

**INSTITUTIONALIZED
INEQUITY:**

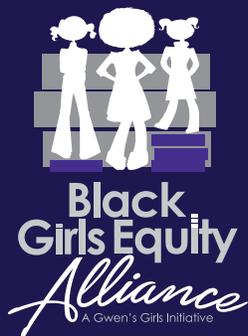
Pathways to
**Juvenile
Justice**

for Black Girls in
Pittsburgh and
Allegheny County

Commissioned through the
Gwendolyn J. Elliott Institute at Gwen's Girls

Sara Goodkind and
the Black Girls Equity
Alliance Juvenile Justice
Workgroup





The Black Girls Equity Alliance (BGEA) is comprised of individuals, community-based organizations, universities, and government entities that work with Black girls and acknowledge that their lives and experiences are unique within existing societal constructs. Our mission is to eradicate inequities affecting Black Girls in Allegheny County.



ABOUT THE AUTHOR:

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Many thanks to the following individuals for their expertise and support in developing this report:

- Kimberly Booth
- Britney Brinkman
- Chad Efaw
- Kathi Elliott
- Tammy Hughes
- Heath Johnson
- Melanie King
- Jeffrey Shook
- Tiffany Sizemore
- Kristy Trautmann
- Michael Yonas

Introduction

In Allegheny County, Pennsylvania, the county in which Pittsburgh is located, Black girls are 10 times more likely than White girls to be referred to the juvenile justice system.¹ Yet, research shows that this disproportionate referral rate cannot be accounted for by differences in girls' behaviors.² Thus, we see this disparity as evidence, *not* of problems with Black girls, but of the failure of our other child-serving systems that should be helping and supporting girls rather than punishing and excluding them by referring them to juvenile justice.

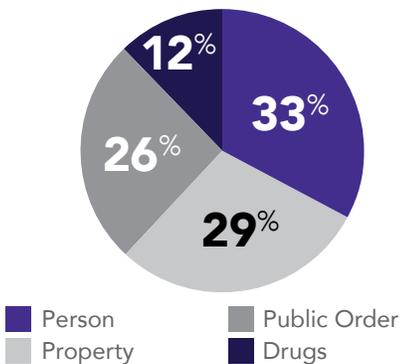
This report provides background on the juvenile justice system, data on referrals of Black girls to juvenile justice, and recommendations for decreasing the disproportionate referral of Black girls to juvenile justice.

¹ Allegheny County Juvenile Probation Annual Reports. Accessed online at: https://www.allegheycourts.us/annual_reports.
Hockenberry, S., and Puzanchera, C. (2019). *Juvenile Court Statistics 2017*. Pittsburgh, PA: NCJJ.
Puzanchera, C., Sladky, A. and Kang, W. (2018). "Easy Access to Juvenile Populations: 1990-2017."
² Allegheny County Health Department, UPMC Children's Hospital of Pittsburgh, and Pitt Public Health. Healthy Allegheny Teen Survey. 2014. Available at <https://www.allegheycounty.us/Health-Department/Resources/Data-and-Reporting/Chronic-Disease-Epidemiology/Healthy-Allegheny-Teen-Survey.aspx>.

Background

Based on the recognition that children are different than adults, the U.S. juvenile justice system was instituted over 100 years ago to provide young people who break the law with support and rehabilitation. Yet, **the existence of a separate juvenile justice system increased surveillance of young people and created new offenses for which only youth can be punished.** Many “delinquent” behaviors are normal adolescent behaviors, but racism, sexism, poverty, and living in a low-income neighborhood make some young people more likely to come to the attention of police and system officials than others. Further, extensive research shows that juvenile justice processing, rather than having a preventive effect, increases future delinquency.³

Juvenile Justice Referral Offense Profile for Girls



Girls account for 27% of referrals to the U.S. juvenile justice system. Just one-third of girls’ referrals are for violent (person) offenses, and most violent offense referrals are for simple assault.

Black girls experience specific forms of marginalization that punish them for standing up to injustice, criminalize their survival strategies, and ignore their unique vulnerabilities.

Most people think about boys when they picture a “juvenile delinquent,” yet girls account for 27% of referrals to the U.S. juvenile justice system. Less than one-third of girls’ referrals are for violent offenses, and most violent offense referrals are for simple assault.⁴ Further, most juvenile justice-involved girls have experienced some type of abuse, and many girls get in trouble for defending themselves. Girls are often treated more leniently than boys for some offenses, but more harshly for violent offenses and other behaviors that violate traditional gender expectations of girls. The juvenile justice system has a long history of policing girls’ sexuality and enforcing gender conformity.⁵

Black girls experience a specific confluence of sexism and racism and are often pushed out of school and caught up in the justice system for behaviors for which other girls do not experience the same exclusion and punishment.⁶ There is evidence that differential treatment of Black girls is often a result of biases, both implicit and explicit. Stereotypes about Black girls may lead authority figures to label them insubordinate or disrespectful. Research shows that adults are less likely to see Black girls as innocent and in need of protection than White girls.⁷ As a result, sometimes when Black girls are disciplined at school for disruptive behavior or fighting it is because

they are defending themselves from harassment or assault. Thus, many schools ignore the requirement to provide a safe learning environment and instead prioritize sanctions for misbehavior.

As detailed subsequently, **the racial disparity in juvenile court referrals of girls is much worse locally than nationally.** We discovered this troubling disparity in Allegheny County juvenile justice referrals when local foundations and community leaders convened a group of academics and system professionals to discuss the inequities experienced by Black girls in our region. This collaboration generated a 2016 report, [Inequities Affecting Black Girls in Pittsburgh and Allegheny County](#).⁸

In Fall 2016, Gwen’s Girls, a local agency founded in 2002 to support and empower Black girls, held its first annual Equity Summit, at which the inequities report was presented and released. Spurred by growing national awareness of the challenges facing Black girls, the report and the equity summit represented the culmination of initial efforts to raise local awareness of these issues. As documented by Kimberlé Crenshaw in her [Black Girls Matter](#) report, Monique Morris in [Pushout](#), and Jamilia Blake and colleagues in their work on the [adultification of Black girls](#), Black girls experience specific forms of marginalization

³ Petrosino, A., Turpin-Petrosino, C., & Guckenburg, S. (2010). *Formal System Processing of Juveniles: Effects on Delinquency*. Oslo, Norway: Campbell Collaborative.
⁴ Hockenberry, S. & Puzanchera, C. (2019). *Juvenile Court Statistics 2017*. Pittsburgh, PA: NCJJ.
⁵ Morris, E. W., & Perry, B. L. (2019). Girls behaving badly? Race, gender, and subjective evaluation in the discipline of African American girls. *Sociology of Education*, 90, 127-148.

⁶ Abrams, L. (2000). Guardians of virtue: The social reformers and the “girl problem,” 1890-1920. *Social Service Review*, 74, 436-452.
⁷ Epstein, R, Black, J. J., & González, T. (2017). *Girlhood Interrupted: The Erasure of Black Girls’ Childhood*. Washington, D.C.: Georgetown Law Center on Poverty and Inequality.
⁸ Goodkind, S. (2016). *Inequities affecting Black girls in Pittsburgh and Allegheny County*. Pittsburgh, PA: FISA Foundation and Heinz Endowments.



that punish them for standing up to injustice, criminalize their survival strategies, and ignore their unique vulnerabilities.

The 2016 Equity Summit was well attended and generated great enthusiasm for addressing the systemic inequities revealed and discussed. As a result, Gwen’s Girls convened a follow-up meeting to discuss action steps. Attended by service providers, system professionals, academics, and other community members, this meeting led to the formation of the Black Girls Equity Alliance (BGEA), comprised of workgroups focusing on specific issues and systems.⁹

One of these workgroups is focused on the juvenile justice system. Co- led by Kimberly Booth, Assistant Chief of the Allegheny County Juvenile Probation Office and Dr. Sara Goodkind, Associate Professor of Social Work at the University of Pittsburgh, the BGEA juvenile justice

workgroup has met monthly since 2017. The focus of our work thus far has been on addressing the racial disproportionality in referrals of girls to juvenile justice. Specifically, we began by examining local data to understand the neighborhoods from which and offenses for which Black girls are referred. This work led to the development of the Allegheny County Office of Juvenile Probation [juvenile justice data dashboard](#), made possible through the support of the FISA Foundation and the Pittsburgh Foundation, which allows public access to Allegheny County juvenile justice referral data by race, sex, neighborhood, offense, and other factors. To understand the practices that lead to these referrals, the juvenile justice workgroup has spent time generating questions for and listening to school and city police officers, juvenile defense attorneys, and the assistant district attorney assigned to juvenile court. We have also met with data analysts from the City of Pittsburgh Bureau of Police,

who have shared arrest and citation data for girls.

In the remainder of this report, we present data that illustrates the dimensions and magnitude of the justice system-related inequities experienced by Black girls in our city and county, with a focus on referrals of Black girls to law enforcement and juvenile justice. We have this focus because we know that there is comparatively less racial disproportionality in how girls are treated after referral to the Allegheny County Juvenile Probation Office; rather, the glaring racial disproportionalities stem largely from differential rates of referral. After demonstrating these gendered racial inequities, we offer recommendations for addressing the systemic problems they reveal. Please note that this report, and all of the work of the BGEA, uses an intersectional framework for understanding and addressing the inequities experienced by Black girls — that is, we consider how gender and race intersect to shape Black girls’ environments and experiences.

⁹ Brinkman, B., et al. (2019). *Advocating for equity for Black girls: The formation of the Black Girls Equity Alliance*. Pittsburgh, PA: Gwendolyn J. Elliott Institute.



IN ALLEGHENY COUNTY,
BLACK GIRLS ARE:

13x

more likely than
White girls to be arrested by
the Pittsburgh Police

5x

more likely than
White girls to receive a
summary citation from the
Pittsburgh Police

10x

more likely than
White girls to be referred
to juvenile justice

What do we know?

ARRESTS & CITATIONS¹⁰

- Black girls are **13 times** more likely than White girls to be arrested by the Pittsburgh Police (51 arrests per 1000 Black girls aged 10-17 vs. 3.9 arrests per 1000 White girls).
- Black girls are **5 times** more likely than White girls to receive a summary citation from the Pittsburgh Police (37 per 1000 Black girls aged 10-17 vs. 6.7 per 1000 White girls).
- Pittsburgh Police data show that **Black girls are more likely to be arrested than cited** (38% more likely), whereas White girls are almost twice as likely (1.7x) to be cited than arrested.
- Just one quarter of arrests of Black girls (and of White girls) by Pittsburgh Police are for offenses classified as serious offenses.

The juvenile justice referral rate for Black girls in Allegheny County is

~ **50%** ↑

HIGHER

than Black girls' national rate

BUT

the referral rate for White girls in Allegheny County is

~ **50%** ↓

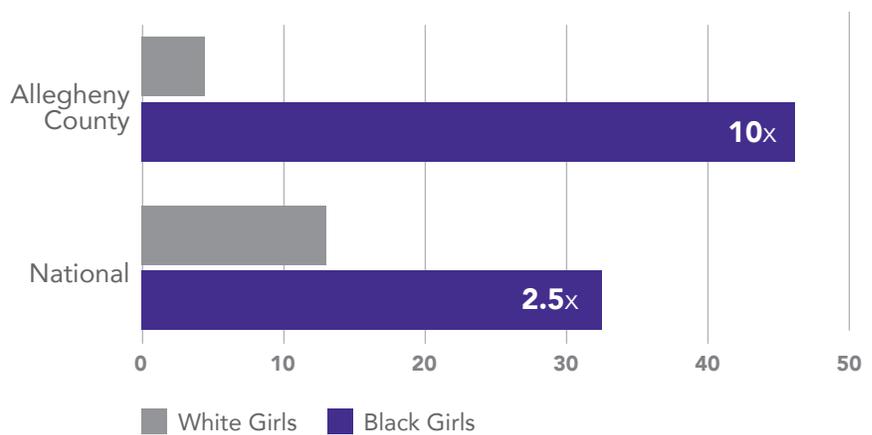
LOWER

than White girls' national rate

JUVENILE JUSTICE REFERRAL¹¹

- Black girls in Allegheny County are **10 times** more likely than White girls to be referred to juvenile justice (46 referrals per 1000 Black girls aged 10-17 vs. 4.6 per 1000 White girls).
- As documented in our 2016 report, behaviors of Black and White girls do not account for these differentials.¹² For example:
 - Black girls in Allegheny County are twice as likely as White girls to be involved in a physical fight, yet they are 13 times more likely to be referred to the juvenile justice system for assault.
 - Rates of alcohol and drug use are similar among Black and White girls in Allegheny County, yet Black girls are over three times as likely as White girls to be referred to the juvenile justice system for drug offenses.

Juvenile Justice Referral Rates per 1,000 girls, aged 10-17 (2017)



- Nationally, Black girls are referred to juvenile justice 2.5 times as often as White girls.
 - The referral rate for Black girls in Allegheny County is about 50% *higher* than Black girls' national rate.
 - The referral rate for White girls in Allegheny County is more than 50% *lower* than White girls' national rate.
- Nationally the racial disparity ratio is higher for boys, while **in Allegheny County the racial disparity ratio is higher for girls.**
- Allegheny County juvenile court referral rates decreased over the past 15 years for White boys, Black boys, and White girls, but **have increased for Black girls.**

¹⁰ Pittsburgh Bureau of Police, Crime Analysis Department, 2018 data
U.S. Census Bureau 2017 American Community Survey 1-Year Estimates.

¹¹ Allegheny County Juvenile Probation Annual Reports. Accessed online at: https://www.allegheycourts.us/annual_reports

Hockenberry, S., & Puzanchara, C. (2019). *Juvenile Court Statistics 2017*. Pittsburgh, PA: NCJJ.

Puzanchara, C., Sladky, A. and Kang, W. (2018). "Easy Access to Juvenile Populations: 1990-2017."

¹² Goodkind, S. (2016). *Inequities Affecting Black Girls in Pittsburgh and Allegheny County*. Pittsburgh, PA: FISA Foundation and Heinz Endowments.

Pittsburgh schools'
referral rate of Black
girls to law enforcement
is higher than

99%

of similar U.S. cities.

Why are referral rates
from schools to
law enforcement so
much higher in
Pittsburgh than in
other places?

In Pittsburgh and Allegheny County, a main driver of juvenile justice referrals is schools:

Pittsburgh schools' referral rate of Black girls to law enforcement is higher than 99% of similar U.S. cities.¹³ Pittsburgh Public Schools has 64 referrals per 1000 Black girls enrolled (vs. 12 per 1000 White girls enrolled, meaning that PPS refers Black girls to law enforcement at over 5 times the rate it refers White girls).¹⁴

Nationally, the school referral rate of Black girls to law enforcement is just 4 per 1000 Black girls enrolled and less than 2 per 1000 White girls enrolled.¹⁵ Similar cities like Cleveland, Detroit, and Cincinnati all have much lower referral rates.

Why are referral rates from public schools to law enforcement so much higher in Pittsburgh than in other places?¹⁶

- 60% of Black girls' juvenile justice referrals in Allegheny County in 2018 were for "school-related" offenses, while for White girls just 38% of referrals were school related,¹⁷ meaning that they happened at school rather than in the community.
- In 2017, the #1 source of Black girls' referrals to juvenile justice in Allegheny County was the Pittsburgh Public Schools, whereas for Black boys it was the Pittsburgh Police and for White girls and boys it was District Magistrates.¹⁸
- Black students are more likely than White youth to be disciplined at school for subjective behaviors. For example, in Allegheny County in the 2017-2018 school year, Black youth were approximately 10 times more likely to be suspended for conduct as White youth.¹⁹

NUMBERS ONLY TELL PART OF THE STORY.

What do these policies and practices look like in the lives of girls? Included are some narratives from girls in Pittsburgh that help to bring these statistics to life (*pseudonyms are used to protect girls' privacy*).

Tracy is a 10th grade girl who attends a charter school in Pittsburgh. Last year, she got in a fight at school and was suspended for 3 days. Tracy came to school during her suspension. However, rather than calling her parents to come and pick her up, the school called the police. This is an example of a situation that the school could have handled without involving law enforcement.

Dawn was also a 10th grader attending a local charter school last year. Like many students, she has to travel across the city to and from school. Her mother was concerned about her safety, so provided her with mace to protect herself. When she arrived at school, Dawn told the school security guard that she had mace in her bag given to her by her mother. Rather than concerning themselves with the fact that Dawn did not feel safe traveling to and from school, or simply confiscating the mace, the school suspended Dawn for 10 days for possessing a weapon.

Karina was a 10th grade girl attending a public high school in Pittsburgh. One day, when there was a substitute teacher, a boy in Karina's class was touching her sexually. She asked the teacher for help, but the teacher did not intervene, and the boy continued to harass her. In response, Karina defended herself with her pencil, minorly injuring the boy. The school district expelled her for a full year under their mandatory "zero tolerance" weapons possession policy. Karina's expulsion was successfully appealed; however, the appeal was granted on the basis that a pencil cannot be deemed a weapon, rather than the fact that she was forced to defend herself when the adults around her refused to do so.

Both Dawn's and Karina's experiences are examples of ignoring Black girls' vulnerability and victimization and punishing them for their survival strategies.



¹³ Howell, et al., (2019). *Pittsburgh's Inequality across Gender and Race*. Pittsburgh, PA: Gender Equity Commission.

¹⁴ Civil Rights Data Collection 2015-2016, U.S. Department of Education, <https://ocrdata.ed.gov/>

¹⁵ Civil Rights Data Collection 2013-2014, U.S. Department of Education, <https://ocrdata.ed.gov/>

¹⁶ Not all students referred to law enforcement are arrested or referred to juvenile justice.

¹⁷ Juvenile Offense Trends: Interactive Dashboard, <https://www.alleghenycountyanalytics.us/>

¹⁸ Melanie King, Allegheny County JPO, "Allegheny County Juvenile Offense Trends: 2017," December 2018.

¹⁹ Pennsylvania Department of Education Safe Schools Online, <https://www.education.pa.gov/Schools/safeschools> & Puzanchera, C., Sladky, A. and Kang, W. (2018). "Easy Access to Juvenile Populations: 1990-2017."

Recommendations

There are steps that we can take within our schools, law enforcement, and the justice systems that can help to dismantle the school-to-prison pipeline and to reduce the other inequities affecting Black girls in the justice system. These recommendations have been generated by the Black Girls Equity Alliance Juvenile Justice Workgroup based on our three years of collaborative study and meetings. These steps will benefit all young people, as they will make our schools and youth-serving systems more supportive and less punitive.

IN OUR SCHOOLS:

- Ensure adequate mental health resources by placing behavioral health professionals (social workers, counselors, psychologists, therapists) in every school.
- Train all school personnel in trauma-informed practices, in techniques to address implicit biases, and on the long-term negative consequences of involvement with the justice system, even for minor infractions.
- Support school personnel in working with students with Individualized Education Plans (IEPs) – the law prohibits schools from suspending and expelling students with IEPs for behaviors that are a manifestation of their disability, thus schools refer these students to law enforcement when they do not have resources to support them.
- End “zero tolerance” policies and eliminate suspension of elementary students.
- Implement restorative practices in all schools to build and restore community, reserving exclusion and punishment for extreme infractions. This will support



schools in developing tools to hold students accountable that do not involve calling the police. This will also create an environment more conducive to learning for all students, as research shows that schools that use more punitive discipline are less conducive to learning for all students.

- Request and analyze data from schools, including charter schools, to learn which schools are referring students to law enforcement at high rates. Develop a corrective action plan for schools with high referral rates.
- Ensure oversight of charter schools’ discipline practices, where suspension and expulsion rates are frequently higher than in traditional public schools.
- Create memoranda of understanding between schools and police that clearly delineate for schools when and why to call police and when NOT to.
- Develop alternatives to police in schools.
- Support and hold the school board and school administrators accountable for ensuring that schools are not over-referring to law enforcement and are maintaining jurisdiction over school police.

FOR POLICE:

- Train all police in trauma-informed practices and in techniques to address implicit biases.
- Work with the police and district attorney to develop pre-arrest diversion, as has been done in Philadelphia (currently Allegheny County uses only post-arrest diversion), which has been shown to reduce future delinquency compared with traditional processing.²⁰
- Ensure police and magistrates can access information on available community resources and supports, perhaps via a 24-hour hotline, so that they will not feel they must refer youth to juvenile justice to receive needed supports and services.

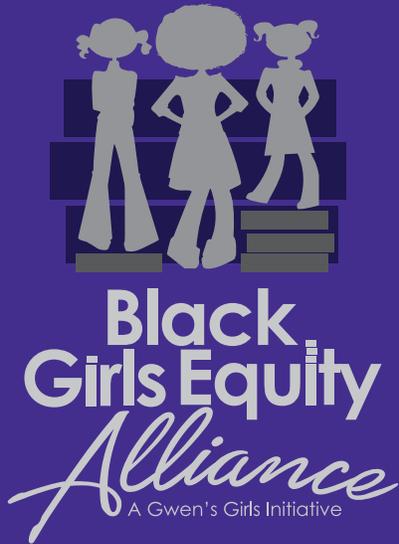


WITHIN THE JUSTICE SYSTEM:

- Train all justice system personnel, including judges, magistrates, and probation officers, in trauma-informed practices training and in techniques to address implicit biases.
- Support the holistic representation of youth, which means providing social workers and psychologists to collaborate with defense attorneys in ensuring that youths’ needs are met.
- Develop programming for girls similar to the Community Intensive Supervision Program (CISP, which is currently only available to boys) so that there are alternatives to residential placement for adjudicated girls.
- Hold the district attorney accountable for recognizing the unique needs of youth, not overcharging, and prosecuting only for serious offenses.



²⁰ Wilson, D. B., Brenna, I., & Olaghery, A. (2018). *Police-initiated Diversion for Youth to Prevent Future Delinquent Behavior*. Oslo, Norway: Campbell Collaboration.



For more information about the
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and to get involved with the
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