



## Legislative Priorities, FY 2016-2017

Over the past thirty years, the PACE Center for Girls has transformed the lives of more than 37,500 at-risk girls and provided them with opportunities for a bright future. PACE recognizes that involvement in the juvenile justice system not only diminishes the success of young people but imposes tremendous long-term costs on society. A study published this year in *The Quarterly Journal of Economics* reports that juvenile incarceration decreases the chances of high school graduation by 13 to 39 per cent and increases the chances of incarceration as an adult by 23 to 41 per cent.<sup>1</sup> A juvenile record also may prevent young people from obtaining employment or post-secondary education and perpetuates a cycle of dependency on social welfare.

Girls at-risk for delinquency, dependency and sexual exploitation face similar risk factors. Most survivors of sex trafficking were sexually abused prior to being trafficked and many were runaways, thrown out of their homes, placed in multiple foster homes or group homes or were detained in the juvenile justice system.<sup>2</sup> A Minnesota study on early intervention to avoid sex trading and trafficking of girls reported a return on investment of \$34 in benefit for each \$1 in cost. It is in the best interest of taxpayers, the study said, to invest in prevention and early intervention services for runaway and/or homeless adolescent girls who are at highest risk for sex trading and trafficking.<sup>3</sup>

Prevention programs, including PACE Center for Girls, help girls avoid the delinquency system, avoid sexual exploitation, and break the intergenerational cycle of poverty and long term economic dependence. By investing in prevention and early intervention, the safety of our society and the returns to taxpayers are significantly enhanced.

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<sup>1</sup> The Quarterly Journal of Economics, Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly Assigned Judges, 2015

<sup>2</sup> Critical Connections: A Multi-Systems Approach to the Domestic Sex Trafficking of Girls, Georgetown Center on Poverty and Inequality, March 2014

<sup>3</sup> Early Intervention to Avoid Sex Trading and Trafficking of Minnesota's Female Youth: A Cost Benefit Analysis, Minnesota Indian Women's Resource Center, 2012

PACE Center for Girls supports effective girl-centered systems of care attuned to the trauma each girl has endured. PACE has long recognized, as more and more experts and policymakers now do, that girls require different approaches from boys in helping them establish a better direction for their lives. PACE Center for Girls advocates for legislation that develops comprehensive systems of care for girls at risk for delinquency, dependency or sexual exploitation; provides access to health and mental health services; and removes barriers to education and employment for girls.

### ***Developing a Comprehensive System of Care for Girls At-Risk for Delinquency, Dependency or Sexual Exploitation***

Girls' entry into the justice system is linked to trauma, physical or sexual violence, mental and physical health problems, pregnancy, substance abuse, school failure and family instability and conflict. Fifteen percent of sexual assault and rape victims are under the age of 12;<sup>4</sup> nearly half of all female rape survivors were victimized before the age of 18,<sup>5</sup> and girls between the ages of 16 and 19 are four times more likely than the general population to be victims of rape, attempted rape, or sexual assault.<sup>6</sup>

The social response to this violence against girls, more often than not, is a ticket into the delinquency system. For many of these girls the experience of abuse didn't merely heighten their risk of incarceration but served as its fundamental cause.<sup>7</sup> More than 80% of the girls in some states' juvenile detention centers suffered sexual or physical abuse before they were incarcerated.

Girls' delinquency has important long-term individual and societal consequences. Girls arrested as teens are more likely to become adults who mistreat children,<sup>8</sup> are 10 to 40 times more likely to engage in criminal behavior as adults, are more likely to be in dysfunctional and often violent relationships, and impose high demand on social and mental health services.<sup>9</sup> There is broad agreement that we need radical expansion of community and public resources

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<sup>4</sup> David Finkelhor, Gerald Hotaling, I.A. Lewis & Christine Smith. "Sexual Abuse in a National Survey of Adult Men and Women: Prevalence, Characteristics, and Risk Factors." 14 Child Abuse & Neglect 1, 19-28 (1990); US Dep't of Justice, Bureau of Justice Statistics, Sex Offenses and Offenders (Jan. 1997)

<sup>5</sup> White House Council on Women & Girls, Rape and Sexual Assault: A Renewed Call to Action 1 (Jan. 2014), available at [https://www.whitehouse.gov/sites/default/files/docs/sexual\\_assault\\_report\\_1-21-14.pdf](https://www.whitehouse.gov/sites/default/files/docs/sexual_assault_report_1-21-14.pdf)

<sup>6</sup> Callie Marie Rennison, US Dep't of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey: Criminal Victimization 2000, Changes 1999-2000 with Trends 1993-2000, Table 2, at 6 (June 2001), available at <http://www.bjs.gov/content/pub/pdf/cv00.pdf>.

<sup>7</sup> Malika Saada Saar, Rebecca Epstein, Lindsay Rosenthal, Yasmin Vafa, Sexual Abuse to Prison Pipeline: The Girls Story, Georgetown Center on Poverty, Inequality and Public Policy. July 2015..

<sup>8</sup> (Feld, 2009; Franke, Huynh-Hohenbaum, & Chung, 2002; Synder & Sickmund, 2006)

<sup>9</sup> (Pajer, 1998)

for prevention and front-end diversion programs to keep girls out of the delinquency system and to protect them from sexual violence.<sup>10</sup>

The sex trafficking of American children is one of the most shocking and hidden crimes against our nation's girls and young women. More than 100,000 children are victims of sex trafficking every year and the average age that a girl becomes a trafficking victim is 12 to 14 year old.

PACE Center for Girls supports a comprehensive system of care for girls at-risk for delinquency, dependency and sexual exploitation through quality programs and services that recognize that girls need a different set of services from boys in response to the trauma they have faced in their lives. . PACE also advocates for legislation that increases the criminal penalties to traffickers and buyers, provisions addressing the demand and tools for investigation and prosecutorial work. Critical to this effort is an informed understanding of the connection between girls' backgrounds of violence, abuse or other trauma, and vulnerability to delinquency and commercial sexual exploitation, as well as the profound and complex effect of the trauma of being trafficked itself. The system of care must not only provide services and programs once the victims of trafficking are identified, but must also identify girls at risk of commercial sexual exploitation and prevent them from being exploited in the first place.

### ***Access to Mental Health Services***

PACE Center for Girls supports the use of community-based mental health services in lieu of referrals into the juvenile justice system. But these services must be appropriately funded, must be accessible, and must provide assessments and case management practices specific to the population they serve and must be aligned with research on adolescent brain development and the effects of trauma.

Close to 75% of youth in contact with the juvenile justice system have experienced trauma and trauma and mental health issues are typically, and wrongfully precursors for delinquency. Studies show that 65-70% of youth in contact with the juvenile justice system have a diagnosed mental health disorder,<sup>11</sup> and of those youth, over 60% have a co-occurring disorder, such as substance abuse or trauma-related symptoms. In addition, anxiety, depression and post-traumatic stress disorder are prevalent among youth in the system, especially girls<sup>12</sup>. Girls

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<sup>10</sup> Edelman, Pater and Watson, Liz. "Improving the Juvenile Justice System for Girls: Lessons from the States." Georgetown Center on Poverty, Inequality and Public Policy. October 2012.

<sup>11</sup> Mental Health Needs of Juvenile Offenders, Juvenile Justice Guide Book for Legislators, National Conference of State Legislators

<sup>12</sup> Mental Health Needs of Juvenile Offenders, Juvenile Justice Guide Book for Legislators, National Conference of State Legislators

assessed by Florida's Department of Juvenile Justice's PACT<sup>13</sup> exhibit a higher rate of confirmed mental health problems than males.<sup>14</sup> Of the girls in the delinquency system during FY14, 26.8% during intake, 29.2% on probation and 50% in commitment expressed having a prior history of mental health problems.<sup>15</sup>

PACE Center for Girls advocates for a system of care that effectively evaluates the mental health needs of girls and supports legislation that increases prevention and intervention services to girls with mental health needs, increases access to appropriate mental health programs and services, and keep girls with mental health needs out of the juvenile justice system when the safety of the community is not compromised.

Mental health courts, which have proven successful and beneficial in other states, provide case management and support to young people in the delinquency system with co-occurring behavioral problems.<sup>16</sup>

Similarly, Girls Court, a specialized juvenile court in which the caseload and practices are girl-centered, recognize that there are fundamental differences between the pathways to the juvenile justice system for girls and boys, and provide girls with needed service to keep them out of the system. This innovative approach to justice, although relatively new in Florida, has significant promise. If appropriately managed, the judge and multidisciplinary teams in both Girls Court and Mental Health Court can connect young people with services and programs in their communities and prevent them from further systems involvement.

PACE Center for Girls also supports and actively participates in specialized courts to stem the tide of girls in the juvenile justice system and urges the Florida Legislature to support the establishment and expansion of these courts.

### ***Remove Barriers to Education and Employment***

To remove barriers to education and employment, PACE Center for Girls supports legislation that addresses the inconsistencies between Florida statutes 985.04(1) and 943.053,- which govern the distribution of juvenile and adult records, that increases the opportunity for juvenile records to be sealed or expunged, and that limits the amount of time delinquency records must be kept on file.

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<sup>13</sup> The Positive Change Assessment Tool (PACT) is administered to all community and residential young people by the Florida Department of Juvenile Justice.

<sup>14</sup> FY14 Florida DJJ PACT

<sup>15</sup> FY14 Florida DJJ PACT

<sup>16</sup> Callahan, Coccozza, Steadman, Tillman. "A National Survey of US Juvenile Mental Health Courts." Feb. 2012.

For thirty years, the PACE Center for Girls has demonstrated that girls, given the tools and opportunities, can overcome extreme hardship and trauma and become academically and personally successful. Their future success, however, may hinge on whether or not they have a juvenile record. The collateral consequences of a juvenile record keep girls from obtaining employment and post-secondary education, including scholarships and other financial aid. Juvenile records are intended to be legally protected to the highest degree. PACE Center for Girls supports the enforcement of criminal penalties when protected records are released to unauthorized entities. PACE Center for Girls also advocates for additional protections, such as time-limited record retention practices and increased opportunities for sealing and expunction of records to remove girls' barriers to employment and education.

Juvenile civil citations have proven to be effective in removing barriers to education and employment, in part because they divert young people out of formal adjudication, thereby avoiding the negative, collateral consequences of criminal records.

Although 60 of Florida's 67 counties have a civil citations program, all are not active nor are they consistently enforced or implemented. Polk and Sarasota County did not issue a single citation despite having over 100 youth eligible for civil citation and only 10% of eligible youth in Palm Beach County were issued a citation; whereas 91% of eligible youth in Miami-Dade County received a citation.<sup>17</sup> From June 2014 to May 2015, 8,459 girls in Florida were eligible to receive a civil citation upon coming in contact with law enforcement; however, only 42% were issued a citation, while a majority (4,873 girls), were arrested as first time non-violent misdemeanants.<sup>18</sup>

PACE Center for Girls supports the equal and intended application of civil citations and advocates that the practice of civil citation be adopted in the same manner by all counties and consistently implemented.

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<sup>17</sup> Florida Department of Juvenile Justice Civil Citation Dashboard June 2013 – July 2014, accessed January 2015

<sup>18</sup> Civil Citations Dashboard, Florida DJJ