THE IMPACT OF JUVENILE INCARCERATION ON EMPLOYMENT
PROSPECTS FOR YOUNG WOMEN

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ABSTRACT

This paper assesses the impact that prior involvement in the Juvenile Justice system has on future employment prospects for young adult females. The literature on “collateral consequences” which refers to the total “costs” of incarceration and other types of punitive responses to an individual and to a society, has largely focused on young black males. This stands to reason, as they are disproportionately impacted at all levels of the justice system, from “stop-and-frisk” practices to death row. However attention is being increasingly being brought to the rising number of girls and women being arrested and detained. While women are largely incarcerated for non-violent drug or property offenses, girls appear to have a slightly different set of circumstances and are being arrested for running away from home or involvement in domestic disputes classified as “simple assault.”

Unfortunately, while the number of females in the system rise, policy measures regarding reentry have largely stayed the same. As women exit the system and attempt to re-build, they will have to deal with the consequences of having a criminal record and face barriers to obtaining housing, public benefits and employment. This paper assesses the extent to which young women are penalized in the labor market specifically, both as a stand-alone impact and in comparison to their male peers, a topic which has received a great deal of attention for males but not nearly enough for females. Using data from the National Longitudinal Survey of Youth, a nationwide
survey following two cohorts of youth from their teen years into adulthood, I construct logistic regression models to determine whether there is a negative relationship between prior involvement in the justice system and employment status, while controlling for age and race. I observe this relationship within each gender, as well as when males and females are jointly observed. My findings indicate that there is indeed a statistically significant negative relationship between the two, but that the impact for males and females is roughly the same. In other words, females with prior criminal history suffer in the labor market to the same extent as their male peers, but do not suffer additionally as a result of being female.
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INTRODUCTION

Outlining the Problem

The United States is the world’s largest jailer and holds the distinction of being one of the only countries in the world to jail children, often alongside adult criminals (Cullen, 2009). The population of children behind bars is nearly 100,000, despite the fact that overall crime rates have been falling since the 1990’s. However, in contrast to what these policies might suggest, public opinion polls consistently show that the majority of Americans are strongly in favor of rehabilitation programs for youth (OJJDP, 2010). At least in theory, most of us would probably agree that young people should not be detained unless the nature of their crime is so heinous that any lesser punishment would be a threat to public safety and an affront to justice.¹ So what explains the alarming number of youth behind bars and the willingness of the courts to put them there? What will these trends mean for the life outcomes of these youth as they transition into adulthood?

At its inception, the juvenile justice system was created based on the belief in reform. “In loco parentis” was the language used for the juvenile court system, and it reflected the idea that the courts should act as substitute parents in order to rehabilitate and reform delinquent children. The underlying philosophy represented a view that children need to be taught good values and that in the absence of proper guidance they might fall under less desirable influences. Delinquency was not seen as an indication of inherent immorality, but rather the outcome of neglect on the part of the family and community (Greenwood, 2003). Since that time, ideological shifts and concrete changes in sentencing policies have transformed nature of the court system into one focused on

¹ Even in this case, there is growing research to demonstrate that even the most serious youth offenders can be rehabilitated. The success of national programs such as Youth Build, and state-level reforms such as the
punishment rather than reform. To mitigate the potential damage of these punitive measures, the Juvenile Justice Detention and Prevention Act was passed in 1992, outlining core protections and standards for the system (OJJDP, 2010). The JJDPA mandates separate facilities for youth and adults, de-institutionalization of status offenders,\(^2\) “sight and sound” protections for youth who are housed with adults as a result of statutory loopholes, and monitoring practices to address the disproportionate numbers of minority youth housed in detention. In practice, these protections are often overlooked, under-enforced, or circumvented and thousands of youth are sentenced to out-of-home placement every year. Although the length of their stay may be finite, the consequences for developmental, educational, and economic outcomes will last a lifetime.

\textit{A Portrait of Youth Offenders}

While a small percentage of these youth are arrested for serious, violent crimes, the majority enters the system for things like shoplifting, vandalizing, or fighting in school. While these behaviors certainly warrant disciplinary action, a response as severe and as costly as detention is difficult to justify (CFJY, 2007). Many incarcerated youth have histories of physical and sexual abuse and struggle with mental health disorders and learning disabilities. Research has shown that children who are abused or neglected have a 55% greater likelihood of being arrested, and a 96% percent greater likelihood of being arrested for a violent crime (Sentencing Project, 2009). Sadly, the conditions in facilities are often far worse than what many of these youth faced in their home communities. The experience of confinement and separation from home and family can be traumatic for a child. Like adult facilities, juvenile corrections face challenges of overcrowding,

\(^2\) The term “status offenders” refers to youth who have engaged in activities which adults would not be held accountable for, such as cigarette smoking, underage drinking, missing curfew, and being truant. The call for deinstitutionalization of status offenders was recognition that youth who commit these minor behavioral offenses should not be detained.
physical and sexual abuse, poor sanitation and inadequately trained staff. In the past decade states such as Missouri, New York, and Virginia have been forced to actually shut down facilities due to reports of egregious abuse and public outcry (CFYJ, 2007).

The Unique Case of Female Youth Offenders

In addition to the hardships they face in prison, many of these young people return to impoverished communities and unstable households, with none of the resources necessary to support them as they reintegrate. The consequences for young black males and their communities have been at the forefront of policy research due to the disproportionate number who enter the system, but in recent years the steadily increasing rate of female offenders has begun to gain notice as well. According to the Rebecca Project, an advocacy group working to advance the rights of women and girls, women are the fastest growing segment of the US prison population (Saar, 2009). The available research on female juvenile offenders has demonstrated that they are a unique population with issues and needs that are distinct from boys. Many young female offenders are arrested and detained for running away from home (usually because of physical or sexual abuse), which under current law is considered a status offense. Prostitution is an all too common offense amongst this population as well, despite the fact that many were forced into the trade against their will. Research has found that females suffer from high rates of depression and substance abuse as a result of trauma suffered (Rebecca Project, 2011).³

³ A study conducted by the Oregon Social Learning Center found that 73% of female juvenile delinquents have been victims of sexual abuse prior to incarceration (Saar, 2009).
**Post-Incarceration Challenges: Barriers to Employment for Women**

The three major components of successful reentry are housing, education, and employment. All three remain out of reach to the majority of youth who have been in the system. In the case of employment for young women, which is the outcome this paper focuses on, a variety of factors make the process of gaining legitimate employment a nearly impossible one. Most employers are unwilling to hire ex-offenders, regardless of the offense, and certain professions actually don’t permit the hiring of formerly incarcerated individuals. For those who are unable to gain legitimate employment, a criminal record also bars participation in public assistance programs such as Temporary Assistance for Needy Families (TANF). Backed into an impossible corner, the lack of opportunities and support systems lead many youth to reoffend, and recidivism rates across the nation demonstrate that as many as 50% or more of youth will return to the system within just a few years (Justice Policy Institute, 2006).

The complex set of social, economic, and educational barriers are often even more insurmountable for young women who were incarcerated as juveniles. As indicated by the high rates of sexual victimization, unplanned motherhood along the way places the burden of another life on individuals who scarcely have the resources to help themselves. Additionally, the high incidence of mental health and substance abuse greatly reduces the “job-readiness” (Holzer, 2009) of many female ex-offenders. Without treatment normal adult functioning will remain out of reach, affecting the ability of women to care for their families and lead productive lives.

The body of research on “what works” for females to help them transition successfully is still slim, and the answers will inevitably be as complicated as the question. However the greatest
challenge may not be an intellectual one, but rather one of generating the political will through an understanding of the far-reaching impacts of incarceration. As a contribution towards this goal, the focus of this thesis is to examine rates of employment for females who were incarcerated as juveniles. Through an analysis of data from the National Longitudinal Survey of Youth (also known as NLSY97), I attempt to identify whether or not prior involvement in the justice system reduces the likelihood of future employment.

Mass incarceration has had a devastating impact on communities in America, and particularly on low-income communities of color. However even within these communities, young women and girls are arguably more vulnerable than their male peers. The possibility of sexual victimization and the attendant consequences, the restrictions motherhood places on mobility and workforce participation, and gender biased hiring practices are just some of the factors that can have a devastating impact on life outcomes. Given that women are working and supporting families on their own in greater numbers, it is critical that policymakers understand the consequences of incarcerating female delinquents and begin a more concerted effort to advocate for policies tailored to meet the needs of this unique subgroup of the juvenile population.
LITERATURE REVIEW

Reentry is defined as, “the process and experience of reentering society after a term of incarceration” (Nellis, Wayman, 2009). In many ways this description is an apt one, because it captures both the literal transition of moving from detention to the outside world (“the process”), as well as the psychological one (“the experience”). The intensity and challenges of living in confinement make the reentry process a profoundly difficult one. Opponents to prison reform often argue that individuals who have committed crimes should not be given the benefit of social services either during or after their sentence. Regardless of where one stands from a moral perspective, the size of the prison population and the virtual guarantee that 50-70% will reoffend in just a few years have begun to make neglect an increasingly impractical option. With one out of every hundred Americans behind bars criminal justice reform has mirrored the financial crisis: too big to (continue) to fail (Pew, 2008). For those who do believe that prisoners should be given a second chance, a closer look at the barriers to re-entry provide strong support for the necessity of programs to provide education and employment services for ex-offenders. These are obviously essential for all youth, but as I will outline in the course of this document, both the histories and the outcomes for delinquent females warrant special attention to be paid by policymakers.

Additional Arguments for Reform: From the Perspective of Child Development

In a seminal work on juvenile delinquency, psychologist Terrie Moffit argued that the majority of youth are acting out as a result of natural development pathways. Neurological research has since confirmed this by showing that the portion of the brain that deals with consequences and risk is the last to develop, making adolescents far more likely to engage in risky behaviors.
(Moffitt, 1993). In many ways female delinquency makes an even stronger case for, at the very least, testing Moffitt’s theories in practice. As a population, girls are largely arrested for non-violent crimes. Rates of depression and low self-esteem are far higher for girls than for boys, and the nature of their offenses (i.e. running away, abusing alcohol or drugs, engaging in risky sexual behavior) have clear links to their unique mental health challenges. By responding to the root cause of behavior rather than the outcome the rate of female delinquency has the potential to be greatly reduced without fear of compromising public safety.

Other experts on developmental psychology stress that transitioning from youth to adulthood involves achieving “psychosocial maturity.” Of the key elements involved, the first is defined as “mastery and competence” involving the development of skills to live independently and participate in the workforce (Urban Institute, 2004). From this perspective, employment is not only necessary for survival but is equally critical for successful development into young adulthood. For youths who have spent their formative years in detention, key processes of socialization, maturation, life skills, and academic learning are all things that they have been deprived of. Being virtually locked out of the job market could potentially exacerbate this developmental lag, making them less able to take on other responsibilities of adulthood, such as parenting or running a household.

From the Perspective of Democracy

Describing the transition that our system of justice has undergone in the last half century, author William J. Stuntz writes, “In the late 1960s and early 1970s, the United States had one of the most lenient justice systems in the world. By century’s end, that justice system was the harshest
in the history of democratic government” (Stuntz, 2011). Stuntz’s use of the word “democratic” is not accidental. In framing his arguments for a justice system that has “gone off its rails,” (Stuntz, p. 6) the author points out that the designation of power to local governments regarding sentencing and enforcement was a central tenet of the country’s original democratic ideals. According to Stuntz, with some exceptions local judges and prosecutors are elected, not appointed, on a county-by-county basis. This makes them accountable to the electorate and ensures (in theory, at least) an adequate reflection of the values of the local population. In practice, however, the social stratification of society by race and class transformed the system into one where wealthier suburban voters elect justice officials but rarely come into contact with them. Instead their urban, city dwelling neighbors are the ones who will be affected by the selection of court officials. Unfortunately, due to voter trends, high rates of disenfranchisement, and other factors while they will be far more impacted by the outcomes of these elections they are far less likely to have an equal stake in determining who will win them (Stuntz, 2011).

Notably, Stuntz is not the only one to invoke the concept of democracy in the context of reform. Bruce Western, a Harvard sociology professor who has written extensively on employment outcomes for ex-offenders, also argues that a penal system based on rehabilitation is part and parcel of our nation’s democratic ideals. At the inception of the American penal system, he writes, “rehabilitative institutions comprised part of a primitive social democracy which conferred not just the vote and freedom of association but also a minimal equality of life chances. Despite curtailing freedom…the prison posed no basic threat to democracy because the official ideology of rehabilitation promised to re-establish the social membership of those who had fallen into poverty and crime” (Western, 2005). There are a few reasons this argument is
potentially such an important one for reentry initiatives: the first is that it suggests reform is the responsibility of a democratic government, and even more so because in locking citizens up, a democratic government violates its own principles of liberty and voting power by denying that to prisoners. The second reason is that according to Western, democracy involves conferring “a minimal equality of life chances” and specifically references the interaction of poverty and crime. Given that the majority of youth exiting the justice system are returning to the same impoverished neighborhoods that they came from, Western’s argument acknowledges the role that limited resources can play in determining life outcomes for youth. Other types of subtler disadvantage such as living in neighborhoods associated with crime, can also affect the probability of contact with the system. Surveys revealing the comparable rates of drug use and other delinquent activities indicate that race and poverty can make juveniles more vulnerable to police presence than their wealthier peers in the suburbs who are engaging in the same behaviors, making rehabilitation a tool for rectifying (to whatever degree possible) systemic inequalities.

Finally, the touchstones for many reform advocates are that the system is not working as a deterrent (as evidenced by the high rates of recidivism) but as a result of widespread abuse and neglect is actually doing irreparable harm to youth. Systemic changes to sentencing policy, juvenile facilities and indigent defense will take many years to realize. In the meantime, however, initiatives on the “front end” of the juvenile justice system, such as youth prevention programs, as well as the “back end” (reentry employment programs), can play an important role in mitigating some of the damage that occurs in the middle.
Employment Prospects for Young Women

While there is a well-developed body of research surrounding employment outcomes for juvenile offenders of both genders, few studies have focused exclusively on the female population. The fact that women vastly outnumber men as heads of households in single parent families is enough justification for conducting additional research on the economic impact of incarceration for this group (JEC, 2010). The focus on men may in large part be attributed to their outsized proportion in relation to women in corrections. However it is at least arguable that this also reflects some amount of bias regarding the importance of the economic functions of men and women. Regardless of gender, however, research demonstrates that education and employment are two of the most important factors in predicting the success of a young adult reintegrating into society. These two elements provide the material to help individuals to become self-sufficient in the long run, and in their absence it is almost a guarantee that youth will continue to struggle in adulthood, potentially re-engaging in illegitimate activity to earn money or achieve status (JPI, 2009). Education and employment settings also create natural opportunities for those who have been long isolated to reconnect with the larger community and overcome the stigma of incarceration by proving their ability to be productive members of society.

For female ex-offenders who return to their families, employment may be critical to helping to support the household and breaking the cycle of poverty and crime. Multigenerational incarceration in families is a common theme, and the reasons are not coincidental. According to research on the penal system in California, children with an incarcerated parent are five times more likely than their peers to wind up in prison, and one in ten will enter the correctional

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4 According to the Bureau of Labor Statistics, in 2008 there were 10,000 households headed by women alone. That same year, the number of male headed households (with no female companion) was roughly 3,000.
system before reaching adulthood (CSL, 2000). In addition, even if mothers with criminal histories do not reoffend, their limited opportunities to earn a living and the likelihood that they suffer from trauma as a result of their experiences can place their children at greater risk of becoming delinquent themselves.

For many youth, the gaps in their education may be so substantial that re-enrollment in school poses a serious challenge; in such cases workforce readiness so that they might enter into a job in order to support themselves (while ideally continuing to further their education at a manageable pace) presents a much more viable solution. Finally, enabling youth to join the workforce means that rather than having to rely on what little public assistance they are eligible for, they will actually be able to contribute to the larger revenue stream through taxes. The more members of a community that are gainfully employed, the better the services available, and the more likely it is that crime will reduce as a result.

Despite the obvious benefits they confer, educational and vocational training programs in corrections are often poorly run and minimally resourced (Steinberg and Haskins, 2008). Where they are found however, girls are often additionally disadvantaged with regards to the types of training made available to them. One study found that girls were being taught stereotypically female vocations such as cosmetology or culinary skills, but not offered the broader range of vocational training and recognized certification programs to increase their marketability (ACLU, 2006). This marks another important consideration for policymakers, which is to not only

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5 It is also worth noting that there are considerable institutional barriers to re-entering the mainstream school system. School officials are often reluctant to allow students with a history of delinquency back into the system due to assumptions about the dangers they will pose to other students, disruptive behaviors in the classroom, and poor academic performance that will bring down average test scores.
enforce standards for the provision of services, but to ensure services are delivered without bias and kept relevant to the needs of the labor market.

Research also clearly demonstrates that the experience of incarceration without any intervention or support services reduces the amount of employment individuals have over a lifetime. Ex-offenders may be relegated to the “secondary labor market” consisting of low-wage, temporary or seasonal work that is inconsistent and unpredictable (Sweeten and Apel, 2007). Formerly incarcerated youth are seven times more likely to experience regular periods of unemployment as adults and be dependent on welfare. They are also more likely to have children out of wedlock and to be divorced (Chung et al., 2005). The National Bureau of Economic Research reported that formerly incarcerated young people who spent time in facilities between the ages of 16-25 had 25-30% less work time, on average, than those who did not. Research has also revealed that formerly incarcerated youth worked approximately three weeks less per year than youth with no criminal history. For African American youth, the difference was five weeks per year (JPI, 2009). When these statistics are couched in the context of the gender disparities in both wages and wealth, they suggest that the effects of incarceration may be compounded for young women.

An analysis conducted by Bruce Western for the Pew Research Center revealed that the stigma of incarceration is one of the most significant barriers to employment. In this study, researchers found that the effect of incarceration was associated with an 11% reduction in wages, 9 weeks fewer employment per year, and a 40% reduction in annual earnings (Pew, 2010). When a control variable for prior work experience was added into the model, the results were the same. According to Western this suggests that the stigma of incarceration plays a stronger role than the
absence from labor force participation in reducing future employment prospects and wages (Pew, 2010). As I will discuss later on, evidence of discriminatory hiring practices are essential to highlight in this discussion both for the purposes of creating stronger legal protections as well as to refute the idea that barriers to employment are solely because of an absence of skills and experience.

Not only does employment provide a means of survival, but it also provides access to essentials such as medical care. This is important for all people, regardless of gender or criminal history, but it is particularly important for females with a history of delinquency because they are disproportionately more likely to have serious mental health or substance abuse problems than their male peers (Act4JJ, 2011). Reviews of juvenile re-entry services reveal that health insurance for youth in detention is often abruptly cut off upon release (Newell, Salazar, 2010). Particularly for female youth on psychotropic drugs, pregnant, or nursing, this can pose a serious health risk. Access to proper care to help them to regulate or improve their mental health condition ultimately benefits individuals as well as families and communities. The larger implications are also relevant: the more we enable young women to be truly financially self-sufficient, meaning access to a living wage with benefits and growth, the less of a burden we place on existing entitlement programs. In Jefferson Parish, Louisiana, studies show that 79% of arrested youth are either on Medicaid or the State Children’s Health Insurance Program (Sentencing Project, 19). Once again, the overlap of poverty and crime indicates that providing resources may be a non-negotiable part of crime reduction.
Barriers to Employment

Unfortunately, despite the importance of gainful employment in the process of successful reintegration, formerly incarcerated youth face numerous hurdles in the labor market. The irony of life post-release is that barriers to entry into any one of the key institutions – including school, workforce, and housing – automatically create barriers to the others. For example, although only juveniles who were convicted of a drug offense are technically ineligible for public housing, in practice any type of criminal history is likely to lead to a rejection. Without housing, it becomes far more difficult to search for a job or obtain state-issued identification necessary to apply for jobs. Transportation is also a key hurdle. If young people return to neighborhoods with few employment opportunities and have to travel outside in search of work, they will then be faced with the costs and reliability of public transportation. In addition, meetings with parole and probation officers usually take place during the day, as does drug testing. Attending these meetings could potentially cost an individual her job, particularly without the means of a car. A case manager may be able to speak with a potential employer, for instance, and verify that the individual will have to be absent from work on a given day during the week. Without that kind of support and legitimacy employers may be quick to dispose of an already risky hire. The larger point in outlining many of these infrastructural details is to underscore how intertwined crime and poverty are, and the extent to which causality runs back and forth between them.

As evident from the preceding paragraph, the lack of legal protection against employment (or other types of) discrimination for formerly incarcerated individuals makes it very difficult to counteract barriers in hiring. The Equal Employment Opportunity Commission (EEOC) does encourage employers to consider individual cases, the severity of past offenses and the length of
time since release, but without legal enforcement these considerations are rarely undertaken in practice (NRRC, 2008). While juvenile records are generally confidential, state laws regarding access can vary (Nellis, Wayman, 2009). In addition, in many states youth as young as 16 are considered in the age of the majority, so many young people – in particular those who may be searching for a job upon release, as opposed to returning to school – are directly affected by these laws.

In many states, juveniles that were transferred to the adult criminal justice system are not protected by privacy laws, nor are those youth who have multiple offenses on their records. To give a sense of the scope of this population, in 1999 roughly 73,000 individuals under the age of 25 were released from the adult criminal justice system. With public criminal records, their chances of obtaining employment are slim to none. The limited prospects of youth tried as adults are clearly an important driver of their greater potential for reoffending. Studies show this group as 30% more likely to recidivate than their peers coming out of the juvenile system (Nellis, Wayman, 2009).

What makes these situations even more challenging is that most of these youth lack adequate levels of education for their age, or any marketable skills. While facilities are required to offer educational programs, many of them are barely adequate. Vocational training programs are often not much better, and lack industry-certification or other standards to promote their value in the job market (Nellis, Wayman, 2009). In part, this is an issue of priorities, but it also largely a result of inadequate funding. Juvenile facilities, like their adult counterparts, are straining at the seams because of a rapidly rising incarcerated population. The result is that resources are
stretched far beyond capacity, and services like youth employment programming are
unaffordable for institutions (Annie E. Casey Foundation, 2002).

**Essentials for Reentry Programs and Existing Models**

In 1997, the Department of Labor and the Office of Juvenile Justice Delinquency Prevention
(OJJDP) convened a national task force to focus on the issue of employment and training for
youth involved in the justice system. According to the Dept. of Labor, “The limited evaluation
evidence that is available suggests that temporary employment programs without additional
services bring little or no post-program benefits to disadvantaged youth” (Annie E. Casey
Foundation, 14-15). As the quote points out, one of the essential elements of any successful
employment is that the skills and opportunities offered to young people are connected to long-
term employment and careers. In many cases, the lack of opportunity prompts young people to
engage in the delinquent behaviors that eventually led to their incarceration. Diverting them
from that path, therefore, necessitates providing stable alternatives they can invest in.

As can be expected, designing successful reentry programs is no easy task, and policymakers
continue to work on developing models for reintegration. The results of past efforts, however,
clearly highlight that these programs can be a critical link between youth and employment. The
Serious and Violent Offender Reentry Initiative, created by the Office of Justice Programs in
2002, found the most notable success was employment services. Tracking outcomes three
months after the release of the first group of participants revealed a 10% increased likelihood of
employment compared to the control group. In addition, the Youth Opportunity Grants
programs also saw success in local programs that tailored their vocational training programs to
the gaps in the labor market. By equipping participants with skills that were in demand and relevant, they were able to successfully transition many of them to employment (Annie E. Casey Foundation, 2002).

**Challenges Ahead for Researchers, Policymakers and Practitioners**

Since the welfare reforms of the 1990’s, it has been clear that Americans (and therefore, politicians) value the idea of achieving self-sufficiency through work. The challenge for policymakers working in juvenile justice is to continue to refine methodologies examining the link between incarceration and employment, while continuing to push the idea that regardless of whether or not a definitive causal link can be established we must continue to invest in reforms which provide marketable skills for young people exiting the justice system.

Employment programs themselves must be continually evaluated to ensure that they are actually succeeding in helping young people transition to the work force. Existing research has a host of recommendations for improving the process. Factors such as integrating the work of the separate agencies (the courts, child welfare, etc.), tailoring programs to the needs of participants (i.e. young teen mothers, or mothers in their early twenties), and making components such as mentorship a staple are just some of the potential improvements to current program designs. Given the differences between the needs of girls and boys, gender must be taken into account when providing services, training and job referrals. As discussed, the need for gender-specific studies is based on a number of factors, including, but not limited to:

- Rising rates of arrest and incarceration for young women and girls
- The non-violent nature of offense types in this group
- High rates of mental illness and depression which can impede the ability to maintain employment
- Responsibility of child-rearing and maintaining single parent households
- Differences in hiring practices and gender based discrimination

Arguments have been made that employment distracts from the real need for completing education, but the fact that many females exiting the system are young adults by the time of their release underscores the necessity of providing them with the skills to earn a stable income. As more and more Americans slip into poverty and unemployment rises, the already slim prospects for formerly incarcerated youth and their future children may virtually disappear without intervention. Women play a critical role in sustaining families and communities. By stripping them of access to basic resources, our society as a whole is made weaker.
RESEARCH QUESTION AND HYPOTHESIS

Based on the reasons already outlined concerning the rising rates of incarceration for women and girls, for this thesis I examine youth data to find out whether involvement in the criminal/juvenile justice system has a measurable and statistically significant impact on future employment. Nearly every major study published on the relationship between prior involvement in the justice system and employment cites the absence of a true counterfactual demonstrating what might have happened in the absence of that involvement (or the “treatment” effect). While acknowledging the counterfactual is both impossible to obtain when analyzing quasi-experimental data, as well as that even with extensive controls the problem of selection bias will persist if there exists some unknowable, endogenous factor that determines out-of-home placement (and could in turn affect employment outcomes), the ever-expanding list of offenses for which minors can be arrested, tried and sentenced suggests that the latter may not be a significant problem. The breakdown of juveniles in detention shows that children are placed for offenses that range from classroom disruption to violent crime. In other words, without a unifying level of seriousness or type of crime it is difficult to draw the conclusion that the severity of the consequence is necessarily a reflection of the offense committed.  

For my analysis, I designate employment status as the binary dependent variable. For the independent variable of interest, I first create a dummy variable to signify whether or not a respondent had been previously involved in the criminal justice system. Involvement includes any prior arrests, charges, and/or sentencing that took place from 1997-2004. I then create a

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6 In fact, though this is not the focus of this paper, I would argue that it is more likely a function of access to resources (such as private counsel versus the public defender system), parental support, race, and other factors than the nature of the crime itself.
dummy for “female” to indicate whether or not the respondent is female\textsuperscript{7}, along with an interaction variable that multiplies the estimated impact of being female with the estimated impact of the criminal justice system. In order to obtain a control group, I create a random sample of 473 females. The additional control variables I include are age and race/ethnicity. While the full range of ages for the year 2006 was from 22-26, I excluded all 22 year-olds to avoid capturing college students in the “unemployed” category. My central hypothesis is that contact with the criminal justice system has a statistically significantly negative impact on employment prospects for women, when compared to the prospects of women with no criminal background.

For this examination, my null and alternative hypotheses are as follows:

\textit{H}_0: A criminal history has no impact on future employment prospects for females.

\textit{H}_a: A criminal history has a negative impact on future employment prospects for females.

\textsuperscript{7} In addition to the data on females, I extract a set of observations on males in order to see if there were any differences between the relationship in question for each gender.
DATA

For the purposes of this study, I use data from the National Longitudinal Survey of Youth. The NLSY follows two main cohorts, one group which they began tracking in 1979, and the other which they began tracking in 1997 (known as the “NLSY97”). This second group was surveyed from their teen years, between the ages of 13 – 17, and annually thereafter into adulthood. Youth were randomly chosen, and oversampling weights are included for African-Americans and other minorities. I draw my sample from the NLSY97 cohort. The NLSY is one of the richest sources of data on youth, with topics ranging from education and household characteristics to more complex subjects such as “Attitudes and Expectations.”

The survey also covers crime and delinquency. “Crime” refers to offenses that are regarded as criminal for adults even if the individual was charged as a juvenile. “Delinquency” includes activities such as “status offenses” which are activities that are only considered offenses if done by a minor, such as truancy or underage drinking. Under current law, a juvenile cannot be detained for a status offense, though in practice this often happens as a result of being held pre-trial. Although not included in this study, the NLSY survey includes questions regarding individual criminal activity, as well as questions for respondents regarding the prevalence of crime and violence in their communities. All questions concerning crime were administered through a self-report survey to avoid misreporting.

The focus of this paper, which is the impact of involvement in the criminal justice system on labor market outcomes for women, is based on criminal justice data for female youth from 1997-

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8 The distinction between delinquency and crime is also made based on what charges are brought by prosecutors. Some youths may be tried as adults because of the seriousness of the offense, or transferred from juvenile to adult court based on a judge's decision.
2004 and employment data from 2006. The former includes data on any arrests, charges and sentencing outcomes. For this study I look at employment status in 2006 to avoid conflating the results with the impact of the economic downturn that began in the following year.

For the purposes of this analysis, I use logistic regression and designate employment status as the binary dependent variable. I create the variable “employed” (1 = Employed, 0 = Not Employed), with a value of 1 indicating both civilian labor force as well as those in the armed services, and a value of 0 including only those who were specifically unemployed, rather than voluntarily out of the labor force or unable to work because of a disability.

In order to capture involvement in the justice system, I first create three variables using the “egen anymatch” command: “ever_arrest,” “ever_charged” and “ever_sentenced.” I then create the variable “ever_police” to capture all respondents who had a value of 1 (1 = yes), for any of these three outcomes. I create a corresponding dummy variable for “ever_police” called “cjinvolved” with a value of 1 indicating a respondent with a criminal history and a value of 0 for those who had no prior record. In order to measure the impact of gender for models including both male and female respondents, I create a dummy variable labeled “female” and an interaction variable (“cjinvolved_female”) to capture the impact of the criminal justice system and status as a female.

For additional control variables I include the age of respondents and their race/ethnicity. The full age range amongst respondents, as previously mentioned, is 22-26. However to avoid capturing unemployment amongst college age youth, I exclude observations who were 22 in the year 2006. For the categorical variable of Race, I create separate indicators to designate the categories
Black, Hispanic, Mixed Race/Non-Hispanic, and Non-Black/Non-Hispanic. The last category serves as the reference category.
METHODOLOGY

As explained in the previous section, in order to compare the impact of prior involvement with the criminal justice system on the employment outcomes of young adult women, I conduct a series of regressions. I analyze the five models below as logistic regressions, with the unit of observation being the individual respondent. For a more comprehensive look, I also include the results when the same regression is run for male populations alone, as well as male and female populations together.

Model 1: Impact of Criminal Justice System + Age and Race Controls, Without Dummy for Gender

Employment Status = $\beta_0 + \beta_1 * \text{Dummy for Involvement in CJ System} + \beta_3 * \text{Age} + \beta_4 * \text{Black} + \beta_5 * \text{Hispanic} + \beta_6 * \text{Mixed Race}$

Model 2: Model 1 + Dummy for Gender

Employment Status = $\beta_0 + \beta_1 * \text{Dummy for Involvement in CJ System} + \beta_2 * \text{Female} + \beta_3 * \text{Age} + \beta_4 * \text{Black} + \beta_5 * \text{Hispanic} + \beta_6 * \text{Mixed Race}$

Model 3: Model 1, limited to female respondents (female==1)

Employment Status = $\beta_0 + \beta_1 * \text{Dummy for Involvement in CJ System} + \beta_3 * \text{Age} + \beta_4 * \text{Black} + \beta_5 * \text{Hispanic} + \beta_6 * \text{Mixed Race}$

Model 4: Model 1, limited to male respondents (female==0)

Employment Status = $\beta_0 + \beta_1 * \text{Dummy for Involvement in CJ System} + \beta_3 * \text{Age} + \beta_4 * \text{Black} + \beta_5 * \text{Hispanic} + \beta_6 * \text{Mixed Race}$

Model 5: Model 2 + Interaction Term

Employment Status = $\beta_0 + \beta_1 * \text{Dummy for Involvement in CJ System} + \beta_2 * \text{Female} + \beta_3 * \text{Interaction Variable} + \beta_4 * \text{Age} + \beta_5 * \text{Black} + \beta_6 * \text{Hispanic} + \beta_7 * \text{Mixed Race}$
Dependent Variable: Employment Status

The dependent variable, Employment Status, is coded as 1 = Employed, 0 = Unemployed. As described in the Data section, a value of 1 captures responses of “Employed” and “Active in the Armed Forces.” A value of 0 indicates that respondents are unemployed. Those respondents who indicated they were “out of the labor force” are excluded, in order to avoid conflating unemployment with those who chose not to work, a category that could potentially include a large number of females who stay at home with young children, for example.

Table 1 shows the rates of employment amongst females in this sample. A cursory glance at the numbers reveals that just over 70% of unemployed females have a criminal history, and the difference in outcomes is significant at the .001 level. That being said, over fifty percent of those in the “employed” category also have a criminal record, so clearly more information is needed on the type of background as well as the type of employment to obtain a better understanding of what these numbers are telling us. Table 2 displays the rates of employment within each level of criminal justice involvement: arrested, charged and sentenced. While those in the category of “sentenced” have the highest rate of unemployment (15.23% versus 12.5% for charged and 14.19% for arrested), a chi-square test reveals that the difference in probability is not statistically significant.
Table 1  
*Rates of Employment for Female Respondents, Broken Down by Criminal History*

<table>
<thead>
<tr>
<th>Employment Status</th>
<th>No Criminal Record</th>
<th>Have a Criminal Record</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Employed</td>
<td>27</td>
<td>65</td>
<td>92</td>
</tr>
<tr>
<td>Row Percent</td>
<td>29.35%</td>
<td>70.65%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Column Percent</td>
<td>7.52%</td>
<td>15.74%</td>
<td>11.92%</td>
</tr>
<tr>
<td>Employed</td>
<td>332</td>
<td>348</td>
<td>680</td>
</tr>
<tr>
<td>Row Percent</td>
<td>48.82%</td>
<td>51.18%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Column Percent</td>
<td>92.48%</td>
<td>84.26%</td>
<td>88.08%</td>
</tr>
<tr>
<td>Total</td>
<td>359</td>
<td>413</td>
<td>772</td>
</tr>
<tr>
<td>Row Percent</td>
<td>46.5%</td>
<td>53.5%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Column Percent</td>
<td>100.00%</td>
<td>100.00%</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

*Pearson chi2(1) = 12.355, Pr=0.000*
Table 2

Unemployment Rates Broken Down by Type of Offense

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>% Unemployed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrested</td>
<td>14.19%</td>
</tr>
<tr>
<td>Charged</td>
<td>12.50%</td>
</tr>
<tr>
<td>Sentenced</td>
<td>15.23%</td>
</tr>
</tbody>
</table>

Additional Control Variables

As discussed previously, I include a few simple demographic controls in my model. Table 3 below illustrates the direction I predict each of the corresponding parameter estimates will have. I predict the direction on “Female” will be negative because in addition to the impact of a criminal record, gender bias in the labor market and constraints such as pregnancy and motherhood may make it more difficult for female ex-offenders to find employment than males with similar backgrounds. This prediction applies only to those models including both genders.

Table 3 Anticipated Effects of Control Variables in Logistic Regression Models

<table>
<thead>
<tr>
<th>Control Variable</th>
<th>Anticipated Direction of Coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>Negative</td>
</tr>
<tr>
<td>Age</td>
<td>Positive</td>
</tr>
<tr>
<td>Black</td>
<td>Negative</td>
</tr>
<tr>
<td>Hispanic</td>
<td>Negative</td>
</tr>
<tr>
<td>Mixed Race</td>
<td>Negative</td>
</tr>
</tbody>
</table>

Although the differences in age are minimal amongst respondents, I predict increasing age will have a positive impact on the probability of being employed. Respondents will have gained more work experience, education, and will be farther away from past delinquency, all factors that will likely make them stronger candidates. Finally, I predict that the coefficients on all the three
race indicators will be negative. Empirical research has demonstrated extensive racial bias in hiring practices, and it is my prediction that this will persist in this sample as well.\footnote{See, Bertrand, M. and Mullainathan, S. 2004. “Are Emily and Greg More Employable than Lakisha and Jamal?” Retrieved from: http://www.economics.harvard.edu/faculty/mullainathan/files/emilygreg.pdf}

Finally, Table 4 (located on the following page) illustrates an overview of all the variables included in my model.
### Table 4 Variable Summary

<table>
<thead>
<tr>
<th>Variable</th>
<th>Definition</th>
<th>% of Sample or Sample Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment Status</td>
<td>1 if respondent is Employed, 0 if they are unemployed or “out of the labor force.”*</td>
<td>88% Employed</td>
</tr>
<tr>
<td>Criminal History</td>
<td>1 if respondent was ever arrested, charged and/or sentenced for an offense, 0 if not.</td>
<td>60.67%</td>
</tr>
<tr>
<td>Gender</td>
<td>1 if the respondent is female, 0 if the respondent is male.</td>
<td>37.59%</td>
</tr>
<tr>
<td>Age of Respondents</td>
<td>Age of Respondents based on year of birth. Ranges from 22-26.</td>
<td>24.26</td>
</tr>
<tr>
<td>Race (RaceEth)</td>
<td>1 if respondent is Black, 2 if respondent is Hispanic, 3 if respondent is Mixed Race, and 4 if Respondent is White and/or Non Black/Non Hispanic. 4 is the reference category.</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>Race==1</td>
<td>23.72%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>Race==2</td>
<td>22.10%</td>
</tr>
<tr>
<td>Mixed Race</td>
<td>Race==3</td>
<td>1.06%</td>
</tr>
<tr>
<td>Non-Black, Non-Hispanic</td>
<td>Race==4</td>
<td>53.12%</td>
</tr>
</tbody>
</table>

* Indicates the number of female observations.
RESULTS

Table 5 shows the results of my regressions. The independent variable “cjinvolved” proved statistically significant across all six models, and jointly significant when interacted with the coefficient on “female.” Using a one-tailed t-test, in Models 1, 2, 3 & 5 the criminal justice variable is significant at the .001 level; in Model 4, the CJ variable is significant at the .05 level. Additionally, the sign on the coefficient is negative in all models, suggesting that prior involvement in the criminal justice system has a negative impact on the probability of being employed. The dummy for female is not significant for any of the models, nor is it jointly significant when interacted with the criminal justice variable. This indicates that while involvement in the criminal justice system has a negative impact on employment, the status of being female poses no additional penalty. That being said, the results of these regressions do show that female ex-offenders face barriers to employment that are roughly comparable to male ex-offenders.

Table 5 lists both the estimated parameters of the logistic regressions as well as the marginal probabilities for Models 2-5. Model 3, the model of primary interest in this study, is limited only to female respondents. Using the “mfx” command in STATA produces a marginal probability of -0.071, with a standard error of 0.02. This can be interpreted as suggesting that amongst females, having a criminal record versus not having a criminal record is associated with a 7 percentage point reduction in the probability of being employed, holding constant age and race. By comparison, the marginal probability on “cjinvolved” for Model 2 (which predicts Pr(Y=1 / X) for male and female observations) indicates a 6 percentage point reduction in the probability of being employed for individuals with prior criminal history as compared to those with no
history, controlling for gender, age, and race. Within Model 4, which is limited to male observations, the results are identical.

Although race is not the focus of this study, it is worth noting that the coefficient on “Black” is significant at the .001 level across all five models as well, a result which is consistent with the literature on racial bias in hiring practices. Age in these regressions is not significant, however the lack of significance is most likely due to the limited age range of the respondents in the sample (23-26) so that those at the upper range are unlikely to have vastly different amounts of education or work experience to make them more (or less) employable.
### Table 5  Employment Status Regressions Using the NLSY97 Data

<table>
<thead>
<tr>
<th>Dependent variable: employed = 1 if respondent was employed in 2006, = 0 if unemployed; 2092 observations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regression Model</strong></td>
</tr>
<tr>
<td><strong>Regressor</strong></td>
</tr>
<tr>
<td><strong>criminal history</strong></td>
</tr>
<tr>
<td><strong>female</strong></td>
</tr>
<tr>
<td><strong>criminal history*female</strong></td>
</tr>
<tr>
<td><strong>age</strong></td>
</tr>
<tr>
<td><strong>black</strong></td>
</tr>
<tr>
<td><strong>hispanic</strong></td>
</tr>
<tr>
<td><strong>mixed race</strong></td>
</tr>
<tr>
<td><strong>constant</strong></td>
</tr>
</tbody>
</table>

**Marginal Probabilities**

| **criminal history*female** | -0.06*** (0.01) | -0.07*** (0.02) | -0.06*** (0.01) | -0.06*** (0.02) |
| **female* female** | -0.01 (0.01) | | | -0.02 (0.03) |
| **criminal history*female** | | | | 0.007 (0.032) |
| **age** | 0.006 (0.004) | -0.001 (0.008) | 0.01** (0.006) | 0.006* (0.004) |
| **black* black** | -0.11*** (0.02) | -0.13*** (0.03) | -0.11*** (0.02) | -0.11*** (0.02) |
| **hispanic* hispanic** | -0.02 (0.02) | -0.05 (0.03) | -0.002 (0.024) | -0.02 (0.02) |
| **mixed race* mixed race** | -0.05 (0.08) | -0.07 (0.11) | -0.04 (0.13) | -0.05 (0.08) |

**F-Statistics**

| **criminal history** | chi²=16.69*** (p<.001) |
| **female** | chi²=1.31 (p>.05) |

*Indicates discrete change of dummy variable from 0 to 1.
DISCUSSION AND POLICY IMPLICATIONS

The results of this study suggest that involvement in the criminal justice system has a negative impact on future employment for young adult women. This is consistent with existing research on labor market outcomes for young men coming out of the penal system. According to Models 3 and 4, the estimated impact (-0.76 and -0.75) of prior criminal history on employment is nearly identical for women and men. Studies to date have focused almost exclusively on men, but as I argue in this thesis, with growing numbers of women both in the labor market and in the penal system, additional attention and research needs to be focused on outcomes for female ex-offenders. While the estimated coefficient on “female” did not prove to be significant, the limited sample size in this case warrants further investigation.

The independent variable of interest measuring criminal history in these regressions captured a wide range of outcomes: arrests, charges and sentencing. Further, within the sub-category of sentencing, outcomes ranged from jail to community service. Therefore, while all of the respondents had some type of criminal history there was an enormous amount of variation in the type of offense and the severity of the consequences. The majority of females in this group fell under the category of “arrested,” meaning they were never charged or sentenced. This might have led one to predict that this would cause a downward bias due to the majority of offenses being (relatively) minor, yet a statistically significant negative impact persisted, suggesting that a criminal record imposes a universal baseline penalty in the labor market. If this is in fact the case (as has been suggested by existing research on males, as I mentioned), it would imply that any contact with the criminal justice system has the potential to impose severe consequences on future employment outcomes for youth.
As a measure of labor market outcomes, I chose to examine employment status in 2006, which was captured by a binary dependent variable with a value of 1 for “employed” and 0 for “unemployed.” As mentioned in the first half of this thesis, ex-offenders of any status face numerous barriers to employment. Applicants with any criminal record may find themselves rejected within the first phase of hiring, regardless of the severity of the offense or the circumstances. While this is in part due to the stigma of having a criminal record, employers can also be held liable if an employee breaks the law or causes harm to others, potentially increasing the reluctance to hire an individual with any type of prior criminal history (Raphael, 2007-8). Finally, certain types of offenses can bar individuals from certain occupations. For instance, women with a prior drug offense cannot be employed as home healthcare workers, a field which is dominated by women.

As with any issue, numerous strategies must be employed to combat the problem. As such, the first piece is prevention through measures that can help keep girls out of the system by providing alternative responses to delinquency. Research conducted by the Office of Juvenile Justice Delinquency Prevention, amongst others, demonstrates that girls may be acting out as a result of complications at home, such as physical or sexual abuse (OJJDP, 2008). Additional research examining the root causes of delinquency amongst females may offer useful insight into the types of youth programs, counseling and school-based support systems that can provide girls with the help they need and avoid any involvement with law enforcement.
**Criminal Justice Reform**

Just as important as preventing girls from engaging in delinquent behavior is continuing current efforts to re-evaluate criminal justice policy at all levels, from school-based arrests to local law enforcement to the court system. As a result of “zero-tolerance” policies spreading from the criminal justice system to education, even minor schoolyard brawls can lead to arrests and assault charges (JPI, 2012). Creating a more balanced approach that promotes both fairness and accountability will ultimately not only benefit youth, but reduce the burden on law enforcement and the justice system as well.

For those that do wind up in the system, particularly those under correctional supervision, policymakers need to consider the specific labor market concerns of women. The majority of incarcerated women are held for non-violent, drug related offenses (Solovitch, 2006). As previously mentioned, a criminal record involving drug-related offenses can bar individuals from certain types of professions, in addition to low-income housing and eligibility for public assistance programs (Sentencing Project, 2007). Thus, efforts to ensure that reentry programs for women invest more heavily in substance abuse counseling and assistance in obtaining employment may improve labor market prospects. In addition, as mentioned in the first half of this thesis, research on existing re-entry workforce programs for women reveals that often the vocational training is limited to things like cosmetology or other professions which typically employ women. While there is no question that vocational training should offer realistic options for individuals who may or may not have high levels of education, neither should it be so severely limited. Women now occupy a range of professions, and indeed are outpacing men in many of them. The types of skills taught should reflect the needs of the labor market and what
will make individuals most marketable, rather than being limited to the perceived functions or capabilities of a group based on gender or race.

_Scholarship_

Finally, in addition to conducting more studies on the root causes of female delinquency, more extensive data collection to reflect the current population of females in the juvenile and adult criminal system, as well as post-release information is badly needed to provide a comprehensive picture of female ex-offenders. In addition, just as labor market research on formerly incarcerated males has studied not only employment status, but wage growth, hourly wages, number of weeks worked per year, and so on, similar studies for females will help to inform reentry programs and support services for this group. As women are also mothers and often primary caregivers, this information will also be useful in considering policies to aid children and families.

According to The Sentencing Project, rates of incarceration for females are rising at double the rate of males (Sentencing Project, 2007). Amongst juveniles, rates of female arrest and delinquency since the 1990’s have also been increasing at a faster rate than boys (OJJDP, 2008). As the results of this study suggest, these trends have long-term consequences for women just as they do for men. As females transition into adulthood and face the challenges of obtaining jobs and economic security, policymakers need to continue to focus on prevention, reforming the juvenile and adult criminal justice system, and promoting more in-depth research focusing exclusively on female populations.
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