

**Testimony Of
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**For a Hearing on
“Girls in the Juvenile Justice System”**

**Before
The House Judiciary Committee
Subcommittee on Crime Terrorism and Homeland Security**

October 20th, 2009

Introduction

Mr. Chairman and distinguished members of the Committee, thank you for inviting the NCCD Center for Girls and Young Women to testify at this important and timely hearing on girls and young women in the juvenile justice system.

In 2006, the National Council on Crime and Delinquency (NCCD) headquartered in Oakland, California with divisions in Wisconsin and Florida, celebrated its 100-year history in promoting effective, humane, fair, and economically sound solutions to criminal justice problems. Located in Jacksonville, Florida, the NCCD Center for Girls and Young Women is guided by the courageous life experiences of girls caught up in the juvenile justice and child welfare systems. We are the passionate voice for activism to ensure equitable, human, and gender-appropriate responses to improve outcomes for girls and young women. Our work focuses on advocacy, systems reform, research, assessment services, staff training, evaluation and the development and implementation of innovative programming and services.



Several months ago while meeting with girls who are incarcerated in a razor-wire facility in Florida, I asked girls what message they would like to share with adults who have the power to create change in the juvenile justice system.

“Maria”, a thoughtful, intelligent, and unusually quiet young girl who is spending much of her adolescence behind razor wire simply said: “Ask the adults to be there for us, to do what our parents couldn’t do, be somebody we didn’t have. Be a friend, we don’t have anyone to really talk to. That’s where you can start to help us – whether we are good or bad. I have no one. And I really try to be good but I always mess up.”

What is “Maria’s” Story?

Maria’s dad left when she was 7 years old after being found guilty of sexually abusing her from the ages of 4 to 7. She shared that she did not *“get any counseling or support.”* *“It was just never mentioned.”*

Her mom was in the military and traveled extensively thus she and her siblings stayed with relatives or friends that they hardly knew. She was the oldest and was responsible for her brother and two sisters. Often left alone, by age 11 she started hanging out with boys 16 years old or older. She shared that they *“did things to her”* and as a result she was sexually active at a very young age.

At age 11, she was placed in foster care because her mom *“hit her with a clothes hanger and she was taken away.”* She started the life of living with stranger after stranger.

At age 12, she started smoking marijuana which escalated to cocaine to prescription drugs to crack. She ran away repeatedly. By age 14, she started selling drugs to get money to pay for a place to stay. She was arrested for drug paraphernalia and placed on probation. While on probation, she ran away and received a violation of probation (VOP). With the violation of probation, the cycling in and out of locked facilities started.

“She tried to be good – but she always messed up.” After decades of advocating on behalf of girls and young women, I believe as a nation *we have tried to be good*, yet we continue to *mess up* in our response to girls.

A lack of understanding of what drives girls’ offending behaviors can compound an already volatile situation and lead to further negative consequences for girls in care. For example, most girls that get into trouble with the law have already been victimized, and then while in custody they experience additional traumas. The mental and physical health needs of girls in the justice system have been systematically devalued. Programs that ignore how trauma is related to offending behavior will fail. Straightforward facts are critical to establishing policies and practices that will lead to the equitable treatment of girls and young women.

Girls in Juvenile Justice: National Data Profile

Current Trends—Girls are the fastest growing segment of the juvenile justice population.

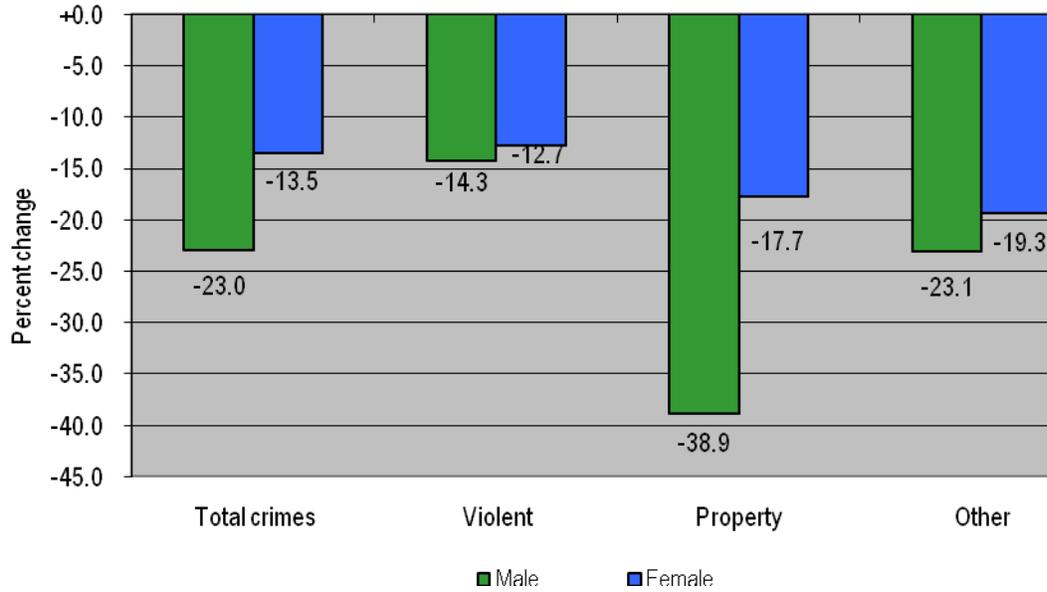
Arrests. Crime rates are decreasing nationally for both girls and boys, but the rate of that decrease has been slower for girls. In 1998, girls made up 27% of the 1.5 million arrests for youth under 18. By 2007, girls constituted 29% of the 1.2 million arrests (UCR).

Incarceration. Nationally, girls represent 15% of the incarcerated population and as much as 34% in some states. A one-day snapshot in 2006 revealed that 7,995 girls under age eighteen were committed to juvenile residential placements and an additional 4,458 girls were in detention across the United States (Sickmund, Sladky, & Kang, 2005).

Since 1997, there has been an 18% decrease in boys’ incarceration rates compared to an 8% decrease for girls. The rate of incarceration for girls ages 10-17 decreased from 99 per 100,000 in 1997 to 91 per 100,000 in 2006. However, the female juvenile rate of incarceration has increased more than 30% since 1997 in 14 states. (see Table 1)

Figure 1

Ten-year Arrest Trends for Youth under 18, by Gender, 1998-2007



Source: FBI, Uniform Crime Reports, Ten-Year Arrest Trends.

Table 1

Incarceration of Girls by State

Female Rate per 100,000 juveniles	1997	2006	Percent Change, 1996-2006	2006 Count (N)
United States	99	91	-8.1%	13,943
Alabama	116	153	31.9%	384
Alaska	170	183	7.6%	75
Arizona	109	101	-7.3%	348
Arkansas	37	105	183.8%	159
California	95	88	-7.4%	1,854
Colorado	108	108	0.0%	270
Connecticut	131	80	-38.9%	114
Delaware	53	60	13.2%	27
District of Columbia	92	119	29.3%	30
Florida	85	113	32.9%	1,014
Georgia	158	83	-47.5%	384
Hawaii	32	65	103.1%	42
Idaho	36	127	252.8%	108
Illinois	42	53	26.2%	333
Indiana	146	161	10.3%	564
Iowa	136	218	60.3%	348
Kansas	174	75	-56.9%	114
Kentucky	82	120	46.3%	264
Louisiana	147	90	-38.8%	189

Maine	55	36	-34.5%	24
Maryland	49	30	-38.8%	93
Massachusetts	53	48	-9.4%	138
Michigan	121	106	-12.4%	534
Minnesota	90	95	5.6%	267
Mississippi	27	53	96.3%	90
Missouri	82	66	-19.5%	183
Montana	81	119	46.9%	60
Nebraska	179	250	39.7%	243
Nevada	177	110	-37.9%	150
New Hampshire	56	58	3.6%	36
New Jersey	42	37	-11.9%	177
New Mexico	75	63	-16.0%	72
New York	130	115	-11.5%	876
North Carolina	60	53	-11.7%	183
North Dakota	137	119	-13.1%	39
Ohio	86	88	2.3%	555
Oklahoma	62	57	-8.1%	111
Oregon	110	81	-26.4%	156
Pennsylvania	80	70	-12.5%	462
Rhode Island	82	65	-20.7%	36
South Carolina	119	83	-30.3%	168
South Dakota	193	377	95.3%	162
Tennessee	132	51	-61.4%	162
Texas	67	91	35.8%	1,101
Utah	67	105	56.7%	165
Vermont	9	9	0.0%	3
Virginia	137	75	-45.3%	300
Washington	91	67	-26.4%	231
West Virginia	49	99	102.0%	87
Wisconsin	109	72	-33.9%	189
Wyoming	422	341	-19.2%	93

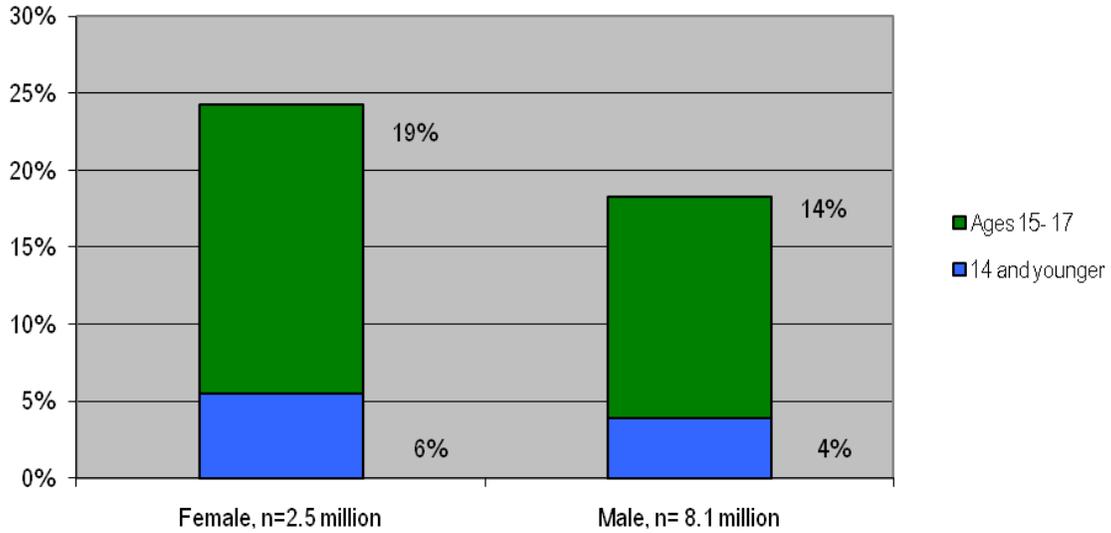
Source: Sickmund, Sladky, Kang, & Puzanchera (2008).

Age—Girls enter the system at younger ages than boys.

In 2007, there were 2.5 million arrests for females of all ages. Of these, 25% were girls under the age of 18.¹ Of all youth incarcerations, 42% of girls are 15 and younger, compared to 31% of boys 15 and younger.

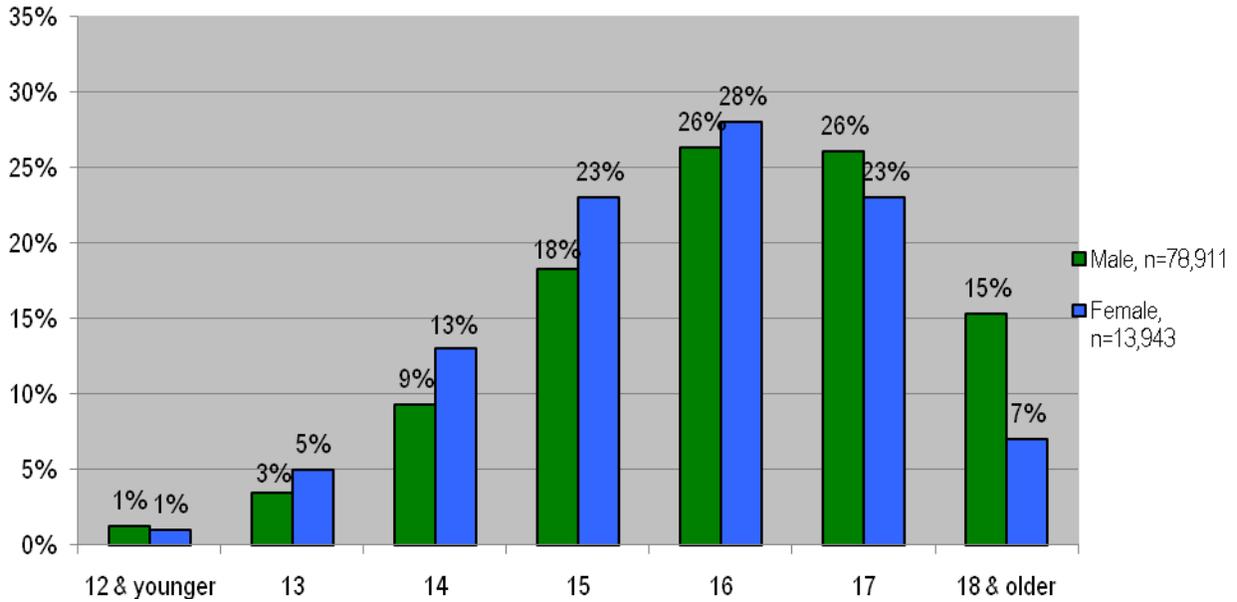
¹ In 2007, there were 8.1 million arrests for males. In comparison, only 18% were for boys under 18. Of all youth incarcerations, 31% are boys 15 and younger.

Figure 2
Percentage Distribution of Arrests for all offenses by Age and Gender, 2007



Source: FBI, Uniform Crime Reports.

Figure 3
Profile of Committed by Gender and Age



Source: Sickmund, Sladky, Kang 2008

Offense Type and Severity

The types of offenses for which girls are arrested and incarcerated are less serious than boys. Contrary to popular belief that girls are becoming more violent, the arrest rate for violent crimes has decreased 13% for females and 14% for males over the last ten years.²

The data show that girls are committed for less serious offenses than boys. Of the 7,995 girls that were incarcerated in 2006, one-third were incarcerated for person offenses such as simple assault; 21% for property offenses; and 15% for technical violations. Among girls, the incarceration rate for violent offenses³ is almost half that of boys (11% and 24% respectively), but the rate for status offenses⁴ is more than twice as high for girls as for boys (18% and 4% respectively).⁵ (see Table 3)

Table 2
Comparison of Arrests by Gender and Offense, 2007

	FEMALE		MALE	
Violent crimes		% of total		% of total
Murder and non-negligent manslaughter	76	0%	935	0%
Forcible rape	49	0%	2,584	0%
Robbery	2,564	1%	23,760	2%
Aggravated assault	10,029	2%	33,430	3%
Violent crimes Total	12,718		60,709	
Property crimes				
Burglary	7,138	1%	54,557	5%
Larceny-theft	99,298	20%	130,539	11%
Motor vehicle theft	3,668	1%	18,598	2%
Arson	645	0%	4,782	0%
Property crimes Total	110,749		208,476	
Other crimes				
Part II	Under 18			
Other assaults	60,959	13%	120,419	10%
Forgery and counterfeiting	741	0%	1,612	0%
Fraud	2,023	0%	3,667	0%
Embezzlement	541	0%	747	0%
Stolen property; buying, receiving, possessing	3,073	1%	13,816	1%
Vandalism	11,298	2%	73,446	6%
Weapons; carrying, possessing, etc.	3,234	1%	29,953	3%
Prostitution and commercialized vice	909	0%	251	0%
Sex offenses (except forcible rape and prostitution)	1,125	0%	10,450	1%

² UCR: Ten-year arrest trends by sex, 1998-2007, Table 33

³ Violent offenses include criminal homicide, violent sexual assault, robbery, and aggravated assault.

⁴ Status offenses (actions which are only criminal for a certain class of persons, namely minors) include running away, truancy, incorrigibility, underage drinking, and curfew violations.

⁵ Author's analysis of 2003 data from Sickmund, Sladky, & Kang, 2005.

Drug abuse violations	23,181	5%	124,201	11%
Gambling	31	0%	1,553	0%
Offenses against the family and children	1,596	0%	2,609	0%
Driving under the influence	3,264	1%	10,233	1%
Liquor laws	39,861	8%	66,676	6%
Drunkenness	3,289	1%	9,677	1%
Disorderly conduct	50,922	10%	102,371	9%
Vagrancy	852	0%	2,072	0%
All other offenses (except traffic)	74,816	15%	209,280	18%
Suspicion	72	0%	231	0%
Curfew and loitering law violations	33,790	7%	76,025	7%
Runaways	46,265	10%	36,194	3%
Other crimes Total	361,842	100%	895,483	100%
Total	485,309	485,309	1,164,668	1,164,668

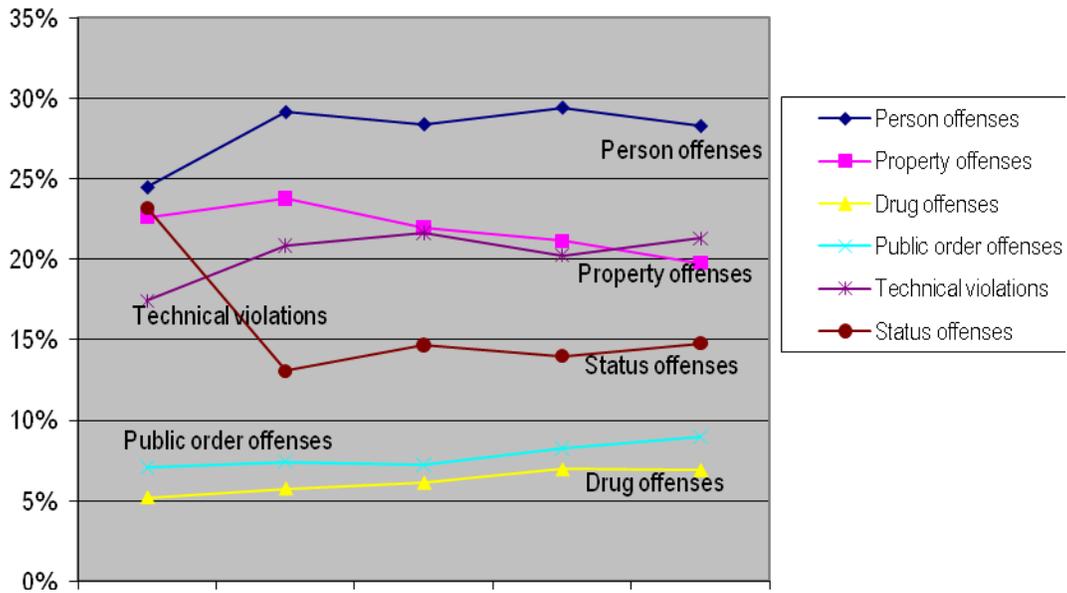
Source: FBI, Uniform Crime Reports, Ten-Year Arrest Trends.

Table 3
Most Serious Commitment Offense by Gender and Offense, 2006

	Female	% Female	Male	% Male	Total
Person Offenses					
Criminal homicide	31	0%	255	1%	286
Sexual assault	89	1%	4034	9%	4123
Robbery	186	2%	3037	7%	3223
Aggravated assault	656	8%	3245	7%	3901
Simple assault	1174	15%	3464	8%	4638
Other person	202	3%	1279	3%	1481
Property Offenses					
Burglary	345	4%	5315	12%	5660
Theft	561	7%	2474	6%	3035
Auto theft	435	5%	2229	5%	2664
Arson	55	1%	337	1%	392
Other property	346	4%	2272	5%	2618
Drug offenses					
Drug trafficking	58	1%	823	2%	881
Other drug	551	7%	3117	7%	3668
Public Order Offenses					
Weapons	102	1%	1793	4%	1895
Other public order	555	7%	3246	7%	3801
Technical violations	1191	15%	5827	13%	7018
Status offenses	1458	18%	2014	4%	3472
Total	7995	100%	44761	100%	52756

Source: Sickmund, M., Sladky, T.J., Kang, W., & Puzanchera, C. (2008). "Easy Access to the Census of Juveniles in Residential Placement." Available: <http://ojjdp.ncjrs.gov/ojstatbb/ezacrjpr/>

Figure 4
10-Year Commitment Trends for Girls Under 18, 1997-2006



Source: Sickmund, M., Sladky, T.J., Kang, W., & Puzzanchera, C. (2008).

Race and Ethnicity

There is an overrepresentation of girls of color in the justice system. Based on the race/ethnic proportion of the general population of youth ages 12-17, overrepresentation is an equity issue affecting both girls and boys. NCCD studies have shown the cumulative disadvantage along the juvenile justice continuum from arrest to detention, judicial handling, commitment, and transfer to adult court for minority youth compared to White youth for similar offenses (see *And Justice for Some*, 2007). Girls of color are overrepresented among youth in residential placement. Compared to White girls:

- African American girls are placed over three times as often
- Native American girls are placed over four times as often
- Hispanic girls are placed at higher rates
- Asian Pacific Islanders are underrepresented.

Disparity exists regardless of offense type. Compared to White girls:

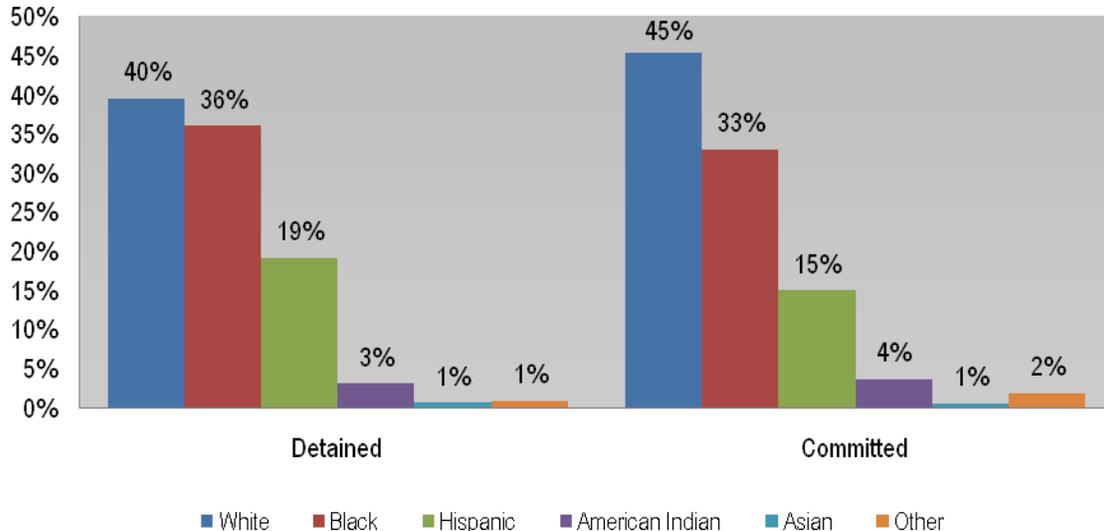
- African American girls are detained almost six times as often and committed over four times as often for violent offenses.
- Native Americans are detained five times as often for public order and nine times as often for status offenses, and committed over five times as often for violent and status offenses.
- Hispanic girls are detained almost twice as often for violent, public order, and technical violations.

Girls of color are placed in adult prisons at far higher rates. Compared to White girls:

- African American girls are sent to adult prison over five times as often and Native Americans girls three times as often.

Figure 5

Percentage of Girls Committed and Detained by Race



Source: Sickmund, M., Sladky, T.J., Kang, W., & Puzanchera, C. (2008).

Sexual Orientation

LGBT youth often experience discrimination and the justice system is ill equipped to deal with their needs. The Urban Justice Center (2001) reports that LGBT youth comprise 4-10 % of the juvenile justice population. Further, they face threats to their physical and mental safety because of their sexual orientation in addition to the limited sentencing options available, inconsistent or nonexistent policies, and a lack of services and trained staff to meet their needs.

Abuse and Victimization

Many girls enter the system with histories of abuse and experience further victimization while incarcerated. Abuse is a common denominator among girls in the system, with estimates ranging from 56-88% of girls who report emotional, physical, or sexual abuse (Acoca & Dedel, 1998). Girls in the system may be three times more likely than boys to have been sexually abused (Hipwell & Loeber, 2006; Bloom et al., 2005). Abuse has been found to be a stronger predictor of offending behavior for females than for males (Makarios, 2007). Based on the Survey of Youth in Residential Placement (SYRP), preliminary data show that 5% of females reported being the victim of sexual assault while in custody (Sedlak, 2008). Most of those reporting sexual assault had been victimized multiple times. The impact of abuse inside institutions, coupled with past life experiences puts girls at great risk for self-harming and high-risk behaviors. When these issues are unaddressed, we can expect that girls will be unable to effectively cope with stress or anger. These emotions manifest in behaviors that staff inside juvenile justice facilities refer to as “acting out,” “drama,” or “lashing out.” Girls are subject to disciplinary infractions and

additional trauma when policies mandate controlling the behaviors rather than addressing the underlying issues.

Emotional and Mental Health

Girls have greater mental health needs. Some studies have shown that as many as 3 in 4 girls who are detained have a diagnosed mental health disorder (Veysey, 2003). Approximately 70% have been exposed to a traumatic experience. Their rates for post traumatic stress disorder, suicide attempts, and self harming behavior are higher than those for boys.



Family Issues

Offenses are often committed against a family member, and family problems often contribute to girls’ acting out. NCCD has conducted two cutting edge studies of girls in the juvenile justice system: *No Place to Hide* (1998) and *Rallying Cry for Change* (2006). The researchers gathered valuable information from the voices of girls. The girls in these two studies share similar life experiences and home lives, mirroring the research literature, which demonstrates that family issues such as ineffective parental supervision, frequent parent/child conflict, and family history problems are overwhelmingly linked with girls’ delinquency (see Table 4). In *Rallying Cry for Change*, more than half (61%) of the girls had committed an offense against a family member.

Table 4
Family Issues for Girls in California and Florida

	California (n=193)	Florida (n=319)
Positive Relationship with mother	67%	41% close 45% mixed/neutral
Positive relationship with father	46%	31% close 47% mixed/neutral
History of Parent incarceration	56%	56%
History of Sibling Incarceration	67%	57%
Chronic runaway	77%	
Witness Violence	58%	
Experienced Abuse (physical, sexual, and/or emotional)	56-88%	37% by parent 48% by someone other than a parent
Out of home placement	43%	44%
History of Pregnancy	29%	30%
Suicide ideation	24%	9% ideation 29% attempted it

Source: Acoca and Dedel, 1998; Patino, Ravoira, & Wolf, 2006.

Why Girls in Juvenile Justice Need Our Immediate Attention:

- Girls are the fastest growing segment of the juvenile justice population. Today, girls represent approximately 30% of arrests and 15% of incarcerations.
- Girls enter the system at younger ages than boys. Almost half (42%) of girls who are incarcerated are 15 years old or younger.
- Girls present with higher rates of serious mental health conditions including post traumatic stress disorder, psychiatric disorders, attempts of self harm and suicide. It is estimated that 10% of incarcerated girls are pregnant and that 30% have children.
- The American Bar Report found that the practice of “bootstrapping,” charging girls with a delinquent offense for violation of a court order, is applied disproportionately to girls and results in harsh and inequitable treatment especially of girls charged with status offenses (running away, curfew violations, etc). Although girls’ rates of recidivism are lower than those of boys, the use of contempt proceedings and probation and parole violations make it more likely that, without committing a crime, girls will return to detention or a residential commitment program.
- Girls pick up more charges inside institutions that are ill equipped to meet their needs and thus, are “fast tracked” deeper into the system.
- While the rates of abuse for girls outside facilities are higher than 50%, the rates of abuse for girls inside facilities is unacceptable and demands immediate correction. The US Justice Department has sued nine states and two territories alleging abuse, inadequate mental and medical care and dangerous use of restraints.
- The level of resources allocated for gender-specific services is significantly less than the proportion of girls in the system.
- Professionals at all levels are frequently frustrated with the lack of information and training in best practices for girls.



Urgency to Act

The increasing rates of girls entering the justice system and the complexity of the issues that impact the lives of young women, underscore the urgency and our obligation to advocate for meaningful reform. Despite research and evidence documenting gender differences in offending and pathways to delinquency, girls have been considered a low priority. Girls continue to be inappropriately placed in facilities and programs designed for boys or that emphasize razor wire over treatment. Consistently missing the mark, there is an epidemic of programs that are ill equipped to effectively address girls’ needs and tragically where girls are further victimized or traumatized.

Costs to the Girls and to Society

Our failure to effectively address the needs of girls has created a major public health and social welfare concern with severe short and long-term consequences. Young girls who could have their lives turned around wind up in ill-conceived lock-up facilities costing an average of \$50,000 annually per girl. Ineffective intervention to address the needs of justice-involved girls during adolescence also predicts a host of problems in adulthood including poor physical and mental health, substance dependence, and future arrests and incarceration. These girls are at a high risk of future domestic violence and other violent relationships, dysfunctional parenting and losing custody of their children. In general, if appropriate prevention and intervention services are not available, these girls will heavily utilize public health and social welfare services in adulthood.

What must be understood is not only the increase in numbers but the particular circumstances of girls behind the numbers. Girls' involvement in the juvenile justice system is as a result of circumstances that are distinctly different than those of males. We must respond to girls both from understanding their offenses and holding them accountable for their behaviors -- and understanding their status as victims. It is the intersection of victimization and future offending that derails a girl's future.

Yet, we continue to "mess up." As a nation we are not investing in community based gender responsive prevention, intervention and diversion programs that research and experience show us turns girls' lives around – and is cost effective.

We know what to do yet our continued inaction results in tragic and unacceptable outcomes on the health and well being of girls and young women.

The NCCD Center for Girls and Young Women is calling for a profound shift in how our country responds to girls and young women. Our recommendations chart both a fiscally responsible and service effective direction for addressing the escalating number of girls being referred to juvenile justice system.

We are calling for equitable treatment of girls -- for a fair and balanced juvenile justice system that holds girls accountable for their behaviors balanced with a commitment to addressing the critical needs that drive girls into the system.

We must work to better understand the status of girls in the juvenile justice system and those girls who are caught between the juvenile justice and child welfare system. The

Profile of Florida's Girls

The findings of the National Council on Crime and Delinquency research report, *A Rallying Cry for Change* (2006), paint a haunting portrait of girls in the Florida system:

- Girls are getting arrested at young ages (40% of girls reported committing their first offense before the age of 13);
- 79% have emotional/mental health issues (Depression, trauma, anger, self destructive behaviors, or other mental health/clinical diagnoses);
- 70% experience family conflict and/or history of family problems;
- 46% have substance abuse/addiction issues;
- 64% reported prior abuse;
- 49% self mutilate;
- 34% have history of suicide attempts;
- 35% have a history of prior pregnancy;
- 10% have children;
- 25% have or are recovering from a major illness.

larger structural issues and system inequities include sexism, bias and racism. The Center rejects the assumption that the experience of girls can be summarized in a few bullet points. The causes and correlates of girls' delinquency cannot be narrowly defined.

Research on how these factors are experienced differently for girls and the implications for gendered pathways to delinquency must be furthered explored. We do know, however, that girls are a growing population of the system, they are younger, their offenses are less serious and often related to family issues, and they have greater mental health needs. The current system is not designed with these differences in mind. We are committed to raising questions about why there is a growing trend of girls in the system and the future direction of interventions for girls.

Call to Action

State and local juvenile justice systems are increasingly called upon to address the needs of juvenile female offenders and at risk girls and young women. Based on our research and expertise in the field, the NCCD Center for Girls and Young Women recommends an overhaul of current legislation, policies and practices in order to improve outcomes for girls and young women.

The critical issues that warrant serious attention at the federal level include the following:

- **Escalating Trends:** The escalating rates of arrest and incarceration for girls in the juvenile justice system
- **Criminalization of Girls' Behavior:** Criminalization of girls' behavior that does not pose a public safety threat results in incarceration or institutionalization (i.e., status offenses, domestic violence, violation of probation, violation of court orders).
- **Institutional Abuse:** While the rates of abuse for girls outside facilities are higher than 50%, the rates of abuse for girls inside facilities are even more unacceptable and demand immediate correction. The United States Justice Department has sued nine states and two territories alleging abuse, inadequate mental and medical care, and dangerous use of restraints.
- **Examination of Legislation, Policies, and Practices that Negatively Impact Girls:** Identify and scrutinize policies and practices for undue burden on girls. Ensure equity by evaluating the law's impact on girls.
- **Review Resource Allocation:** Although the JJDP Act of 1992 requires gender-specific services for girls, funding for these services has been woefully inadequate at the state and national levels. Allocate adequate funds to improve outcomes for girls involved in the juvenile justice system.

In Closing

Changing how we respond to girls and young women is not an option. It is vital to the health and well being of our state and our local communities and to the next generation of children.

Our girls are entitled to no less. We are hopeful that you will work with us to accept Maria's challenge "*to be there*" for girls in the justice system – "*to do the things parents could not do*" – and that thus far we have failed to do.

Thank you.



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