess the kids was being loud . . . it was a big altercation. So, I went to jail for that.

Julieta described her cycle in and out of school and detention: “[T]hat’s where it all started. I was at the age of 13. . . . I went in and out, in and out, for not coming home on time or being out late or a dirty pee test, or not obeying school rules.”

Harms of the system

Once funneled into the system, youth experienced myriad harms, ranging from failure to take care of their most basic needs—food, hygiene, safety—to verbal, sexual, and physical abuse. These experiences lead to lasting trauma, as well as criminalization and stereotyping that continue into adulthood.

Probation and criminalization



Incarceration and then probation and then classes.
And then if you fail classes back to probation
department and incarceration.

— Jessica

Interviewees mentioned many times that probation supervision acts as a form of surveillance, criminalizing youth, labeling them, and embedding them in cycles of continual criminal legal system involvement. Alisha, whose first contact with the juvenile system was at 12 years old, reflected,

I feel like [the system is] what made me more of a criminal than what I was. I wasn't a criminal prior to going to juvenile hall. My first time going to juvenile hall, probably my second or third time going to juvenile hall, I was not a criminal. I was going to juvenile hall and talking to girls and meeting girls [and] learning more toxic behaviors that I wasn't even aware of from other girls. So we're all basically teaching each other our dysfunction. . . . So I just feel like that's what made my life go into being a criminal. . . . I definitely feel like juvenile hall did not help me. It made me worse.

Isabella discussed how probation also impeded her ability to succeed in school: “I had probation officers coming and pulling me out of class all the time, which was super embarrassing on top of already having to walk around with this little monitor on my ankle. And it's not like they would even just call me to the office, they would go out into the school and look for me.” Eloise had a similar experience: “When I would go to school, I'd have probation officers come pee test me and it was really awkward. . . . I felt like I was looked at different because, the teachers know.”

Detention's failure to meet basic needs

“

I would say that if you go in there healthy, you're probably going to come back with some type of disease.

— Hailey

Interviewees described how their most basic needs were often not met while they were in detention. Cleanliness, hygiene, and lack of humane treatment came up over and over again. Alisha stated, “[I]n there we couldn't get stuff sent to us, basically we had to earn lotion, earn combs. You had to be good in order to earn certain hygiene products that should be basically given to us anyway. I feel like we shouldn't have to earn stuff to brush our teeth with, or stuff to wash up with.” Hailey echoed this sentiment: “I feel like a really big thing that should be taken care of is the cleanliness of the establishment. . . . And also, paying more attention to the needs of the kids that are staying there. At the end of the day, they got locked up but I don't see why somebody should wait three days to get a pair of underwear.”

Youth also described being cold and hungry, both during processing and once admitted. Sarah mentioned how she was processed into juvenile hall: “When I first went in there, they kept me in a room separated from everybody, and I wasn't allowed to come out. I was eating inside a room by myself with no clothes on and only a nightgown, it's a nightgown that they give you, and a blanket and just a plastic pillow.” Being cold was something that came up in other interviews, as well. Julia pointed out, “[I]t's cold. They don't care. Oh my God, it was just horrible.” Alisha mentioned “starving,” while Julia added, “It's just you have to survive and stuff and



Photo credit: YWFC, Getty Images.

you're without your family. There's no canteen in juvenile hall, of course. And also, you do be hungry sometimes."

Julia also described how difficult it was to get medical care in juvenile hall. "If you need medical help, they take forever to take you." Often, the need for medical care was directly related to lack of facility cleanliness. Hailey talked about a spider bite she got in her cell:

The actual room where I was in the cell was very dirty and there were spiders. . . . I ended up getting bit by a spider on my chin while I was in my cell. . . . I buzzed in and they basically disregarded it. They gave me a cloth and they said, "Put some hot water on it and put some compress on it and you'll be fine." Next morning, I wake up and my whole chin is swollen to my neck to where I almost couldn't even swallow my own saliva. . . . I buzzed in. . . . They rushed me to the ER and they had to, basically, while I was wide awake, they had to basically slice my chin open and squeeze all that venom from the spider. I put in a grievance form for that. They never got back at me.

Lisa who was pregnant one of the times she entered juvenile hall, described being detained with little medical care until she was nine months pregnant and released immediately after her water broke: "I had absolutely nothing for my child. I had nothing for myself, I just knew that I had spent almost a year in there and I was coming out with a newborn ready to give birth and I had nothing to my name."

Other youth described feeling scared, overwhelmed, and unsafe. Alisha pointed out, "I feel like I was exposed to a lot of drugs and prostitution type stuff in juvenile hall, because there were a lot of girls in there for that kind of stuff." Julia added, "You had to go in [juvenile hall] and [it's] just survival of the fittest, because everybody's young. They are either in gangs or rowdy. They're having trauma from their childhood that led them to commit these crimes. . . . I just felt like I had to be ready and watch my back." More broadly, participants described a general lack of empathy, understanding, and patience for youth. Maria pointed out,

“[In juvenile hall] they will [punish you], just for slamming the door on accident or walking too loud or making a face or. . . . We all get frustrated. We’re all human. You can’t expect us to be perfect all [the time].” Alisha added, “We have staff who don’t know how to talk to people, let alone kids, let alone trouble[d] kids. . . . I feel like everybody can get a job there and that’s not okay. They just need to have more empathy.” She went on, “[They’re] people in positions of power abusing their power. . . . They’re just taking advantage of the control they have.”

Verbal, physical, and sexual violence

The abuse of power by system actors led to verbal, physical, and sexual violence at multiple system stages.

Violence during arrest

“

I think that was something that I was kind of used to, not only experiencing community violence from folks in the community, but then also with law enforcement.

— Elena

Many interviewees recounted brutal stories of arrest. Maria described the violent circumstances of her first arrest: “I was young, I was running, and I made the cop chase me, and he was really off at the fact that he had to chase me. As soon as I got apprehended and he had got me, he hit me with the baton more than once, even when I was already in custody. . . . He could’ve hit me once or twice, but he hit me more than four or five times, which was terrible. It still hurts.” Tracey described another violent arrest experience:

I was in this parking lot for a minute. Next thing you know, the police come behind me, trap me in. They were like, "Roll down the window." They made it seem because my plate or something. . . . The police handled me very aggressively. I couldn't even fight him. He was trying to say I resisted my arrest but I didn't. Because he was pulling me, he snatched a whole bundle [of hair] out my head . . . left my hair on the ground. I asked him, "Can I get it?" He was like, "No." And threw me in the car, and he going to tell me, "Shut the fuck up. I can do this. I'm a cop."

Pointing to the lasting trauma and impact of this event, she added, "That's why when it come to cops, I don't want to look at them. I ain't got no choice but to breathe the same air y'all breathing, but y'all really not good when it come to youth." Ciara described sexual violation:

I was about 13 years old. Me and my sister got caught ditching school and we were going to go sell some weed and some coke. And so we had got pulled over by the cops and when we got pulled over, it was a male officer. And I really remember feeling violated because he had basically made us strip, take our socks off, our shoes off. . . . We had to take our bras off. Mind you, we were on a busy street and he made us take it off from underneath our shirt and pull it out to make sure nothing was in there, take our shoes and socks off, our pants. We had to pull them all the way up as far as they could go. And he patted us down and I remember feeling really violated and I was like, "I need a female officer." And he was like, "You don't know your rights. Shut up."

Violence in detention



There was some supervisors that were pretty jacked up. They were really, really, really messed up. . . . They don't really care for the kids. . . . You see a lot of stuff when you're locked up that a lot of people don't see.

— Maria

Violent arrests often transitioned into equally violent treatment in detention. One girl described being shackled during prenatal appointments, and another recalled being sent to solitary confinement (“the SHU” or specialized housing unit) for self-harming. When Chanel was incarcerated, she witnessed an officer restrain a detained youth, breaking her arm in the process. Many youth were pepper-sprayed. Ashley was 13 when she was detained. She described how harmful this practice was: “I got pepper sprayed so many times in my mouth. And in my hair, it was crazy. Man, months after I got pepper sprayed, I would get in the shower and I’d still feel it, the water activates it. So every time you showered for months after you got pepper sprayed, you burned. . . it was just terrible.” Lisa pointed out that she thought officers were violent because they did not know how to interact with youth: “I think that officers need to get a lot more training in dealing with youth. A lot of these work in corrections systems that are with adults. They don’t have the patience to deal with kids and they tend to treat us like adults. . . . They shouldn’t be so punitive, they shouldn’t be quick to tackle us and quick to use physical punishment or physical restraint on a minor.”

Physical violence was often coupled with verbal abuse that created a culture of harassment and intimidation. Julia stated, “You can’t move nowhere. You have to look straight and not talk and just do your work. The staff there also wasn’t very welcoming.

You would ask for something and there was this lady that would be like, ‘This ain’t Burger King. You can’t have it your way.’” Teulia was 14 years old when the school administration called the police to resolve an in-school fight, and she was booked in juvenile hall. Teulia recalls, “I got physically assaulted, and I got verbally assaulted. I got intimidated by the staff. . . . They said hurtful things to me. One called me a dumb cunt.” Mili, who struggled with her mental health while detained, mentioned a disturbing interaction with staff: “A staff member was like, ‘Hey, like, don’t go trying to kill yourself on my watch,’ like as a joke.”

Elena expressed that she felt detention put youth in a position to be abused by law enforcement, particularly sexually, and often after having experienced sexual violence elsewhere. She entered the juvenile system at 15 years old, was also in the foster care system, and was a survivor of commercial sexual exploitation. Elena remembers, “I feel like we were more so used like meals for the law enforcement to be able to further exploit us. Ask for sexual favors to be released, things like that. A lot of times, we weren’t believed.” She added, “I don’t think that people know what’s happening with their tax paying dollars inside of the facility. Even as somebody that experienced a lot of sexual violence on the streets, so, first thing that had happened to me when I went in there, is that I was strip-searched. And every time any adult would come around me, I had to get strip-searched again, over and over.” Strip-searching is an example of how “routine” practices within juvenile facilities violate dignity and privacy. Guadalupe also described being strip-searched as a minor: “I had never been naked in front of anybody in my life, because I was only 12, 13 years old. It sets you on a path of dehumanization.” Interviewees also expressed that they felt discomfort at male guards’ presence during showering, bathroom usage, and undressing.

Lasting trauma and mental health impacts



I seen crazy stuff in prison that I will never forget. I would never get over it. It's like a part of my life forever.

— Alisha

Interviewees expressed the negative mental health impact of these and other system experiences, stating that their time in detention did not keep them safe or provide them with any helpful rehabilitation and left them with lasting trauma. Hailey pointed out, “The fact that the staff really didn’t care you were getting . . . pushed to the side of the corner, where there was no cameras so you get smacked around by another inmate. . . . That was traumatizing too because . . . I felt like I had to constantly watch my back . . . it definitely changes you. . . . That wasn’t a good way to try to rehabilitate me.” Lillian stated, “Being confined at 15 and even going back at 17, there was a point where I wanted to commit suicide. . . . I wish that they could focus a lot in healing because we go through [hella] shit in our household, or what we go through in our life, and I wasn’t able to heal—so hurt people, hurt people. Right?”

Chanel discussed the feelings of hopelessness she felt after being arrested: “Just feeling like, ‘Okay, well I’m not going to stop going to jail. This is just going to be my life now. Like I’m not going to get off probation. The system is just going to want to take control of my whole life.’” Julieta described how difficult it was to come back home after detention: “When I came home, it was very hard for me to resign back to what I was doing from when I first came out. Everybody expected me to just be okay, at that. And I wasn’t, still not to this day.” Ashley added, “I just feel like I wasn’t set up for anything. It really stunted a lot of stuff, but I didn’t get set up for anything . . . you got to be a different person in jail. You can’t be who you were.”

Being a “different” person after incarceration came up several times. Lisa described the impact of detention on her mental health: “It made me terrified to ever go back to any type of carceral setting, any type of institutional setting. I don’t want to ever go seek mental health help because I feel like I might get kept there. . . . I’m paranoid of getting in any type of trouble ever because I’m terrified of going back and I’m terrified of being around police.” Alisha discussed how being labeled as “criminal” impacted her sense of self: “So they basically labeled me—or not me, just all of us—as something, before giving us a chance to be rehabilitated.” Susana added, “That’s so much trauma. Me personally, after I went to juvie, I looked at myself as a criminal. I used to joke around saying, ‘I’m a criminal.’ It’s a negative mentality, how they perceive us after being in that position.”

Solutions and recommendations

As interviewees reflected on their lives after juvenile system involvement, many had clear ideas about how responses could be improved and better meet youths’ needs. They discussed the importance of personal healing, social and material support for themselves and their families, programming and school reform, and life skills development.

Healing, therapy, and mentorship

“

I would like to see therapy. A lot of therapy.

— Anna

Almost everyone discussed their personal healing journey and how important it was to address the lasting mental health impacts of trauma they experienced in their family, the community, and the system. Interviewees pointed out that healing is neither linear nor uniform, and people need access to resources and

information to be able to determine their own healing journeys. Aaliyah noted that “[t]herapy, that is very important! I’m going through therapy right now. If I had therapy back then, to be able to talk about some of the stuff that I went through, I wouldn’t have so much stress built on me.” Ciara, who was 24 when she was interviewed, shared that, “[w]ithin the next year, a big goal for myself is to be still on my healing process. I am a mom and I feel that’s a big factor for me because to have my son grow up with no trauma, I need to be healing myself.” Lillian pointed out, “I’m still healing from a lot of things that I [went] through. . . . I wish I had learned these tools to take care of myself and heal so I could move in the world better instead of moving with hurt and hurting other people.”

The majority of participants found system-provided mental health services inadequate, expressing that they needed more agency in the choices regarding their care, did not trust their providers, or were not in a mental space to receive therapy at that time. Barbara expanded on this: “I didn’t like the fact that I was mandated a specific therapist. I didn’t get to go and find one that I got along with or I felt comfortable around. And they gave me somebody that I didn’t feel comfortable around, and she didn’t help me. . . . I couldn’t talk to her.”

Anna discussed the lack of consistent mental health services in jail: “[Maybe it would be better if] we had people there that were actually like maybe therapists like that were working there, and not just a therapist that you call right quick when you’re having a psychotic meltdown.”

In part because of these negative experiences, many interviewees sought activities and practices outside of traditional talk therapy to address trauma. Ciara discussed her healing practice: “Personally for myself, I would just say finding my inner self, what makes me happy and what would free my trauma. For me, meditation works or . . . reading stuff that helps heal you,



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that you can sit down and realize you're not the only one." When interviewers asked Teuila about healing practices, she responded, "[h]onestly, I want to see more culture. I think that's healing. I honestly believe bringing back your roots. Who wants to walk around knowing that they don't know where they come from?"

Many people also shared the importance of building positive relationships with older people to guide them, provide consistency, and support their goals and dreams, which can help balance out some of the negative experiences youth have with adults in the system. Ashley stated: "I needed a family. I needed to just be with people that really care about me. . . . I feel as a person who's been through extreme trauma, until I felt safe, I wasn't able to deal with certain things. Because I was on survival mode for so long, and we don't even know we're on survival mode. You know?"

Housing and material support

“

Just giv[e] us access to the resources
that would help us instead of just immediately
trying to lock us up.

— Isabella

Interviewees, many of whom earlier discussed the impact that housing and economic instability had on funneling them into the system, expressed a range of perspectives on how to best support youth facing these issues. Some said they did not want to live at home with their biological families, but it was tough because they had no other options. Others described wanting to stay with close relatives or other known caregivers, but being unable to do so because their loved ones' homes did not qualify for a family foster placement. One factor cut across these conflicting perspectives—the need for safe spaces for youth with nowhere to go. Guadalupe asked: "Why can't [youth] have safe houses that we can go directly

to, even if they're under 18? The state can mandate absolutely anything, [so mandate] that they have a safe house that they can go to . . . rather than going and committing a crime or breaking the law." Victoria pointed out, "I feel like there should be more rehabs, more housing, because there's a lot of young people that suffer through either an addiction, a drug addiction, or sometimes they do things because that's how they survive. They don't have no home. They have no family. They're in the system with nobody."

Youth often understood how difficult it had been for their parents to provide financial and material support and understood poverty and historical racism as root causes of criminal legal system involvement. Teuila stated, "I feel like when you stay in the hood, the hood don't want you to leave. The hood has a ceiling over you. Once you try to find a second job, or once you try to find more income than what you're already making, they seem to find ways just to snatch more money out your pockets, or you're just living under a ceiling. You can't go further than what you want to do." Lupita discussed how economic resources could have helped her and her family: "I used to break into cars to look for stuff to sell to help my family out because they didn't really have money. I sold drugs to help my family because they didn't really have money. So if they could find programs that could economically help the youth, I think that would be a really great beneficial factor." Interviewees expressed the importance of helping youth develop life skills (for example, building credit) and how community, financial, and material support could help them move forward in their lives. Teuila said, "I want to accomplish generational wealth. I want to accomplish generational education through all of us. I want to get my mom a house and be able to pay her rent. . . . I want support through the community on helping me get to my dreams, or where I want to be in life."



Photo credit: Malandrino, Getty Images.

The empowerment of advocacy and giving back



So me putting my story into policy work and actually using my story, using my experience to speak out loud to the government officials to try to change the policies on handcuffing youth inside the facilities, when that passed, that gave me so much honor back to myself. It gave me so much dignity back to myself. It gave me power to my voice. . . . That made me feel so uplifted.

That made me feel like change is real.

It made me all hopeful and possible of things that can really happen.

— Teuila

Finally, interviewees discussed how impactful and uplifting it was to translate their experiences into effective advocacy. Teuila discussed her advocacy goals: “I want to make an impact on my people. I want to leave a legacy. I want to gain knowledge and be able to pass it down and be able to impact other folks, and myself as well. . . . Doing all of this, it does make me feel like I am somebody. I know who I am. I can recall my roots. I can tell you why I came out of the hood, and who I am today.” Others expressed wanting to give back to youth, helping them to build positive futures. Lillian stated, “I want to leave something for my children so they won’t have to struggle like I did.” Julia reflected, “I want people to be able to talk to me and for me to be able to give them right advice—and the truth, though—but be genuine and that they can confide in me. . . . And I understand, because I’ve been through it.”

Recommendations for Local Policy-makers

Ending girls' incarceration is urgent and necessary to support the well-being of girls and gender-expansive youth in California. Every county in California can end girls' incarceration and create community-based solutions that promote safety by building on successful work already happening across the state—such as in Santa Clara, Alameda, and San Francisco counties—and nationally, in places like New York City, Hawai'i, Maine, and others. Jurisdictions that have hit zero offer important proof points that it is a realistic goal and one that contributes to community safety. They also provide models that counties can adapt to continue reform efforts across the youth and adult criminal legal systems.

CASE STUDY

Santa Clara County

Vera and YWFC have been working in Santa Clara County since 2019. The accomplishments in the county offer a roadmap for other counties interested in ending girls' incarceration. By listening to and partnering with diverse stakeholders across the county—including advocates, community leaders, young people, service providers, and leadership from child-serving agencies—the county was able to implement a combination of practice changes and to invest in community-based programming that is responsive to the needs of girls and gender-expansive youth. Through this work, the county was able to build a shared vision of ending

girls' incarceration and sustain an average daily population between zero and two girls in custody for a full year.

In 2018, Vera selected Santa Clara County to receive technical assistance. At the same time, the county invited YWFC to open a new site in San Jose to bring best practice gender-responsive programming and advocacy to the county. In 2019, Vera and YWFC officially began working with Santa Clara County's Office of Women's Policy, probation department, and juvenile court toward the bold goal of ending girls' incarceration in the county. As YWFC began supporting girls in

juvenile hall and during reentry, developing a leadership pipeline, and launching programming—including a new gender-responsive diversion program—Vera conducted a diagnostic assessment using local data to better understand how and why girls and gender-expansive youth were entering custody. Through a combination of administrative data analysis and a review of court files, Vera was able to systematically explore pathways of criminalization and incarceration at the local level. The themes reinforced and confirmed what community-based organizations were hearing from directly impacted girls and gender-expansive youth and the adults who support them.

- › A case file review of a representative sample of detained girls found that 80 percent (n=39) had experienced housing instability prior to their system involvement.⁶⁹
- › The case file review also found extensive histories of abuse for girls in detention. Eighty percent of the sample (n=39) had a documented child welfare history. On average, girls with child welfare histories had 10 referrals to child welfare filed on their behalf prior to their system involvement.
- › Eleven percent (n=30) of girls' admissions to detention in 2018 were on overrides due to safety-related concerns (self/victim/community safety).⁷⁰ Conversations with stakeholders indicated that concerns about girls' safety

and housing instability were major factors in decisions to detain.

- › Thirteen percent (n=36; 18 percent of all overrides) of girls' admission to detention in 2018 were for electronic monitoring and community supervision failures.
- › Seven percent (n=18) of all girls' admissions to detention in 2018 were directly due to an inability to return home.

With this information in hand, YWFC and Vera collaborated with systems and community leaders to develop solutions. Working with the Juvenile Justice Gender Responsive Collaborative, government partners met regularly with advocates, community-based organizations, and directly impacted young people to share information and report back on the actions they had taken in response to challenges and solutions raised during meetings. By 2021, through a combination of practice change, investment in community-based programming, and collaboration with the community, the county saw regular stretches of time with zero girls incarcerated. YWFC and Vera continue to work with the county, providing support to course-correct as custody numbers crept back up post-pandemic and to institutionalize changes in practice. By recommitting to collaboration and practice change, responding proactively to new challenges, and fully implementing community-based solutions, the county can end girls' incarceration for good.⁷¹

Although local stakeholders in each county will need to collaboratively identify the combination of targeted investment, programming, and practice change that is right for their jurisdiction, there are six key action steps that would significantly reduce, if not eliminate, the incarceration of girls and gender-expansive youth in every county in California. Across these action steps, it is essential that directly impacted girls, gender-expansive youth, and the adults who support them are at the table leading these efforts for change.

- 1. Prevent confinements based on concerns for girls' safety, and eliminate any confinement for low-level charges.** Many girls and gender-expansive youth continue to be confined due to concerns for their safety or to connect them with services, and most girls in California are arrested and confined on charges that do not require formal processing or detention under state law. This is out of step with best practice in juvenile justice and youth development.⁷²

Many counties have already invested resources to divert cases with low-level charges, and they should continue to build on that progress. *Court stakeholders should also develop clear protocols to eliminate confinement driven by concerns for individual safety, including to connect girls and gender-expansive youth to services, and should eliminate detention and formal delinquency petitions in response to misdemeanors and status offenses.* To support these practice changes, court stakeholders will need to collaborate more quickly with each other, other child-serving agencies, and community-based providers to allow for in-the-moment problem-solving outside of the courtroom. This should include building a network of community-based providers that can offer immediate supports while stakeholders work with young people and their families to identify longer-term services and supports. *Connections to supports should not be linked to court involvement, and lack of participation in recommended services should not result in deeper system involvement.*

2. Prevent confinement due to technical violations of probation, and significantly limit the use of formal community supervision. Girls and gender-expansive youth often cycle in and out of detention as a result of status offense behaviors that violate conditions of probation—things like skipping school, running away from home, or using illegal substances. Research suggests that formal probation supervision is ineffective at reducing delinquent behaviors, particularly for youth with a low risk of rearrest.⁷³ It is also net-widening—young people on probation supervision can be criminalized and incarcerated for behaviors that their non-system-involved peers are not—leading to cycles of continued system entanglement. To disrupt this cycle, counties should align to nationally recommended best practices:

- a. *Eliminate the use of formal probation or community supervision in response to low-level charges.* Young people with low-level charges, including all misdemeanors and status offenses, should be connected to voluntary community-based programs and kept off of probation supervision entirely.⁷⁴
- b. *Limit and individually tailor conditions of release.* For the subset of cases in which supervision is ordered, the list of terms should be limited, conditions should be individually crafted, and supervision should be time-bound.⁷⁵
- c. *Technical violations of probation should not result in detention.* Stakeholders should work together to create protocols that eliminate detention as a consequence for technical violations, regardless of underlying charge. This will require problem-solving outside of the courtroom to identify needed changes in case planning, including additional community-based supports that can reduce future violations and mitigate any public safety risks.⁷⁶

- 3. Invest in gender-responsive programming to create off-ramps from the youth legal system.** Community-based programming provides an effective alternative to incarceration that can reduce recidivism and increase protective factors, such as strengthening family relationships or educational access.⁷⁷ Counties should invest in a robust continuum of care and ensure that this continuum—including wraparound services, mental health interventions, and substance use programming—is available and accessible to girls and gender-expansive youth. Programming must not inadvertently exclude young people most in need of these resources due to strict eligibility requirements, such as requiring parental participation or offering little flexibility in meeting times or locations.⁷⁸

Stakeholders at every point in the youth legal system—including law enforcement, probation, judges, district attorneys, and public defenders—should build in access to gender-responsive diversion programming that does not require formal probation supervision.⁷⁹ *Instead of mandating specific services (for example, family therapy or anger management), systems should default to referring young people to trusted community-based programs that work alongside young people to develop appropriate service plans that fully account for their individual needs and contexts.* Many effective programs use credible messenger models and have expertise in working alongside young people to support them in meeting self-identified needs and goals.⁸⁰

THE EVIDENCE FOR GENDER-RESPONSIVE PROGRAMMING

Girls and gender-expansive youth get caught up in the juvenile legal system for different reasons than cisgender boys. This means that effective responses to girls' situations also need to be different. Many jurisdictions rely on programs that the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) or other federal agencies have confirmed as evidence-based programs (EBPs).⁸¹ Unfortunately, because girls and gender-expansive youth have largely been left out when developing juvenile justice-related programming, there are few programs that specifically target girls in a gender-responsive way. Girls have also been left out when it comes to evaluation and research: many programs endorsed through federal agencies have not been reviewed for their effectiveness in serving girls and gender-expansive youth. Those that have been reviewed are often less effective or ineffective for girls.⁸² Meanwhile, promising research-informed programs for girls have not had the resources to be evaluated at the standard required to be considered an EBP, which is a barrier to their ability to deliver services at scale.⁸³

A growing body of research is shedding light on the tenets and program models that are most effective for girls.⁸⁴ Advocacy models have emerged as a particularly promising evidence-based approach that is aligned with best practices for gender-responsive programming.⁸⁵ Advocacy models take into consideration the power dynamics and gendered experiences that exist independently of individual characteristics. These models take a holistic approach centered around overall well-being and focus on promoting resilience and increasing access to resources.

Rather than locating the problem within the girl or her family, advocacy models recognize the larger settings, situations, and systems surrounding the girl and target those for change. They also prioritize the girl as an expert in her own life who knows what she needs to thrive. In contrast, traditional programming approaches follow the “medical model,” which centers doctors and providers as experts in diagnosing and addressing problems within a person. The chart below highlights some key differences between these two models.

	Medical model	Advocacy model
Location of the problem	The person	The context
What is central?	Diagnosing a problem	Providing access to rights
What is the driver?	Symptom reduction	Strength enhancement
Focus	“Patient as compliant”	“People as experts”

Source: Shabnam Javdani, *Intervention Manual for ROSES: Community-Engaged Advocacy for System Impacted Girls* (New York: New York University, Rise Team, 2021), on file with authors.

Of the hundreds of programs in OJJDP’s model programs guide, only one is described as a gender-responsive program for girls already involved in the system, and it uses the advocacy model.⁸⁶

Advocacy models successfully reduce girls’ delinquency and risky behaviors and enhance their safety and overall well-being.⁸⁷ A 2021 evaluation found that girls enrolled in advocacy model programs were significantly less likely to engage in delinquent acts and less likely to get in trouble at school, engage in risky behaviors, or use substances than girls who were in “usual” programs. Girls in advocacy model programs also reported higher resilience and self-efficacy.⁸⁸ These positive outcomes emerged even though this program, in line with advocacy approaches, did not target girls’ personalities or individual behaviors for change, but rather prioritized their self-determined goals and rallied resources to support those goals.

4. **Prevent crossover from child-serving systems.** All child-serving systems—including child welfare, behavioral health, public health, education, and housing systems—should *invest in and use non-law-enforcement crisis responses*. System actors should train staff on strategies to avoid contact with law enforcement in response to children in crisis, including (absent serious public safety concerns) most altercations and conflict, and look to restorative justice and holistic crisis response models.

LAW ENFORCEMENT DIVERSION

As jurisdictions work to eliminate custody and probation supervision, they can simultaneously work to limit law enforcement contact, expand access to pre-arrest and pre-booking diversion options, and ultimately eliminate arrest as a response to misdemeanors and status offenses entirely.

Achieving this will require training and capacity-building for child-serving systems, providers, and families to build skills to respond to crises without police involvement, and investment in 24/7 crisis response systems that can offer immediate support should things escalate. But it will also require investment in robust community-based services that can offer prevention and diversion services and are available to respond immediately to referrals from child-serving systems, families, and law enforcement. One California-based model is the Los Angeles County Department of Youth Development diversion program. Launched in 2019, the initiative partners with local law enforcement agencies to facilitate referrals to diversion providers who connect young people to activities and services based on individualized planning. In most cases, referrals are made pre-arrest or pre-booking, and, following successful completion of the program, the young person's criminal record is erased.⁸⁹

- 5. Invest in holistic, gender-responsive community-based supports.** Housing and economic instability are significant drivers of incarceration for girls and gender-expansive youth. Girls and gender-expansive youth should never be detained because they lack housing. *Counties should expand the continuum of local housing options that can be used as prevention and diversion for young people and their families.* This includes exploring family-based care models that specially recruit, train, resource, and connect local families to welcome girls and gender-expansive youth into their homes while longer-term options are explored. Local policymakers must understand that housing is a complicated issue: there are some young people who do not

feel safe at home with their families but have no options, while others want to stay with their families. Policymakers need to review the numerous, nuanced restrictions for family foster placement and invest in safe spaces for youth who do not have anywhere to go. Any housing model should be coupled with economic supports aimed at ensuring that chosen families are resourced and can support the young people who choose to stay with them.

At the same time, *counties should prioritize holistic investments in communities* to ensure that young people can access safe and secure housing, quality education and school-based services, community-based mental health services, economic supports for their families, and fun and engaging community-based programming.

ADDRESSING HOUSING INSTABILITY

Housing instability is a long-standing and intractable challenge for youth coming into the juvenile legal system, and it remains one of the biggest barriers to decarceration. Experiences of housing instability, including homelessness and child welfare involvement, create multiple risk factors that make youth more susceptible to system involvement.⁹⁰ For example, youth who are homeless may be arrested for survival-related actions—including shoplifting to access clothing, hygiene items, and food—while conflict in child welfare placements can quickly escalate and result in families or staff calling law enforcement. Once youth have contact with law enforcement, housing instability can prolong, and exacerbate the consequences of, system involvement. Moving between homes and placements can make it difficult to keep a consistent schedule and can result in a disruption of school, programming, and other court and probation requirements.

Across California, various program models are tackling this challenge, working to fill persistent gaps in housing and disrupt this pathway into incarceration. Vera and YWFC are actively working on two pilot projects aimed at supporting young people, their families, and probation in quickly identifying safe places for young people to stay in lieu of detention,

supporting families in navigating complex resource family licensing requirements, and providing resources and wraparound supports to young people and their families.

Santa Clara County housing pilot. In 2021, the Santa Clara County Board of Supervisors directed the probation department to work with Vera to develop a set of recommendations on models for gender-responsive temporary housing solutions. The recommendations are designed to prevent girls and gender-expansive youth from having brief stays in juvenile hall while safe housing options were identified.⁹¹ The county has released an RFP to implement the recommendations, seeking a provider to do the following things:⁹²

- › Recruit and support an intentional community of families specially trained in gender-responsive and trauma-informed practices to provide temporary housing.
- › Develop a small home-like residential setting with connections to gender-responsive services, staffed by those with lived experience navigating government systems.
- › Develop a process to coordinate access and referral to new housing options and economic supports. This should include capacity for a 24/7 response at juvenile hall intake, led by a community-based organization that can also provide crisis supports and mediation in the moment to young people and their families.

Beloved housing pilot. In 2022, YWFC launched Beloved, a holistic approach to supporting young people in identifying and accessing safe housing options when housing instability is placing them at risk of further system involvement. Beloved seeks to support the self-determination of young people, their families, and their communities through innovations in housing.⁹³

6. **Develop multidisciplinary, collaborative workgroups that facilitate the sharing of power and resources.** Counties should *develop collaborative, multidisciplinary workgroups* that bring together diverse leadership from child-serving agencies, community-based organizations, advocates, and directly impacted young people to examine data, explore system gaps, and discuss solutions. Inviting community members to the table is important, but it is not enough; government actors will also need to intentionally create collaborative spaces that can *welcome* community members and foster their contributions. *This means sharing power and resources with those most directly harmed by carceral systems.*

Recommendations for State-wide Change

Statewide change is also needed to support, incentivize, and institutionalize local work to end girls' incarceration. California legislators and policymakers should do the following:

1. **Support and champion legislation to limit the circumstances in which young people can be arrested or detained.** Detention should be an option only when public safety is at serious and immediate risk that cannot be mitigated by community-based supports. Eliminating custody for misdemeanors and status offenses would immediately cut girls' incarceration in half.
2. **Support and champion legislation aimed at eliminating detention for technical violations of probation.** Technical violations of probation are major drivers of girls' incarceration and contribute to cycles of detention and release, often based on behaviors like running away from home, skipping school, or smoking cannabis. Formal

probation supervision should be used only when public safety is a serious and immediate concern, and technical violations should not result in detention.

- 3. Incentivize and support local work to end girls' incarceration through access to funding.** Include practice changes from this report and milestones associated with ending girls' incarceration as eligibility requirements or incentives for statewide funding streams, particularly those related to system interventions, diversion, and prevention.
- 4. Develop flexible funding streams to support community-based gender-responsive diversion and prevention programming.** Funding should flow to local community-based diversion and prevention programming that operates in line with best practices of gender-responsive care. Funding must be flexible and broad enough to support young people before, during, and after any system involvement. Statewide funding streams should not allow local administration and/or oversight of these programs to fall under government agencies with the power to detain and incarcerate young people.
- 5. Encourage innovation in prevention by developing funding streams for holistic healing and economic supports, including for housing.** Continue to fund, support, and evaluate pilot programs aimed at holistic supports and healing—including economic supports, access to housing, education and school-based services, community-based mental health supports, alternative approaches to healing, and fun and engaging community-based programming—prioritizing those championed by directly impacted young people and their families.
- 6. Issue statewide guidance and provide associated training for local court stakeholders** (judges, district attorneys, probation officers, public defenders, and law enforcement) to adopt practice changes highlighted in this report. Guide stakeholders to understand how they can

use their discretion and partner with community-based organizations to avoid detention of girls and gender-expansive youth primarily due to

- a. concerns for the safety of the young person;
- b. inability to locate parents, guardians, or counsel;
- c. lack of support from parents, guardians, or counsel;
- d. lack of stable housing;
- e. truancy or lack of school attendance;
- f. concerns regarding commercial sexual exploitation or sexual violence;
- g. runaway behavior or other technical violations of probation;
- h. a need to receive treatment or services, including substance use treatment; and
- i. family conflict, including tensions between the young person and their parents, siblings, or guardians.



Photo credit: YWFC, Getty Images.

Conclusion

Eliminating custody is one important and easily measurable step on the road to supporting girls and gender-expansive youth in realizing their own freedom. Instead of responding to safety concerns with incarceration, communities should invest in making communities safer for girls and gender-expansive youth.

Young people deserve to feel safe and to be respected and loved. They have a right to a childhood and adolescence in which they are cared for, enjoy opportunities to explore the world, and grow with self-determination. They have a right to access support and healing in their communities and to live free from discrimination, harm, and fear. When young people are incarcerated, it is an indication of a societal failure to support them, and we must work toward ending this injustice.

Punitive approaches have a long legacy and they have become deeply ingrained in policies and culture across our child-serving systems. Eliminating custody is not enough, especially if it comes along with the expansions of other punitive measures, like increased electronic monitoring or community supervision. California cannot end girls' incarceration for good until it moves away from this punishment paradigm and institutes seismic shifts to fully realize young people's rights; invest in their communities; and address the racism, sexism, homophobia, and transphobia that contribute to the criminalization of girls and gender-expansive youth, particularly those of color.

We can get there together, and we can get there quickly. We can work across systems to collect and share necessary data and solutions, center the voices and leadership of those most directly impacted, and build holistic supports to end the incarceration of girls and gender-expansive youth and advance their freedom. Thanks to the tireless work of grassroots organizers, advocates, and many government leaders who have diligently pursued reform, California is already well on its way to achieving this goal. Indeed, ending girls' incarceration is well within reach for any county that prioritizes it. Imagine what California could look like if instead of investing in girls' incarceration, we invested in their freedom. If instead of telling girls and gender-expansive youth what they need, we listened to what they said they wanted. If instead of supporting a system that views girls as if they were somehow "broken," we worked to dismantle broken systems.

Together, we can end girls' incarceration in California.

Appendix A

Recommendations for system data transparency

Statewide recommendations

County-level information on youth legal involvement is not standardized or accessible in a centralized location.

- › The state should therefore share county-level data disaggregated by gender, race, and charge so that communities can understand local and statewide trends and track reform progress.
- › Girls and gender-expansive youth experience various forms of criminalization and harm that funnel them into the youth legal system, but it is challenging to collect and analyze statewide data on various indicators of well-being for girls and gender-expansive youth. The state should work to compile statewide well-being indicators in areas such as mental and behavioral health, physical health, education, child welfare, and physical and sexual abuse, disaggregated by gender and race.

Local-level recommendations

At a local level, information sharing varies widely and is often delayed, preventing real-time response.

- › Local governments should collect and regularly share data on the number of young people at every system point (arrest, detention, placement, and probation supervision by gender, race, charge, and risk assessment score) at least quarterly.
- › Information on local spending on youth incarceration and supervision is overwhelmingly inaccessible. Counties should develop mechanisms to transparently and clearly share budget

data so that constituents can understand and track how their jurisdictions are spending local and state dollars on juvenile probation and incarceration.

- › Most counties are not systematically collecting information on sexual orientation, gender identity, and gender expression of young people in the youth legal system, despite research showing that LGB/TGNC youth are overrepresented within the system. Counties should invest in processes to improve data collection efforts in ways that do not stigmatize or harm young people.
- › Research has shown that most jurisdictions across the country are systematically undercounting Latina/x youth due to inconsistent data collection efforts. (See “Undercounting Latina/x youth” on page 32.) Counties should invest in processes to improve data collection efforts and accurately track Latina/x youth in their systems.
- › Girls and gender-expansive youth of color have largely been left out of juvenile legal system-related research. Researchers working in the field should always disaggregate data by at least gender and race to ensure visibility of girls and gender-expansive youth of color.
- › Those most directly impacted by criminalization and incarceration often have the least control over the information collected and analyzed on the system. Researchers should incorporate elements of collaborative and participatory methods of inquiry and analysis whenever possible.

Appendix B

Qualitative research methods

YWFC researchers conducted the interviews via telephone. Each interview lasted between 30 and 45 minutes, and participants were compensated for their time. The researchers developed the interview protocols iteratively and they were reviewed by both Vera and YWFC research and legal staff as well as Vera’s Institutional Review Board. The focus of the interviews was to obtain self-reported experiences with the legal system in California and inform ways to reduce harm, address safety, and meet treatment needs.

Researchers recorded all interviews and imported the transcripts into data analysis software (Dedoose). The authors gave interviewees identifying codes and pseudonyms and collected and coded their demographic information alongside their responses to interview questions. YWFC researchers performed a content analysis on the interview responses, yielding eight major themes, each with two to six subthemes. The researchers extracted 949 excerpts and shared an analytic memo among the members of the research team to integrate initial themes in the interpretation of the quantitative data where applicable. Researchers subsequently processed the qualitative data using focused coding, by which a different analyst coded all interview responses using each of the primary themes and subthemes as well as the major topical areas of the administrative data (police contact, arrest, charge level, detention, court processes, etc.).

APPENDIX TABLE 1

Statistical portrait of interview respondents

County	Count
Alameda	5
Contra Costa	3
Kern County	1
Los Angeles	8
San Bernadino	4
San Francisco	14
Santa Clara	15

Racial and ethnic identity	Count
Asian (e.g., Chinese, Vietnamese, Filipino, Asian Indian)	2
Black or African American	18
Latinx, Latina, Hispanic	24
Native Hawaiian or other Pacific Islander	1
White	1
Asian, American Indian, & Latina	1
Black & Latina	3
Mexican & Middle Eastern	1

Note: The researchers invited participants to self-define their racial and ethnic identity in their own words.

Appendix C

APPENDIX TABLE 2

System point statistics by gender

	Male			Female		
	Felony	Misdemeanor	Status Offense	Felony	Misdemeanor	Status Offense
Arrests, 2022	9,905	8,931	738	1,997	4,027	402
Cases marked as “Referral” in action type field	4,631	8,796	255	967	4,191	173
Cases marked as “Court” in action type field	8,904	4,045	1,475	1,526	1,381	296
Total referrals 2022	13,535	12,841	1,730	2,493	5,572	469
Detentions 2022						
Detained: Home Supervision	137	58	5	30	24	3
Detained: Non-Secure Facility	89	60	22	12	18	9
Detained: Secure Facility	5,350	1,351	892	756	426	143
Not Detained	7,281	10,230	609	1,546	4,595	264
Unknown	678	1,142	202	149	509	50
	Male			Female		
	Felony	Misdemeanor	Status Offense	Felony	Misdemeanor	Status Offense
Disposition by referral charge level, 2022						
Closed	4,224	5,952	240	823	2,793	171
Deferred Entry of Judgement	582	87		73		8
Dismissed	1,797	988	300	412	386	64
Diversion	207	1,640	8	73	845	2
Informal Probation	445	2		55	222	179
Non-Ward Probation (725a WI)	553	438		114	179	1
Remanded to Adult Court	1				11	
Traffic Court	637	4		4	243	2
Transferred	372	234	7	105	144	3
Total Wardship	4,972	1,610	1,166	628	441	227

APPENDIX TABLE 2

System point statistics by gender

Disposition by sustained offense level, 2022	Male			Female		
	Felony	Misdemeanor	Status Offense	Felony	Misdemeanor	Status Offense
Closed					4	
Deferred Entry of Judgement	387	56		55		3
Dismissed	396	153	19	65	83	7
Diversion	3				2	
Informal Probation					1	
Non-Ward Probation (725a WI)	238	537	1	63	193	1
Transferred	225	113	4	45	48	1
Total Wardship	4,480	2,082	1,186	497	569	230

Source: RIPA 2020, MACR 2021, JCPSS 2021.

Appendix D

APPENDIX TABLE 3

Detailed overview of charge categories for all girls' cases statewide

Detailed charges for all girls' referrals statewide 2021

Status offenses	Number	Percent
Curfew	22	3.54
Incorrigible	24	3.86
Other Status Offenses	454	72.99
Runaway	104	16.72
Truancy	18	2.89
Total	622	100

Misdemeanor charges	Number	Percent
Annoying Children	19	0.5
Assault and Battery	1,623	42.63
Burglary	121	3.18
Checks/Access Cards	5	0.13
City/County Ordinance	215	5.65
Contributing Delinquency Minor	9	0.24
Disorderly Conduct	1	0.03
Disturbing the Peace	99	2.6
Drive Under Influence	82	2.15
Drunk	32	0.84
FTA-Non Traffic	20	0.53
Glue Sniffing	6	0.16
Hit and Run	64	1.68
Indecent Exposure	1	0.03
Joyriding	22	0.58
Lewd Conduct	10	0.26
Liquor Laws	73	1.92
Malicious Mischief	4	0.11
Manslaughter - Misd	3	0.08

Detailed charges for detained girls statewide 2021

Status offenses	Number	Percent
Incorrigible	1	0.5
Other Status Offenses	198	99.5
Total	199	100

Misdemeanor charges	Number	Percent
Assault and Battery	269	59.38
Burglary	8	1.77
Checks/Access Cards	1	0.22
City/County Ordinance	15	3.31
Disturbing the Peace	8	1.77
Drive Under Influence	6	1.32
Drunk	8	1.77
FTA-Non Traffic	8	1.77
Glue Sniffing	2	0.44
Hit and Run	2	0.44
Joyriding	11	2.43
Liquor Laws	3	0.66

APPENDIX TABLE 3

Detailed overview of charge categories for all girls' cases statewide

Detailed charges for all girls' referrals statewide 2021

Misdemeanor charges	Number	Percent
Marijuana	77	2.02
Obscene Matter	10	0.26
Other Drugs	115	3.02
Other Misdemeanor	621	16.31
Other Theft	32	0.84
Petty Theft	197	5.17
Prostitution	4	0.11
Selected Traffic	9	0.24
Trespassing	45	1.18
Vandalism	222	5.83
Weapons	66	1.73
Total	3,807	100

Felony charges	Number	Percent
Arson	18	0.78
Assault	738	31.85
Burglary	175	7.55
Dangerous Drugs	41	1.77
Drive Under the Influence	14	0.6
Forcible Rape	3	0.13
Forgery/Checks/Access Card	11	0.47
Hit and Run	11	0.47
Homicide	11	0.47
Kidnapping	13	0.56
Lewd or Lascivious	41	1.77
Manslaughter - Vehicle	2	0.09
Manslaughter N/Veh	3	0.13
Marijuana	5	0.22
Motor Vehicle Theft	210	9.06
Narcotics	26	1.12

Detailed charges for detained girls statewide 2021

Misdemeanor charges	Number	Percent
Other Drugs	18	3.97
Other Misdemeanor	31	6.84
Other Theft	7	1.55
Petty Theft	10	2.21
Selected Traffic	1	0.22
Trespassing	1	0.22
Vandalism	35	7.73
Weapons	9	1.99
Total	453	100

Felony charges	Number	Percent
Arson	8	1.03
Assault	293	37.66
Burglary	36	4.63
Dangerous Drugs	7	0.9
Forgery/Checks/Access Card	1	0.13
Hit and Run	3	0.39
Homicide	7	0.9
Kidnapping	10	1.29
Lewd or Lascivious	4	0.51
Manslaughter - Vehicle	1	0.13
Motor Vehicle Theft	55	7.07
Narcotics	5	0.64

APPENDIX TABLE 3

Detailed overview of charge categories for all girls' cases statewide

Detailed charges for all girls' referrals statewide 2021

Felony charges	Number	Percent
Other Felonies	256	11.05
Other Sex	81	3.5
Robbery	287	12.39
Theft	259	11.18
Weapons	112	4.83
Total	2,317	100

Detailed charges for detained girls statewide 2021

Felony charges	Number	Percent
Other Felonies	57	7.33
Other Sex	6	0.77
Robbery	167	21.47
Theft	72	9.25
Weapons	46	5.91
Total	778	100

Source: JCPSS.

Appendix E

APPENDIX TABLE 4

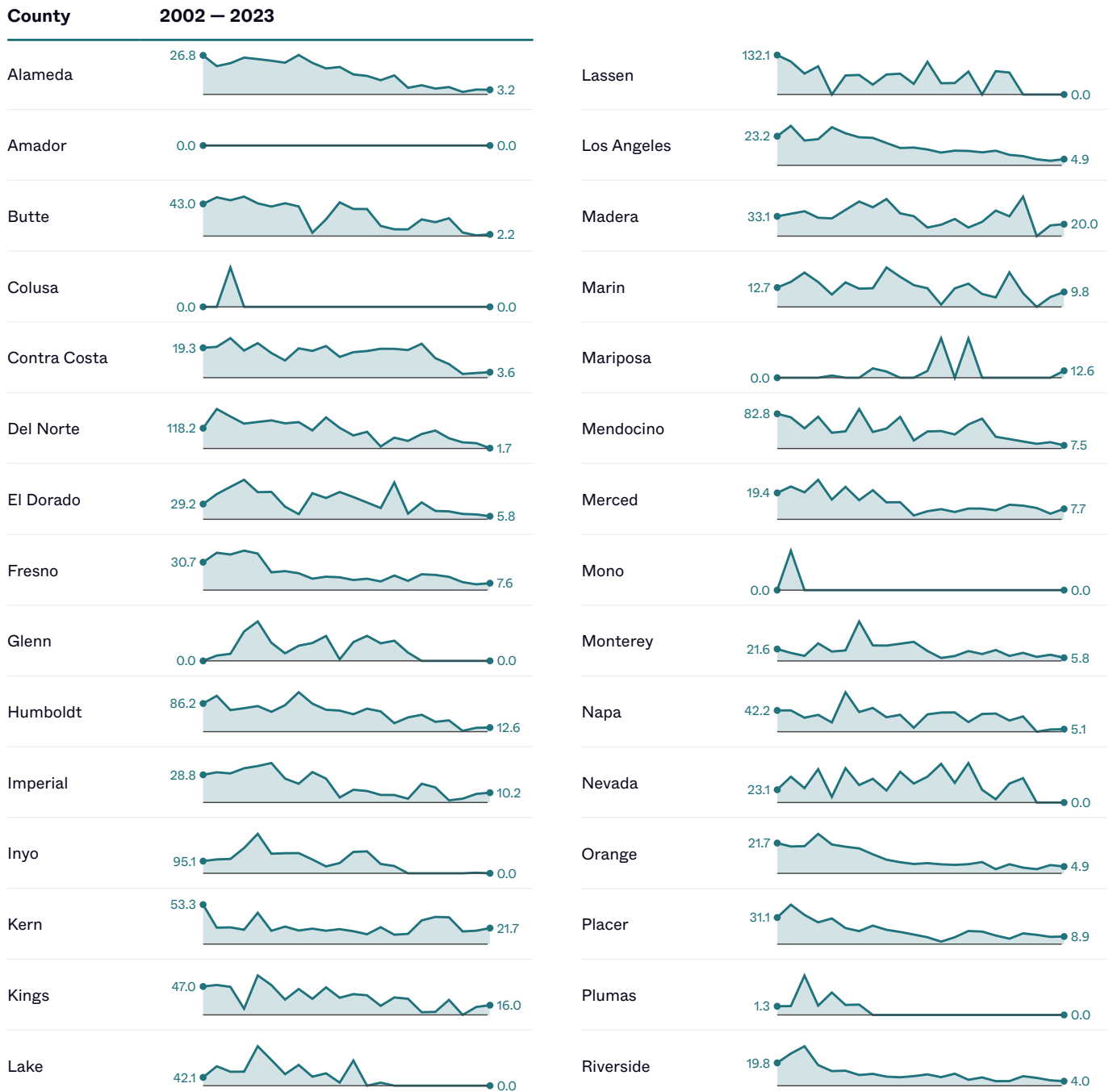
Average age of first referral for each race/ethnic category in the JCPSS 2017

Race/ethnicity	Mean age of first referral	Number of referrals in 2017
American Indian	14.0	302
Asian Indian	15.7	20
Black	14.9	5,814
Cambodian	15.8	29
Chinese	16.7	27
Filipino	15.4	154
Guamanian	17.1	7
Hawaiian	14.9	43
Hispanic	14.8	13,959
Japanese	14.8	11
Korean	16.8	5
Laotian	14.8	25
Other	15.3	570
Other Asian	15.5	227
Pacific Islander	15.6	55
Samoan	15.2	58
Unknown	16.1	597
Vietnamese	15.7	47
White	15.1	6,481
All girls	14.9	28,431

Appendix F

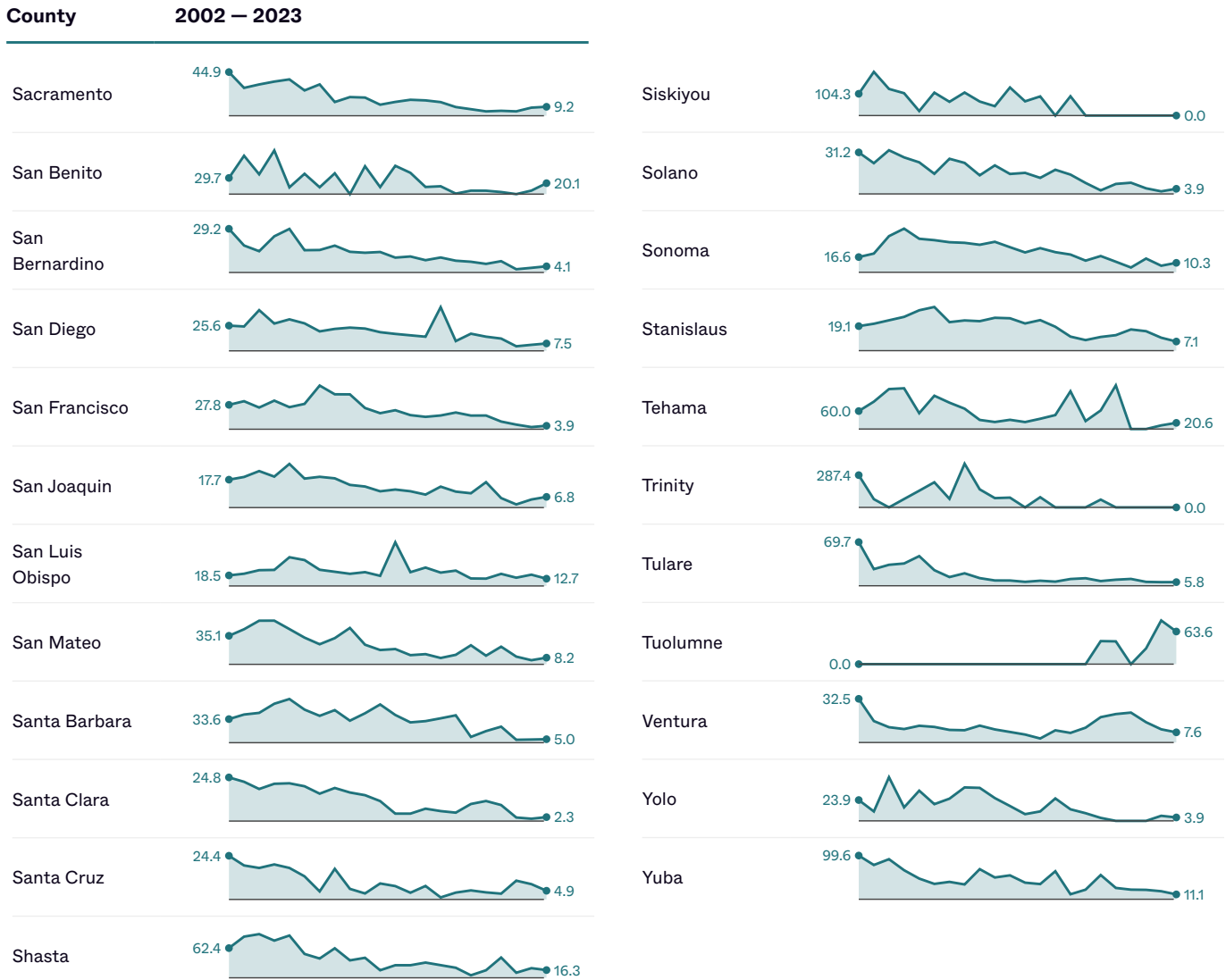
APPENDIX TABLE 5

Pre- and post-adjudication average daily population per 100,000 girls, by county (2002–2023)



APPENDIX TABLE 5

**Pre- and post-adjudication average daily population per 100,000 girls,
by county (2002–2023)**



Note: Data for 2023 is January – June.

Source: JDPS; population comparisons from OJJDP EZAPO. Rate calculated per 100,000 girls below the age of 18.

Appendix G

County comparisons

APPENDIX TABLE 6




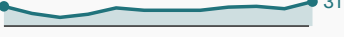


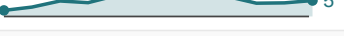


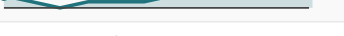


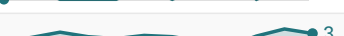








Girls' average daily population (ADP) and detention admissions, by county

County ▲	Monthly ADP (Oct 2021- Sept 2022)	Annual ADP (2022)	Girls countywide population (2020)
Alameda		5	54,349
Butte		0	7,255
Contra Costa		2	45,549
Del Norte		1	962
El Dorado		2	7,088
Fresno		9	46,165
Humboldt		2	4,257
Imperial		2	8,463
Inyo		0	588
Kern		22	43,155
Kings		3	6,546
Los Angeles		35	352,243
Madera		4	7,359
Marin		1	9,687
Mariposa		0	483
Mendocino		1	2,996
Merced		3	13,790
Monterey		3	18,492
Napa		1	4,948
Orange		21	117,443
Placer		3	15,800
Riverside		14	107,549

County comparisons

APPENDIX TABLE 6

Girls' average daily population (ADP) and detention admissions, by county

County ▲	Monthly ADP (Oct 2021- Sept 2022)	Annual ADP (2022)	Girls countywide population (2020)
Sacramento	 11 18	14	60,601
San Benito	 0 1	0	2,947
San Bernardino	 13 9	9	95,492
San Diego	 25 31	21	113,944
San Francisco	 2 1	1	17,058
San Joaquin	 8 4	6	34,921
San Luis Obispo	 2 5	5	8,465
San Mateo	 1 5	2	25,272
Santa Barbara	 3 1	3	16,098
Santa Clara	 2 4	2	69,055
Santa Cruz	 3 2	3	8,813
Shasta	 4 4	4	6,412
Solano	 0 1	1	16,063
Sonoma	 2 3	3	16,740
Stanislaus	 7 11	7	25,129
Tehama	 0 1	1	2,640
Tulare	 5 6	4	24,222
Tuolumne	 2 3	4	1,534
Ventura	 11 6	9	33,249
Yolo	 0 0	3	7,888
Yuba	 2 1	2	3,350

Notes: The annual ADP (2022) is for the 12-month period ending September 2022, which is the most recent data available. Population data is for girls ages 12 through 17.

Source: JDPS and OJJDP Easy Access to Juvenile Populations (EZAPOP).

ENDNOTES

- 1 Open Justice, “Juvenile Court and Probation Statistical System (JCPSS),” database (Sacramento, CA: California Department of Justice, updated 2022), <https://openjustice.doj.ca.gov/data>; and Board of State and Community Corrections (BSCC) California, “Juvenile Detention Profile Survey,” database (Sacramento, CA: BSCC updated third quarter 2023), https://www.bscc.ca.gov/s_fsojuviledetentionprofile/.
- 2 See “Juvenile arrests, detention, and placements are steadily declining” on page 26.
- 3 Melissa Sickmund, Anthony Sladky, Chaz Puzzanchera, and Wei Kang, “Easy Access to the Census of Juveniles in Residential Placement,” database (Pittsburgh, PA: National Center for Juvenile Justice (NCJJ), updated 2021), (search: State Comparisons), <https://www.ojjdp.gov/ojstatbb/ezacjrp/>. Note that this is by virtue of size; the rate of incarceration for girls in California is lower than the national median. Until 2019, California had more incarcerated girls than any other state, but data from 2021 shows that Texas had surpassed it.
- 4 See Sister Warriors Action Fund, “Freedom 2030,” <https://perma.cc/2MAC-MCRK>; Alejandra Melendrez and Young Women’s Freedom Center, *A Radical Model for Decriminalization: Centering the Lives of San Francisco System-Involved Cis and Trans Young Women, Trans Men and Young Men, and Gender-Expansive Youth and Adults – A Participatory and Decolonizing Model* (San Francisco: YWFC, 2019), <https://perma.cc/CSG9-EWUV>; Free Our Kids Coalition, “Reimagine Youth Justice,” <https://www.freeourkidscoalition.org/our-demands>; Los Angeles Youth Uprising, “Our Work,” <https://layouthuprising.org/our-work/#our-goals>; California Alliance Youth & Community Justice, “Mission and Platform,” <https://perma.cc/Y9TW-M96A>; and Alliance for Girls, *Radical Visions of Safety* (Oakland, CA: Alliance for Girls, 2021), <https://perma.cc/FC33-98VF>.
- 5 For more information, see YWFC, *Enough Freedom for All of Us* (San Francisco: YWFC, 2022), <https://youngwomenfree.org/enough-freedom-for-all-of-us/>. YWFC serves young women and trans youth of all genders.
- 6 Santa Clara County Probation Department, “Monthly Average Daily Population Reports,” database (Santa Clara, CA: Santa Clara County Probation Department, updated August 2023), <https://probation.sccgov.org/data-and-reports/reports/monthly-reports>.
- 7 Revised Motion by Supervisors Hilda L. Solis and Janice Hahn, “Decarceration of Girls and Young Women: Addressing the Incarcerated Youth Population in the Los Angeles County Camps and Halls Los Angeles County Board of Supervisors,” November 30, 2021, <https://file.lacounty.gov/SDSInter/bos/supdocs/164026.pdf>.
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- 9 See generally Richard Mendel, *Why Youth Incarceration Fails: An Updated Review of the Evidence* (Washington, DC: Sentencing Project, 2023), <https://perma.cc/QJ2Y-THRZ>. More than 70 percent of girls’ arrests and half of girls’ detentions across the state in 2021 were in response to misdemeanor or status offense charges. Open Justice, “Juvenile Court and Probation Statistical System,” 2022, <https://openjustice.doj.ca.gov/data>.
- 10 Kyle Ernest, “Is Restorative Justice Effective in the U.S.? Evaluating Program Methods and Findings Using Meta-analysis” (PhD diss., Arizona State University, 2019), 101, https://keep.lib.asu.edu/system/files/c7/217981/Ernest_asu_0010E_19210.pdf; and Heather Strang, Lawrence Sherman, Evan Mayo-Wilson, et al, *Restorative Justice Conferencing (RJC) Using Face-To-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review* (Oslo, Norway: Campbell Systematic Reviews, 2013), 9, <https://perma.cc/G7VM-ARYE>.

- 11 BSCC, “Juvenile Detention Profile Survey.”
- 12 Vera calculated population comparisons using data from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) EZAPOPOP tool and from the JCPSS for Black (non-Hispanic) girls ages 12 through 17 in the state of California. JCPSS detention data categorizes Latina/Hispanic as a racial category and does not allow for young people to be identified as both Black and Hispanic. To create a similar comparison point, researchers filtered community population data similarly. OJJDP, “EZAPOPOP,” database, https://www.ojjdp.gov/ojstatbb/ezapop/asp/profile_selection.asp.
- 13 See for example Ruth Delaney, Ram Subramanian, Alison Shames, et al., *Reimagining Prison* (New York: Vera Institute of Justice, 2018), 31-46, <https://perma.cc/2RHD-VUCK>; and James Bell, *Repairing the Breach: A Brief History of Youth of Color in the Justice System* (Oakland, CA: Burns Institute for Youth Justice Fairness & Equity, 2015), <https://perma.cc/82VD-WQTL>.
- 14 See generally Bell, *Repairing the Breach*, 2015.
- 15 Angela Irvine, Shannan Wilber, and Aisha Canfield, *Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming, and Transgender Girls and Boys in the California Juvenile Justice System: A Practice Guide* (Oakland, CA: Impact Justice and the National Center for Lesbian Rights, 2017), 5, <https://perma.cc/7SPG-QTYF>.
- 16 There are resources that can guide advocates in public systems to improve advocacy and research to promote visibility and inclusion of LGB/TGNC youth. See for example YWFC, *Enough Freedom for All of Us*, 2022; and Aisha Canfield, Shannan Wilber, Angela Irvine, et al., *The Whole Youth Model: How Collecting Data About Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Helps Probation and Youth Courts Build More Authentic Relationships Focused on Improved Well-Being* (Santa Cruz, CA: Ceres Policy Research, 2019), <https://perma.cc/Z9A3-ZWLT>.
- 17 Angela Irvine and Aisha Canfield, “Reflections on New National Data on LGBTQ/GNCT Youth in the Justice System,” *LGBTQ Policy Journal at the Harvard Kennedy School* 7, no. 1 (2017), 27–36, 30, <https://perma.cc/F4A9-X4ZD>.
- 18 Samantha Ehrmann, Nina Hyland, and Charles Puzzanchera, *Girls in the Juvenile Justice System* (Washington, DC: OJJDP, 2019), <https://perma.cc/LS8Q-Q55M>; and Irvine and Canfield, “Reflections on New National Data,” 2017, 30, which found that 40 percent of girls in detention halls across the country identify as LBQ/GNCT. For comparison, an estimated 9.5 percent of young people ages 13 to 17 in the United States identify as LGBT: UCLA School of Law, Williams Institute, “LGBT Youth Population in the United States,” September 2020, <https://williamsinstitute.law.ucla.edu/publications/lgbt-youth-pop-us/>.
- 19 Angela Irvine and Aisha Canfield, “The Overrepresentation of Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming and Transgender Youth Within the Child Welfare to Juvenile Justice Crossover Population,” *Journal of Gender, Social Policy & the Law* 24, no. 2 (2016), 243-261, 244-247, <https://perma.cc/QZ58-F6PX>; and Irvine and Campbell, “Reflections on New National Data,” 2017, 29-30.
- 20 Irvine and Canfield, “The Overrepresentation of Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming and Transgender Youth Within the Child Welfare to Juvenile Justice Crossover Population,” 2016, 247.
- 21 Kathryn E. Himmelstein and Hannah Brückner, “Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study,” *Pediatrics* 127, no. 1 (2011), 48–56, 54, <https://perma.cc/NAE2-38B6>.
- 22 Irvine and Canfield, “The Overrepresentation of Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming, and Transgender Youth Within the Child Welfare to Juvenile Justice Crossover Population,” 2016, 250-252.

23 Ibid., 251-252.

24 See generally Substance Abuse and Mental Health Services Administration (SAMHSA), *Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth* (Rockville, MD: SAMHSA, 2015), <https://perma.cc/6N2L-BFW6>.

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