

s abuse each other at a young age
p when I was 6 years old”



“I grew up believing I was worthless

“Never once growing up did anyone in my household
tell me that they loved me or cared”

s throwing stuff at my mom and me
of glass after hitting me repeatedly”

UNHEARD

**The Epidemic of Severe Childhood Trauma
Among Girls Tried as Adults**

“From the sexual abuse I endured and the over exposure to sexual materi
I saw myself as something to be used rather than someone to be loved”

“I grew up poverty stricken”

“The first time I was abused I was 5 years o

“That scar is small now but it's one of
many reminders of my abuse as a child”

This report is dedicated to the 892 women we identified who were prosecuted as adults and incarcerated in women's prisons for crimes committed when they were children. At the time of publication some of these women have since been released, but far too many remain incarcerated.

You are not forgotten, and we stand by you on your journey towards healing and peace.

Acknowledgments

We are incredibly grateful to the 76 brave women who shared the trauma and exploitation they experienced in childhood prior to coming into the justice system which informed this report.

We would like to thank our partners and generous funders, without whom this report would not have been possible. We especially want to acknowledge the Stoneleigh Foundation for enabling HRFK to hire Sara Kruzan as our inaugural Stoneleigh Fellow. Through her fellowship, Sara conducted the outreach to incarcerated women that led to the findings in this report.

We would also like to thank The Just Trust, Grantmakers for Girls of Color, the Abell Foundation, the Justice Action Network Foundation, and the Polsinelli Law Firm who provided critical support for the foundational research underlying this report's data analysis.

Finally, we want to acknowledge the contributions of our partner, Richard Ross, and his team at Juvenile-In-Justice, who provided the powerful imagery profiled throughout this report; as well as the contributions of Abby Halsey-Kraus, Austin Mboijana and Marlo Friedland whose data analysis was crucial in the development of this report.



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Stoneleigh Fellow

Sara is an advocate for resilience and moral values. Through her fellowship, Sara leads outreach efforts to identify individuals who are currently and formerly incarcerated across the nation for offenses committed against their abusers and/or traffickers. She publishes a quarterly newsletter for women who are currently incarcerated for crimes committed as children. She is inspired to create works and share light upon and alongside the shadowed voices of individuals who identify with experiencing moral injuries and crimes against humanity.



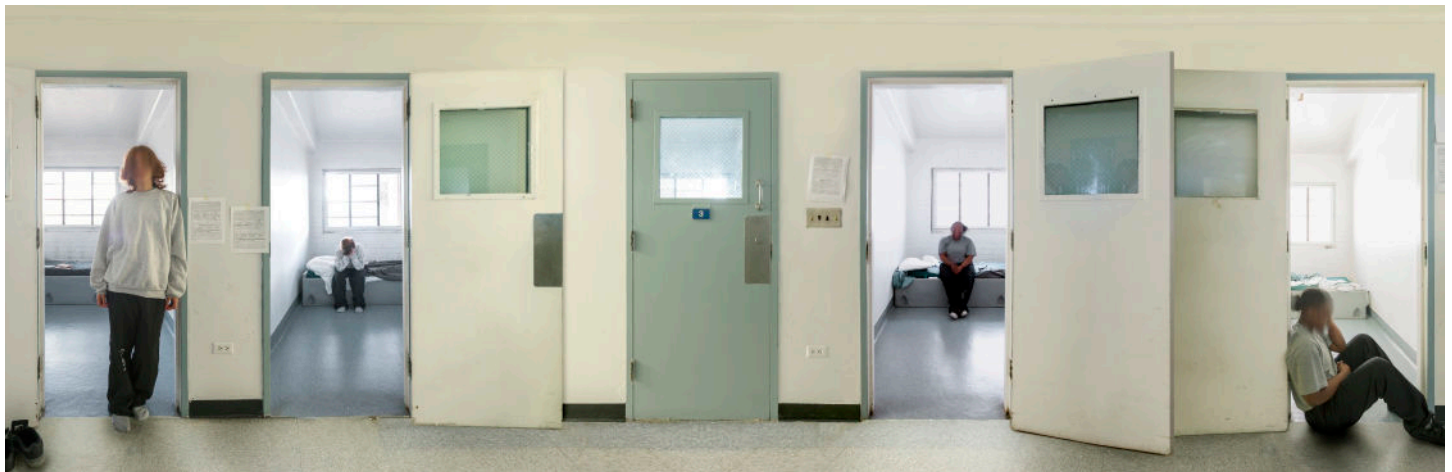
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Introduction

One of the most egregious human rights violations in the world today is the victimization and exploitation of children. Far too often, abused and neglected children, especially girls, go unnoticed in their communities, but the trauma of their experiences nevertheless continue to metastasize over time. Because many of these children are not identified, they are never given the opportunity to heal from the pain and trauma they've experienced. This leads to negative life outcomes as these children age, including their involvement in the criminal justice system, which was not built to effectively treat or care for youth with severe childhood trauma. Instead of caring for these child victims, we subject them to harsh punishment, continued victimization, and compounded trauma. This experience is common for girls who are prosecuted as adults in the United States, with nearly all of them having experienced some form of abuse or victimization prior to their system involvement.¹

In our previous report *Crimes Against Humanity: The Mass Incarceration of Children in the United States*, we received data from 45 states on everyone currently incarcerated in U.S. prisons for crimes committed as children. We found that 32,359 people in our prisons today have been there since childhood, which constitutes nearly 3% of the adult prison population. This mass incarceration of children was a direct result of the rhetoric surrounding the Super Predator Era of the 1990s, which sought to demonize youth of color and make it easier to charge them as adults.² Prosecuting and incarcerating children as adults is in direct violation of Articles 10 and 14 of the International Covenant on Civil and Political Rights. Its continued practice in the U.S. has resulted in one of the single largest government-sanctioned violations of children's rights in the world today.³ This report focuses on the 892 women we identified who have been incarcerated since childhood. We sought to help them tell their stories and detail the scope of the human rights violations committed against them.



To do this, we did two things: first, we isolated women from the data analysis we previously performed and reanalyzed the data with just them;⁴ second, we provided all the women we identified with an Adverse Childhood Experiences (ACEs) survey to assess the prevalence of childhood trauma they experienced prior to their incarceration and then analyzed the data from surveys sent back.

The responses we received paints a dire picture: the vast majority of women in adult prison for offenses committed as children were victims long before they were offenders. They survived emotional, physical, and sexual abuse, exploitation, neglect, domestic violence and compounded trauma within their homes; most of them also came from broken homes where their parents were separated due to divorce, incarceration, or both. The trauma and pain these girls endured largely went unaddressed, and is tied to the moral injury they experienced before and during their incarceration.

There has been a collective and systemic failure from system stakeholders to see these girls as victims. We have made an active choice as a nation to warehouse them in adult prisons rather than to address the childhood trauma that brought them into the system to begin with. If we are to be a nation that cares about victims of childhood abuse and trauma, we must care about the children in the criminal justice system because that is where they end up when every other system fails them.

Historical Realities Faced by Girls in the Justice System

Girls are especially vulnerable to system-involvement resulting from their prior victimization. On the front end, girls are more likely to be arrested for status offenses such as truancy and running away, which often happen in response to issues in the household.⁵ This exposure to the justice system can result in detention or other punishment, rather than referral for services. Detention itself can be a pathway to victimization; women experience higher rates of sexual abuse among prisoners, especially those under the age of twenty-four.⁶ Victimization can also result from physical structures within detention facilities that were not built with girls' unique circumstances and needs in mind. For example, the lack of resources for female hygiene needs, limited personal space, and the lack of curtains for showers or toilets are all detrimental to the health of developing girls. During a female menstrual cycle, girls must still comply with being stripped searched due to institutional safety needs. If a girl is using a preferred sanitary product such as a tampon, they are required to remove it before a strip search. This practice is dehumanizing and contributes to the moral injury felt by the girls who have experienced degrading forms of abuse.



Early criminalization can also bring girls into the justice system in situations where they shouldn't even be considered offenders. The most egregious example of this is when girls are arrested for prostitution. Between 2010 and 2020, more than 6,200 children were arrested for prostitution and commercialized vice in the United States.⁷ Approximately 690 of these children were 14 years of age or younger.⁸ There is no such thing as a child prostitute and, therefore, no child should ever be arrested for prostitution. They are always victims. Deciding to define girls as offenders rather than victims fosters distrust in the justice system, as abusers and traffickers are shielded from accountability which creates a perception that authorities are not there to protect the child.⁹ The detrimental effects of this approach cannot be understated; if young girls who have been victimized are driven away from authorities, the only place they will feel they have to go is towards their abusers.

Violence is a part of the lives of most girls that come into the justice system,¹⁰ but if that system exacerbates the trauma and pain girls experience by treating them as criminals, then it is doing nothing to solve the problems that brought that child into the system in the first place.

What is important about understanding a child's victimization is the impact it has on their brain development and behavior, especially when the resulting trauma is left unaddressed. Two conclusions can be drawn from this: (1) The solution for system-involved youth must include screening for childhood trauma and developing treatment plans to address that trauma; and (2) The dire need for effective strategies that will prevent children from becoming victims in the first place, as this will inevitably lead to a decrease in crime committed by youth.

Impact of Victimization and Trauma on Development



Studies have shown that the overwhelming majority of youth who engage in delinquent or criminal behavior have histories of Adverse Childhood Experiences (ACEs) and early childhood trauma. Trauma from ACEs includes physical, sexual, and emotional abuse; physical and emotional neglect; separation from parents; mental illness or substance abuse in the home; parent or sibling incarceration; or domestic violence in the home.¹¹ The connection between trauma, exposure to violence, and criminal behavior is important context to understand why children become system involved.

Pediatric imaging studies demonstrate that both cerebral and cerebellar volumes are smaller in abused and neglected youth compared to non-maltreated youth.¹² Smaller cerebral volumes are significantly associated with earlier onset of PTSD which has been linked to adverse brain development in areas responsible for executive functioning. Thus, childhood trauma can have detrimental effects on the brain networks that establish an individual's ability to think, and regulate their sense of self, motivations, and behaviors.¹³

The timing of a traumatic experience is also important given that youth who experience trauma early in life are more likely to experience other types of trauma and the experience of multiple trauma types is associated with increased post-traumatic stress reactions, difficulties in emotion regulation, and internalizing problems. In one study of justice-system involved youth, the most frequently reported trauma included loss and bereavement (61.2%), having an impaired caregiver (51.7%), domestic violence (51.6%), emotional maltreatment/abuse (49.4%), physical maltreatment/abuse (38.6%), and community violence (34%).¹⁴

The confluence of multiple experiences of emotional, physical, or sexual abuse, and emotional or physical neglect at an early age is known as complex trauma, which is exacerbated within pathogenic environments such as poverty, community violence, and household dysfunctions.¹⁵ Exposure to community violence during childhood and adolescence has been linked to internalizing and externalizing problems, PTSD, low school engagement, problematic peer relationships, substance abuse, and sexual risk behaviors.¹⁶ The combination of complex trauma and community violence on externalizing symptoms like rule-breaking and aggressive behaviors creates a “cycle of violence, where the harsh environment constantly interacts with these children, leading to the possibility of their engagement in gangs, criminal activities, and violent behaviors.”¹⁷ Other forms of trauma exposure, beyond child maltreatment, have also been linked to delinquency and justice-system involvement, such as community violence, domestic violence, and traumatic loss.¹⁸ The impact of ACEs and exposure to community violence on child brain development cannot be overstated. The cumulative effect of these traumas on children and their associated consequences (drug use, etc.), coupled with the fact that children’s brains are not fully developed, helps to explain why victimized girls can make impulsive and tragic decisions.

The effects of trauma can influence a child’s perspective on the world, including their relationships, the choices they make, and their reactions to the environment around them. However, many of these reactions to extreme stress and trauma are an unconscious survival mechanism to help handle the pain victims experience. For example, victims of human trafficking can develop trauma bonds with their abusers, which is where a dysfunctional attachment occurs in the presence of danger, shame, or exploitation. Trauma bonds come about in response to exploitative patterns of seduction and grooming, and victims who develop trauma bonds can come to romanticize this exploitation as well as learn to love the tolerance of pain that has defined their experience with their abusers.¹⁹

Beyond just behavioral changes, trauma and victimization can have serious lifelong physical impacts on children as well. Girls who experience sexual abuse can develop multiple negative health outcomes, including

childhood PTSD,²⁰ earlier onset of puberty, cognitive deficits, depression, dissociative symptoms, maladaptive sexual development, hypothalamic–pituitary–adrenal attenuation, asymmetrical stress responses, high rates of obesity, increased illnesses and healthcare utilization, diminished educational performance, persistent posttraumatic stress disorder, self-mutilation, physical and sexual re-victimization, childbirth complications, teen pregnancy, drug and alcohol abuse, and domestic violence.²¹

The combination of these factors can be destructive for a young girl, however girls and women also have great capacity to heal from their traumas through resilience. For example, there are many young girls who have experienced every measurable adverse childhood experience prior to incarceration and have been able to overcome that trauma and fully reintegrate as contributing and positive members of society. Nevertheless, it is critical to understand the role that trauma has on a child’s development and their subsequent behavior. Exposure to consistent trauma and exploitation can lead to negative associations and distrust even in positive environment or with people who may genuinely care for the youth. This social distrust can create a constant negative perception of oneself and those around them.

This dynamic can lead to a cycle of uncertainty for the child, as well as feelings of mental and emotional exhaustion that results from living in a perpetual state of “fight or flight,” which is common among victims with PTSD. When left unaddressed a child’s reaction to trauma can lead to social outbursts and behavioral issues that may lead them to harm others. While this action may be perceived as criminal intent, it is important to recognize two things: first, a traumatized child does not have the same brain development or functionality as a child who has not experienced trauma, and second, a child’s behavioral response to trauma should never be substituted for intent or malice under the law. Instead, courts and system stakeholders must ask discerning questions to identify the source of the child’s behavioral response and ensure the child receives age-appropriate and trauma-informed accountability that centers healing and social reintegration.

Survey Methodology

In our research for our initial *Crimes Against Humanity* report, many states provided us with identifying data, such as names or correctional numbers for people currently incarcerated for crimes committed as children.²² Using that information, we isolated the female population and sent letters out to as many of these women as we could reach. It is important to note that in the time between the release of our *Crimes Against Humanity* report and our direct outreach, some women within this population were released, paroled, or moved to a different facility, meaning that we were unable to reach them with the data we had.

We also identified an additional 82 women from the state of California after we isolated our data to control for correctional institution.²³ We included a letter of support, as well as a survey of ten questions for them to fill out to detail the Adverse Childhood Experiences they experienced prior to their offenses. The wording of the questions was adapted from the survey that was put out by the National Council of Juvenile and Family Court Judges.²⁴ At the time of this report’s publishing, we received responses from 76 women, which comprises 9.38% of the total number of women incarcerated since they were children.²⁵ In totality, those responses indicate that most, if not all, of the women incarcerated since childhood have been victims of serious trauma before they ever committed their offenses.

Girls Whose Lives Were Defined by Trauma

The average ACE score among survey respondents was 7.7 out of 10; only one recipient recorded experiencing less than three traumatic events prior to their incarceration. More than 90% of the women incarcerated since childhood that responded to our survey have experienced 4 or more ACEs. For comparison, in the CDC’s survey of the general US population only 19.2% of respondents reported having experienced 4 or more ACEs.²⁶ It is unclear what percentage of women in the CDC survey were currently or formerly incarcerated.

PREVALENCE OF ACES IN WOMEN INCARCERATED AS CHILDREN

Number of ACEs Experienced	Count of Responses	Percentage
0	0	0.00%
1	1	1.32%
2-3	6	7.89%
Over 4	69	90.79%

PREVALENCE OF ACES IN GENERAL POPULATION

Number of ACEs Experienced	Percentage
0	36%
1	22.1%
2-3	22.7%
Over 4	19.2%

ABUSE

The vast majority of women who responded to our survey were victims of emotional (92%), physical (84%), or sexual abuse (84%) prior to committing their offense. Most of these women experienced all three forms of abuse which often went unidentified or unaddressed prior to and during their incarceration.

Questions	Percentage of Yes Responses
Did a parent/ adult in the household often or very often swear at you, insult you, put you down, or humiliate you and/or act in a way that made you afraid that you might be physically hurt?	92.11%
Did a parent or adult in the household often or very often push, grab, slap, or throw something at you, ever hit you so hard you had injuries and marks?	84.21%
Did an adult or person at least 5 years older than you ever touch, fondle you or touch your body in a sexual way, attempt or actually did have oral, anal, vaginal intercourse with you?	84.21%

NEGLECT

Children have a fundamental human right to love and support, but unfortunately the responses we received indicate that nearly every justice system-involved girl came from a home and community that was devoid of this basic human need. Experiencing neglect has numerous negative effects on a child’s development, both socially and physically.²⁷ The indications of emotional neglect in our responses seemed to be nearly universal, and physical neglect, whether as a result of absent parents or poverty, was also an experience by more than half of respondents.

Questions	Percentage of Yes Responses
Did you often or very often feel that no one in your family loved you or thought you were important or special, or your family didn’t look after each other, feel close to one another or support one another?	94.74%
Did you often or very often feel that you didn’t have enough to eat, had to wear dirty clothes, had no one to protect you or your parents were too drunk or high to take care of you or take you to the doctor if needed?	57.89%

FAMILY SEPARATION

An absent family member can alter the trajectory of a child’s life. It can be a serious source of guilt and pain for children, and often results in the deprivation of love and affection, especially when the person a child loses is a parent.²⁸ Most respondents came from broken homes in some form or another, whether it was through family separation or having a parent or loved one who was incarcerated.

Questions	Percentage of Yes Responses
Were your parents ever divorced?	85.53%
Did a household member go to prison?	59.21%

DOMESTIC VIOLENCE, SUBSTANCE ABUSE, AND MENTAL ILLNESS IN THE HOME

In addition to normalizing negative behavior, being exposed to violence can have a serious long term impact on children.²⁹ We found that a large majority of our respondents witnessed domestic violence growing up. Perhaps unsurprisingly, large majorities also lived in homes where substance abuse and/or mental illness were common.

Questions	Percentage of Yes Responses
Was your mother, father, parent, sister, brother, guardian often pushed, grabbed, slapped or had something thrown at them, or sometimes often or very often was kicked, bitten, hit with a fist or hit with something hard or repeatedly hit over at least a few minutes or threatened with a gun or a knife?	70.67%
Did you live with anyone who was a problem drinker or alcoholic or used street drugs?	75.00%
Was a household member depressed, mentally ill or try to attempt suicide?	67.11%

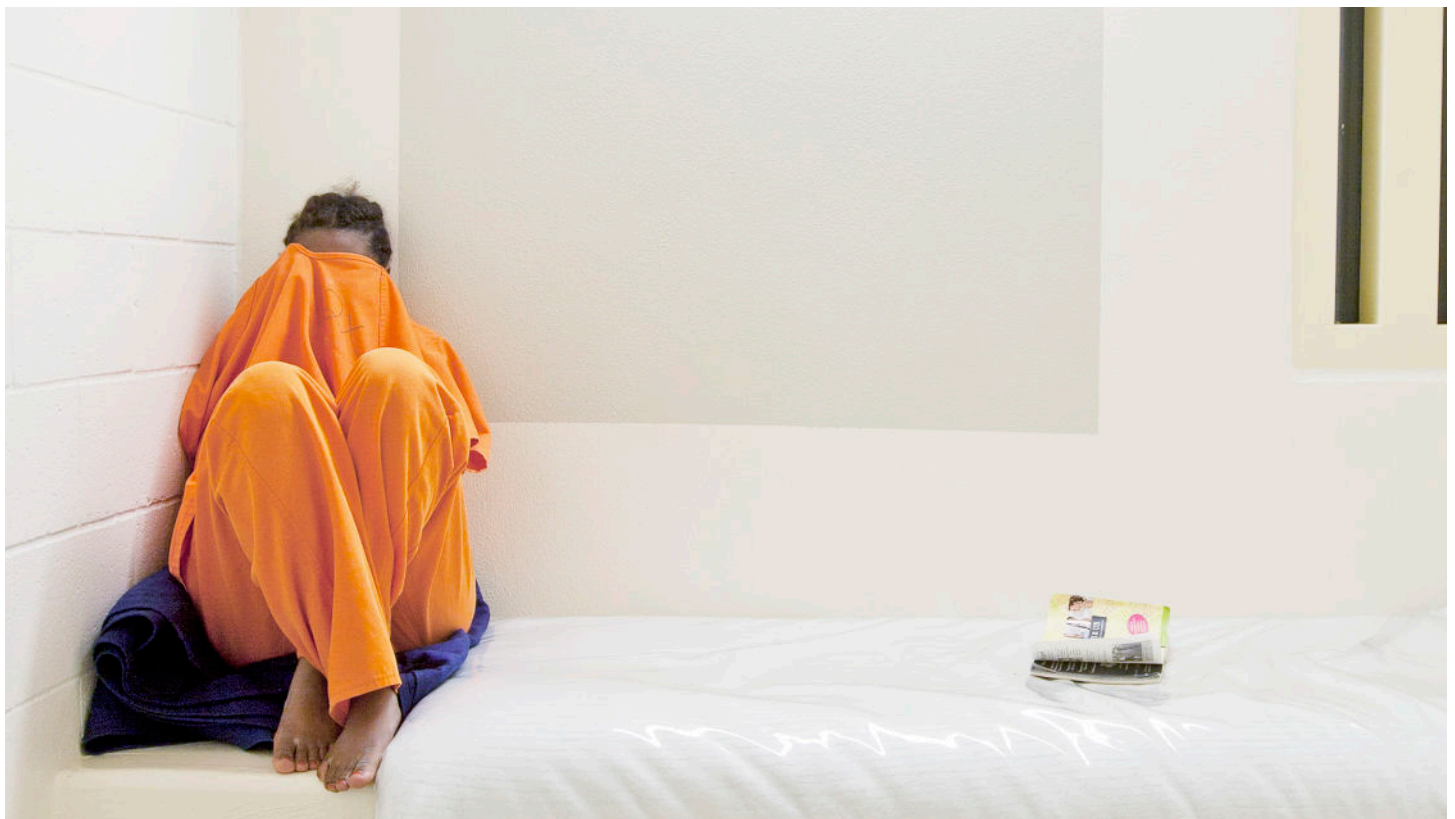
Our Decision-Making in Response to Child Trauma and Victimization

These responses indicate that girls tried as adults experienced significant and compounded trauma throughout their young lives before they were discarded by the justice system and sent to adult prisons. At each stage in their life these girls, who are now adult women, were failed by their families, their communities, and the government systems that were supposed to protect them. Every trauma identified in these surveys represents individual and collective failure by those whose actions or inactions irrevocably harmed these women when they were girls. At that time in their young lives, they had no agency over these decisions, and yet it was inflicted upon them all the same.

One young woman who has been incarcerated since she was 15 has spent more than 23 years inside a prison. She scored 10 out of 10 on the ACEs scale, having experienced every measurable childhood trauma. She is a child abuse survivor. While high on drugs that were given to her by an adult, she tragically took the life of an innocent community member. During her incarceration she has continued to address the causative factors which placed her in a position to harm another person. Her perseverance, accountability, and remorse are a reminder of the human capacity to heal from trauma even in the darkest and most hopeless of places.

It must be understood that the pervasive and lifelong trauma these girls experienced was either correlated to or a direct cause of their offenses as children. Many of these offenses could have been prevented had the things that happened to them been caught, addressed, or prevented from happening in the first place.

The incarceration of these girls in the adult prison system is in many ways a final betrayal, as the mitigating factors of their traumatic lives were discounted, if not deemed irrelevant, when they were being held accountable for their actions. For most of these girls, no one ever asked what happened to them or addressed their victimization with dignity, which made what they experienced in the justice system all the more callous and cold-hearted.



Women Incarcerated Since Childhood

There are 892 women in the adult justice system who have been incarcerated since they were children. This is equivalent to 1.05% of the women's incarcerated population in the United States.

STATE-BY-STATE BREAKDOWN OF WOMEN INCARCERATED AS CHILDREN

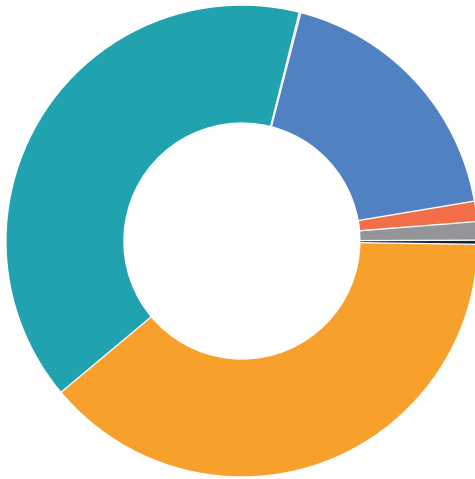
More than half of the women incarcerated since childhood are located in just four states: Texas (25%), Florida (10%), California (9%) and Georgia (7%). The chart below details the total number of women who are incarcerated for crimes committed as children in each state. It also details the percentage that women comprise of the entire population of people incarcerated since childhood, as well as their percentage in the overall female prison population.

STATE	COUNT	% OF TOTAL CHILD INCARCERATION	% OF TOTAL WOMEN INCARCERATION
ALABAMA	5	1.5%	0.56%
ALASKA	N/A	N/A	N/A
ARIZONA	41	4.4%	4.58%
ARKANSAS	12	2.3%	1.34%
CALIFORNIA	82	2.2%	9.15%
COLORADO	9	2.9%	1.00%
CONNECTICUT	11	5.2%	1.23%
DISTRICT OF COLUMBIA	N/A	N/A	N/A
DELAWARE	N/A	N/A	N/A
FLORIDA	91	3.4%	10.16%
GEORGIA	65	5.2%	7.25%
HAWAII	N/A	N/A	N/A
IDAHO	0	0.0%	0.00%
ILLINOIS	19	1.9%	2.12%
INDIANA	2	0.9%	0.22%
IOWA	13	3.7%	1.45%
KANSAS	4	2.1%	0.45%
KENTUCKY	0	0.0%	0.00%
LOUISIANA	37	1.6%	4.13%
MAINE	0	0.0%	0.00%

STATE	COUNT	% OF TOTAL CHILD INCARCERATION	% OF TOTAL WOMEN INCARCERATION
MARYLAND	N/A	N/A	N/A
MASSACHUSETTS	2	1.1%	0.22%
MICHIGAN	8	1.4%	0.89%
MINNESOTA	2	1.1%	0.22%
MISSISSIPPI	14	1.8%	1.56%
MISSOURI	44	4.0%	4.91%
MONTANA	0	0.0%	0.00%
NEBRASKA	3	2.6%	0.33%
NEVADA	11	4.0%	1.23%
NEW HAMPSHIRE	N/A	N/A	N/A
NEW JERSEY	5	2.3%	0.56%
NEW MEXICO	N/A	N/A	N/A
NEW YORK	15	2.0%	1.67%
NORTH CAROLINA	N/A	N/A	N/A
NORTH DAKOTA	2	8.7%	0.22%
OHIO	16	2.7%	1.79%
OKLAHOMA	10	6.8%	1.12%
OREGON	27	5.6%	3.01%
PENNSYLVANIA	15	1.8%	1.67%
RHODE ISLAND	0	0.0%	0.00%
SOUTH CAROLINA	24	2.1%	2.68%
SOUTH DAKOTA	4	6.9%	0.45%
TENNESSEE	25	3.0%	2.79%
TEXAS	229	4.3%	25.56%
UTAH	4	3.4%	0.45%
VERMONT	N/A	N/A	N/A
VIRGINIA	N/A	N/A	N/A
WASHINGTON	18	3.6%	2.01%
WEST VIRGINIA	3	7.9%	0.33%
WISCONSIN	24	1.4%	2.68%
WYOMING	0	0.0%	0.00%

RACE/ETHNICITY BREAKDOWN

When broken down by race, girls incarcerated as adults are subjected to similar racial disparities as seen in the larger criminal justice system. Black girls constitute nearly 42% of the overall female population, and girls of color make up 60% of the women who have been incarcerated since childhood.³⁰

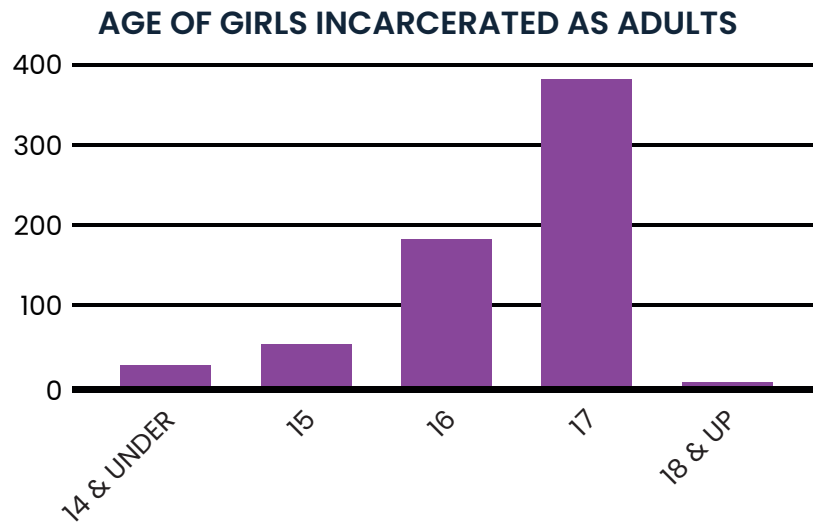


RACIAL/ETHNIC BREAKDOWN OF FEMALE YOUTH INCARCERATED

KEY	RACE/ETHNICITY	PERCENTAGE
	ASIAN	0.3%
	BLACK	40.1%
	HISPANIC	18.6%
	NATIVE AMERICAN	1.0%
	OTHER/UNKNOWN	1.3%
	WHITE	38.6%

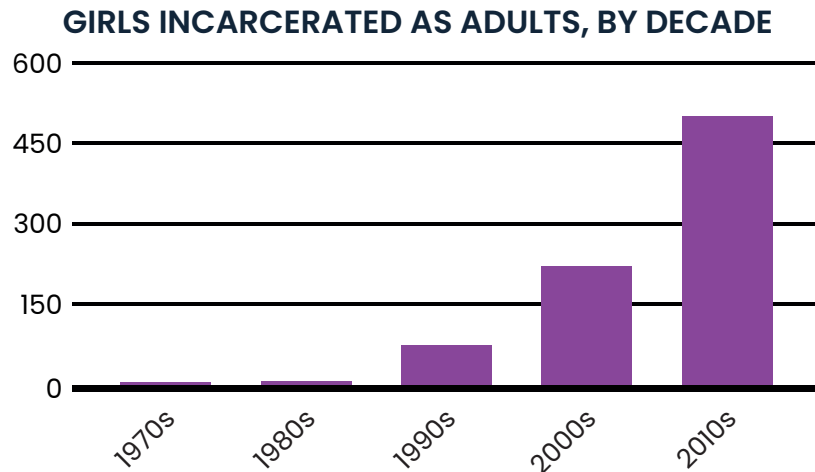
AGE BREAKDOWN

The majority of girls sentenced as adults - 57.19% - either committed their offense, were sentenced, or were booked into prison at the age of 17, while 16-year-olds comprised 27.29% of those in prison.³¹ The youngest girl prosecuted as an adult who remains incarcerated today committed her offense at the age of twelve.



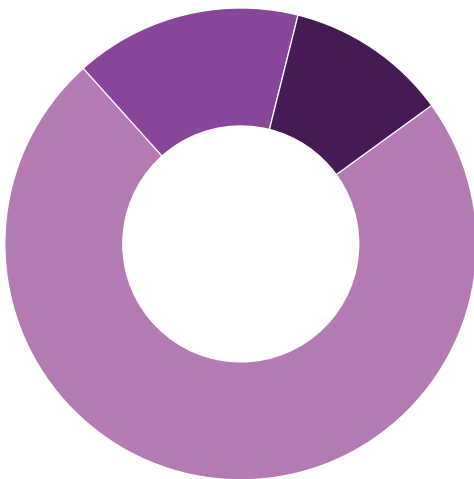
DECADE BREAKDOWN

Starting in the 1990’s we begin to see a significant increase in the number of girls who were convicted as adults. These numbers sharply increased between 2000 and 2010 and again between 2010 and 2020, suggesting that the policy shifts of the Super Predator Era continue to drive the treatment of girls as adults in ways similar to what boys experienced. Approximately 61.36% of women incarcerated since childhood received their sentences between 2010 and 2020. The rest have been incarcerated since the 1990’s and 2000s, now having spent more than 50% of their lives in prison.³²



SENTENCING BREAKDOWN

Roughly 80% of girls convicted in the adult justice system received a term-of-years sentence, and more than 20% are serving life or de facto life sentences. A significant number of these girls have been condemned to spend a majority, if not their entire lives, behind bars.

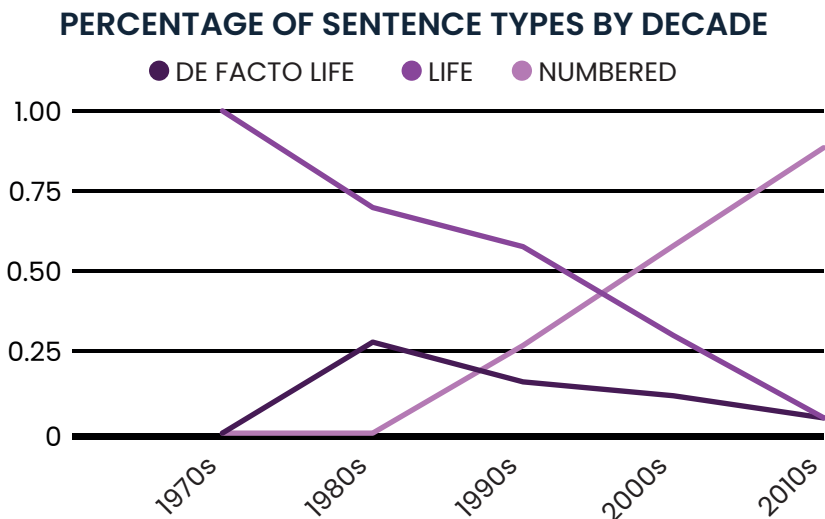


PREVALENCE OF CERTAIN SENTENCE TYPES AMONG GIRLS INCARCERATED AS ADULTS

KEY	TYPE	PERCENTAGE
	DE FACTO LIFE (OVER 40)	11.0%
	LIFE	15.6%
	NUMBERED	73.4%

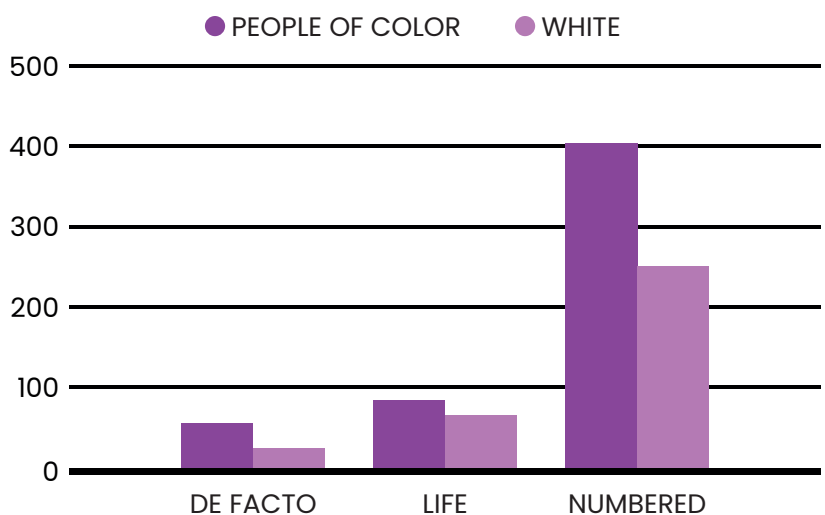
PREVALENCE OF CERTAIN SENTENCE TYPES

Between 2010 and 2020, we observed a higher prevalence of term-of-years sentences among women incarcerated since childhood. Life and de facto life sentences appeared more prevalent among those sentenced before 2010. There are two potential explanations for this trend; first, as the decades have passed, many who were sentenced to term-of-years sentences have been released. Second, Supreme Court cases such as *Graham v. Florida*, *Miller v. Alabama*, and *Montgomery v. Louisiana* have brought increased scrutiny on the propriety of imposing life and de facto life sentences on youth nationally. Nevertheless, the use of such sentences persists and there are a significant number of women who have been incarcerated for more than thirty years for offenses that occurred when they were girls.³³



Girls of color receive more term-of-years, life, and de facto life sentences than white girls. Non-minority girls receive lengthier term-of-years sentences on average.

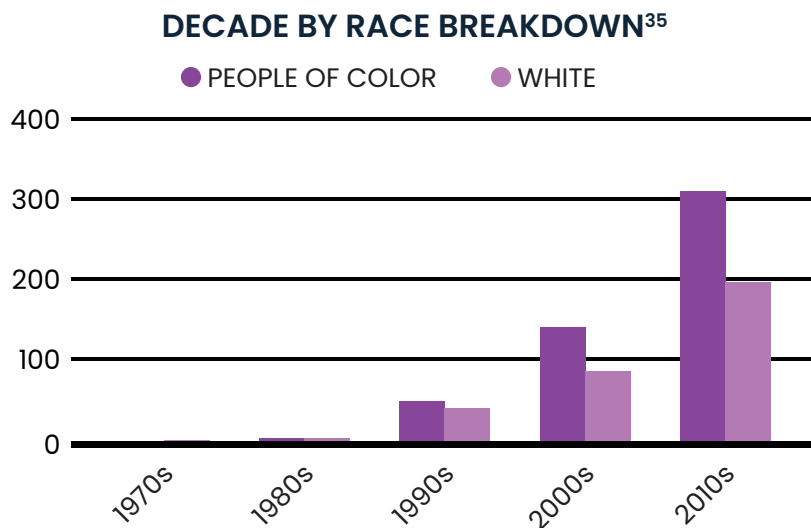
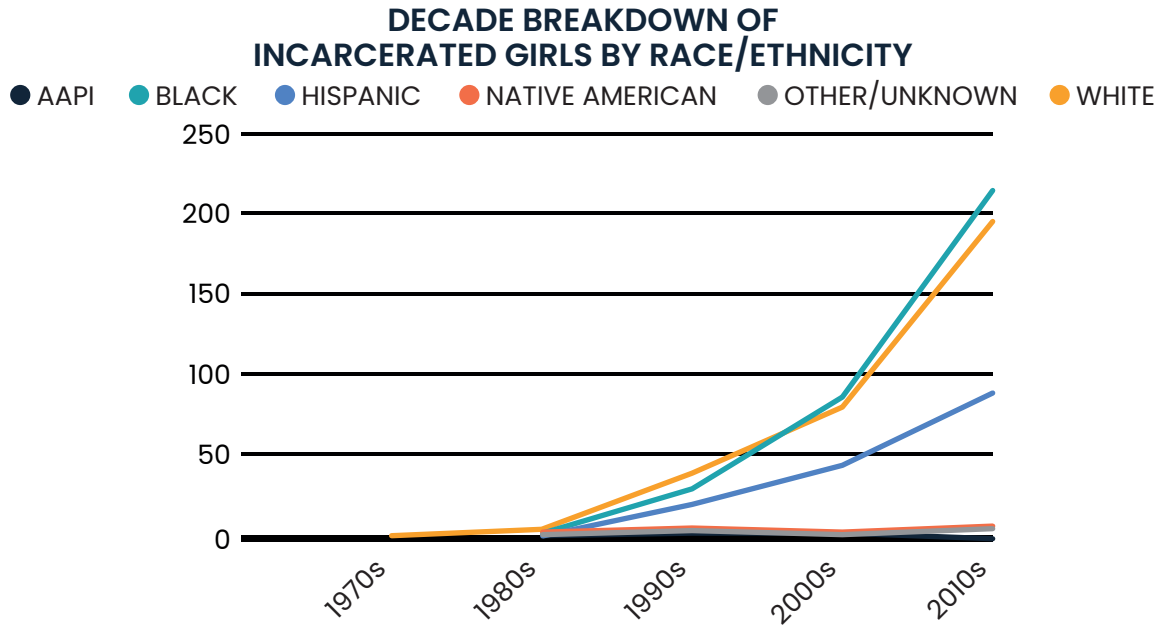
PREVALENCE OF SENTENCE TYPES BY RACE/ETHNICITY



RACE/ETHNICITY	AVG. SENTENCE LENGTH
PEOPLE OF COLOR	18.40
WHITE	20.09

DECADE BY RACE

Trends surrounding decades of incarceration from the population of women incarcerated as girls differs in a significant way from the national population, which is primarily comprised of boys. Rather than beginning to trend significantly upwards in the 1990s,³⁴ the incarceration of girls began to rise significantly between 2000 and 2010. This would indicate that girls experienced significantly increased levels of incarceration in the policies that came about in the aftermath of the Super Predator Era. Like their male counterparts, Black and Brown girls bore the brunt of the policy shifts that led to the mass incarceration of children.



The Harm of Prosecuting and Incarcerating Girls as Adults

Despite the fact that the women discussed in this study have almost all experienced some form of serious trauma, the decisions made by the justice system to charge them as adults has resulted in the perpetuation of that trauma. Girls have different needs than adult women – from treatment to care and programming.³⁶ Girls who are incarcerated or age into the women’s prison system have limited access to specialized care. Educational programming, peer interaction, and trauma-informed treatment are all lost when a girl is tried as an adult.

Due to their limited physical, mental, and emotional development girls are at a far greater risk of victimization when incarcerated with adult women. Studies have shown that children are five times more likely to be sexually and physically assaulted in prison,³⁷ and face an outsize risk of other forms of victimization as well.³⁸ These new traumas can lead to or exacerbate existing mental health challenges stemming from prior childhood trauma.

Children in adult correctional facilities are often placed in isolation in an attempt to keep them safe.³⁹ Threats are so pervasive that vulnerable youth commit infractions to get themselves moved into solitary confinement to escape their abusers.⁴⁰ The psychological impact of solitary confinement is devastating on an adult and even worse on a child. Extended isolation has been shown to severely stunt physical, mental and emotional development, shred social skills and cause a long list of mental health conditions.⁴¹ Solitary confinement is so harmful that it is considered a form of torture under the UN Convention Against Torture (of which the US is a party).⁴²

The victimization girls face extends beyond the torture of isolation. Girls are also forced to undergo regular strip searches by prison staff which is so traumatic that the American Bar Association has called for its practical elimination.⁴³

Children who are incarcerated with adults are at a far higher risk for suicide than their peers in the juvenile justice system, and they face far worse health outcomes.⁴⁴ This is especially true for girls where many of their special health needs are frequently neglected,⁴⁵ including mental health and feminine care.

Collateral consequences are also very harmful for girls once they’ve been released from incarceration. They face diminished access to jobs⁴⁶ and a livable wage,⁴⁷ educational and affordable housing, and may lose the right to vote before they are even old enough to exercise it.⁴⁸ Additionally, women incarcerated for lengthy prison sentences may lose their ability to have children and raise a family. Without access to all of these foundational elements to a meaningful life, girls tried as adults can experience far worse re-entry than any other formerly incarcerated demographic.

The confluence of these factors demonstrates a clear point: our draconian response to girls who come into conflict with the law, who almost universally experienced severe trauma and victimization, is a form of government-sanctioned child abuse masquerading around as ‘justice.’

A better standard of care needs to be in place to ensure that the trauma these girls experienced is identified and treated. While every child must be held accountable for the harm they cause, we must do so in a trauma-informed and age-appropriate way that comports with international human rights standards.

International Human Rights Standards



The international community has set a very clear expectation when it comes to the appropriate treatment of children who come into conflict with the law through the universal adoption of the UN Convention on the Rights of the Child (CRC).⁴⁹ The United States is the only country in the world who is yet to ratify this treaty.

Article 37 of the CRC specifies that,

“No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment . . . Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults . . . Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance . . .”

Every day the United States violates this standard by prosecuting girls as adults, placing them in adult jails and prisons, sentencing them using adult standards, and placing them in solitary confinement. Sadly, these girls are seen as no different than any other adult woman within the criminal justice system.

Article 39 of the CRC specifies that,

“States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

Child abuse and neglect are ubiquitous among system-involved girls in the United States. Given their trauma histories there is no reason they should be prosecuted as adults. Instead of prioritizing punishment, we should be providing them with a trauma-informed system of care. Our responsibility as a nation is to care for our most vulnerable and victimized children. Our current system response falls far short of this responsibility and instead chooses to place sole blame on young girls who are acting out as a result of trauma they’ve experienced.

Article 40 of the CRC specifies that,

“States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth . . . which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.”

Current system structure for the housing and rehabilitation of girls tried as adults are designed for anything but the promotion of these girl's dignity and self-worth. After experiencing unimaginable trauma throughout their childhoods they are placed in steel cages left to rot for years, if not decades on end. They are isolated from older female prisoners for their protection, but also have to contend with the abuse of both male and female prison staff. They have no privacy, receive substandard education, and are never screened or treated for the trauma they've endured.

Collectively, these articles are meant to act as a comprehensive framework for securing and protecting the human rights of children in conflict with the law. It is important to note that in HRFK's National State Ratings Report, no state has enacted policies to protect all of the human rights secured to these children under this convention.⁵⁰

The untreated trauma endured by girls in America often leads to justice system-involvement when behavioral issues inevitably arise. Rather than recognize and treat that trauma, we strip these children of their child status and throw them to the mercy of an adult system that was never designed with them in mind.⁵¹ There are better solutions for girls than prosecuting them as adults and violating international human rights law in the process.



Recommendations

EARLY SCREENING TO IDENTIFY VICTIMIZED GIRLS SOONER

Given the increased presence of multiple forms of trauma we observed with girls tried as adults, it stands to reason that the earlier we can detect trauma the better chance we have at disrupting cycles of violence that define so much of the early childhood of system-involved girls. By successfully identifying, disrupting, and treating trauma we can help stop future behavioral issues from arising in adolescence.

To do so, we must meet children where they are. A crucial starting point is effective screening for the presence of ACEs among at-risk girls. This could be done on an ongoing basis within systems these girls are likely to come into contact with including primary schools, pediatric service providers, and foster care, child welfare, and juvenile justice systems.

This may appear daunting on its face, but such investments will lead to identifying child victims earlier, disrupting ongoing abuse, and ultimately keeping more girls out of the justice system by addressing the root causes of delinquency and crime before they manifest.

TREATING SYSTEM-INVOLVED GIRLS

The basic foundation of a trauma-informed environment is the building of resilience, safety, trust, and support. This approach requires a shift in mindset away from a singular focus on security to one that is centered around care. One such model is the High Fidelity Wraparound System of Care which achieves positive outcomes for youth by providing structured and individualized programming to identify the holistic needs of a youth and their family.⁵² Support services aim to help develop problem-solving and coping skills, self-efficacy, and community integration. Jurisdictions like Utah and the District of Columbia have implemented this model resulting in better outcomes for system-involved youth. The Mendota Youth Treatment Center in Wisconsin is another promising model that recently expanded its capacity to offer treatment for deep-end girls. Mendota has developed a high-intensive model of care that has shown to be effective with children who have committed the most serious offenses.⁵³ Individual and group therapy are paired with an incentive-based treatment program which has achieved a zero percent recidivism rate for subsequent violent offenses since the early 90's.

Any successful treatment model must be centered around identifying and treating a girl's underlying trauma, fostering her positive development, and successfully reintegrating her back into her community as quickly as possible. Every girl's treatment plan must be individually tailored to meet her unique needs. It is also important to realize that there are no one-size fits all approach. Children respond differently to traumatic events, as well as the models of treatment designed to arrest the negative cognitive and behavioral impact of these traumas. More than anything, these girls need compassion, understanding, grace, and love as they navigate the trauma inflicted upon them in childhood.

The responsibility and importance of system stakeholders when caring for this population cannot be overstated. Institutional leadership and staff must ensure that each girl in their care knows that they are genuinely invested in them. This begins with reexamining how institutions that house girls are built and operated. When a girl is placed in a cage it exacerbates the underlying trauma that brought her into the system to begin with. Rooms or dormitories should be utilized in place of steel cages. Dignity and self-worth should also be a value uplifted while providing care to girls. This means not having male staff present in girl's bathrooms or showering facilities, as well as utilizing female staff as much as practicable when it comes to feminine care. We should also strive to ensure that girls have some limited privacy, such as allowing curtains to be utilized when showering or going to the bathroom. These are basic tenants of human dignity that should not be stripped away from girls for the sake of security.

Programming must also reflect this emphasis on trauma-informed care. Educational programming must be held to the same standards as schools outside of the justice system. Programming for girls with Individual Education Plans (IEPs) must also be a point of focus to ensure youth with special needs have the support and services they need to thrive academically.

POLICY REFORMS TO PROTECT HUMAN RIGHTS AND PROVIDE TRAUMA-INFORMED ACCOUNTABILITY

In 2019, the United Nations Office of the High Commissioner on Human Rights released general comments on the rights of children's in conflict with the law,⁵⁴ outlining a comprehensive framework on how states should abide by the standards set forth in the CRC. These standards emphasize the importance of treating youth based on what is in their best interest and recommend a model of care focused on rehabilitation and restorative justice.⁵⁵ These provisions have been incorporated into HRFK's Model Law and National State Ratings Report. Beyond these recommendations, we have identified 10 key reforms that policymakers should adopt to create a trauma-informed and human rights-centered response to girls in conflict with the law:

- (1) Mandatory screenings for childhood trauma: screen girls for the presence of childhood trauma and history of sexual abuse, rape, or trafficking prior to any legal proceedings in juvenile or adult court;
- (2) Require courts to consider girls' exposure to trauma during transfer or reverse waiver proceedings in juvenile and/or adult court: require courts to consider exposure to Adverse Childhood Experiences, childhood trauma, involvement in the child welfare or foster care systems, and status as a victim of sexual abuse, rape, or human trafficking prior to allowing a child to be prosecuted as an adult;
- (3) Prohibit girls with extensive trauma histories from being tried as adults: when evidence is presented demonstrating that a girl has extensive childhood trauma which contributed to her involvement in the offense, juvenile courts should be given exclusive jurisdiction over her case. If needed, lawmakers can extend juvenile court jurisdiction to ensure girls who commit more serious crimes continue to get the treatment and services they need up to their 25th birthday;
- (4) Prohibit victims of forced criminality from being tried as adults: when evidence is presented demonstrating that a girl committed a serious violent offense, such as homicide, as a direct result of being a victim of human trafficking, juvenile or family courts should be given exclusive jurisdiction over her case;
- (5) Establish an affirmative defense for victims of forced criminality in cases not involving homicide or extreme violence: girls who are forced to commit crimes as a result of human trafficking should be provided an affirmative defense to criminal prosecution with limited exceptions in cases involving homicide or extreme violence. In those limited cases, juvenile or family courts should maintain exclusive jurisdiction over these girls;
- (6) Extend the doctrine of self-defense for girls who commit crimes against their abusers: create an affirmative defense to criminal prosecution for victims of child sexual abuse, rape, or human trafficking who commit crimes against their abusers. Allow dependency or family courts to maintain jurisdiction over these girls for the purpose of providing them treatment and services in a non-punitive environment;
- (7) Require adult courts to consider girls' exposure to trauma prior to sentencing: require courts to consider exposure to Adverse Childhood Experiences, childhood trauma, involvement in the child welfare or foster care systems, and status as a victim of sexual abuse, rape, or human trafficking prior to sentencing a girl convicted in adult court;
- (8) Restore judicial discretion when sentencing girls: allow courts to depart from any otherwise applicable mandatory minimum, sentencing enhancement, or suspend any portion of a sentence, when a girl is sentenced in adult court;
- (9) Retroactive resentencing for women currently incarcerated for crimes they committed as children so as to reflect the change in sentencing laws noted above: allow courts to reconsider and resentence women in cases where the court did not have the ability to impose a trauma-informed and age-appropriate sentence due to mandatory sentencing laws; and
- (10) Release safety valve: permit all girls convicted and sentenced as adults to be eligible for release through judicial or parole review after no more than 15 years.

Lastly, policymakers should also explore diversionary programs as an alternative to delinquency or criminal proceedings for cases involving victims of abuse, trafficking and exploitation, such as the HOPE Court Program in Washington, D.C.⁵⁶

Conclusion

There are better solutions to address girls who have experienced severe childhood trauma and victimization than simply locking them up when they come into conflict with the law. Their behavioral issues are directly correlated to their victimization. As such, we cannot be a nation that truly cares for survivors unless we care about all of them, including those who have committed serious crimes. The adult justice system should be the last place for a traumatized child to end up. Unfortunately, the survey responses we received indicate that practically every girl sentenced as an adult has suffered this fate. The responses these women provided in their surveys and in their letters demonstrate just how broken our system is when it comes to the care and treatment of child victims.

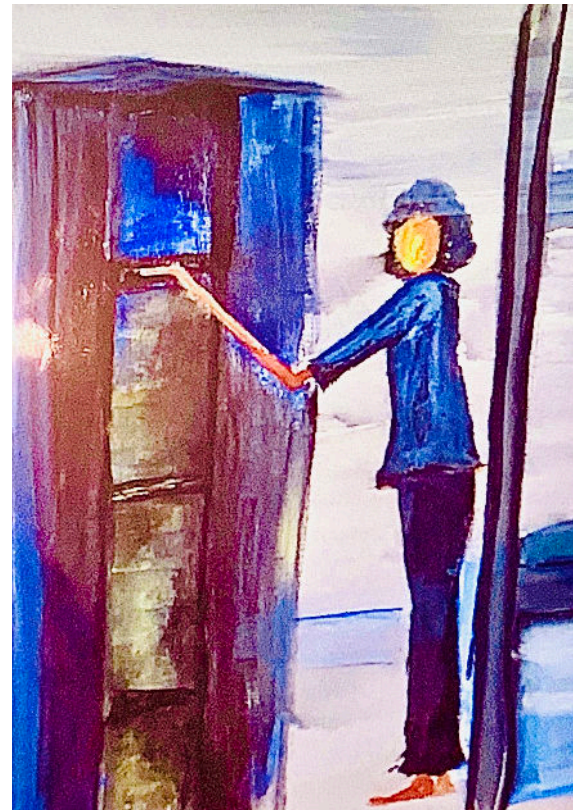
The only victims we seem to care for or those who don't respond to their trauma in an overtly negative way through behavioral outbursts. The experience of trauma is often preceded by feelings of fear, anger, shame, and guilt which can be a devastating combination in a developing child. These are often not isolated traumatic events happening at a single point in time; but rather a recurring string of events inflicted upon girls over and over and over again by those meant to protect them. These betrayals lead to compounded and complex trauma over time which are exacerbated by the communities in which many of these girls live.

This is not meant to minimize the suffering or harm that resulted from these girl's actions, which often leaves other victims in their wake. These victims too deserve support and justice. But we cannot view the criminal justice system so myopically that we only see victims and offenders. Indeed, as the findings of this report make clear girls tried as adults were victims long before they were offenders. Too many of them, in fact, were victims whose offenses were committed against the very people who victimized them in the first place.

Children are not born with intuitive understandings and preconceptions about the world. They don't truly understand love, care and compassion in the same way they have no inherent concept of hatred, discrimination, mistrust and prejudice. They only know what we teach them, and this holds true of each child that comes before our justice system. If they are welcomed with care, compassion, trust and guidance towards a more positive life, then they will follow. If they are met with distrust, abuse, neglect, and apathy, then they will shrink or lash out at the world around them.

The United States must course-correct when it comes to our treatment of girls in the criminal justice system. As this report makes clear, nearly all of them are victims of sexual, physical, and emotional abuse prior to their system involvement. We've outlined practice and policy recommendations for how we can begin to treat these victims when they act out as a result of the trauma they've endured.

People can choose to ignore our findings and look the other way while we warehouse these girls in cages for decades on end, but you can never again say that you did not know. There is no greater indication of who we truly are as a people than how we decide to respond in this moment to the most vulnerable and victimized children in our society.



Appendix

The following is the text of the letter and accompanying survey that was sent out to all women we had previously identified as having been incarcerated since childhood at the end of 2022. In our outreach letter, we stressed the importance of personal agency and comfort with our respondents; many of these women have shared very personal and painful experiences with us, and in so doing, they are as much a part of the making of this report as the authors. We wanted to reflect that in our outreach by empowering them to only disclose what they were comfortable sharing. As such, our objective was to put them first and to share their experiences from a position of strength, resilience, and honor.

Subject: Human Rights for Kids Outreach Letter

Dear _____,

I hope this letter finds you well.

My name is Sara Kruzan. I am an advocate – kind of like a human rights defender with firsthand experience. I work with an amazing team at the Washington, D.C.-based non-profit organization Human Rights for Kids (HRFK).

HRFK offers various supports that are solution-focused and rooted in love, hope, and compassion for the advancement and protection of the human rights of children, with a current focus on children in the U.S. justice system. We accomplish our mission through public education, organizing, outreach, and advocacy in legislatures, the American Criminal Justice system, Social institutions, and courts around the nation. I hope there is a spark of hope in your heart as you continue to read this! We are just getting started!

I want to share that while incarcerated at CCWF in California, I was grateful to receive letters from many people and organizations. The current Executive Director of HRFK, James Dold, worked with the Polaris Project and the Campaign for Fair Sentencing of Youth at that time, and he reached out to me with a letter just like the one I'm now sending to you.

I was incarcerated for almost 20 years with a sentence of Life Without Parole plus 4 years. I too was a child abuse survivor who took the life of my abuser. So much has changed since then and we are still learning and healing together. I now am a solution-focused advocate for human rights, especially for people who committed crimes and were incarcerated as children.

Now, before I go any further, I am not authorized to practice law in any state. I am unable to provide legal advice to you directly. However, I am very much aware of the challenges and personal experiences that come with being harmed as a child and having the system overlook the very depth of how these harms are imposed and disregarded. That's why my HRFK colleagues and I are here to offer advocacy support.

This letter should not be interpreted as providing any legal advice.

Additionally, it is important that you understand that anything you write back or share with me is not protected by the attorney-client privilege.

We are reaching out because you are someone we have identified as being convicted of a crime that was committed when under the age of 18.

If you are represented by legal counsel, you should share this letter with your counsel.

If not, please let us know. We hope to work with our partners to ensure everyone impacted has access to quality legal representation.

We're also hoping to raise more inclusive awareness, transparency, and best practices around personal safety, and continue policy changes that are rooted in trauma-informed care.

Therefore, we're asking people who are comfortable with sharing their stories with us to write back with a narrative about your case, background, and history at your comfort level.

Some of the information you have a choice to share are:

What nationality are you and identify with?

What is your favorite song? Yes, just one song!

How old were you when you first experienced abuse?

We've also included a self-assessment for the Adverse Childhood Experiences (ACEs) survey that you can fill out and send back to us, along with a Resilience Definition Handout and a Trauma Identification Feeling and Thoughts Sheet. Please at your comfort level share what you identify with on the sheet and if you would like, how long you have been feeling this way, and at what age did you start to feel these types of feelings. And, are you currently experiencing any of these feelings and thoughts and if so which ones?

Whatever your heart and soul feels comfortable sharing with us, please fill it out and mail it back with any additional information. Postage is provided as well as a return envelope.

You have a choice to write your name or remain anonymous.

Do not write your name or any other identifying information on the survey as we plan to keep all of them anonymous and confidential. The surveys are helpful in our data collection effort to provide a more in-depth picture of what happened to you and how your experience may have been overlooked by the criminal justice system and how best to address your unmet human right's needs.

Again, a couple of reminders: please do not share anything you're not comfortable sharing, and keep in mind that our communications are not protected by the attorney-client privilege. Also, if you have an attorney, please share this letter with them. If you don't, let us know, and feel free to share this letter with your family or loved ones. They can feel free to contact us via email at:

info@humanrightsforkids.org or by phone at (202) 573-7758.

Please forgive any delay in our response time. We have quite a few people we're working to identify, communicate with, and offer inspirational support.

We want you to know that you matter to us and that you haven't been forgotten.

And we'll continue to keep fighting and advocating for you!

Please take good care of yourself and remain cautiously optimistic and curious. Hope springs eternal.

With hope and love,

Sara Kruzan

Inaugural Stoneleigh Fellow

Adverse Childhood Experiences Survey *(Survey questions used yes/no answers)*

1. Did a parent or other adult in the household often or very often:
 - a. Swear at you, insult you, put you down, or humiliate you?
 - b. Act in a way that made you afraid that you might be physically hurt?
2. Did a parent or other adult in the household often or very often:
 - a. Push, grab, slap, or throw something at you?
 - b. Ever hit you so hard that you had marks or were injured?
3. Did an adult or person at least 5 years older than you ever:
 - a. Touch or fondle you or have you touch their body in a sexual way?
 - b. Attempt or actually have oral, anal, or vaginal intercourse with you
4. Did you often or very often feel that:
 - a. No one in your family loved you or thought you were important or special? Or
 - b. Your family didn't look out for each other, feel close to each other, or support each other?
5. Did you often or very often feel that:
 - a. You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you? Or
 - b. Your parents were too drunk or high to take care of you or take you to the doctor if you needed it?
6. Were your parents ever separated or divorced?
7. Was your mother, father, parent, sister, brother or guardian:
 - a. Often or very often pushed, grabbed, slapped, or had something thrown at them? or
 - b. Sometimes, often, or very often kicked, bitten, hit with a fist, or hit with something hard? or
 - c. Ever been repeatedly hit over at least a few minutes or threatened with a gun or knife?
8. Did you live with anyone who was a problem drinker or alcoholic, or who used street drugs?
9. Was a household member depressed or mentally ill, or did a household member attempt suicide?
10. Did a household member go to prison?

Endnotes

- ¹ Williams, T. (2015, July 9). *History of abuse seen in many girls in juvenile system*. The New York Times. <https://www.nytimes.com/2015/07/09/us/girls-in-juvenile-facilities-often-abused-report-says.html>.
- ² Editorial Board. (2014, April 13). Echoes of the superpredator. *New York Times*. Retrieved August 1, 2023, from <https://www.nytimes.com/2014/04/14/opinion/echoes-of-the-superpredator.html>.
- ³ Human Rights for Kids, Crimes Against Humanity: The Mass Incarceration of Children in the United States. May 2023. <https://humanrightsforkids.org/a-crime-against-humanity/>
- ⁴ For the methodology we employed in receiving this data and the analysis that follows, see *Id*, pg. 29-30. The following states had no women incarcerated as children or did not provide information specific to gender/sex, and as such were not included in this follow up analysis: Arizona, Hawaii, Idaho, Kentucky, Maine, Massachusetts, Montana, Nevada, New Mexico, North Carolina, Rhode Island, Virginia and Wyoming.
- ⁵ Nowak, Manfred (2020). *The United Nations Global Study on Children Deprived of Liberty*. The United Nations.
- ⁶ Bureau of Justice Statistics, & Buehler, E. D., Bureau of Justice Statistics (2023). Department of Justice. Retrieved from <https://bjs.ojp.gov/library/publications/substantiated-incidents-sexual-victimization-reported-adult-correctional>.
- ⁷ OJJDP Statistical Briefing Book. Department of Justice. Retrieved from https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table_in=1&selYrs=2010&rdoGroups=1&rdoData=c.
- ⁸ *Id*.
- ⁹ Saada Saar, M., Epstein, R., Rosenthal, L., & Vafa, Y. (2015). (rep.). *THE SEXUAL ABUSE TO PRISON PIPELINE: THE GIRLS' STORY*. Washington, DC: Georgetown University Law Center.
- ¹⁰ *Id*.
- ¹¹ Vincent J. Felitti, et al., Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults: The adverse childhood experiences (ACE) study, 14 (4) AM. J. OF PREVENTIVE MED. 245 (1998).
- ¹² Michael D. De Bellis, Abigail Zisk, The Biological Effects of Childhood Trauma, Child and Adolescent Psychiatric Clinics of North America, Volume 23, Issue 2, 2014, Pages 185-222.
- ¹³ *Id*.
- ¹⁴ Carly B. Dierkhising, Susan J. Ko, Briana Woods-Jaeger, Ernestine C. Briggs, Robert Lee & Robert S. Pynoos (2013) *Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network*, European Journal of Psychotraumatology, 4:1, 20274, DOI: 10.3402/ejpt.v4i0.20274.
- ¹⁵ Yearwood K, Vliegen N, Chau C, Corveleyn J, Luyten P. *Prevalence of Exposure to Complex Trauma and Community Violence and Their Associations With Internalizing and Externalizing Symptoms*. Journal of Interpersonal Violence. 2021;36(1-2):843-861. doi:10.1177/0886260517731788.
- ¹⁶ *Id*.
- ¹⁷ *Id*.

¹⁸ *Id.*

¹⁹ Holland, K. (2019, November 11). *Stockholm syndrome: Causes, symptoms, examples*. Healthline. <https://www.healthline.com/health/mental-health/stockholm-syndrome>.

²⁰ Walker, J., Carey, P., Mohr, N. *et al.* *Gender differences in the prevalence of childhood sexual abuse and in the development of pediatric PTSD*. *Arch Womens Ment Health* 7, 111–121 (2004). <https://doi.org/10.1007/s00737-003-0039-z>

²¹ Trickett PK, Noll JG, Putnam FW. *The impact of sexual abuse on female development: lessons from a multigenerational, longitudinal research study*. *Dev Psychopathol.* 2011 May;23(2):453-76. doi: 10.1017/S0954579411000174. PMID: 23786689; PMCID: PMC3693773.

²² See Footnote 4.

²³ This explains the discrepancy between the gender data in this report and our findings in Crimes Against Humanity.

²⁴ *Finding your ace score*. NCJFCJ. (2023, May 11). <https://www.ncjfcj.org/publications/finding-your-ace-score/>

²⁵ Human Rights for Kids, *Crimes Against Humanity: The Mass Incarceration of Children in the United States*. May 2023. <https://humanrightsforkids.org/a-crime-against-humanity/>

²⁶ Swedo EA, Aslam MV, Dahlberg LL, et al. *Prevalence of Adverse Childhood Experiences Among U.S. Adults — Behavioral Risk Factor Surveillance System, 2011–2020*. *MMWR Morb Mortal Wkly Rep* 2023;72:707–715. DOI: <http://dx.doi.org/10.15585/mmwr.mm7226a2>.

²⁷ *Neglect*. Center on the Developing Child at Harvard University. (2017, February 2). <https://developingchild.harvard.edu/science/deep-dives/neglect/>.

²⁸ Mao M, Zang L, Zhang H., *The Effects of Parental Absence on Child Development: Evidence from Left-Behind Children in China*. *Int J Environ Res Public Health.* 2020 Sep 17;17(18):6770. doi: 10.3390/ijerph17186770. PMID: 32957472; PMCID: PMC7559575.

²⁹ Effects of domestic violence on children | Office on Women’s Health. (n.d.), source: <https://www.womenshealth.gov/relationships-and-safety/domestic-violence/effects-domestic-violence-children>

³⁰ The following states did not turn over race or ethnicity data and are therefore excluded from this analysis: Hawaii, Maryland, New Mexico, and North Carolina.

³¹ States not included: Texas.

³² States not included: Nevada, Iowa.

³³ States not included: Nevada.

³⁴ *Crimes Against Humanity: The Mass Incarceration of Children in the United States*, Human Rights for Kids (2023) (<https://humanrightsforkids.org/a-crime-against-humanity/>).

³⁵ Missing states: Nevada, Iowa.

³⁶ National Institute of Mental Health. “Children and Mental Health: Is this Just a Stage?” Retrieved October 24th, 2022, from <https://www.nimh.nih.gov/health/publications/children-and-mental-health>.

³⁷ *All Children are Children: Challenging Abusive Punishment of Juveniles*, Equal Justice Initiative (2017).

- ³⁸ Leevitt, Lacey, *The Comparative Risk of Mistreatment for Juveniles in Detention Facilities and State Prisons*, International Journal of Forensic Mental Health pg. 44-54 (2010).
- ³⁹ *Id.*
- ⁴⁰ *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*. United States, Pgs. 53-57.
- ⁴¹ James, K., & Vanko, E. (2021, April). *The Impacts of Solitary Confinement* [PDF]. Brooklyn, New York. Vera Institute of Justice. <https://www.vera.org/downloads/publications/the-impacts-of-solitary-confinement.pdf>
- ⁴² Tracy Hresko, *In the Cellars of the Hollow Men: Use of Solitary Confinement in U.S. Prisons and Its Implications Under International Laws against Torture*, 18 Pace Int'l L. Rev. 1 (2006 Available at: <https://digitalcommons.pace.edu/pilr/vol18/iss1/1>). The report details that solitary confinement as a prison policy fits for the four elements of torture as define in the Covenant against Torture: causing a certain degree of suffering, done intentionally for a purpose, having an objective for that suffering, and having an officially sanctioned character.
- ⁴³ Saha Shah, R., & Feirman, J. (2021, October 12). *Strip-Searching Children Is State-Imposed Trauma*. Americanbar.org. Retrieved August 15, 2023, from https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/empowering-youth-at-risk/strip-searching-children-is-state-imposed-trauma/.
- ⁴⁴ Neelum Arya, *Getting to Zero: A 50-State Study of Strategies to Remove Youth from Adult Jails*, UCLA School of Law, 2018.
- ⁴⁵ Van den Bergh, Brenda J et al. "Imprisonment and women's health: concerns about gender sensitivity, human rights and public health." *Bulletin of the World Health Organization* vol. 89,9 (2011: 689-94. doi:10.2471/BLT.10.082842
- ⁴⁶ Rebecca Vallas and Sharon Dietrich, "One Strike and You're Out: Removing Barriers to Economic Security for People with Criminal Records" (Washington: Center for American Progress, 2014, available at <https://americanprogress.org/issues/poverty/reports/2014/12/02/102308/one-strike-and-youre-out/>
- ⁴⁷ Terry-Ann Craigie, Ames Grawert, and Cameron Kimble, "Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality" (Washington: Brennan Center, 2020, available at <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.
- ⁴⁸ Rebecca Vallas and Sharon Dietrich, "One Strike and You're Out: Removing Barriers to Economic Security for People with Criminal Records" (Washington: Center for American Progress, 2014, available at <https://americanprogress.org/issues/poverty/reports/2014/12/02/102308/one-strike-and-youre-out/>.
- ⁴⁹ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <https://www.refworld.org/docid/3ae6b38f0.html> [accessed 17 August 2023].
- ⁵⁰ *2023 State Ratings Report*, Human Rights for Kids (Oct. 30, 2023 (<https://humanrightsforkids.org/state-ratings-reports/>).
- ⁵¹ Office of Juvenile Justice and Delinquency Prevention. *OJJDP Priorities* (<https://ojjdp.ojp.gov/about/ojjdp-priorities#treat-children-as-children>).
- ⁵² Utah Department of Human Services. *System of Care High-Fidelity Wraparound*. DHS. <https://hs.utah.gov/systemofcare>. Accessed 30 Nov 2023.
- ⁵³ Caldwell, M. F., and Van Rybroek, G. (2001). Efficacy of a decompression treatment model in the clinical management of violent juvenile offenders. *International Journal of Offender Therapy and Comparative Criminology*, 45.
- ⁵⁴ Office of the High Commissioner on Human Rights, *General Comment No. 24 On Children's Rights In The Child Justice System*, 18 September 2019, United Nations. Available at <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-24-2019-childrens-rights-child> [Accessed 18 September 2019]

⁵⁵ *Id. Comments 9, 12, 15, 16.*

⁵⁶ Office of Attorney General (<https://oag.dc.gov/sites/default/files/2020-04/HOPE-Court-Info-Sheet.pdf>).

“I witnessed my parents
until they split up

“I was younger than 3 years old when
I first experienced abuse”

“I was sexually abused from 3-5 years old”

“My father came home high and was
and cut my right cheek with a piece of

“My mother was in and out of jail
my entire life”

“My father would rape me from age 8 to 14”

“I endured abuse from my uncle
from the ages of 6-9”

“I witnessed my parents
abuse each other”

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