

Girls and gender expansive youth and the system: What research tells us we should know and do

End Girls' Incarceration Learning Summit
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Presented by
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NYU

The Institute of Human Development
and Social Change

Who are we?

- Faculty in Department of Applied Psychology at NYU
 - Trained in community, clinical, and developmental psychology
 - Direct NYU's Institute of Human Development and Social Change and Prison Education Program
 - Co-lead the RISE lab
- Experienced in intervention and research to support girls and gender-expansive young people in juvenile legal and child welfare settings in New York, California, and nationwide
- Research-practice-policy partnerships with the legal system, community based organizations, and advocacy groups



RISE Lab



Our plan for today

Use research to:

- Unpack the realities and experiences of girls and gender-expansive young people in the system
- Think through the root causes of system involvement among girls
- Illustrate how the system's response to girls may be ineffective
- Present alternative approaches to effectively engage with girls and meet their needs
- Generate initial ideas about alternatives in Sacramento



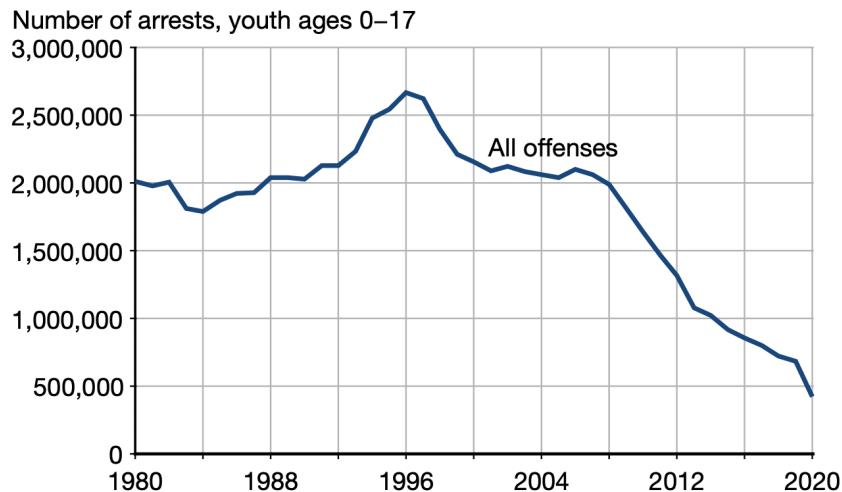
Facts and patterns about girls and the system

The United States incarcerates more girls than any other country in the world

- Between 1980 and 2021, the number of incarcerated women increased by more than 525%
 - 26,326 in 1980 → 168,449 in 2021
 - Number decreased initially during COVID-19, but increased by 10% in 2021
- On a typical day, 15% of youth in residential placement are girls
- About 1 in 3 youth in the JLS and 1 in 2 in CW are girls
- System contact, and the multifaceted risk factors associated with it, constitute a major challenge to public health and lead to premature death for women and girls

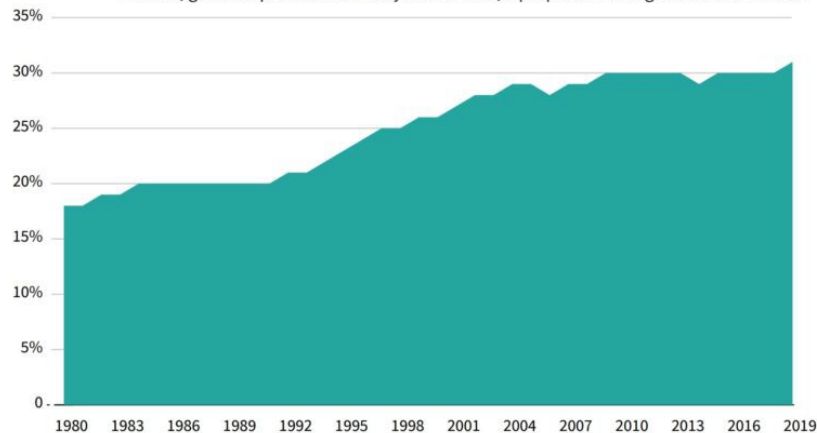
Nationwide, arrests are down – but not for girls

The number of arrests involving youth fell 84% between the 1996 peak and 2020



Girls Comprise a Growing Proportion of All Teen Arrests, 1980-2019

In 1990, girls comprised 18% of all youth arrests, a proportion that grew to 31% in 2019.



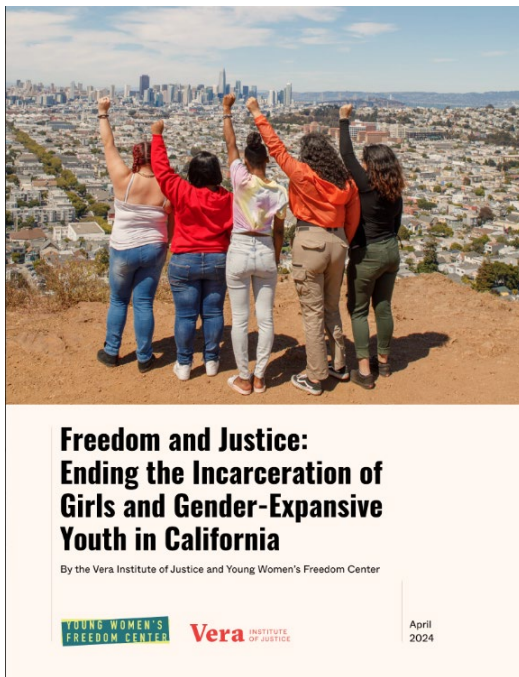
Source: Sickmund, M., Stadky, T.J., Kang, W., & Puzzanchera, C. (2019). "Easy Access to the Census of Juveniles in Residential Placement."

In CA and Sacramento

Girls are faring better

In California:

- Between 2012-2022, juvenile arrests in CA declined by 79% overall and 81% for girls
- Girls' arrests made up about 25% of all juvenile arrests in 2022
- Girls' detention admissions dropped by 72%



In Sacramento County:

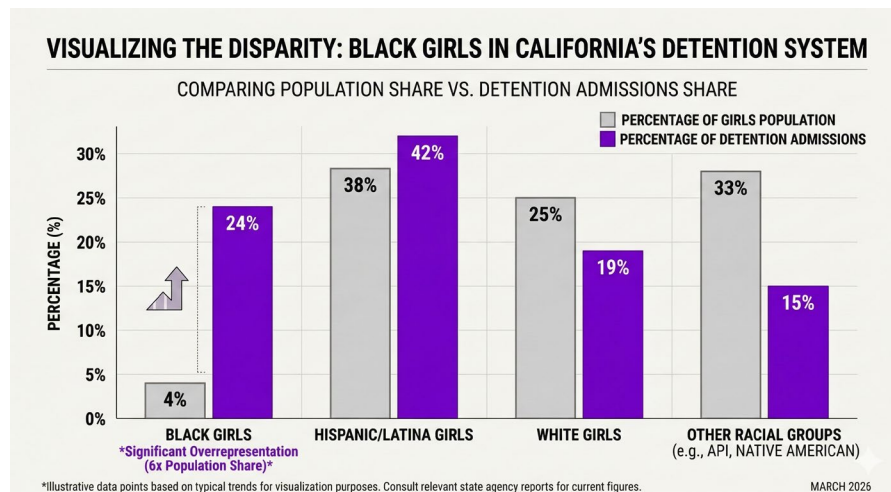
- There has been a dramatic reduction in youth detention with more than an 80% drop in bookings, including for girls
- There were only 9 girls in detention in 2022

Room for hope... but massive inequities persist

In CA, Black, Brown and Queer youth are overrepresented in detention :

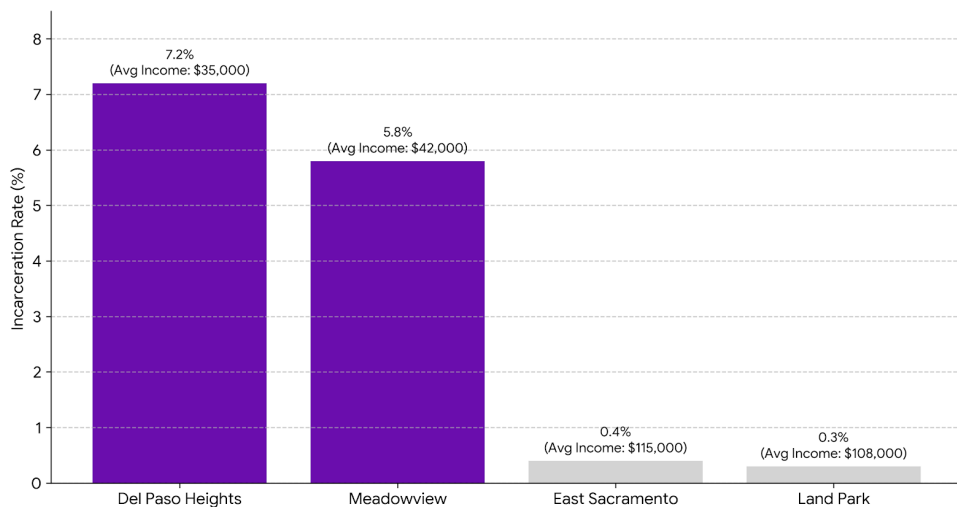
- Latina girls make up the majority of girls' detention admissions
- Black girls make up 24% of girls' detentions, even though they are a much smaller share of the CA youth population
- As many as 51% of girls and gender-expansive youth in detention identify as lesbian, bisexual, queer, gender nonconforming or transgender

Approximately 75 percent of youth entering juvenile detention meet the criteria for a mental health disorder.



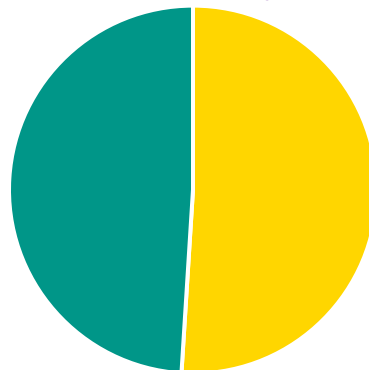
Room for hope... but massive inequities persist

The Sacramento Carceral Cliff:
Incarceration Rate by Neighborhood (by Age 30)

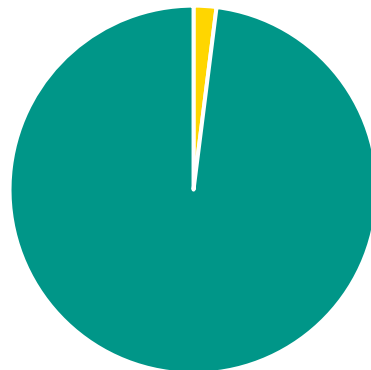


In Sacramento, Black girls and gender expansive youth make up over 50% of girls in custody, despite representing 2% of the county's youth population

% of **Black Girls**
in Custody



% of **Black Girls**
in Population



Inequities in CA mirror national patterns in who is most likely to have system contact

60+%

are
Black, Latina,
Native, or
Asian/Pacific
Islander

90%

live in
segregated
poverty

75%

have
experienced
physical
and/or sexual
abuse

44%

have
attempted
suicide

20+%

are
LGBQ/
TGNC

60+%

experience
housing
precarity

60+%

Meet criteria
for mental
health
disorder

71%

have had
substance-
related
problems

System has different thresholds when it comes to girls

Girls and boys commit status offenses in roughly the same numbers, but the proportion of girls arrested and referred to juvenile court for status offenses is higher:

- Girls represent 34% of those placed in a juvenile facility for skipping school, violating curfew, violating probation, and other so-called lower-level status offenses
- Girls are > 50% of youth incarcerated for being runaways.
- Girls are confined with below threshold risk assessment scores and for longer

In CA :

- 69% of girls' arrests were for misdemeanor offenses — many low-level charges like petty theft and status offenses such as running away or curfew violations.

System has different justifications when it comes to girls

Hidden assumptions and expectations about “appropriate girl behavior” and safety

- Research finds more attention is paid to girls’ than boys’ physical appearance and sexuality in official case files
- Boys’ sexuality only played into court decisions when the behavior was criminal, but girls’ sexuality played into decisions when it violated societal norms

Our study of case file data in New York looked at the reasons why girls are more likely to be charged with status offense petitions than boys

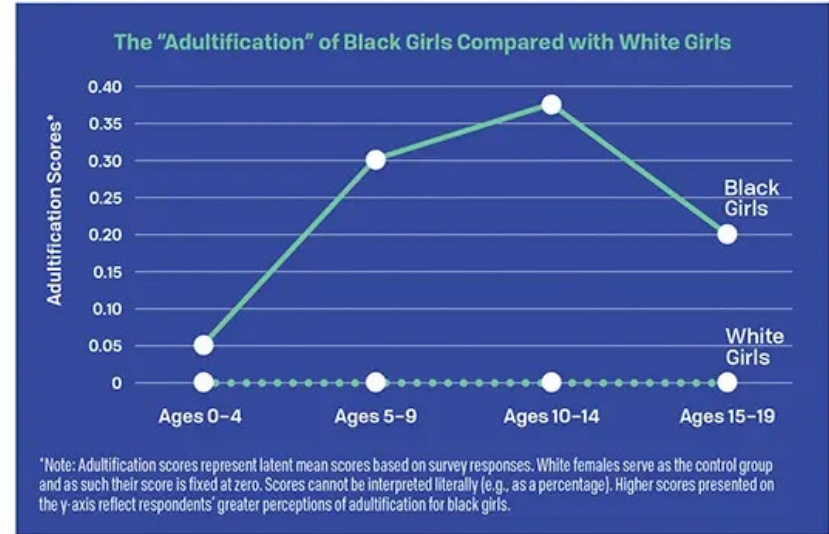
- 50% were filed based on “fears about girl’s safety”
- 38% were filed based on girls not “doing what they were told”
- So, for “her own protection” and violating gender norms

The most common justifications for boys’ status offenses?

Hostility and community safety.

System has different justifications when it comes to girls

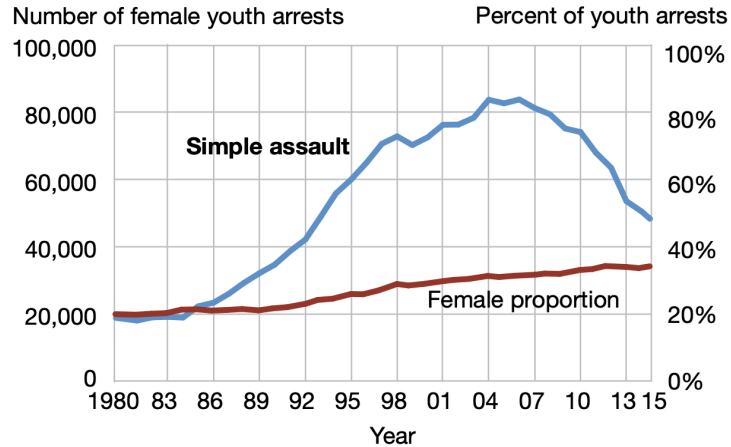
- Black girls are more likely to be viewed as more “adult-like” and less innocent compared to her white peers, this is referred to as “adultification”.
- Black girls significantly more likely to be cited for “subjective” behaviors like defiance, disrespect, attitude.
- Black girls have 1.27 times higher odds of experiencing anger bias, a phenomenon where adults misinterpret emotions as anger or aggression, compared to white adolescents.



The result?

Prosecutors dismissed up to 70% cases against white girls, but only 30% against black girls.

This carries into more serious charges



- Our study in New York State finds evidence that petitioners have a lower threshold for alleging simple assaults for girls
- The most common language for charging assault for girls included “tussle”; “slap”, and “push”; whereas for boys references to weapons and injuries were much more common
- Girls’ assaults were also discussed in relation to girls’ “attitude” and “disrespect”

Girls account for 35-38% of all juvenile simple assault arrests in CA

Small Table Discussion:
What information resonates with what
you see in your work? What explains
some of these patterns? What's left out?



Group Shareback:

Use post-it notes to record your thoughts
and reactions



“Yes! And...”



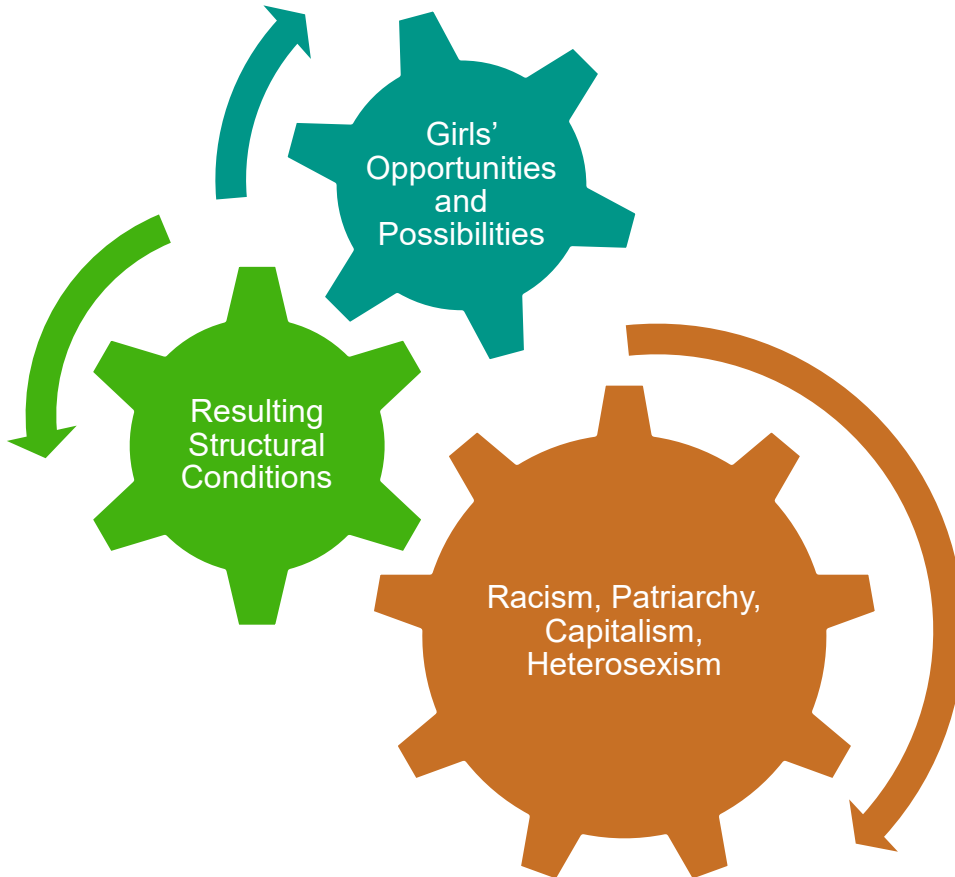
“Yes, but...”



“Not sure, have
you considered...”

**How is the system positioned
to respond to girls?**

Structural precarity undergirds system response



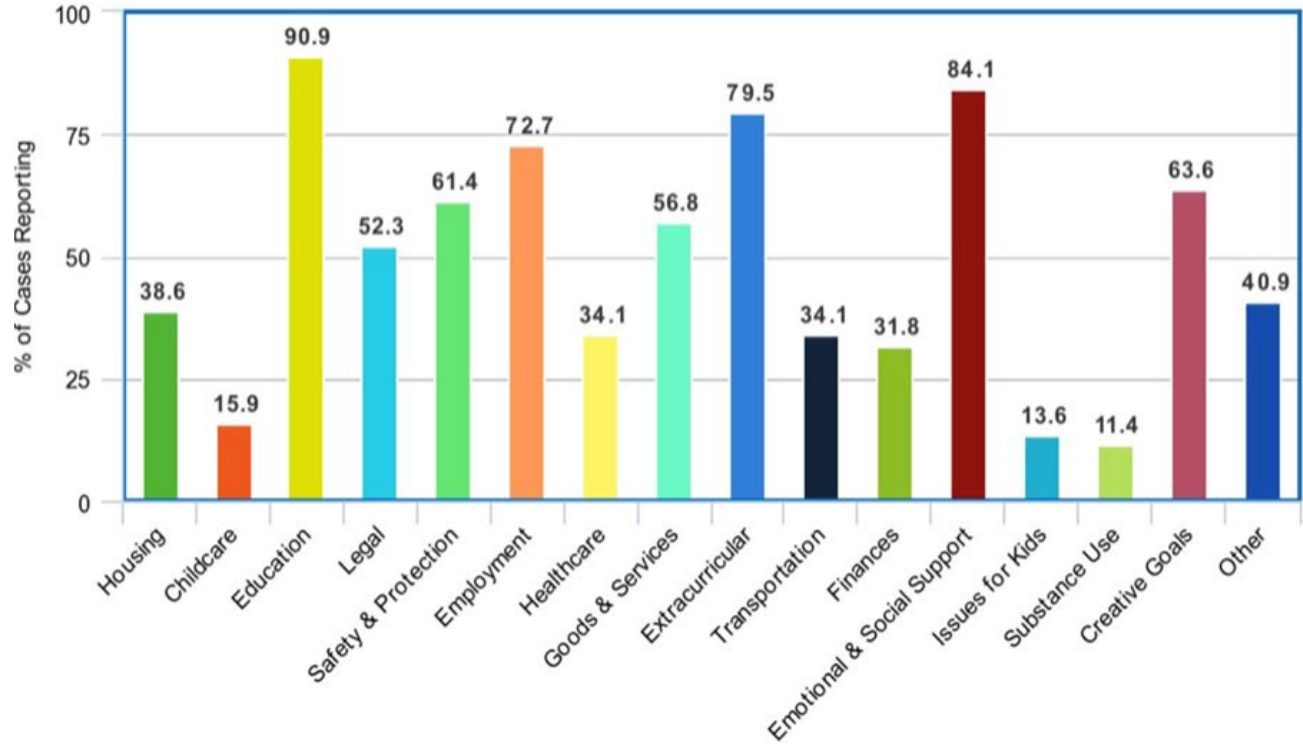
- Children growing up in the lowest-income families are up to 20 times more likely to be incarcerated as adults growing up in the highest-income families
- 50% of black women have had a male loved one incarcerated for more than a decade
- 1 in 4 Black, Brown and Indigenous children have a parent incarcerated before they reach age 14
- 500% increase in policing since the 1994 crime bill
- 30-50% of fathers and sons in “high-stakes” neighborhoods under carceral supervision

Girls have a multitude of overlapping, complex unmet needs

Girls report **10+** areas of unmet need

- **60%** indicate needs around their own safety
- **50%** indicate needs around navigating the legal system
- **90%** indicate needs around education and school pushout
- **70%** indicate need for economic resources
- **40%** report imminent risk of losing housing

Girls' self-reported unmet needs



System's response to these needs and realities creates pipelines to prison for girls

What do we mean by pipeline?

Pipelines are created by the default actions of the system taken at the point in girls' experiences where there is heightened risk of or need.

Economic
Resources and
Survival Crimes
Pipeline

School Pushout
Pipeline

Trauma, Mental
Health and
Family Conflict
Pipeline

Housing
Instability
Pipeline

Child Welfare
Pipeline

System's response to these needs and realities creates pipelines to prison for girls

System Defaults

- Double binds that pit moms against their children
- Lack of alternative programs and resources
- Girls blamed for lack of engagement
- Increased surveillance through available programs and treatments
- Entrapment in the system through confinement as housing and safety

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System defaults don't work and they cause harm

- Multi-system failure, net widening
- Unnecessary confinements of all types
- Longer confinements
- Isolation from community and social supports
- Intergenerational incarceration
- All for what often starts out at low-level offenses



“That’s so much trauma. Me personally, after I went to juvie, I looked at myself as a criminal. I used to joke around saying, ‘I’m a criminal.’ It’s a negative mentality, how they perceive us after being in that position.”

— Susana

The experience of incarceration is the most significant factor in increasing the odds of recidivism. The odds of returning to custody increased 13.5 times for youth with a prior commitment.

System defaults don't work and they cause harm

Detention and confinement leads to other profound and potentially negative consequences such as exacerbated health issues and separation from family, school, and community.

Psychological and social stressors associated with incarceration contribute to increased mental health challenges and suicide risk among incarcerated and formerly incarcerated youth.

Experiences inside traumatize and retraumatize girls



System defaults don't work and they cause harm

"I don't think that people know what's happening with their tax paying dollars inside of the facility. Even as somebody that experienced a lot of sexual violence on the streets, so, first thing that had happened to me when I went in there, is that I was strip-searched. And every time any adult would come around me, I had to get strip-searched again, over and over."

— Elena



"It made me terrified to ever go back to any type of carceral setting, any type of institutional setting. I don't want to ever go seek mental health help because I feel like I might get kept there . . . I'm paranoid of getting in any type of trouble ever because I'm terrified of going back and I'm terrified of being around police."

— Lisa



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

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



April
2024

*“Every system
is perfectly
designed to get
the result that it
does.” — W.
Edwards
Deming”*

Sexual Violence, Including Commercial Sexual Exploitation

Girls in the juvenile justice system experience sexual violence at much higher rates than their peers outside of the justice system.

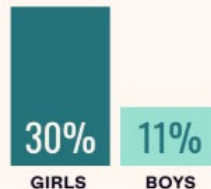
Cis and trans girls, gender-expansive youth, and LGBTQ youth of all genders are at particular risk of sexual exploitation.

Family Conflict/Violence

84%

of girls in the juvenile justice system have experienced family violence.

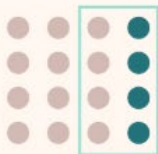
Mental and Behavioral Health



youth in juvenile detention who meet criteria for major depression.

Girls' pathways into the juvenile legal system⁹⁴

Crossover from Child Welfare Systems



Girls account for **25%** of youth justice cases

and up to **50%** of young people dually involved in juvenile justice and child welfare.

School to Prison Pipeline

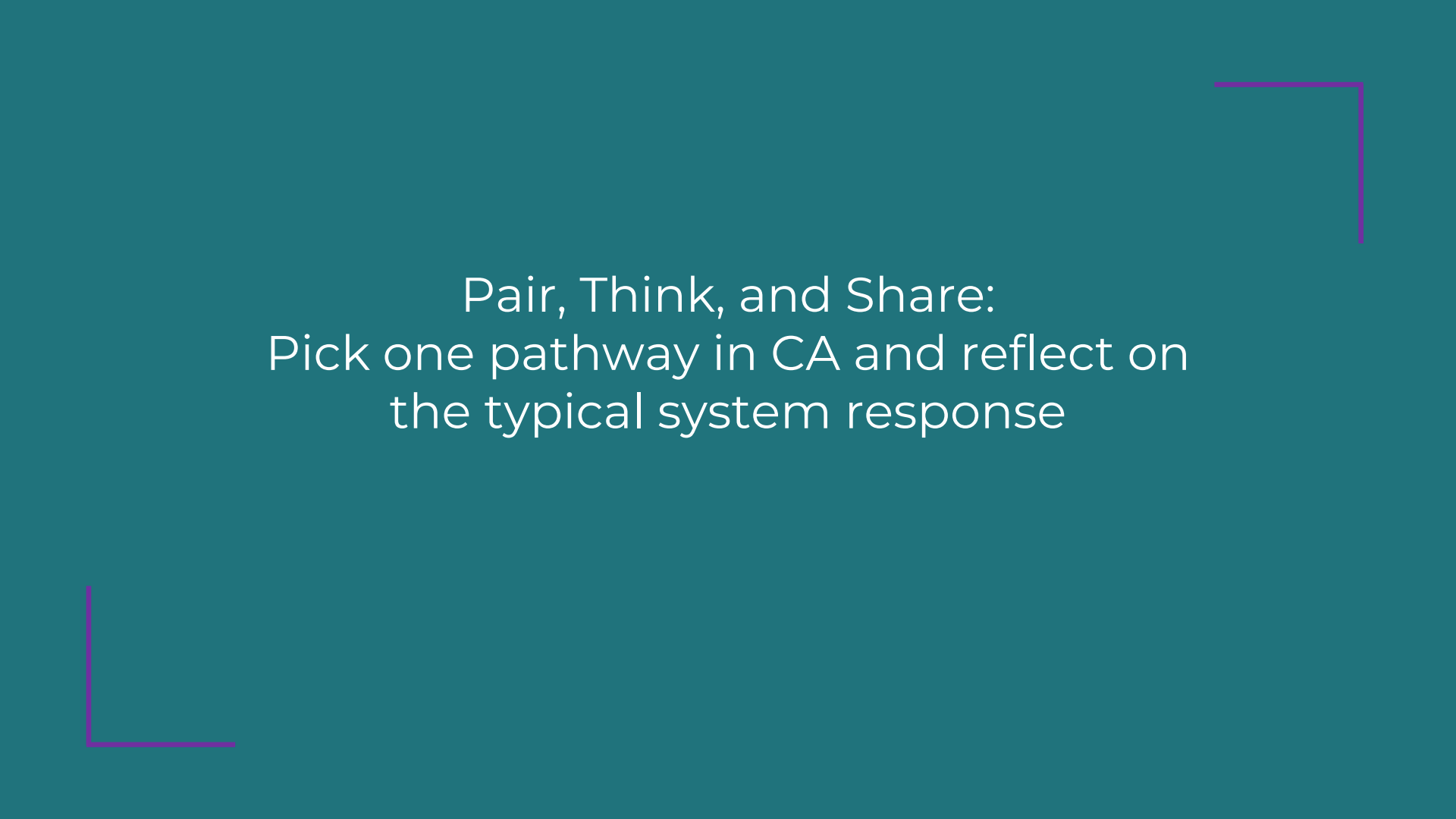
Girls of color are disciplined at significantly higher rates than their peers.

Black girls are over five times more likely than white girls to be suspended at least once.

5Xs

Black girls are three times more likely than white girls to receive referrals to law enforcement than their white peers.

3Xs



Pair, Think, and Share:
Pick one pathway in CA and reflect on
the typical system response

Diving deeper into how the system's response creates pipelines to prison for girls

"I needed the money at the time . . . instead of going to jail they could have let me off with a warning or helped me with resources."

— Aaliyah

"I'm still healing from a lot of things that I went through... I wish I had learned tools to take care of myself and heal so I could move in the world better instead of moving with hurt and hurting other people." — Lillian

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"I got into a physical altercation with my mom and she called the police on me. [But] it was basically self defense—[my mom] was with a guy that liked my little sister and they was doing inappropriate things in the same room as me and my sister."

— Tracey

Kyra's Story

Kyra is a 15-year-old Black girl from New York who was arrested for simple assault when she was involved in a conflict with classmates about social media.

At 15, she had already been transferred four times between different middle and high schools. Kyra had been raped at school a few months prior to this and had started experiencing panic attacks as a result. Kyra began smoking marijuana frequently and skipping school and received a number of disciplinary incidents at school, some stemming from an administrator who attempted to physically restrain her.

Prior to her arrest, Kyra had 8 child welfare referrals submitted on her behalf and was removed from her home at 12 following a claim of physical abuse when her mother hit her. Her father has a long arrest history that includes drug, vehicular, alcohol, domestic violence, battery, threat and vandalism charges. Kyra credits her brother as her primary support system, but he had been incarcerated on gang charges shortly before her initial arrest.

She cries whenever she speaks about him.

Economic
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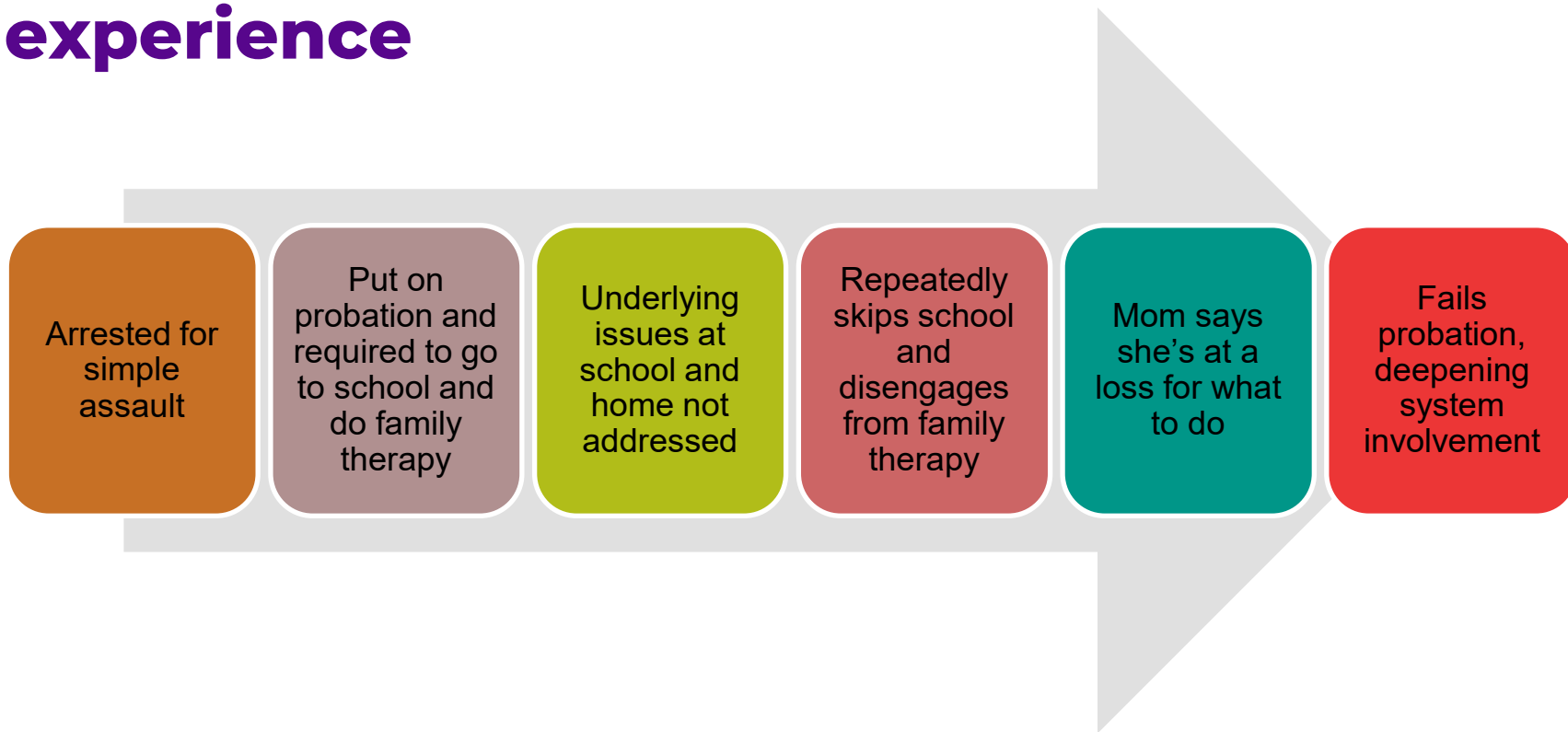
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One prototypical system response to Kyra's experience



Inez's Story

Inez is a 17-year-old Latinx girl from California who was arrested for aggravated assault.

At the time of the incident, Inez's family was homeless. Her mother was living in a motel, and Inez was staying with her grandmother and cousins. The police were called in response to a family conflict that started when Inez stated she was going to attempt suicide. The conflict escalated when Inez's older cousin tried to lock Inez out of her room and the police were called. Reports show that she had attempted suicide twice before.

Inez's father is currently serving a 9-year prison term for domestic violence, and Inez had to testify against him during the proceedings. Her mental health report included a number of provisional diagnoses, including major depressive disorder and multiple substance use disorders.

Though she was a special education student, and despite not being formally enrolled in school at the time of the case file review, Inez had taken the initiative to educate herself on politics and expressed a desire to be politically active in the future. She wants to work on behalf of others and to secure equal rights for women of color.

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One prototypical system response to Inez's experience



Diving deeper into how the system's response creates pipelines to prison for girls

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— Tracey

Small Table Discussion:
Based on everything you've heard so far,
what else do we need to know about the
unique experiences and realities in
Sacramento County?



What can we do together?
Building a visionary evidence-
based roadmap for systems
change

System Change Strategies



Ameliorative
Change
“Make the
system better”

Incremental
Change
“Make the
system smaller”

Transformational
Change
“Strategically
repurpose
system’s
function”

Identify your system defaults

Identify where, for whom, and under what conditions the system responds to girls' needs with carceral logic over care

Risk Assessment Overrides:

- Casefile reviews revealed that girls consistently received lower "risk scores" than boys but were held in confinement longer via overrides.

The Residential Treatment Trap:

- Research shows girls often enter residential care (RCTs) with no prior arrest record but receive their first criminal charges while in the facility for behavioral "acting out."

"Double Bind" of Surveillance:

- Research across jurisdictions shows that families are currently forced into a "choice of evils": label their daughter "delinquent" (Juvenile Justice) or label themselves "neglectful" (Child Welfare) to access resources or avoid harsher consequences.

Funnel Systems Entrench System Defaults:

- Mapping the "cross-over" of girls who are multiply marginalized reveal entrenched on-ramps via Special Education, Child Welfare, School Policing

Ameliorative Change

Band-aids to make the system “better” without addressing root causes.

- Feels “better” in the short term, but often recreates carceral logic under a different name and leads to net-widening

Comes with a human cost

- To girls, and also to the system as it asks for more labor and innovation from system actors, without addressing deeper issues, leading to burnout

Examples

- Specialized girls’ courts
- Trauma-informed training for SRO’s without changing their power to arrest

Incremental Change

Incremental change to make the system smaller

- Incremental changes function to diminish the net so fewer girls can enter.

However,

- It can heighten inequities for the “deep-end” girls who remain – those who are most precarious

Examples

- Disallowing risk overrides
- Prohibiting arrests in group homes or treatment settings for non-violent behavioral infractions
- Make a plan to release girls from confinement/placement

Precedent: Lucas County, Ohio, established a formal MOU prohibiting police from being called for behavioral infractions in congregate care that would not be a crime if committed in a private home.

Precedent: EGI national approach to get to zero. NYC instituted a "Home First" default for non-secure placement: where girls are released from placement and rules are "bent" to accommodate underlying needs .

Transformational Change

Transformational change to strategically repurposes the system's function for girls

- This diminishes the net and reduces inequities because it fundamentally transforms what the system does.

Systemically
eliminating
known defaults

Changing
defaults to
freedom and
equity

Building
alternatives
outside the
system

Transformational Change

Systemically
eliminating
known defaults

School-based arrests

- **Precedent: Oakland Unified (OUSD) 2020 Resolution.** Completely eliminated the district police department and reinvested **\$6M** into restorative justice and mental health professionals

Abuse, survival crimes, and CSEC

- **Precedent: CA SB 1322 & SB 357.** Legally established that minors cannot be arrested for prostitution-related offenses, shifting the default from "offender" to exploited youth. **Must eliminate relabeling that occurs from it.**

Status offenses

- **Precedent: Connecticut (2017).** Legally removed "truancy" and "defiance" from court jurisdiction, shifting them to community Youth Service Bureaus. (Globally mirrored in **Scotland** and **Scandinavia**).

Bootstrapping

- Prohibiting the use of technical violations (missed curfews) to escalate a girl into locked detention.

Transformational Change

Changing
defaults to
freedom and
equity

Mandatory off-ramps

- **Precedent: Florida's "Civil Citation" Model.** Mandates that for common youth offenses, police must issue a citation instead of an arrest unless they obtain supervisor approval for an override.

Economic guarantees

- Many international studies show impacts on reducing poverty, especially among women
- Multiple US examples during “pandemic innovation”
- **Precedent: YWFC** Santa Clara County’s Economic Empowerment provided \$500 or \$1000 per month of unconditional cash transfers, and found dramatic cuts in recidivism alongside individual transformation *“I feel like I can breathe”*)

Transformational Change

Building
alternatives
outside the
system

Housing safety without surveillance

- Decades of research shows that the single most important predictor of homelessness is lack of access to affordable housing
- **Precedent: Beloved.** Provide stable housing not contingent on court compliance, leveraging established kinship and community networks outside of child welfare

Fully community-based mental health resources

Fully community-based gender-responsive alternatives

Principles of gender-responsive programming



Principle 1:
Take a Structural Approach



Principle 2:
Prioritize Self-Determination



Principle 3:
Humanize Girls



Principle 4:
Shift Accountability to Programs

Strategies

- Put relationships at the center of care and access to resources
- Ensure access to essential resources
- Prioritize autonomy and self-determination
- Emphasize flexibility, fun, and engagement
- Deliver services in the community
- Push back against systemic demands
- Build coping strategies and patience within your program to handle inevitable challenges

Small Table Discussion:
Generate some initial thoughts and
brainstorms on how to build better
solutions for girls here in Sacramento
County



The background of the slide is a photograph of the NYU Steinhardt building facade, featuring classical architectural details like columns and a decorative frieze. A flag with the NYU torch logo and the letters 'NYU' is flying on the right side. The entire image has a purple color overlay.

Thank you!



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