

CONFINED
IN
CALIFORNIA:
WOMEN
AND
GIRLS
OF COLOR
IN
CUSTODY

A SUMMARY OF PRELIMINARY FINDINGS AND POLICY IMPLICATIONS

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The African American Policy Forum is part think tank and part information clearinghouse, composed of the nation's preeminent legal minds and race and gender equity education professionals. We strive to promote the interests of all communities, with special emphasis on those suffering from intersecting forms of discrimination based on race, gender, class, as well as those suffering from unrecognized patterns of institutional exclusion.

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EXECUTIVE SUMMARY



California plays a dominant role in the incarceration of women, with black (and often Latina) women disproportionately affected by the culture of incarceration and criminalization that has fueled the prison industry during the past decade.

In fact, black women experience consistent overrepresentation among those confined in secure corrections in the state, a condition that extends from the disproportionate confinement and criminalization of black girls. African American² females are approximately 3 percent of California's population.³ However, as of 2009, black females were:

- ↳ More than 70 percent of girls held in some northern California detention centers and more than 50 percent of girls receiving institutional commitments from these jurisdictions,
- ↳ Between 24 and 40 percent of the girls with cases that involve juvenile hall in some southern California jurisdictions,
- ↳ 24 percent of new female felon admissions to state prisons,

- ↳ 28 percent of all women held in state prisons,
- ↳ 28 percent of all women on parole, and
- ↳ 28 percent of parole violators returned to custody.

This report presents the preliminary findings from an exploratory research project designed to examine the explosion in the confinement of black women and girls in the state and to discuss specific policy opportunities to reverse this trend.

INCARCERATED WOMEN

Women are the fastest-growing segment of the inmate population. A review of the research reveals a set of common trends among this population:

- ↳ Many incarcerated women are victims of interpersonal violence and exploitation.
- ↳ Women tend to be prosecuted for economic crimes.
- ↳ There has been enormous growth in the female drug offender population, and female drug offenders consistently constitute a greater share of the female

¹ This report refers to people of African descent as "Black" and "African American." While "African American" refers to people of African descent who reside in the United State, "Black" is a larger umbrella term that captures individuals throughout the African Diaspora (e.g., those of Caribbean and/or Latino descent who belong to the racial group indigenous to Africa). However, this document uses "Black" and "African American" interchangeably, as data sources uses these terms interchangeably.

² US Census. QuickFacts 2010: <http://quickfacts.census.gov/qfd/states/06000.html>

offender population than male drug offenders constitute of the male offender population.

- ↳ There has been a modest rise in serious and violent offenses among women.
- ↳ Women who participate in small mother-infant programs are disproportionately women of white, non-Hispanic heritage, and advocates note that better-funded facilities tend to serve these women while less-funded programs serve primarily families of color.
- ↳ Incarcerated women have many unmet mental and physical health needs, some of which stem from extensive histories of abuse and trauma.

Detained and Incarcerated Girls

System-involved women often had their first encounter with the justice system as juveniles. A review of the research reveals a set of common trends among this population:

- ↳ Like their adult counterparts, girls in custody are more likely to have been the victims of abuse and neglect than are girls not involved with the justice system.
- ↳ As a result of life stressors and sexual/physical abuse, many girls in the justice systems suffer from post-traumatic stress disorder, depression, and other mental and physical health disorders.
- ↳ Many girls who flee abusive home situations become commercially sexually exploited children (CSEC).
- ↳ Changes to the categorization of offenses, wherein actions that were once status offenses are now criminal offenses, have also contributed to a net widening that has increased contact between girls and the justice system.
- ↳ Many girls are affected by zero-tolerance policies, leading to their expulsion and ultimately increasing their risk of future involvement with delinquent or criminal acts. Black girls are more likely than their white or Latina counterparts to be treated harshly in the school environment for nonconformity with gender stereotypes.

RECOMMENDATIONS FOR INCARCERATED WOMEN

There is a series of policy, research, and programmatic implications for incarcerated women that emerges as a result of this research snapshot:

- ↳ The California realignment should be seen as an opportunity to engage and inform the community, opinion

leaders, and practitioners who can support an expanded continuum of graduated sanctions and intensive intervention services.

- ↳ Legislation and criminal justice policy should mandate alternative sentencing and culturally competent, intensive intervention programs as gender-responsive diversions from incarceration.
- ↳ Legislation regarding the handling of women convicted of prostitution should be framed in terms of sexual exploitation, and the women should be treated with diversion programs to address the pathways of criminalization for women and preclude additional trauma and potential net widening.
- ↳ Legislation should mandate that counseling and treatment services (particularly for offenses linked to drug use or mental health disorders) be accessible to high-risk communities.

RECOMMENDATIONS FOR DETAINED AND INCARCERATED GIRLS

- ↳ Legislation and district policies should restrict the application of zero-tolerance policies.
- ↳ Programs designed to address CSEC should be evaluated for effectiveness.
- ↳ Alternative interventions should be developed for assault cases involving girls and parents, and in cases invoking mental health disorders there should be more mental health services and intervention programs developed to function as diversions and interventions in lieu of incarceration.

There are also a number of programmatic and advocacy recommendations included in this report. These include the following:

- ↳ A campaign should be developed to support interventions, technical assistance, and policies affecting black women and girls.
- ↳ Collaborative courts (i.e., mental health courts, drug courts, girls' courts) should be developed and evaluated to address underlying issues present in the lives of those who come before the court.
- ↳ Data should be collected mandatorily to present trends in a format that disaggregates by race and gender, so as not to obscure trends, factors, and conditions that may affect women of color.

↳

INTRODUCTION



As home to the largest women's prison in the nation, California plays a dominant role in the incarceration of women. In 2008, there were approximately 20,000 women incarcerated in the state's prisons and local jails.³ In addition, there are currently approximately 1,300 women incarcerated in the Federal Correctional Institution and Camp in Dublin.⁴

Incarceration is a major driver of the state's economy. In 2007–2008, the California Department of Corrections and Rehabilitation accounted for more than one-quarter (28.7 percent), or \$35.1 billion, of the total state and local criminal justice expenditures.⁵ The growth in spending on corrections largely has been the result of “churning” offenders through the prison system. Churning is the practice of arresting parolees and probationers for technical violations and returning them to custody for generally short sentences.⁶ The increase in spending is also attributable to “the radical failures ... of an earlier era,” resulting in prisons' emerging as a “partial geographical solution to political economic crises.”⁷

While this increased spending on corrections has occasioned a growth of research and policy recommendations focused primarily on incarcerated men, there have been fewer efforts to understand and intervene in the dynamics that fuel the

incarceration of women and girls. Moreover, the existing information pertaining to the incarceration of women and girls is often reported in the aggregate, therefore obscuring the differential risk factors that distinguish women and girls across race. Thus, the racial disparities in the rates of incarceration among women and girls are not visible and therefore rarely are highlighted or addressed in the development of intervention.

Researchers and policy makers working in parallel and overlapping arenas have increasingly drawn attention to the ways in which race and gender intersect in the lives of women, sometimes producing disproportionate outcomes in matters pertaining to education, health, employment, and security. Similar dynamics may well be at play in constructing the disproportionate incidents of system involvement of women and girls of color. Data collected for this report and other data indicate that women and girls of color, particularly those of African descent, are overrepresented in the justice systems in California and throughout most of the United States. To the extent that this is true, research must be attentive to the factors that contribute to disproportionate outcomes so it can shape effective interventions that will reduce and/or transform the system involvement of women

³ A. Wolf, B. Bloom, B. Krisberg, “The Incarceration of Women in California.” *University of San Francisco Law Review* 43 (2008): 139–70.)

⁴ Federal Bureau of Prisons, *Weekly Report* (September 22, 2011), http://www.bop.gov/locations/weekly_report.jsp#bop.

⁵ California Department of Justice, *Crime in California* (Sacramento: California Department of Justice, 2009), 156.

⁶ Ibid.

⁷ R. Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2006), 26.

and girls of color. The foundation of this research assesses what is known about women and girls in general, recognizing that these women and girls are disproportionately of color. Where data support more specific observations, including data pointing to the overrepresentation of women and girls of color, its contours and implications are explored. Overall, the current data are partial in part because of the inconsistent practices of collecting and disaggregating data both by race and by gender. This report points to the need for targeted measures in both data collection and qualitative evidence to better direct existing resources and pending interventions with an eye toward broadly inclusive and effective remediation.

This report presents the preliminary findings from an exploratory research project designed to examine the explosion of confinement of women and girls in the state and to discuss specific policy opportunities to reverse this trend. Central to this project is its intentional focus on women of color, particularly African American women and girls, who represent approximately 3 percent of the state's total population but who are well above that percentage among those women who are in contact with almost every decision point (from arrest through sentencing) along the state's criminal and juvenile justice continua.

To examine and address issues associated with the incarceration of women and girls, we must first address all of the decisions and factors leading to their initial confinement or return to custody. This report is organized to present data, first, on the profile of incarcerated women; second, on girls in confinement; and third, on policy recommendations to affect incarceration in California. We include statistics, as available, for other points of contact with the justice system. We include not only quantitative data to describe the conditions associated with the confinement of females in the state but also findings from focus groups and interviews conducted throughout the state and country to help define the scope of policy options available to address the incarceration

of women and girls of color, particularly African American women and girls.

OVERVIEW OF RESEARCH ON INCARCERATED WOMEN

Nationwide, women present the fastest-growing segment of the adult inmate population. A review of the research literature reveals trends associated with this increase and with the women whose lives have been transformed by incarceration. These include the following:

Many incarcerated women are victims of interpersonal violence and exploitation.

↳ Current research and prior studies indicate that women in the justice systems throughout the United States have been the victims of sexual or physical abuse, some of which began at an early age during the women's childhoods. Women in the criminal justice system also report a high incidence of physical and emotional abuse as children and adults. There are also older women who are sexually exploited, although the law recognizes these women as consenting adults. However, this framework

ignores the circumstances surrounding "survival sex" that call to question whether their involvement in the sex trade is actually consensual. Notwithstanding this social dynamic, the law defines participation in survival sex as prostitution.⁸ For most women in these circumstances, drug use becomes a way to self-medicate and mask the pain they must endure each day—including that which is emotional, psychological, and/or physical. Violent and aggressive acts by girls or women often indicate that they are the victims of prior abuse. Residing in a community of high poverty and/or violent crime is also correlated with female violence and aggression. Violent victimization is an important risk factor for violent behavior.⁹



⁸ Survival sex is sex offered for food, shelter, protection, or money, in contrast with prostitution, which is always sex in exchange for money.

⁹ M. A. Zahn, R. Agnew, D. Fishbein, S. Miller, D. Winn, G. Dakoff, C. Kruttschnitt, P. Giordano, D. C. Gottfredson, A. A. Payne, B. C. Feld, and M. Chesney-Lind, *Causes and Correlates of Girls' Delinquency* (Washington, DC: U.S. Department of Justice, 2010), 9, <http://www.ncjrs.gov/pdffiles1/ojdp/226358.pdf>.

Women tend to be prosecuted for economic crimes.

↳ Women are often charged with larceny-theft offenses for shoplifting. This offense is predominately economic in nature. Most black and Latina women in the criminal justice system have experienced poor educational outcomes and inadequate economic opportunities. They live in high-poverty areas. Shoplifting and theft, in many instances, become their means for acquiring the goods and services they need or want.

The intersection of poverty, victimization, and other forms of abuse is critical to understanding and responding to the pathways to incarceration for women as well as their needs once they return to the community. The next sections of this report provide more information about the specific conditions and experiences surrounding the confinement of women and girls in California and nationwide.

TRENDS: INCARCERATED WOMEN

STATISTICAL OVERVIEW: NATIONAL TRENDS

Research indicates that although arrested and detained black and Latina women differ in age, the offenses for which they are arrested and detained are quite similar. In both instances, drug offenses, larceny-theft, prostitution, assaults, and technical violations appear to be the charges most often brought against these women.¹⁰ Tables 1 and 2 provide a summary of the 2010 arrests and offenses by race and gender, in percentages.

STATISTICAL OVERVIEW: CALIFORNIA TRENDS

Research reports have uncovered the histories of physical, substance, emotional, and sexual abuse among California's incarcerated women.¹¹ Research has also uncovered the particular barriers to reentry for formerly incarcerated women in the state, noting that women with criminal records are least likely to receive positive responses to résumé submissions and that African American women are the most likely to suffer from the stigma of criminalization—whereby they get



a negative response whether or not they have a criminal record.¹²

WOMEN IN CUSTODY

The number of women in California prisons doubled between 1989 and 2008 (from 5,427 to 11,408). In 2008, women made up 6.7 percent of California's inmate population.¹³ As of July 31, 2011, all three of California's state prisons were at more than 100 percent capacity: California Institute for Women (146.8 percent), Central Cal Women's Facility (190.9 percent), and Valley State Prison (171.6 percent).¹⁴ Due in part to the California Criminal Justice Alignment (AB 109), the California Department of Corrections and Rehabilitation projects that the population of institutionalized women will drop from 6,641 females in 2012 to 5,515 in 2017.¹⁵ AB 109 changes the law to shift responsibility for lower-level offenders, adult parolees, and juvenile offenders from state to local jurisdictions. By its terms,

AB 109 will not go into effect until a community corrections grant program is created by statute and funding is appropriated. Under AB 109, no inmates currently in state prison will be released early. All felons sent to state prison

¹⁰ It should be noted that many of the data sources used for this research did not disaggregate the girls or women based on their race/ethnicity. However, since black and Latina girls and women are overrepresented among the females in the justice systems in California, for purposes of this paper, it is assumed that the policies discussed herein disproportionately affect the women and girls of color. This assumption should be further investigated in future research.

¹¹ L. Acoca and K. Dedel, *No Place to Hide: Understanding and Meeting the Needs of Girls in the California Juvenile Justice System* (San Francisco, CA: National Council on Crime and Delinquency, 1998).

¹² M. Morris, M. Sumner, and J. Borja, *A Higher Hurdle: Barriers to Employment for Formerly Incarcerated Women* (Berkeley: Thelton E. Henderson Center for Social Justice, University of California, Berkeley, School of Law, 2008).

¹³ California Department of Corrections and Rehabilitation, *2009 Annual Report* (Sacramento: California Department of Corrections and Rehabilitation, 2009), 5.

¹⁴ California Department of Corrections and Rehabilitation, *Monthly Population Projection* (Sacramento: California Department of Corrections and Rehabilitation, 2011), http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Monthly/TPOP1A/TPOP1Ad1107.pdf.

¹⁵ California Department of Corrections and Rehabilitation, *Adult Population Projections* (Sacramento: California Department of Corrections and Rehabilitation, 2011), http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Projections/F11pub.pdf.

¹⁶ California Department of Corrections and Rehabilitation, *California Prisoners and Parolees 2008* (Sacramento: California Department of Corrections and Rehabilitation Offender Information Services Branch Estimates and Statistical Analysis Section Data Analysis Unit, 2008), 19.

Table 1. Race and Gender of Arrests, 2010 (in Percentages)

will continue to serve their entire sentences. All felons who are convicted of serious or violent offenses will go to state prison. Other specific findings regarding women in custody include the following:

- ↳ In 2008, California’s prison population was 26 percent white, 29 percent black, and 39 percent Latina.¹⁶
- ↳ Black women are incarcerated at a rate of 342 per 100,000, compared with 57 per 100,000 for Latinas, 66 per 100,000 for non-Hispanic whites, and 5 per 100,000 for Asian Pacific Americans.¹⁷

OFFENSE	GENDER		RACE			
	M	F	White	Hispanic	Black	Other
Total	79	21	33	41	20	6
Violent	80	20	28	43	23	6
Property	72	28	34	39	20	7
Drug	79	21	40	39	18	5
Sex	95	5	31	46	17	6

Source: California Department of Justice, *Crime in California 2010*, <http://www.ag.ca.gov/cjsc/pubs.php>.

- ↳ Black women constitute 28 percent of the female felon institutional population and 29 percent of all women in the state’s correctional institutions. Latinas represent about 30 percent of the female felon institutional population, up from about 22 percent in 1990.¹⁸

CHARACTERISTICS OF WOMEN IN CONTACT WITH THE JUSTICE SYSTEM (BY OFFENSES)

- ↳ There was enormous growth in the female drug offender population in the late 1980s, continuing through the late 1990s, both in terms of numbers and as a percentage of the total institutional population. By 1998, drug offenders constituted nearly 43 percent of the female population. The number has since dropped, but it is still approximately 30 percent, which is about twice as high as it was in 1984—before the sharp increase in the 1980s.¹⁹
- ↳ Female drug offenders consistently constitute a larger share of the female offender population than male drug offenders constitute of the male population. The average percentage of males incarcerated for drug crimes is 10 percentage points lower than the average for females between 1984 and 2006. As of 2006, female drug

Table 2. Race and Gender of Arrests, by Offense, 2010 (in Percentages)

OFFENSE	GENDER		RACE			
	M	F	White	Hispanic	Black	Other
Total	77	23	36	41	17	6
Felony	33	30	30	33	40	31
Misdemeanor	66	70	70	67	60	69

Source: California Department of Justice, *Crime in California 2010*, <http://www.ag.ca.gov/cjsc/pubs.php>.

offenders represented 29.7 percent of the female offender population, and male drug offenders represented 19.9 percent of the male offender population.²⁰

- ↳ There has been a rise in serious and violent offenses among women: the number of female offenders with prior or present commitment offenses meeting the statutory definition of “serious” (Penal Code Section 1192.7[c]) or “violent” (Penal Code Section 667.5[c]) increased from 3,869 in 1997 to 4,790 in 2006. Relative to changes in the state population, however, this growth appears modest.²¹

¹⁷ Joseph M. Hayes, *California’s Changing Prison Population* (Sacramento: Public Policy Institute of California, 2011), http://www.ppic.org/main/publication_show.asp?i=702

¹⁸ California Department of Corrections and Rehabilitation, *CDCR Adult Population Projections*.

¹⁹ California Department of Corrections and Rehabilitation, *Characteristics of Female Offenders: Past and Present* (Sacramento: California Department of Corrections and Rehabilitation, 2008).

²⁰ Ibid.

²¹ Ibid.

MOTHER-INFANT PROGRAMS

More than 856,000 children in California (9 percent) have a parent currently involved in the state's adult criminal justice system, and 90 percent of women in the state's prisons are mothers. (A survey of jailed mothers in Riverside, California, found that one in five of their children was present at the time of their arrest, and more than half of the children were between three and six years old.)

California operates six small facilities that confine women with their infants, each of which is run by outside contractors with an on-site representative from the state's Department of Corrections and Rehabilitation. Three of these programs operate as the Family Foundation Program (FFP) in Fresno, Santa Fe Springs, and San Diego, and three of these programs operate as the Community Prisoner Mother Program (CPMP) in Oakland, Pomona, and Bakersfield. Characteristics of FFP and CPMP are as follows:

↳ **FFP is at less than capacity** (61 percent, up 6.6 percent from the previous year), **and CPMP is at only 89.4 percent** (down 12.5 percent from the previous year).²²

↳ **The majority of participants in both programs are of white, non-Hispanic heritage.** This is similar to the general female offender population that was first released to parole during the same time period.²³ However, it is important to note that motherhood behind

bars is not disproportionately associated with white, non-Hispanic women.

↳ **The majority of participants in both programs are young mothers.** Program participants average thirty years of age, and the average age ranges between twenty-nine and thirty-one years. This is about six years younger than the average age of the general female offender first released to parole during the same time period.²⁴



↳ **The chief commitment offenses among all program participants are property crimes (60 percent).** CPMP program participants have experienced a decline in the percentage of offenses that are drug related, from 44 percent to 35 percent between July

2002 and June 2006. However, during the same time period, FFP participants experienced an increase in the percentage of offenses that are drug related, from 18 percent to 30 percent.²⁵

↳ Advocates note, **“There is a disturbing racial inequality in that the better-funded FFPs are serving primarily white families while the less-well funded CPMPs serve primarily families of color.”**²⁶

ASSOCIATED CONDITIONS OF CONFINEMENT

Mental and physical health issues: Many have suggested that physical and mental health needs are the

²² California Department of Corrections and Rehabilitation, *Female Offenders Programs Community Prisoner Mother Program and Family Foundation Program* (Sacramento: California Department of Corrections and Rehabilitation, 2008), 4–5.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Legal Services for Prisoners with Children, *California's Mother-infant Prison Programs: An Investigation* (San Francisco: Legal Services for Prisoners with Children, 2010), p 1.

²⁷ Mark A. Wolf et al., “The Incarceration of Women in California,” *University of San Francisco Law Review* 43 (2008): 139–70.

²⁸ A. Wolf, B. Bloom, F. Silva, and A. Amani. *The Spiral of Risk: Women's Incarceration in California*. (Oakland, CA: National Council on Crime and Delinquency, 2006).

largest set of unmet needs of incarcerated women and girls.²⁷ Almost one-third of incarcerated women report mental health problems, and due to underreporting, the numbers may be higher.²⁸ Some have expressed concern that rather than providing treatment for underlying conditions, corrections officials rely heavily on prescribing and even overprescribing medications.²⁹

Cross-gender staffing: There is very little case law on this topic, and cross-gender staffing in women’s facilities is becoming more common. Privacy concerns are not often considered. There are some restrictions on cross-gender strip-searching, but the rules and the laws are inconsistent. Another problematic issue is that staff members assigned to women’s facilities rarely receive any training although research indicates that women, including female prisoners, have behavioral attributes that differ from those of men and that gender-specific training is important when working with incarcerated women.

Women’s response to abuse: An estimated 57 percent of incarcerated women report sexual abuse prior to incarceration, compared to 16 percent of men.³⁰ According to Bloom and colleagues, these abused women experience lifelong trauma and receive almost no treatment services for this trauma. Having experienced abuse is often related to substance abuse and a wide range of mental health problems.³¹

OTHER INCARCERATED WOMEN’S CONCERNS

Focus groups and interviews with practitioners and advocates reveal a compelling set of judicial, policy, and practice issues that support the statistical findings and expose the direct impact of the justice system on the lives of women. Key themes include the lack of clear or consistent

policies throughout the justice system, the expanded parameters for criminalization of women in systems from housing to probation, and the lack of gender consciousness and cultural competency in systems design.

↳ **There is an absence of consistent, high-quality, drug-based diversion options for women and an absence of community-based, culturally competent, gender-responsive graduated sanctions for women, particularly in high-poverty areas.**



↳ **Regaining parental rights after incarceration is extremely difficult.** A participant made the following statement in one of the focus groups: “I worked on AB2070 [Keeping Families Whole Act] ... to expand the timeframe in which somebody had before termination of parental rights. We were seeing young women give temporary custody to an auntie and [who] didn’t know that this person could then file to have custody. There was one young woman in particular who was fourteen [years

old] when she went to youth authority. [She] was pregnant, [and] her foster mom told her, ‘I’ll take care of the baby.’ They moved to DC, took the baby, and she never saw it again.”

↳ **Barriers to reentry (employment, housing, government assistance, etc.) acutely affect women with criminal records.** Research suggests that women with criminal records are significantly less likely to have positive responses to their résumés and that African American women may also suffer from a triple jeopardy of discrimination based on race, gender, and criminal conviction history, as well as the stigma of culpability whether or not they actually have a history of crime and delinquency.³²

²⁹ K. Auerhan and E. Dermody, “Docile Bodies? Chemical Restraints and the Female Inmate,” *Journal of Criminal Law and Criminology* 90, no. 2 (2000): 599–634.

³⁰ Little Hoover Commission, *Breaking the Barriers for Women on Parole* (Sacramento, CA: Little Hoover Commission, 2004).

³¹ B. Bloom, B. Owen, and S. Covington, *Gender-responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders* (Washington, DC: National Institute of Corrections, 2002).

³² Morris, Sumner, and Borja, *A Higher Hurdle*.

RECIDIVISM

Generally, recidivism is defined by a return to criminal behavior, as determined by arrest and/or conviction. An important limitation for this section is that published data on recidivism are not disaggregated to intersect by race and gender. Given the overrepresentation of women of color in the justice system, we may question whether the recidivism rates disproportionately reflect activity among these populations. However, better data would allow us to draw more accurate conclusions.

↳ **Males and females who were released for the first time recidivate at lower rates than those who were rereleased, with female first releases and rereleases recidivating at lower rates than males.** The total recidivism rate is 66 percent for males and 55 percent for females.³³

↳ **A three-year study of recidivism reveals that Native Americans have the highest recidivism rate (72 percent), followed by blacks/African Americans (71 percent), whites (67 percent), Latinos (60 percent), Native Hawaiian/Pacific Islanders and Asians (both at 59 percent), and others (56 percent).**³⁴

↳ **The controlled substance possession offender group has been the largest single category of offenders among first releases to parole.** These offenders are routinely among the most likely to recidivate.³⁵

↳ **Data on recidivism for California shows selected property and drug offenders are consistently the most likely to return to the prison system.** As a result, focusing on these kinds of offenders will have largest potential to reduce recidivism.³⁶

PAROLE VIOLATIONS

↳ There were 1,932 female felon technical parole violators who were ordered to return to prison (PV-RTC) or pending revocation during the July through

December 2010 period, 502 more than in the fall 2010 projections. The corresponding return rate was 41.9, or 11.2 points higher than projected.³⁷

↳ There were 730 female felon parole violators returned to prison with a new term (PV-WNTs) for the same July through December 2010 period, 60 more than in the fall 2010 projections. The corresponding female felon PV-WNT return rate was 12.5, or 2.5 points higher than projected.³⁸

↳ The average time served for female PV-RTCs during the January to June 2011 period was 3.4 months, and the average for fiscal year 2010–2011 was 3.4 months. The fall 2011 baseline projections assume that time served will remain at 3.4 months.³⁹

³³ California Department of Corrections and Rehabilitation, *2011 Adult Institutions Outcome Evaluation Report* (Sacramento: California Department of Corrections and Rehabilitation, 2011).

³⁴ Ibid.

³⁵ California Department of Corrections and Rehabilitation, *Characteristics of Female Offenders*.

³⁶ Ibid.

³⁷ California Department of Corrections and Rehabilitation, *Adult Population Projections: 2011–2016* (Sacramento: California Department of Corrections and Rehabilitation, 2011).

³⁸ Ibid.

³⁹ California Department of Corrections and Rehabilitation, *Adult Population Projections: 2011–2017* (Sacramento: California Department of Corrections and Rehabilitation, 2011), http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Projections/F11pub.pdf

YOUTHFUL CONNECTIONS: CALIFORNIA'S GIRLS IN CUSTODY

Incarcerated women often have their first encounters with the justice system as juveniles who have run away from abusive conditions in their homes. For these girls, prostitution, property crimes, and drug use can become a dominant theme or “way of life.”⁴⁰ Interrupting the cycle of incarceration for women, therefore, requires a strategic emphasis on understanding the pathways to delinquency and incarceration for girls.

The Juvenile Justice and Delinquency Prevention Act was reauthorized in 1992, containing a requirement that states submit plans for treatment of female delinquents to the Office of Juvenile Justice Delinquency Prevention. In addition, the act prohibited states from placing status offenders in detention facilities and instead required that there be alternative programs and diversions for all but the most serious delinquents. In 2007, California’s state legislature passed Senate Bill 81, which mandated that California counties could commit youth to the California Division of Juvenile Justice only if they had committed the most serious delinquent acts. This prohibition quickly highlighted the scarcity of alternative services and programs for girls throughout California. This policy has forced local



jurisdictions throughout California to hastily determine viable options for the girls who come into their justice systems.

SHARED CHARACTERISTICS BETWEEN WOMEN AND GIRLS IN CUSTODY

VICTIMIZATION: Like their adult counterparts, girls in the justice system are more likely to have been the victims of abuse and neglect than girls not involved in the justice system.⁴¹ Research reports have uncovered the histories of abuse of incarcerated women—physical, substance, emotional, and sexual—and looked at the abusive conditions leading to the overrepresentation of girls in the justice system.⁴² Girls may tell their mothers or caretakers about the assaults, but far too often, no actions are taken to prevent the abuse. In some instances, this inaction is due to mothers’ relationships with perpetrators (e.g., boyfriend, spouse, brother) and their fear of the relationships’ ending. In other situations, based on culture or the fear that the girls will be ostracized by their families and/or their communities, the caregivers decide it is better to ignore the accusations made by the girls. In either instance, the abuse is allowed to continue. In many instances, the girls run away

from home to escape the continued abuse.⁴³ Because of the

⁴⁰ Bloom, Owen, and Covington, *Gender-responsive Strategies*, p. 64.

⁴¹ L. Berlinger and D. M. Elliot, “Sexual Abuse of Children,” in *The APSAC Handbook on Child Maltreatment*, 2nd ed. (Thousand Oaks, CA: Sage, 2002), 55–78.

⁴² E. Brown, G. Rodriguez, and A. Smith, *100 Girls: A Preliminary Look at the Lives and Outcomes of Young Women Incarcerated in San Francisco Juvenile Hall* (San Francisco: Youth Justice Institute, 2011); see also Acoca and Dedel, *No Place to Hide*.

⁴³ B. Feitel, N. Mergetson, J. Chaman, and C. Lipman, “Psychological Background and Behavioral and Emotional Disorders of Homeless and Runaway Youth,” *Hospital and Community Psychiatry* 43 (1992): 155–59; A. R. Stiffman, “Physical and Sexual Abuse in Runaway Youth,” *Child Abuse and Neglect* 3 (1989): 417–26; L. A. Welsh, F. X. Archambault, M. D. James, and S. W. Brown, *Running for Their Lives: Physical and Sexual Abuse of Runaway Adolescents* (New York: Garland, 1995).

girls' ages, running away is a status offense for which they can be arrested and detained. Unfortunately, once caught, the children are often ordered by the court to return to the homes from which they have fled to protect themselves, thus placing them right back into the abusive situations. If the abuse continues, the girls may run away again. This repeated fleeing from an unsafe environment—real or perceived—could be construed by the courts as a technical violation of their orders that the girls remain in the home and not run, thus placing them back into the justice system.

As a result of life stressors and sexual and physical abuse, many of the girls in the justice systems suffer from post-traumatic stress disorder, depression, and anxiety. In fact, girls are diagnosed with these mental health issues at much higher rates than boys. Furthermore, the relationship between delinquency and mental health challenges is much stronger for girls than for their male counterparts.⁴⁴ Unfortunately, many girls are not receiving the medical attention they need to treat and cope with their mental health challenges. Instead, the system focuses on the symptoms of abuse—that is, criminal behavior—and not the causes of the behavior.

SEXUAL EXPLOITATION: Like their adult counterparts, many of the girls in custody have been sexually exploited. Many girls who flee their homes become CSEC. CSEC are children younger than eighteen who are coerced into engaging in sexual activities for the economic benefit of a third person or persons. This form of sexual exploitation of children has reached epidemic proportions in California, with African American girls' being the hardest hit, particularly in the San Francisco Bay Area (San Francisco, Alameda, Los Angeles, and Contra Costa Counties). The trend, however, is

growing throughout the state and nation. The trafficking of girls for prostitution has become another revenue stream for drug dealers seeking to diversify their criminal enterprises by exploiting young girls. Courts have often responded to the epidemic by either charging these children with prostitution

and confining them or holding them in secure confinement for their own protection, with the explanation that there are no available community-based alternatives. Commercially sexually exploited girls are a difficult population to help because they bond with their exploiters as a result of their exploiters' psychological manipulation of them.

MENTAL HEALTH:

A 2010 study by the Berkeley Center for Criminal Justice found a prevalence of mental and physical health disorders among girls in

the California juvenile justice system.⁴⁵ Physical health concerns include the high rate of infectious diseases, especially sexually transmitted diseases, HIV, and hepatitis C. With the exception of tuberculosis screening, there are few or no prevention health care services offered for incarcerated women.

INCREASING CRIMINALIZATION OF STATUS OFFENSES

Research also indicates that some of the delinquent charges currently brought against girls were previously not defined as criminal offenses but rather as status offenses. In other words, girls' behaviors have not changed, but the justice system has now made the decision to criminalize the behaviors. For example, most girls who are charged with assault have hit or slapped a peer, parent, or sibling. In the past, such behavior would have been considered a status offense, and the child would have been referred to an

⁴⁴L. A. Teplin, K. M. Abram, G. M., McClelland, M. K. Dulcan, and A. A. Meriele. "Psychiatric Disorders in Youth in Juvenile Detention," *Archives of General Psychiatry* 59 (2002): 1133–43.

⁴⁵Berkeley Center for Criminal Justice, *Mental Health Issues in California's Juvenile Justice System* (Berkeley: University of California, Berkeley School of Law, 2010).

⁴⁶M. A. Zahn, S. Brumbaugh, D. Steffenmeier, B. C. Feld, M. Morash, M. Chesney-Lind, J. Miller, A. A. Payne, D. C. Gottfredson, and C. Kruttschnitt, *Violence by Teenage Girls: Trends and Context* (Washington, DC: U.S. Department of Justice, 2008), 11, <http://www.ncjrs.gov/pdffiles1/ojdp/218905.pdf>.

intervention program for status offenders.⁴⁶ Today, the same behavior constitutes assault or domestic violence. Similarly, if a child takes money from a parent's wallet today, he or she may be charged with theft, whereas he or she previously would have been charged with a status offense. An explanation for this change in policy may be that the Juvenile Justice and Delinquency Prevention Act of 1974 restricted the commitment of status offenders to training schools, but California, as well as other states, did not and does not have a sufficient number of community-based alternatives available for girls.⁴⁷ Therefore, if a behavior is redefined as a delinquent act, a girl may be confined to a detention center. This redefinition, however, widens the net and brings into the justice system children who previously and otherwise would not have been included.

ZERO-TOLERANCE POLICIES

Many girls in the juvenile justice system have experienced academic failure, truancy, and school dropout. Some of their disengagement from school is related to illiteracy, chronic truancy, and zero-tolerance laws that require youth to be expelled from school for certain offenses, particularly violent offenses. Girls who are or have been abused, or who are experiencing problems in their relationships with parents, often exhibit violent behavior. Some girls fight peers over boys or other girls, or over statements and accusations that are perceived as offensive or threatening. Attachment to school is a protective factor that helps many youth stay clear of the juvenile justice system. This protective effect is stronger for girls than for boys.⁴⁸ Expelling girls from school for fighting increases the likelihood of girls'

involvement with delinquent or criminal acts. Black females are affected by the stigma of having to participate in identity politics that marginalize them or categorize them as "good girls" or "ghetto girls"—exacerbating stereotypes about black femininity, particularly in the context of crime and punishment.⁴⁹ Perhaps in response to black girls' nonconformity to gender stereotypes, teachers have been found to be more inclined to interpret the behaviors of black girls harshly. In 2007, a study found that teachers perceived black girls as being "loud, defiant, and precocious" and that black girls were more likely to reprimand black girls for being "unlady"-like than were their white or Latina peers.⁵⁰



STATISTICAL OVERVIEW: CALIFORNIA TRENDS

Data were collected for ten counties in California that are currently engaged in efforts to examine and address the overrepresentation of youth of color in contact with the justice system.⁵¹ In general, these efforts have prioritized

racial disparity absent an intentional gender directive. However, there are a number of counties that are beginning to inquire about potential intersections between race and gender that may inform efforts to reduce racial disparities. To maintain the integrity of these processes, the actual jurisdictions from which data were collected are not identified below; instead, counties are coded A through F and assigned a general region of the state: Sacramento Valley, Bay Area, Central Valley, and Southern California.

⁴⁷ American Bar Association and National Bar Association, *Justice by Gender: The Lack of Appropriate Prevention, Diversion, and Treatment Alternatives for Girls in the Juvenile Justice System* (Washington, DC: American Bar Association and National Bar Association, 2001).

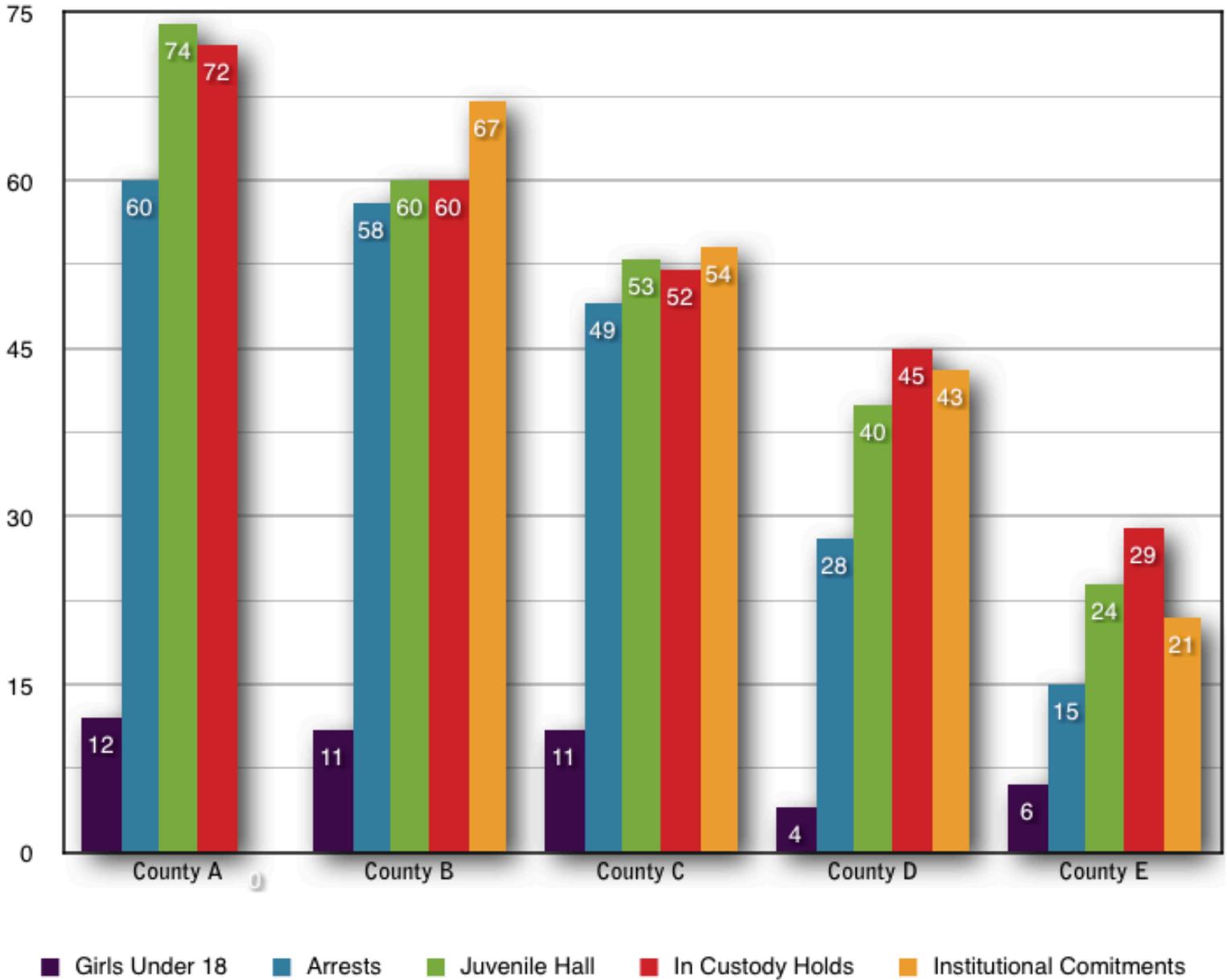
⁴⁸ *Ibid.*, 11.

⁴⁹ N. Jones, *Between Good and Ghetto: African American Girls and Inner City Violence* (Piscataway, NJ: Rutgers University Press, 2009).

⁵⁰ J. Blake et al., "Unmasking the Inequitable Discipline Experiences of Urban Black Girls: Implications for Urban Educational Stakeholders," *Urban Review* 43 (2011): 90–106, esp. 93–94.

⁵¹ Limitations of the data presented include (1) a lack of uniformity in dates (most presented data by full year 2010, but county A presented data from April to July 2011), (2) a lack of uniformity among definitions, and (3) data that were not compiled such that a relative rate index available by race and gender could be reliably developed. Therefore, the data presented in this document should be interpreted as providing an initial assessment requiring further research and investigation.

BLACK GIRLS IN CONFINEMENT (2010)



Throughout the state, African American and Latina young women constitute the majority of girls held in confinement by the state's juvenile correctional institutions. While rates of contact may not consistently suggest disparity, there are some areas of the state where Latinas and Native American girls are overrepresented among girls who are incarcerated and/or detained. In these areas, the percentage of Latinas in custody exceeds the percentage of Latinas in the general population. For example, in one Bay Area county, Latinas make up 36 percent of the general population of girls ages ten through seventeen but make up:

- ↳ 60 percent of arrests,

- ↳ 66 percent of girls' cases involving juvenile hall,

- ↳ 73 percent of the girls held in custody for detention hearings, and

- ↳ 79 percent of girls receiving institutional commitments.

The greatest and most consistent presence of racial disparity is found among African American girls.

BLACK GIRLS IN THE BAY AREA

In county A and county B, African American girls represent a relatively small percentage (about 12 percent and 11

percent, respectively) of the population of girls ages ten through seventeen. However, in county A, black girls constitute 60 percent of girls arrested, 74 percent of girls' cases involving juvenile hall, and 72 percent of girls held in custody. In county B, black girls make up nearly 58 percent of girls arrested, about 60 percent of girls' cases involving juvenile hall, 60 percent of girls held in custody, and nearly 67 percent of institutional commitments in 2010.

In county A, girls are often confined for probation violations, for example, running away, truancy, and drug and alcohol use. It is not uncommon for a girl to have a dozen events but only one or two actual criminal offenses that have been admitted, committed, or found to be true. This is very different than the pattern for boys.

In addition, county A detains girls and young women prior to adjudication who are considered CSEC even when they meet the requirements for pre-adjudication release. The overwhelming majority of CSEC cases in county A are African American girls.

BLACK GIRLS IN SACRAMENTO VALLEY

In county C, African American girls constitute only 11 percent of girls ages 10 to 17; however, they represent 49 percent of arrests, about 53 percent of girls' cases involving juvenile hall, about 52 percent of in-custody holds among girls, and 54 percent of institutional commitments involving girls.

BLACK GIRLS IN SOUTHERN CALIFORNIA

In Southern California, as represented by county D and county E, the statistics also reveal an overrepresentation of black girls in custody in comparison to their representation in the general population.

In county D, black girls make up:

- ↳ 3 percent of girls ages 10 to 17,
- ↳ 40 percent of girls arrested,
- ↳ 40 percent of cases involving juvenile hall, and
- ↳ 45 percent of in-custody holds.)

In county E, black girls make up:

- ↳ 6 percent of girls ages 10 through 17,
- ↳ 15 percent of girls arrested,

- ↳ 24 percent of cases involving juvenile hall, and
- ↳ 30 percent of in-custody holds.

BLACK GIRLS IN THE CENTRAL VALLEY

While African American girls represent a smaller portion of the population in the Central Valley, disparity is still suggested. For example, in county F, all Black youth are about 6 percent of the youth population ages ten through seventeen, but black girls are:

- ↳ 23 percent of girls arrested,
- ↳ 27 percent of girls' cases involving juvenile hall,
- ↳ 33 percent of in-custody holds of girls for detention,
- ↳ 32 percent of petitions filed against girls,
- ↳ 26 percent of sustained petitions against girls, and
- ↳ 22 percent of institutional commitments involving girls.

POLICY, RESEARCH, AND PROGRAMMATIC IMPLICATIONS

While AB 109 and other promising legislation (e.g., SB 1266: Inmates: Alternative Custody bill) alone will not reach the prison closure goals, there are now mandates for local accountability for nonviolent, nonserious, nonsex offenders that include the possibility of developing effective graduated sanctions. The realignment should not simply result in epidemic levels of incarceration at the local level. There should be a well-thought-out and coordinated plan developed and executed to engage and inform the community, policy and opinion leaders, and practitioners who can support an expanded continuum of services. Specifically, there is an opportunity for the following:

1. Engage and inform the community, service providers, and advocates

about the issues surrounding the incarceration and recidivism of black and Latina girls and women, with the goal that they will be able to participate in informed advocacy and support policies that will decrease the likelihood of detention, incarceration, and recidivism among black and Latina girls and women.



2. Follow the

Michigan Prisoner Reentry Initiative (MPRI)'s excellent example of how the collaborative team approach can be used to bring community agencies together to maximize parolees' chances for success. In Michigan, on the release of persons from prison, state workforce agencies and other agencies and entities (e.g., Goodwill) help them find jobs or access to the education and the training they need to improve their work skills. In addition, community coordinators recruit businesses and

offer short-term subsidized employment to encourage employers to give returning citizens a chance to earn a living and prove themselves good employees. Housing specialists connect returning prisoners with stable and safe residences. For those parolees who need substance abuse treatment, MPRI provides them access to treatment, mental health services, and medication. Law enforcement agencies provide enhanced supervision of the parolees, and some even provide clothing to the returning citizens. This collaborative approach has worked well in Michigan to improve the integration of returning citizens into society and increase their likelihood of success. A similar approach, tailored to the needs of black and Latina girls and women in California, could also prove successful in helping them to empower themselves and thrive on release from detention or prison. The MPRI has been shown to be an effective and cost-effective approach to reducing recidivism.⁵²

3. Inform and engage opinion leaders at the federal, state, and local levels

about the issues surrounding the incarceration of black and Latina girls and women, including the benefits—both financial and social—of reviewing and amending existing policies that may needlessly increase the likelihood of incarceration of black and Latina girls and women. These include but are not limited to prohibiting people with drug or felony records from living in public housing, denying general assistance to formerly incarcerated women, terminating the parental rights of mothers during their incarcerations, denying Pell grants and other governmental scholarships to women with criminal records, denying formerly incarcerated women the chance to secure certain licenses or work with children without a showing that their criminal behavior

poses a risk to the children or clients of their services (like cutting hair), denying women who are released from prison from entering state colleges or universities, deciding women are not suitable candidates for employment positions simply because they check the box on the application that indicates they have been incarcerated.

4. Provide a continuum of reentry services that begin immediately on detention or incarceration and are evidence based as well as appropriate to both gender and culture. Graduated sanctions that range from community-based counseling and treatment to intensive interventions should be tailored to most effectively reach the populations they are seeking to affect. Offering services in the language, style, and cultural thrust of the population being served significantly improves outcomes.



It is important to note that the realignment should be coupled with (and perhaps buttressed by) a comprehensive research and policy reform agenda that results in the responsible use of incarceration rather than its use as a default system to address our state's social and medical issues. These include the following.

RECOMMENDATIONS SPECIFIC TO THE INCARCERATION OF WOMEN

Legislation and criminal justice policy should mandate the development of a culturally competent and gender-responsive diversion and reentry continuum of services for women.

↳ Literature on the pathways to incarceration reveals that drug abuse is closely associated with entry to the criminal justice system. Drug use is often a means by which women self-medicate to mask the emotional, physical, and mental pain they experience as current and past victims of abuse and exploitation. The use of drugs should be approached more as a health condition than as a crime. Treating the addiction and the cause of the addiction in non-criminal justice facilities would be a more effective use of state funds than the incarceration of low-level drug offenders. Policies such as three strikes and mandatory minimum sentencing should not be applied to low-level offenses. The realignment offers an opportunity to correct the misuse of incarceration to address the medical condition of addiction if graduated

sanctions and intensive interventions are culturally competent, gender responsive, and appropriately developed and assigned. As alternatives to incarceration are established, there should be a careful consideration not to develop inclusion criteria that disproportionately (even unintentionally) disqualify African American women and other women of color, who may have longer offense histories and who have experienced greater social alienation than their white counterparts. These diversion and reentry programs should not widen the net but should provide more intensive interventions for women at risk of incarceration.

Legislation regarding the handling of women convicted of prostitution should be framed in terms of sexual exploitation.

↳ In lieu of incarceration, graduated sanctions should be applied to offenses in which a woman is being sexually exploited and trafficked. These efforts should not widen the net and should be designed to provide protection, treatment, transitional housing, and counseling for women.

Legislation should mandate that counseling and treatment services be accessible to high-risk communities.

↳ Access to resources that can help women and families respond to grief and other trauma associated with loss or victimization is critical to ensuring that pathways to incarceration are interrupted early. While there may be services that are available in centrally located areas, care should be mandated in every county to ensure that women

and children who live in dispersed communities are able to acquire the intervention services they need when they need them most.

Legislation should require additional mental health screenings and treatment and services for incarcerated women.

↳ Many of the girls and women of color who are involved in the criminal justice systems of California are living with diagnosed and undiagnosed mental health issues. Many of their mental health conditions result from the abusive relationships they have experienced and from which they continue to suffer. Legislation should mandate the integration of consistent and quality mental health treatment programs and centers to address the needs of girls and women in the justice system. These services should include treatment for depression, traumatic stress, substance abuse, and health-risking sexual behaviors.³ These programs must include research-supported measures that address the mental health needs of racial, cultural, and ethnic subgroups of women.

RECOMMENDATIONS SPECIFIC TO THE DETENTION AND INCARCERATION OF GIRLS

Legislation and district policies should restrict the application of zero-tolerance policies.

↳ There should be a s p e c i f i c delineation of instances (i.e., qualifying actions) in which the use of zero tolerance would be appropriate in schools. Specific offenses should be clearly noted, and training should be delivered to administrators and teachers regarding new policy standards, practices, and processes.

Programs designed to address CSEC should be evaluated for effectiveness.

↳ Many black and Latina females are brought into the criminal justice system in California and charged with prostitution. Many young women of color in the criminal

justice system have experienced a lack of employment opportunities and inadequate education.⁴ In 2008, the California legislature passed Assembly Bill 499, which is codified in Welfare & Institutions Code Section 18259. The law, which expired on January 1, 2012, authorized the County of Alameda through its district attorney's office to develop a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially exploited minors who have been arrested or detained by local law enforcement for loitering with the intent or disorderly conduct with the intent to commit prostitution. The law authorizes the Alameda County District Attorney's Office to collaborate with county- and community-based agencies that serve CSEC. In 2010, Senate Bill 1279 was passed, thereby allowing for the development of a similar program in Los Angeles County. These programs, once evaluated and if found effective, should be expanded throughout the state.

Alternative interventions should be developed for assault cases involving girls and parents.

↳ The California Family Code Section 6211(f) defines domestic violence as abuse perpetrated against "any person related by consanguinity or affinity within the second degree." This would include a girl who hits or attempts to hit a parent or sibling. Research indicates that many assaults perpetrated by girls are against a



parent, often because of relational issues present in the home. Although domestic violence and assaults should not be tolerated, caution should be taken in redefining behaviors that were once status offenses as delinquent acts. Labeling conflicts between girls and their parents delinquent acts widens the net, thus bringing more girls into the juvenile justice system.

⁵ It is suggested that charges based on incidences between girls and their parents or siblings be designated status offenses or dealt with in a girls' court or other collaborative court (please see the discussion of collaborative and problem-solving courts below).

OTHER PROGRAMMATIC AND ADVOCACY RECOMMENDATIONS

CAMPAIGN FOR BLACK WOMEN AND GIRLS

There should be a research-based public education and advocacy campaign to document and address the exploitation, marginalization, and oppression of low-income black women and girls. Specifically, there should be (1) focus groups to advance a multidimensional structural racism and sexism analysis among advocates, (2) cross-movement building tools to foster strategic relationships and broader collaboration; (3) promotion of public awareness (e.g., through traditional and new media, as well as other venues) about the unique conditions perpetuated by the absence of an effective intersectionality policy framework centered on race and gender concerns, and (4) the convening of a network of experts on race and gender that will expand the effectiveness of this campaign through policy, practice, and training. Ultimately, these activities would increase the voice, knowledge, and strategic understanding of leaders and institutions engaged in efforts designed to address complex issues of race and gender in pursuit of long-term open society values and principles.



COLLABORATIVE COURTS

Collaborative or problem-solving courts are specialized courts that focus on the underlying issues present in the lives of people who come into contact with the judicial system. The goal of these courts is to address these issues through active judicial monitoring and a team approach that includes a variety of agencies including probation and service providers. Orange County, California, is an example of one of the jurisdictions that administers a number of collaborative courts that have the potential to meet the needs of the girls and women of color in the California justice system. Some of the courts are girls' court—the goal of the program is to help girls ages twelve through seventeen facing mental health issues, substance abuse, and academic failure to receive treatment and counseling and to gain the skills and resources they need

to achieve stable, productive lives—juvenile drug court, and adult drug court.

In addition, Alameda County recently implemented a mental health court for juveniles. The court is a postadjudicatory court. That is, a youth must plead guilty to receive the services. The purpose of the court is to treat the mental illness that is suspected to underlie the condition that resulted in the delinquent behavior. In Alameda County, youth with mental health conditions were disproportionately detained because there were no community-based alternatives and they could not return home because they were in a constant state of crisis. The goal of the court is to provide youth with mental health diagnoses and their families with intensive case management by a team that includes a probation officer, a mental health and community-based service provider, and a civil advocate. In Alameda County, the civil advocate is Bay Area Legal Aid, a nonprofit law firm. Bay Area Legal Aid lawyers are trained in housing law, education law, Medi-Cal, mental health law, Supplemental Security Income benefits, foster care benefits, and domestic violence, among others. If a child's case has been adjudicated through the mental health court, the civil advocate represents the child in each forum, which results in a more holistic approach to meeting all of the child's needs. Alameda County relies on Seneca Center, a large, multiservice mental health provider that works closely with county agencies, school districts, and other community-based providers, to provide nonlegal, community-based, supportive services to children in mental health court and their families.

DATA COLLECTION

California's criminal and juvenile justice agencies must be responsible for collecting and presenting data disaggregated by race and gender to accurately depict trends associated with incarceration and other justice system involvement. In the absence of this thrust, data associated with trends affecting women of color are obscured by trends presented by only race or only gender.

CONCLUSION



At nearly every stage of the criminal justice system, black women and girls are overrepresented. Their increased risk of incarceration and detention is not explained simply by increased criminal activity. The construct of black femininity in America has been influenced by the nation's racialized and gendered institutions of slavery and servitude. This exploitative legacy and the resulting internalized self-hatred has led to layers of negative stereotypes that permeate scholarship, advocacy, and popular culture. Central to the process of reducing the state's dependence on incarceration is its ability to engage organizations, scholars, and advocates who seek to advance accountability on issues associated with the incarceration of women and girls.

Prisons will close only when the demand for prisons decreases. For that to happen, there must be a broad continuum of services that effectively address the root causes (e.g., victimization, trauma, and absence of quality education, counseling, and treatment in low-income communities) and behaviors associated with crime and delinquency among women and girls. The recommendations in this reports seek both to reduce the demand for prisons as a corrective structure in our society—particularly with respect to black women and other women of color—and to increase awareness about the areas that should be understood as ripe for targeted

intervention (e.g., AB 109 as an opportunity to do more than just incarcerate locally) and/or development (e.g., culturally competent and gender-responsive diversion and reentry continua of services). In other words, the closure of prisons should be seen as a strategy by which to better address the root causes of crime and delinquency among women and girls and to develop a more expansive, competent, and effective system of justice.

