Theoretical Perspectives
An Overview of Delinquent Girls: How Theory and Practice Have Failed and the Need for Innovative Changes

Joanne Belknap and Kristi Holsinger

Belknap and Holsinger in Chapter 1 argue that in order to comprehend the etiology and treatment of female delinquents, it is necessary to understand both traditional sexist criminological theorizing (pre-feminist theories) as well as more recent research focusing on girls, women, or addressing gender differences (feminist perspectives). The authors contend that it is important to understand and acknowledge traditional theories because they have had a significant impact not only on how scholars have addressed female (and male) offending, but also on how girls and women have been responded to and treated differently than boys and men by professionals in the system, usually to the disadvantage of females. The authors then introduce a representation of female delinquents who are most at risk of becoming delinquents. Specifically, they delineate the pattern of a girl moving from victim (of sexual and/or physical abuse) to survivor (utilizing criminal survival skills such as running away from home, using drugs, and prostitution) to offender. The authors believe this more accurate representation is necessary not only because the theories and media have either ignored or misrepresented these girls, but because a realistic impression is necessary to treat them most effectively. According to the authors,
In many ways, the most significant and potentially useful criminological research in recent years has been the recognition of girls’ and women’s pathways to offending. Specifically, a number of researchers since the early 1980s have identified a pattern of female offending that begins with their victimization and eventually results in their offending. While such an explanation does not fit all female offenders, this recognition of the extreme and disproportionate risk that female offenders report for incest, other child sexual and nonsexual abuse, acquaintance and stranger rapes as adolescents and young women, and battering from intimate male partners appears to be essential for understanding the etiology of offending for many girls and women. Yet, this link between victimization and offending has largely been invisible or deemed inconsequential by the powers that be in criminology theory-building and by those responsible for responding to women’s and girls’ victimizations and offenses. The idea that child abuse might be related to subsequent juvenile delinquency is not necessarily new. It is interesting and somewhat disturbing, however, how little attention the child-abuse-victim-to-offender link has received and how it has often focused on boys, even though they are less likely than girls to be victimized (e.g., see Gaarder & Belknap, 2002; Gray, 1988).

It is often difficult to separate offending issues for adult females (women offenders) from those of childhood and adolescent female offenders (delinquent girls). Indeed, childhood experiences can and often do affect women much later on in their lives. For the purposes of this chapter, the terms female offender and female offending will be inclusive, referring to females of all ages, both women and girls. The term delinquent is meant to specifically represent individuals under the age of 18. Much of the research discussed in this chapter was collected on adult female offenders (women) about their childhood experiences; some was collected directly from delinquent girls. While both types of research are useful, it is
significant that only a small portion of this research has been conducted on girls while they are still girls. More research needs to take this approach.

There are four main goals of this chapter. First, in order to comprehend the etiology and treatment of female delinquents, it is necessary to understand both the traditional sexist criminological theorizing (referred to herein as the “pre-feminist” theories) as well as the more recent feminist research focusing on girls, women, or addressing gender differences (referred to in this chapter as feminist perspectives). The traditional theories are important to understand and acknowledge because they have had a significant impact not only on how scholars have addressed female (and male) offending, but also how girls (and women) have been responded to and treated differently than boys (and men) by professionals in the system, usually to the disadvantage of girls (and women). The second goal of this chapter is to present an accurate representation of female delinquents, specifically addressing which girls are most at risk of becoming delinquents. This is necessary not only because the theories and media have either ignored or misrepresented these girls, but because a realistic impression of them is necessary to treat them most effectively. Third, this chapter presents an overview of the systemic processing, treatment, and punishment of alleged female delinquents. Finally, the chapter closes with recommendations regarding improved understanding of delinquent girls in order to enhance systemic responses to them.

■ The Pre-Feminist Theories

Feminist reviews of criminological theories have pointed to a number of disturbing patterns (e.g., Belknap, 2001; Belknap & Holsinger, 2006; Chesney-Lind & Shelden, 2004; Feinman, 1986; Gaarder & Belknap, 2002; Leonard, 1982; Morris, 1987; Naffine, 1987, 1996; Smart, 1976, 1982). The early theorists, such as Lombroso, Freud, and Pollak, basically viewed females as victims of their biological (including psychological) makeup. They proposed that this limited “construction” of women and girls explained gender differences in offending, as well as variations among females regarding who was likely to offend. After these earliest theorists on offending behavior, most other researchers attempting to determine the etiology of crime focused almost exclusively on explaining why males, usually boys, offend. These theorists (e.g., Robert Merton, Albert Cohen, Richard Cloward and Lloyd Ohlin, Edward Sutherland and Donald Cressey, and Howard Becker) either ignored these females as potential offenders, or like their biological theorist predecessors, when they did address female offending, did so in extremely sexist and simplistic manners. The same representations of female offending, either ignoring it and viewing it as inconsequential or presenting interpretations of female offending in a sexist manner, were exhibited by theorists attempting to explain...
why most people (read males) follow the law (as opposed to why some break the law) (e.g., Travis Hirschi and Michael Gottfredson). Even the conflict, radical, and Marxist theorists, for the most part, ignored gender and females (e.g., Ian Taylor, Paul Walton, and Jack Young). In contrast, John Hagan and his colleagues attempted to develop a theory, power-control theory, which included a gender and class analysis of families. This theory is more concerned with the level of equality between youths’ parents in predicting their crime, however, than in how parental abuse of these youths might contribute to their offending. Tests of power-control theory have been described as “inconsistent” (Kruttschnitt, 1996) and “modest” (Bottcher, 2001). A recent study found the power-control variables (measured mostly as mother’s monitoring) helped explain gender differences in youths’ self-reported delinquency in the more patriarchal households, but they mediated the gender-delinquency relationship in the less patriarchal households (Blackwell, Sellers, & Schlaupitz, 2002). In the 1970s, Rita Simon’s and Freda Adler’s theories designed to explain female offending centered around how gender equality would increase female offending, a hypothesis at odds with the existing strain theory, and one that has not been confirmed by either older or more recent research and statistics (Feinman, 1986; Steffensmeier & Allan, 1988). Recent research indicates that poverty, income inequality, joblessness, and other measures of structural disadvantage increased both males’ and females’ offending (although they appeared to impact males’ more significantly) (Steffensmeier & Haynie, 2000). A study of U.S. arrest trends for juvenile arrest rates from 1965 to 2000 reported no differences over time in the “gap” between girls’ and boys’ offending, but rather both genders’ arrest rates increased equally, likely due to the implementation of “net-widening” policies that criminalize more behaviors, equally affecting girls and boys (Steffensmeier & Schwartz, 2004).

The fact that female offending and gender differences simply did not matter to most of these theorists, however, is apparent. Furthermore, the sexist and inaccurate representations of female offenders has been part and parcel of the majority of theories about crime, whether they included females or not. Some of these theorists proposed that their theories were gender neutral, and yet failed to collect data on girls (or women), or if they did, chose to leave these data out of their analyses (e.g., Hirschi). Moreover, given the recent historical documentation (Odem, 1995; Shelden, 1981) and more current documentation (e.g., Arnold, 1990; Belknap & Holsinger, 2006; Browne, Miller, & Maguin, 1999; Chesney-Lind & Rodriguez, 1983; Coker et al., 1998; Cook et al., 2005; Daly, 1992; Evans et al., 2002; Gaarder & Belknap, 2002; Gilfus, 1992; Girshick, 1999; Johnson, 2003; Klein & Chao, 1995; Lake, 1993; Moore, 1999; Owen, 1998; Sharp & Marcus-Mendoza, 2001; Silbert & Pines, 1981; Singer et al., 1995; Tyler et al., 2001) of the high risk of incest and other abuses and traumas that runaway-come-delinquent girls experience and incarcerated girls and
women report, it is ironic that strain theorists assumed that girls' greatest strain was finding boyfriends and husbands. Similarly, historical accounts of girl gang members routinely played down their sexual victimizations, even gang rape victimizations, while they reported consensual sex, motherhood, and pregnancies as indications of the girls' deviance and delinquency (Chesney-Lind & Hagedorn, 1999). In reality, the strains these victimized girls experience are extreme, not only in the actual incidents of violation and violence, but in the frequency of many of the repeated victimization, and in their often futile reporting of it to the police and others. The strains of basic survival for many abused girls when they run away from these abusive homes are invisible and apparently unknown in traditional strain theorizing. These theorists' contention that the only strain girls experience is finding male mates would be laughable if the ramifications were not so serious.

Agnew (1985, 1992) and Broidy (2001) revised strain theory into general strain theory (GST) in an effort to broaden the types of strains accounted for in youths' lives, including those due to the individual's race, class, and gender. Bottcher (1995, 2001) tested GST and criticized it for failing to understand gender as "a product of individual and interpersonal action." Agnew (2001) himself reported concerns that many of the key strains were not being measured (thus, accounted for) in the tests of GST, and when a variety of strains were tested in GST studies, they were typically combined, thus not allowing to examine how strains varied individually or in concert with other strains. Furthermore, in 2001, Agnew finally recognized that child abuse (including sexual abuse) and criminal victimization were important to account for as stressors for delinquent behavior, as well as the need to examine the severity, injustice, duration, recentness, and centrality of the strain, in order to understand stress effects on offending behaviors. Finally, delinquent and criminal behaviors may be behaviors that victims of serious injustices use to compensate for these violations they experienced (Agnew, 2001, 2002).

■ Feminist Perspectives on Female Offending

In the 1980s, feminist scholars advanced a needed and refreshing change to theorizing about female offending that has grown since then. These studies identify a pattern among many delinquent and adult female offenders, whereby childhood victimization (usually family-perpetrated) results in girls (and some boys) running away from home. The childhood victimization and trauma might also be related to subsequent drug and alcohol use or abuse. Drug selling and sex work (prostitution) often follow girls (and boys) running away from home, as means of surviving on the street and/or supporting drug habits (e.g., Evans et
al., 2002; Inciardi, 1993; Maher, 1997). Notably, among youth in drug treatment, girls (and their parents) are more likely than boys (and their parents) to report dysfunctional families (Dakof, 2000). Robbery as a means to survive, and often to support drug addictions, may also occur. Anywhere in this sequence of behaviors, a girl may be criminalized for running away and alcohol use (status offenses), using drugs, selling drugs, robbery, and/or sex work (prostitution).

It is worth noting that not all sexually abused (or otherwise abused) girls become delinquent. Furthermore, not all delinquent girls are survivors of sexual (and other forms of) abuse. Incarcerated females, however, represent disproportionately high rates of sexual abuse compared to females who have not been incarcerated. For example, Wyatt, Newcomb, and Riederle's (1993) review of research on the prevalence of child sexual abuse among "community" (non-institutionalized) females reported that prevalence rates ranged from 5% to 45% among the various studies. Chesney-Lind and Shelden's (1992) review of similar studies on delinquent (non-community) girls reported a range of physical and sexual abuse rates from 40% to 73%. Other studies included boys as well as girls in their samples of juvenile delinquents. Dembo and his colleagues found that 65% of female and 24% of male juvenile detainees reported sexual abuse victimization (Dembo et al., 1992). Belknap and Holsinger (2006) found that among incarcerated delinquents, 59% of girls and 18% of boys reported sexual abuse victimization histories. Almost a quarter of girls and almost one-tenth of boys reported sexual abuse by a family member. Over half (53%) of girls and 14% of boys reported sexual abuse by non–family members, and 46% of girls and 14% of boys reported that the sexual abuse was repeated over time (Belknap & Holsinger, 2006). This article concludes that although the self-reported sexual abuse victimizations of delinquent youth is clearly gendered, with girls reporting significantly more violations, sexual abuse is clearly a risk factor for both girls' and boys' delinquency. In sum, although sexual and other abuse does not necessarily result in a girl (or boy) becoming a delinquent or adult offender, there is no denying the fact that childhood abuse places girls and boys at increased risk of becoming offenders.

Research also documents girls' increased risks as adults of being in relationships where they are battered by their intimate male partners (lovers, boyfriends, and husbands), which in turn may lead to their offending. Some of this research documents how battered women may be coerced or forced to commit crimes such as selling drugs, robbing, and prostituting by their abusive male partners. Finally, there is the very real threat of some small portion of these girls (and women) becoming quite violent; which is hardly surprising given the extreme violence experienced in their childhoods and the inadequate systemic responses and treatment they received after experiencing such violence. Indeed, many women in the United States are in prison for killing or attempting to kill their
highly abusive husbands and boyfriends (e.g., Belknap, 2001; Browne, 1987; Walker & Browne, 1985).

Some of the studies documenting the victimization-to-offending cycle of females draw directly from the delinquent girls themselves. The majority of this documentation, however, is through data collected from adult females (women) tracing their childhood and other life experiences, examining how these experiences might be related to their subsequent criminal activity. One of the first articles published directly linking women’s childhood victimizations with their criminalizations, by Mimi H. Silbert and Ayala M. Pines (1981), was the result of two hundred interviews with current and former female prostitutes in the San Francisco Bay Area. Notably, the interviewers in this study were former juvenile or adult prostitutes themselves, which enhanced gaining the trust of and credibility with potential interviewees. (All interviewers took part in intensive interviewer training.) No official agency was used to recruit women and girls into the sample; they came largely by word of mouth and public service announcements. The sample ranged in age from 10 to 46 with an average age of 22. The sample was diverse: 69% White, 18% Black, 11% Hispanic, 2% American Indian, and 1% Asian. Although two-thirds of the sample came from middle- or higher-income families, almost 90% reported their financial situation at the time of the interview as “just making it” or “very poor” (p. 408).

Silbert and Pines’s (1981) findings are profound. Sixty percent of the sample reported being sexually abused before the age of 16 (although most were first abused at much younger ages), by an average of two sexual abusers each. Two-thirds of the sexual abuse victims were abused by fathers or father figures (step-fathers, foster fathers, and mothers’ common-law husbands). “Only” 10% of the victims were sexually abused by strangers. The sexual abuse was almost always followed by running away from home, which led to prostitution and other street work. “The average age of starting prostitution was 16. . . . [although] a number were 9, 10, 11, and 12” (p. 410). The authors cite that while the sexual abuse was undoubtedly the main reason for running away from home, the causes listed for running away were a variety of “home problems.” “Eighty-nine percent of the juveniles said, ‘Needed money; was hungry,’ when asked why they started prostituting. Almost all the juveniles felt they had no other options available to them at the time they started” (p. 410). Silbert and Pines warn that their findings should not be interpreted as evidence that the majority of sexually abused girls will become prostitutes. Rather, they emphasize the need to stop the “cycle of victimization” by providing the urgently needed “intervention services for juveniles running away from sexually abusive homes before they are solicited for prostitution” (p. 410).

The second study examining childhood victimizations and female offending was published in 1983 by Meda Chesney-Lind and Noélie Rodriguez. They
conducted intensive interviews with 16 incarcerated women. Among their findings was the prevalence of severe nonsexual child abuse experienced by ten of the women. “Clearly these reports of violence and physical brutality go beyond the question of discipline. What was obviously missing from the homes of most of the inmates was affection and physical security” (p. 53). Fourteen (88%) of the women reported involvement in prostitution, and for most this was an outgrowth of running away from home and started in their teens. Similar to the findings of Silbert and Pines (1981), Chesney-Lind and Rodríguez (1983) found that the women’s reasons for becoming prostitutes were “largely financial” (p. 55). Half of the women in Chesney-Lind and Rodríguez’s (1983) study reported having been raped as children, and 63% had experienced some form of child sexual abuse, with a pattern of multiple victimizations. Chesney-Lind and Rodríguez also found a strong theme of drug dependency, which often led to their entanglement with the law. Furthermore, there was an “obvious connection between prostitution, burglary, and robbery . . . explicit in most of the interviews” (p. 57).

Another of the early scholars linking females’ childhood victimizations with their later offending is Regina A. Arnold. From her intensive data collection involving interviews, participant observation, and questionnaires of 60 African American women prisoners, Arnold (1990, p. 154) explains how these women “as young girls, are labeled and processed as deviants—and subsequently as criminals—for refusing to accept or participate in their own victimization.” Moreover, she identifies how these girls’ refusal to accept or participate in their own victimization helps to influence their structural dislocation from three primary socialization institutions: the family, the educational system, and occupational systems. This dislocation, in turn, leads to their entry into “criminal life.” Arnold convincingly discusses how patriarchal families and family violence, economic marginality, racist teachers, and a poor educational system may individually or collectively produce environments leading to the criminalization of girls, making them feel alienated in their own homes, schools, and communities. Not surprisingly, Arnold (1990) reports that women and girls with these violent experiences and pasts often resort to drug use as a type of “self medication.”

This finding is important, and consistent with other studies on drugs, and we will therefore momentarily digress from the early feminist studies linking childhood victimization with subsequent offending to discuss this important phenomenon. Understanding chemical use and abuse as correlates of psychological problems and antecedents of abuse is crucial in the history of female (and male) victimization-to-offending life courses. One study on female and male delinquents found that psychiatric disorders often go hand-in-hand with substance abuse (Milin, Halikas, Meller, & Morse, 1991), and a study on adult women found that a combined history of incest and alcoholism (more than incest or al-
coholism in isolation) is related to psychological adjustment problems and more negative characteristics of temperament (Carson, Council, & Volk, 1988). Another study found that both female and male substance abusers report rates of childhood sexual victimization much higher than what is common in the public at large, and that relapse from sobriety back into chemical abuse was more common for those with a history of child sexual abuse victimization than for those who had no such history (Rohsenow, Corbett, & Devine, 1988). Research indicates that females are more likely than males to use drugs as “self-medication”—that is, to “treat” existing depression (Evans et al., 2002; Inciardi et al., 1993). These same studies claimed that women are not only more likely than men to report first trying drugs as an attempt to fight depression, but they are also more likely than men to report their continued drug use is to fight depression.

Returning to the early studies linking victimization with offending, Mary E. Gilfus (1992) conducted intensive interviews with twenty incarcerated women. Their life histories were analyzed in an attempt to understand their “routes of entry and immersion” into street crime. Among the women’s reports there was a pattern of moving from victim, to survivor, to offender. Indeed, the best routes available to many of these women when they were physically and sexually abused as girls involved survival skills that are criminal: running away from home, using drugs, and prostitution. The women came from economically disadvantaged backgrounds, and this was more apparent for the African American women. Another theme prevalent among the women’s childhoods was educational neglect; teachers who verbally or even physically berated them, students who were abusive to them, and educational authorities who wanted to ignore the obvious abuse they experienced at home and, likewise, ignored the drugs in their schools. Additionally, Black women reported significant racial violence they experienced as children, including one girl witnessing her uncle murdered by two white men. Many of these women reported revictimization in their lives on the street, including rape, assault, and attempted murder. This is consistent with a finding from another study, that delinquent activity increases a youth’s risk of victimization (Jensen & Brownfield, 1986), and numerous others that found that childhood sexual victimization, particularly incest, drastically increases a girl’s likelihood of sexual abuse in the future by a different perpetrator (e.g., Jacobs, 1994; Russell, 1984; Wyatt, Newcomb, & Riederle, 1993). Many of the women in Gilfus’s (1992) sample also reported having been in battering relationships as adults, consistent with Daly’s (1992, 1994) findings, in which battered women were frequently expected (often coerced or forced) to prostitute, shoplift, rob, and sell drugs by their battering husbands or boyfriends. Gilfus concludes that although the women in her study “were victims of an overwhelming amount of violence as children and adults . . . they were on the whole committed to not harming others in their criminal activities” (1992, p. 85).
In addition to the feminist perspectives presented thus far, it is useful to mention briefly some other related research. For example, an older study found that a female’s likelihood of being convicted of a crime of personal violence was significantly related to histories of injurious parental punishments, deviant paternal punishments, parental alcoholism, and early abandonments by one or both parents (Felthous & Yudowitz, 1977). Belknap and Holsinger’s (2006) more recent research also found that delinquent girls report significantly more physical, sexual, and verbal abuse than delinquent boys, and that girls (56%) are more likely than boys (44%) to report being abandoned by a parent. Significantly, 14% of the incarcerated girls compared to 6% of the incarcerated boys reported that they would rather be incarcerated in the delinquent institution than be at their home. The girls were also more likely than the boys to report all self-harming behaviors, such as “cutting” or “mutilating” themselves and attempting or thinking about suicide.

Widom’s (1989a) study comparing abused and nonabused children’s juvenile and adult records found that girls who were abused and neglected were significantly more likely than their nonabused, non-neglected counterparts to have both a formal juvenile delinquency record and a formal adult criminal record. Notably, however, the abused and neglected girls were no more likely than the nonabused, non-neglected girls to have a record for violent crimes. In another study, Rivera and Widom (1990) found that abuse and neglect of boys did not increase their likelihood of becoming violent juveniles, but abused and neglected girls showed a tendency for increased risk of arrest for a violent crime while still a juvenile. In yet another study, Widom (1989b) reported that although abused and neglected children had higher rates than a control group for subsequent adult criminality and arrests for violent crimes, they were not significantly more likely to be arrested as adults for committing child abuse or neglect. Another study found that for both girls and boys, a child’s history of being physically harmed by an adult increases the likelihood of later aggressive behavior and an inability to process social information and generate competent solutions to interpersonal problems (Dodge, Bates, & Pettit, 1990).

A study focusing on women convicted of killing children found that these women had very violent pasts, including extreme nonsexual and sexual victimizations (Crimmins, Langley, Brownstein, & Spunt, 1997). Documenting high levels of victimization in general among imprisoned women, Lake (1993) found that abuse by an intimate male partner was the most prevalent form of victimization reported (70%), followed by robbery (41%), physical assault by a stranger (37%), sexual assault by a stranger (30%), physical abuse by a parent (29%), and sexual assault by a relative (18%) (Lake, 1993). Dembo and his colleagues (1992) analysis of female and male juvenile detainees found that a background of family problems and sexual and physical abuse experiences were
related to substance use and delinquent behavior. Scholars have also noted that lesbian, gay, and bisexual youth (see D’Augelli & Dark, 1994, for a review), and children with disabilities (see Levey & Lagos, 1994, and Putnam, 2003), are at increased risk of physical and sexual abuse. Belknap and Holsinger’s (2006) study of incarcerated youth found girls were six times as likely as boys to report gay/bisexual identities and that lesbian/gay/bisexual youth reported worse relationships with their mothers and lower self-esteem than delinquent youth who reported they were heterosexual/straight. Since these studies originating in the 1980s documenting the link between victimization and offending for girls and women, more and more research has continued to document this profound link.

Finally, in reviewing the existing research on pathways to criminality it is useful to examine some of the more recent attempts to understand girls’ lives in general, and female delinquency, specifically. For example, Mary Pipher’s (1994) popular book, Reviving Ophelia, stresses that even girls raised in loving and healthy homes are at risk of “acting out” and delinquency in a culture such as ours where the media and schools frequently devalue and sexualize girls. Pipher stresses the agony, frustrations, and self-hate that U.S. culture currently fosters in many adolescent girls. This is related to Chapter 5 in this book by Stephanie Covington, in terms of the different ways girls and boys are socialized to view themselves and others. Another chapter in this book, Chapter 6 by Joyce Dougherty, promises a theoretical approach addressing the omissions for which the pre-feminist theories have been criticized. Power-belief theory, discussed by Dougherty, contends that patriarchal dynamics cannot be reduced simply to the persistent and mutually supportive roles of structural barriers and ideological forces. Rather, it is necessary to examine the degree to which girls and women internalize a sense of themselves as objects (rather than subjects) and powerful (rather than powerless) in understanding female crime.

Gaarder and Belknap (2002) conducted intensive interviews with girls in the deepest end of the juvenile “justice” system: girls tried and convicted as adults, serving time in an adult prison. They found these girls’ lives fraught with abuse and trauma and labeled their study “Tenuous Borders” given that most of them were highly victimized, as well as being processed and convicted as offenders (and that whether they should be viewed as adults or juveniles appeared to be ambiguous). Additionally, when these girls reported their victimizations to the police or school officials, no one took the violations against them seriously, while when they offended, they were advanced to the most serious end of the system “available” to try and house youthful offenders: adult court and adult prison.

The purpose of this chapter is not to discredit the violent childhood histories of many boys that precede their delinquent behaviors, nor is it to say that all girls who are abused become delinquent. Nor is it to imply that abused and delinquent boys receive adequate attention and treatment by the system. The authors also
stress that abuse or trauma histories do not necessarily result in subsequent offending. Rather the goal is to point out the realities of many delinquent (and non-delinquent) girls’ lives, and explain how understanding girls’ increased risks of abuse and trauma is necessary to more effectively respond to both their victimizations and their offending. Wells (1994) believes that girl delinquents are more invisible than boy delinquents because “young men are more likely to act out in ways the community can see, [although] it may be the invisible delinquent and troubled girls who actually experience earlier and more serious damage” (p. 5). Thus, it is not surprising that a national study of state prisoners states that females are far more likely than males to report prior physical and sexual abuse before the age of 18 (Snell & Morton, 1994). But as Dembo and his colleagues (1992) and Belknap and Holsinger (2006) have found, the “pathways” approach to studying how abuse and trauma histories place youth at risk of becoming delinquent appears to be true for girls and boys.

In summary, the earliest theorists on crime presented women and girls in a biology-as-destiny manner, with their followers either ignoring women and girls, or minimizing, stereotyping, and sexualizing them and their experiences. Unfortunately, but perhaps not surprisingly, this theoretical approach has been translated into practice. Chesney-Lind (1989) convincingly describes how the juvenile processing system has actively sexualized female delinquents and how girls are criminalized for their survival strategies. The findings reported in this section document how girls who have run away from abusive homes have often been criminalized for their efforts to survive, and how incarcerated and delinquent girls and women have exceptionally high rates of childhood victimizations. The following section presents information on the types of offenses for which girls are likely to be formally processed. It is important to keep in mind that their “pathways” to the offenses for which they are charged were likely to be antecedents to childhood abuse that was often quite severe.

- Girls’ Offenses and Gender Differences in Delinquent Offenses

While a troubled boy may steal cars, vandalize property, or slash tires, a troubled girl who has experienced similar neglect or abuse will show her distress quite differently. She is more likely to commit what the justice system will call a “status offense,” “just a misdemeanor,” or no crime at all when she runs away, self-endangers, abuses substances, becomes a gang affiliate, involves herself in prostitution or promiscuity, or becomes pregnant. The troubled boy often leaves behind an agitated victim who will demand and often obtain swift intervention. The only victim the girl will leave behind is herself. No one will demand and ob-
tain intervention for her because in our country it is more often slashed tires, not slashed wrists, that are noticed (Wells, 1994, p. 4).

There has been a significant amount of research attempting to identify gender differences and similarities in types of crimes committed. Most research suggests that boys are at least as likely as girls to commit most status offenses. It is evident, however, that girls are treated more harshly for status offenses. One overview of juvenile offending and processing in Ohio found that girls are much less likely to be charged with delinquent crimes than boys, and much less likely to have dispositions for delinquent crimes than boys, yet are more or equally likely as boys to be charged with or given dispositions for unruly behavior (Belknap, Holsinger, & Dunn, 1997). This is certainly curious; one cannot help but wonder whether girls and boys are equally likely to be “unruly,” but girls are simply more likely to be processed for this behavior since it violates their stereotypic gender norms. We are also curious as to where “promiscuity” fits in to “unruly.” Is “unruly” the new catchall for promiscuity and poor demeanor and other activities that boys are equally or more likely to “commit”?

It is worth noting that most juvenile offenses, whether committed by boys or girls, are minor, often without a clear victim (Chesney-Lind & Shelden, 1992). One review of research on girls’ and boys’ offending found that gender-similar rates in offending are most apparent (1) for less serious offenses, (2) in self-reported offenses, and (3) in more recent studies (Belknap, 2001). Regardless of whether crime rates are measured by arrest, victimization, or self-report rates, males offend at rates about five to ten times more likely than females (Steffensmeier & Haynie, 2000).

Table 1-1 is a presentation of the top ten offenses for which youth were arrested in the United States in 2000. Some interesting patterns emerge. First, both girls and boys had the following offenses in their “top ten”: larceny-theft, running away, drug abuse, assaults other than aggravated assaults, “all other offenses” (a “catchall” for offenses not in the index offense list), curfew and loitering, liquor law violations, disorderly conduct, and vandalism. Notably, many of these offenses are minor. Second, girls and boys were arrested for the same offenses as their “top ten” except that “aggravated assaults” were among girls’ top ten (ranked nine) but not boys’, and burglary was in boys’ top ten (ranked nine) but not girls’. (It is important to note, however, that boys’ arrests for “aggravated assaults” in 2000 is three times greater than girls’, as reported in Table 1-2.) One of the most noticeable gender comparisons from Table 1-1 is that running away was the second most frequent reason for which girls were arrested, and the tenth most frequent reason for boys. Indeed, running away constitutes almost one-fifth of girls’ overall arrests and less than one-twentieth of boys’. Simply comparing the percentages of boys’ and girls’ arrests suggests that boys are more eclectic in the offenses they commit. A final point regarding Table 1-1 is given that the nonindex offense category “all
other offenses" constitutes such a high percentage of both girls' (13.4%) and boys' (15.9%) arrests, it would be useful if governmental documents further divided this category for juvenile offenses.

Media and political obsession with violent juveniles in recent years has increased, where particular incidents of heinous juvenile-committed crimes receive considerable media attention. One result of this is the move by many politicians and others to endorse the death penalty for juveniles and to increase the likelihood of juvenile offenders being tried as adults (see Gaarder & Belknap, 2002). A 1996 publication by the Office of Juvenile Justice and Delinquency Prevention highlighting the increase in girls' violent crime rate arrests (Poe-Yamagata & Butts, 1996) received significant media play. A closer look, however, provides interesting distinctions. For example, although boys' violent arrest rates increased by 33% compared to girls' 55% increase between 1989 and 1993, girls' rates increased at a much smaller pace (a 35% increase) than boys' (a 45% increase) for murder/non-negligent manslaughter, and girls' arrests for rape decreased by 10%, while boys' rates increased by 10% during this period.
time (p. 3). Furthermore, girls’ percentage of juvenile arrests for violent crimes only climbed from 11% to 13% between 1983 and 1993, with a significant decrease (from 11% to 6%) for murder/non-negligent manslaughter, an increase of 1% to 2% for forcible rape, an increase of 7% to 9% for robbery, and an increase from 16% to 18% for aggravated assault (p. 4). Indeed, the graphs presented in the document by Poe-Yamagata and Butts (1996) suggest that boys’ and girls’ rates are changing in very similar patterns over time, with some exceptions. Another indication that gender changes may be exaggerated is that girls’ percentage of juvenile cases waived to criminal courts between 1985 and 1994 has remained quite stable, hovering between 4% and 5%, with the exception of 1986, when girls represented 6% of such cases (DeFrances & Strom, 1997, p. 5).

Table 1-2 in this chapter is a presentation of the female percentage of juvenile arrests in the United States for 20 years: 1980 to 2000. Browsing over this table, one can see the types of offenses for which females are more and less predominantly represented, and the changes in female representation in juvenile arrests over time. First, there are only two offenses for which girls constitute the majority of juvenile arrests, and these are predictable: Fifty-nine percent of “running away” and 58% of “prostitution/vice” arrests in 2000 were of girls. Almost half of the embezzlement juvenile arrests were of girls (48%). The remaining offenses for which girls’ arrests constituted 30% or more were “offenses against family and children” (38%), larceny-theft (37%), fraud (34%), forgery and counterfeiting (34%), liquor law violations (31%), and assaults other than aggravated assaults (31%).

By examining changes over time in Table 1-2, it appears that there has been a slow but steady increase in girls’ percentage of overall juvenile arrests. The percent of girls’ total arrests increased 7% from 21% in 1980 to 28% in 2000. Girls’ percentage of violent index crime arrests rose from 10% in 1980 to 18% in 2000, and property index crime arrests rose from 19% in 1980 to 30% in 2000. Notably, the offense with the biggest change in gender arrest rates over this twenty-year period represented in Table 1-2 is embezzlement, with a 21% increase, and prostitution and commercialized vice, which has a 14% decrease. The next largest changes in girls’ portion of arrests were for burglary, motor vehicle theft, and disorderly conduct. For each of these crimes, girls’ portion of the arrests increased by 11%.

A growing perception fostered by the media and some research reports is one projecting the “bad girl” who is becoming more and more violent. But most of these media “reports” focus on anecdotal data, often from a particular high-profile case that is often sexualized in the process (e.g., the “Long Island Lolita,” Amy Fisher, a 17-year-old girl who shot her 35-year-old lover’s wife in the head). But recent reports indicate the need to identify how the data are collected when analyzing the state of the “gender gap” in offending rates, particularly for violent
PART I: THEORETICAL PERSPECTIVES


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¹ This category excludes prostitution and forcible rape.
² This category excludes traffic offenses.

The Processing of Delinquents

Unfortunately, like most criminology theorists, academics are not the only ones who view male and female delinquents differently. This section of the chapter documents a considerable amount of sexism in the processing of juvenile offenders. These responses often reinforce gender roles and include differential responses by the police, juvenile and adult court workers, and “correctional” workers. Belknap (2001) identified the three possible hypotheses regarding assessments as to whether the “justice” system is gendered in decision-making. First, the equal treatment hypothesis states that the system is not gendered, and therefore females and males are processed similarly for the same offenses. The chivalry hypothesis is based on the assumptions that society is paternalistic and chivalrous toward females, and therefore the police, prosecutors, judges, parole reviewers, and other decision-makers will be chivalrous, as well. Thus, the chivalry hypotheses states that females are treated more leniently than males who commit similar offenses. This perspective is rooted in the belief that women are placed on pedestals and protected by men, even when they commit crimes. Finally, the evil woman hypothesis states that since females are stepping outside
of both law-abiding and appropriate gender roles when they commit offenses, they are treated more harshly than males charged with the same offenses.

A number of studies have been conducted in order to determine which of these three hypotheses (equal treatment, chivalry, or evil woman) most accurately reflects the influence of gender on systemic decision-making. Before examining the various studies addressing gender differences in the processing of alleged offenders, however, it is important to address that the hypothesis best reflecting reality may depend on the type of crime and stage of the system where the decision is made (i.e., policing, courts, and corrections). Furthermore, an assessment of whether the processing of offenders is gendered cannot group all females together. It is necessary to examine differences among females (not just comparing their processing to males) given that various females’ likelihood of receiving chivalrous treatment is often related to their age, race, and class. Other extralegal characteristics that may affect how “justice” is meted out include the female’s marital and dependent child status and her sexual orientation.

A Brief Historical Overview on the Gendered Processing of Delinquents

Girls have historically been treated more harshly for consensual sex (“promiscuity”) “offenses” than for nonsexual offenses (Terry, 1970). In a study of Memphis, Tennessee, court records between 1900 and 1919, sexual victimizations (rapes) of girls were treated the same by the juvenile courts as their consensual sexual activity: with excessively harsh sanctions (Shelden, 1981). Similarly, Odem’s (1995) careful historical analyses of raising the statutory rape age in state laws between 1885 and 1920 reported the same findings: whether they were having consensual sexual activity or they were raped, girls were processed as delinquent simply for being sexual (even when it was against their will). Chesney-Lind’s (1973) study of juvenile court records in Hawaii between 1929 and 1964 reported forcing held girls to gynecological exams to determine whether they were sexually active and whether they had any sexually transmitted diseases or infections. Such processing never occurred to boys suspected or known to have offended. Sarri (1983) also reported that girls were often treated identically whether their sexual “crimes” were being sexually abused or participating in consensual sexual activity. Gelsethore’s (1989) study of British youth found that girls’ sexual activity is still monitored and treated more harshly than boys. Additionally, the girls’ running away from home was attributed to their “promiscuity,” which resulted in their harsh treatment. Thus, there is a strong history in the United States and many other countries of policing girls’ sexuality in a manner that simply never occurred with boys. Moreover, girls’ rape vic-
timizations have often been viewed by society, the police, and courts as evidence of their delinquency.

A key component of all of this is status offenses: behaviors that are offenses for juveniles but not adults (e.g., drinking alcohol, promiscuity, driving a car, skipping school, and running away from home). The United States and many other countries have a long history of disproportionately arresting girls over boys for these status offense behaviors. This has been attributed to the desire for parents, society, and legal officials to control girls' sexuality and keep them from getting pregnant. However, the result has been unnecessarily harsh responses to girls, ones that are seriously more punitive than responses to boys with similar behaviors.

The Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 was instituted in an effort to deinstitutionalize and divert status offenders from secure facilities in the United States. In theory, states were to discontinue placing status offenders in “training schools,” detention centers, and adult jails in order to receive federal funds for delinquency programs. Individual states were expected to devise plans to treat status offenders outside of secure facilities. As expected, since girls had been highly disproportionately sanctioned for status offenses, the immediate effect of this act was greater on girls than boys (Chesney-Lind, 1986, 1988; Sarri, 1983). Following the implementation of JJDPA, girls’ institutionalization rates for status offenses fell by 44%, while the corresponding rate for boys was 20% (Krisberg & Schwartz, 1983).

Unfortunately, this initial success in the gendered effects of deinstitutionalization have been tempered with compounding findings. First, the decline in the institutionalization of status offenders leveled off between 1979 and 1982, making the gains against judicial sexism “very much in jeopardy” (Chesney-Lind, 1986, p. 90). Indeed, both male and female arrests for running away increased between 1983 and 1986 (Chesney-Lind, 1988). Second, the diversionary process may be failing when one considers alternative juvenile placements, and how extralegal characteristics of the juveniles might be related to their placement. Some believe that the JJDPA may not have decreased the stigmatizing of juvenile offenders (Datesman & Aickin, 1984). One study found that youth who would typically have gone to secure facilities (such as “training schools”) before the JJDPA have been institutionalized in more “hidden” institutions since 1974 (Schwartz et al., 1984). These alternative placements have included mental illness institutions, private juvenile “correctional” facilities, and chemical dependency programs. A study by Federle and Chesney-Lind (1992) assessing the impact of JJDPA documents how Anglo boys have been deinstitutionalized while girls have been “transinstitutionalized into mental health facilities for behaviors labeled ‘inappropriate’ since the early decades of the juvenile court. Indeed, sexually and physically abused girls may find their self-protective behaviors (like running away) criminalized, just as female status offenders may be placed in
child welfare facilities for their ‘protection’” (p. 165). This same study reported that African American youth are “warehoused in the public system of juvenile institutions,” and thus they conclude that “[d]einstitutionalization appears to have benefited only white males” (pp. 165 and 189).

Schwartz et al. (1984), although not specifically addressing gender, believe that for many of these placements outside of the “training schools,” the referrals are made by parents and the admissions “are not as ‘voluntary’ as one might think” (p. 382). This finding on parents is particularly relevant for gender regarding a substantial amount of documentation that parents play a significant role in many juveniles’ first formal contact with the system, and that parents are far more likely to turn their daughters than their sons into the police and juvenile courts (Chesney-Lind, 1989; Chesney-Lind & Shelden, 1992; Hiller & Hancock, 1981; Sarri, 1983; Teilmann & Landry, 1981). Moreover, similar to the juvenile and criminal processing systems, parents are less tolerant of their daughters than their sons for the same behaviors, whether they are status or other offenses.

Another issue regarding parenthood and delinquency is how parents influence their children’s likelihood of becoming offenders. In our own research conducting focus groups with delinquent girls, many of the girls discussed strained relationships with parents, and often alluded to or mentioned how abuse by their parents was related to their offending (Belknap, Holsinger, & Dunn, 1997). Many of them, not surprisingly, also listed numerous other family members who were incarcerated, including mothers, fathers, sisters, brothers, aunts, and uncles. Notably, a recent national study of prisoners reported that women in prison were more likely than their male counterparts to report having an immediate family member incarcerated (Snell & Morton, 1994). This is particularly important given another recent study that found that criminal convictions of a parent increase the likelihood of criminal convictions for a child, with family environment doing little to mediate this relationship (Rowe & Farrington, 1997). Finally, our research (Belknap, Holsinger, & Dunn, 1997), similar to others (Sommers & Baskin, 1994; Howell & Davis, 1992), emphasizes the problem of delinquent girls who have family members, including their parents, who are the ones who “turn them on” to drugs in the first place.

Reports from other countries are useful to examine as well. For example, a study of institutionalized delinquent youth in England found that many of these girls were institutionalized due to emotional and family problems, such as their parents’ fighting, and had not themselves committed any delinquent acts (Gelsethorpe, 1989). Thus, similar to the case in the United States, it appears that some girls are warehoused in delinquent institutions simply because their parents do not want to be bothered with them. On a more positive note, a study from South Australia of a policy implemented in 1979, very similar to the JJDPA,
found that this policy was successful in curbing the criminalization and institutionalization of status offenders, and it appears to have resulted in more equal treatment for female and male youth, particularly regarding sexual “offenses” (consensual sex) (Naffine, 1989).

The discussion about re-tracking youth who may have gone to “training schools” before the JJDPA in 1974, to mental illness/health institutions after this Act, is not complete without acknowledging that many of these youth indeed have significant mental health problems. First, there is documentation of serious mental and developmental disorders among institutionalized youth. For example, Hollander and Turner’s (1985) study of institutionalized delinquent boys found not only significant psychological and developmental disorders, but that these disorders were related to their violent offending. Additionally, a study of institutionalized delinquent girls and boys found their psychological and psychiatric profiles very similar to youth who have been psychiatrically hospitalized, and that these institutionalized delinquents had a significant combination of emotional and behavioral problems (Davis et al., 1991).

Moreover, while it has been established that there is a link between child abuse and subsequent delinquency (as described previously in this chapter), only recently has research focused on how family violence can affect a child’s mental health. A study on abusive families (which did not examine delinquency) found that children of battered women were at risk for child abuse (usually by the father), and “total” family violence, including woman battering of mothers and sexual and nonsexual physical parental abuse of children, “has a direct influence on children’s mental health” (McCloskey, Figueredo, & Koss, 1995, p. 1257). Another study found that sexually abused children have exceptionally high rates of post-traumatic stress disorder (PTSD), and that younger children were more symptomatic (Wolfe, Gentile, & Wolfe, 1989). Interestingly, these studies found that mothers reported both a greater likelihood of and more extensive psychological disorders of their children than the children reported of themselves (McCloskey et al., 1995; Wolfe et al., 1989). Similarly, a study of adult women reporting to a health center crisis service found that women reporting childhood sexual victimization were more likely than their nonabused counterparts “to be currently taking psychoactive medication, to have a history of substance addiction, to have been revictimized in an adult relationship, and to have made at least one suicide attempt in the past” (Briere & Runtz, 1987, p. 370). In sum, it is logical to conclude from a review of this research that children from abusive homes are at risk for mental health problems and delinquency, and their psychological well-being and delinquency levels might be very much related. Therefore, attending to the abuse in homes is key to deterring both delinquency and mental health problems of youth.
The Significance of Race, Class, and Sexuality

It is necessary to recognize that there are variations among females, largely based on race, class, sexuality, and age, and that these attributes are often linked to their likelihood of receiving chivalrous or evil woman responses. Stated alternatively, an understanding of unfair processing by the juvenile legal system would be incomplete simply to compare girls and boys because, even among girls, race and class differences can have profound impacts. Research has fairly consistently found that women and girls of color are afforded chivalry far less frequently than white females in juvenile and criminal justice decision-making (Agozino, 1997; Butler, 1997; Bortner & Reed, 1985; Chigwada-Bailey, 1997; Dodge, 2002; Krohn et al., 1983; Kruttschnitt, 1981; Lieber & Mack, 2003; Seitz, 2005; Spohn et al., 1987; Steffensmeier et al., 1998; Visher, 1983). Similarly, research on class and economic status has found that poorer women and girls and those on welfare are treated more harshly than their wealthier counterparts (Butler, 1997; Dodge, 2002; Kruttschnitt, 1981; Worrall, 1990). Like race and class, age is also an important factor in reflecting differences among females in experiencing chivalrous versus evil woman responses by decision-makers. Various studies assessing gender differences in responses to offenders found that girls and young women are less likely than older women to be afforded chivalrous treatment by the criminal and juvenile processing systems (Chesney-Lind & Shelden, 1992; Farrington & Morris, 1983; Hiller & Hancock, 1981; Krohn et al., 1983; Nagel & Hagan, 1983; Visher, 1983). In sum, chivalrous treatment by juvenile and criminal justice system decision-makers is least likely for younger and poorer women and girls, and females of color.

The Stage of the System

Regarding the stage in the criminal and juvenile systems, two reviews of research on the processing of female offenders both found that chivalry is least common in the earlier stages of the system (e.g., the police) and most common in the later stages of the system (e.g., sentencing) (Belknap, 2007; Chesney-Lind, 1987). In fact, of the three options in gender differences in sentencing outlined earlier, the evil woman approach is most apparent in the beginning stage (the police), equal treatment is most evident in the middle stages (decisions to prosecute, dismiss charges, and convict), and chivalrous treatment is most common at the end of the decision-making process (the decision to incarcerate and the sentence severity). A closer examination of this research, however, suggests that for juvenile offenders, the “evil woman” response by crime decision-makers is more likely than for older females at every stage of the system. A more detailed account of
the research on whether the systemic response to juveniles is gendered when broken down by the stage of processing follows.

Focusing on police decision-making, the evil woman response has been most apparent for girls who are status offenders—that is, girls whose offenses would not be considered offenses if they were adults (Chesney-Lind & Shelden, 1992; Hiller & Hancock, 1981; Sarri, 1983; Teilmann & Landry, 1981). Chesney-Lind’s (1973) study of juvenile court cases between 1929 and 1964 found that one-quarter of boys and three-quarters of girls were arrested for status offenses, and that the forced gynecological exams resulted in girls being far more likely than boys to be sent to detention. Although there has historically been little concern by the criminal and juvenile authorities for girls who were sexually abused in their homes, girls who reported consensual sexual activity after being questioned by the police ended up with sexual offense charges added to their original offense (Chesney-Lind, 1974). In contrast, Wells (1994) posits that girls are taken less seriously by the police than boys because they are less of a threat to the community than boys, and more likely “only” a threat to themselves. Similar to statements from some institutionalized delinquent girls in the focus groups in our study (Belknap et al., 1997), Wells (1994) reports that girls will escalate the seriousness of their delinquent behavior as a cry for “help” or to come back to delinquent institutions because that was the safest they ever felt. Some of these girls in both Wells’s (1994) and our own research (Belknap et al., 1997) wished that the police had responded to their offending earlier, before it escalated to the point where they were in “really big trouble.”

A review of studies on gender and decision-making at the detention and pre-trial release stages reveals that chivalrous treatment appears to be reserved for adult women who are not prostitutes, whereas the treatment of juveniles (and prostitutes) at these stages is more consistent with the evil woman hypothesis (Bernat, 1985; Frazier & Cochran, 1986; Kruttschnitt, 1984; Kruttschnitt & Green, 1984; Teilmann & Landry, 1981). A study on the decision of whether to refer a youth to juvenile court reported that the systemic responses depended on the type of crime: for delinquent acts that were not status offenses, the response was more consistent with chivalry, but for status offenses the response was more consistent with the evil woman approach (Datesman & Aickin, 1984). Similarly, Chesney-Lind’s (1973) analysis of juvenile offenses in Honolulu between 1929 and 1964 found that girls were more likely than boys to be referred to court, and three times as likely to be institutionalized. Moreover, most of these girls were forced to have pelvic exams to assess whether they were virgins. A study on the charge dismissal decision of juveniles reported that race and gender interacted in important ways: African American boys were most likely to be formally processed, African American girls were most likely to receive probation, Anglo girls were most likely to receive diversion, and Anglo boys were most likely to
have their charges dismissed (Sarri, 1983). Finally, a longitudinal study of ten European countries’ juvenile courts found that girls’ chances of being incarcerated and the length of their sentences when incarcerated were rising in seven of the ten countries studied (Cain, 1989).

When examining incarceration rates in secure public facilities, Krisberg and Austin (1993) reported that for both males and females, African Americans have the highest rates and Asian Americans the lowest rates. Moreover, this study found that at each stage of the system, youth of color were increasingly disproportionately represented, while Anglo youth were “proportionately filtered out of the juvenile justice system as the severity of the sanction increase[d]” (p. 125). They also found that “youth placed in private facilities tend to be disproportionately young women, white, and charged or adjudicated more for less serious property and person crimes” (p. 116). To date, however, there is a paucity of research addressing gender differences in processing delinquents at the later stages of decision-making, particularly the likelihood of pleading guilty or negotiating pleas, convictions, incarceration (especially studies on juvenile incarcerations in the United States), and probation rates. Most of these studies have been conducted on adults or lumped adults and juveniles together. As mentioned before, however, two reviews of the existing studies (which included studies on adults) suggest that if females receive chivalry at any stages, it is most likely to be the later ones (Belknap, 2001; Chesney-Lind, 1987). Future research needs to continue to examine this, and to include in the analysis stage, age, race, and class as well as gender.

Treating and Punishing Delinquent Girls

Given the sexism in theories on crime and sexism in the processing of youth, it is not surprising that the “correctional” responses to treating and punishing sentenced and convicted youth are also sexist. To some extent, this was covered in the section on processing. (It is sometimes difficult to separate out sentences meted out by judges from punishments and treatments in institutional facilities.) In the mid-1800s separate facilities for women were developed in the United States; however, separate facilities for girls date from the early 1900s (Sarri, 1987). A historical overview of juvenile institutions in the southern United States by Vernetta D. Young (1994), highlights how, once again, gender and race have interacted in the response to alleged youthful offenders:

Although the refuge movement [for juveniles out of adult facilities] in the South began prior to the Civil War, the real demand for juvenile reformatories came 30 years later, in the decade of the 1890s... The literature suggests that the development of juvenile institutions in the South was precipitated by the need to control the different segments of society. In the
case of White male youth, once their delinquent activities became intolerable the pattern of placing these juveniles in institutions with adults was established. This soon became a bone of contention, and institutions to separate White male youth from White male adults were mandated. In the case of Black male youth, prior to the Civil War they were controlled by the institutions of slavery and the adult penal system. After slavery ended, Black youth remained in the adult penal system and were handled through the convict lease system. Once these mechanisms became untenable the juvenile institution was introduced to maintain social control, mainly by supplying needed laborers. In the case of White female youth, the institutions developed to save poor White girls from sexual immorality by providing a conduit for instruction in ‘women’s work.’ In the case of Black female youth, they were remanded to adult institutions or handled out of state until it became either practically or fiscally prohibitive, then special institutions were developed. (pp. 261–262)

Chesney-Lind and Shelden (1992) argue that women and girls sent to jail are essentially being sent to male facilities, and for arrested girls this is often a sentence of solitary confinement. Additionally, girls are more likely than boys to end up in jail for trivial and status offenses, and the conditions for girls in jail are significantly worse than those for boys. In 1989, 22% of girls and 3% of boys in public juvenile facilities were there for nondelinquent reasons, such as status offenses, abuse, neglect, and voluntary commitment (U.S. Department of Justice, 1991). There is also documentation that girls are four times more likely than boys to be incarcerated for contempt of court charges (“Florida Supreme Court,” 1992, p. 4). These gender differences are further exacerbated by studies indicating that the nation’s detention centers and training schools may be not only neglecting juvenile girls’ needs but, sometimes, further victimizing them (Chesney-Lind & Shelden, 1992, p. 164). For example, research on both jails and delinquent girls’ institutions reports that girls appear to be at considerable risk for sexual assault by male staff and other inmates (Chesney-Lind & Rodriguez, 1983; Faith, 1993).

A Canadian study by Corrado and his colleagues (2000) found that most of the offenses for which young women are incarcerated are administrative in nature, such as violating parole and other boot-strapping means. They go on to point out the ironies in punishing girls who actually need protection:

Moreover, it appears as though the primary rationale for sentencing these females to custody is protective in nature. That is, based on the testimony of both the young women and key criminal justice decision makers, the primary concern in “breaching” female offenders is most often directly tied to the safety of the young women. It is the authors’ contention that it is not only the paucity of non-custodial treatment alternatives that results in administrative-based incarceration, but also the resistance that many young women
have towards any attempt to prevent them from returning to their street lives. In effect, the pull of addiction, pimps/boyfriends, and peers is often so intense that many of the multi-problem young women refuse to remain in non-custodial treatment sites and programs. (p. 189)

Regarding programming, institutions for delinquent girls are well known for reinforcing stereotypical gender roles (e.g., Gelsethorpe, 1989; Kersten, 1989; Smart, 1976). Delinquent girls are subjected to greater rule rigidity and offered fewer vocational, educational, and athletic programs than boy delinquents (Kersten, 1989; Mann, 1984). A British study found that even though the policies were gender-neutral, the application of the policies was quite sexist: girls were rewarded for feminine behavior (e.g., crying, and acting sensitive, maternal, and affectionate) (Gelsethorpe, 1989). Additionally, activities were gendered: boys swam, jogged, and played volleyball, Ping-Pong, darts, and soccer, while the girls were relegated to watching from the sidelines. Girls who attempted to join the boys in these activities were pejoratively labeled “tomboys” and “unladylike.” Girls’ activities were limited to exercises to keep slim, cooking, sewing, and other practices to prepare them to be “acceptable” wives and mothers (Gelsethorpe, 1989).

A recent overview of delinquent girls points out that “downsizing” of the juvenile “corrections” system has not been gender-neutral; “in application [downsizing] often means releasing and reducing services to those delinquents who pose the least threat of harm to the community—girls” (Wells, 1994, p. 4). Wells (1994) states that the reason that girls’ programs are often “the last funded and the first cut” is because they have no one advocating on their behalf, “creating the phenomenon of throwaway services for throwaway girls” (p. 4). Some mistakenly assume, according to Wells (1994), that because these girls are not being served by the juvenile “corrections” system they are being served elsewhere. Instead, she states, we are only offering these girls “fragments of services. The truth is that in the United States there are far more shelters and services for our country’s abused and neglected animals than for girls and young women” (p. 4).

The Movement for Change: Improving Responses to Delinquent Girls

In 1992 there was a reauthorization of the JJDP of 1974. One aspect of this reauthorization was that Congress heard the concerns of some professionals who worked with juveniles that girl offenders had some “gender-specific needs.” To this end, the final act of the reauthorization legislation provided that each state should (1) conduct an analysis of the need for and assessment of existing treatment and services for delinquent girls, (2) develop a plan to provide needed gender-specific
services for the prevention and treatment of juvenile delinquency, and (3) provide assurance that youth in the juvenile system are treated fairly regarding their mental, physical, and emotional capabilities, as well as on the basis of their gender, race, and family income (Belknap, Holsinger, & Dunn, 1997). States across the country have been receiving federal monies in attempts to secure these three provisions outlined in the 1992 reauthorization of the JJDPA. Most of this work is in progress, so it is too early to make conclusive statements.

It is, however, prudent to examine the potential of these efforts across the United States. This chapter has highlighted what we believe are the most important issues facing delinquent girls, as well as girls at risk of becoming delinquent. These factors are often interrelated and the order of causality is not always clear, but it is certainly clear that girls’ high risk of victimization in their homes, particularly incest, is strongly related to their subsequent offending. The interrelationships of the many involved factors is often complex. For example, how do running away, psychological problems, drug and alcohol (ab)use, prostitution, larceny-theft, drug selling, robbery, assault, manslaughter, and homicide interrelate, or do they, for a given individual girl? This chapter has emphasized the sexualization of girls and the punishment of girls for their sexuality, whether it was consensual sex with another person or they were raped. Therefore, it seems evident that there is a need for “revamping” the treatment of not only delinquent girls but also delinquent boys (since many of them come from abusive homes as well), and to pay more attention to youth in abusive homes in order to “derail” them from their pathways to offending.

It is important to point out that designing and appropriating treatment and punishment based on gender differences might be tricky, and that biological (sex) differences have been routinely used against women and girls. Indeed, many gender differences (such as the ability to raise children) have been considered biological (sex) differences by the courts (Epstein, 1988; Rhode, 1989; Smart, 1989). Feminist legal scholars have agonized over the “equality v. difference” (also known as the “sameness v. difference”) debate (e.g., Rhode, 1989; Smart, 1989). In a nutshell, when we acknowledge biological differences (e.g., the ability to get pregnant) in order to try to get better conditions for women (e.g., maternity leave without losing one’s job), or we acknowledge gender differences in the form of sexism (e.g., the likelihood of incest victimization) in order to improve conditions for females (e.g., treatment for survivors), do we lose something by saying that females are different than males? Our fear is that in highlighting some important gender differences, we are reinforcing that males and females are different, and that some policy makers may use this information to excuse unnecessary or even sexist gender differences in programming and treatment. Historically, both biological and socially structured differences between females and males have been used to provide “less” and “worse” treatment for females. We are concerned about
this approach being perpetuated with our own and other scholars’ findings regarding girls’ “special needs.”

Reformers in any movement usually have the best intentions, but it is important to recognize that some implemented policies that initially appear as important achievements to feminists and others who advocate for women and girls have often backfired. Specifically, many policies implemented originally to “help” women and girls have often been applied in sexist manners. Examples of this include penal reform movements to separate women from men in prison that resulted in sexist treatment and punishment for women (Freedman, 1982), movements to make changes in sentencing for males and females that resulted in exceptionally long sentences for females (Belknap, 2001; Feinman, 1992; Temin, 1980), and the mandatory arrest policy in domestic violence that has resulted in numerous women victims being arrested for resisting their batterers’ abuse (Stanko, 1985).

The following recommendations are made in hopes that changes can be implemented that have meaningful impact on girls’ lives. While recognizing that “gender-specific” needs are useful to identify, many of these policies can be applied to boys as well. Particularly, youth from abusive homes, in school systems that are not concerned about drugs and violence, in school systems fraught with racism and classism (in addition to sexism), in communities with no sense of community, are at risk. The remainder of this chapter will list changes needed to help girls at risk of becoming delinquent or who have already become delinquent.

The first area of recommendations regarding female delinquency has to do with preventive measures. First and foremost, educational, social welfare, medical, and juvenile and criminal processing system personnel must become better equipped to identify and respond to children from abusive homes. Numerous studies cited in this chapter found a strong link between childhood victimization and the risk of becoming delinquent. Certainly not all abused children become delinquent (Falshaw, Browne, & Hollin, 1996; Widom, 1989a), but the fact that abuse is a likely predecessor to delinquency underscores the need for more meaningful responses by the police, courts, schools, and communities against the parents, and more fruitful emotional help for children who have experienced or witnessed this violence. Dembo and his colleagues (1992) stated that “early intervention with high-risk youths and their families is needed to address effectively their problems and troubled behavior before drug use and delinquent careers become firmly established” (p. 245). This would require training of police and court workers, as well as the educators in our school system, about the risk of abuse in the homes, the effects of this abuse, and how best to respond to it. Relatively, school systems need to be changed to empower girls and to provide less sexist environments. For example, the curriculum needs to include more information on women, girls, and gender, and policies need to be in place
and enforced regarding sexual harassment and other sexist behaviors (see Pipher, 1994). In addition to the sexism in schools, numerous scholars on delinquent girls and incarcerated women have reported intensely racist experiences in the schools (e.g., Arnold, 1990; Gilfus, 1992).

Hirsch and his colleagues (2000) describe an innovative inner-city youth program, Boys and Girls of America Clubs, for girls in urban neighborhoods that were often “extremely dangerous” (p. 211). The goals of this program included providing a:

1. “Place attachment” or a club to serve as a “second home”
2. Peer group to hang out with in a safe place
3. Tie to adults
4. Place where the girls’ voices were valued and heard

Unfortunately, a problem they noted was a high turnover rate among the staff, which made it difficult for the girls who had formed strong bonds with staff who then left. Similarly, in a focus-group study with delinquent girls and professionals in Colorado, many of the girls and professionals questioned the policy that when girls leave an institution that they are no longer able to have contact with their social workers or other professionals who may have been the first people in their lives that appeared to care about them (Belknap et al., 2001). Finally, a multimodel after-school program was found to be effective in decreasing recidivism rates for “early-career” juvenile offenders (two-thirds were girls). The program included “treatment consisting of group and family therapies, parent groups, educational sessions, community service projects, and empathy-building exercises” in a four-week program (Myers et al., 2000, p. 1127).

The second area of recommendations has to do with statistics and data gathering. Widom (1989a) has called upon scholars to conduct research with multivariate models that can examine sex, race, and age to help understand how “victimization begets criminal behavior” (p. 163). Clearly, more research needs to be conducted on the many variables related to delinquency and offending, which includes an account of individuals’ childhood victimizations and exposure to violence and offending in the home. Furthermore, municipality, county, state, and national agency personnel responsible for collecting and publishing data on juvenile offending need to separate sex/gender and race simultaneously. In order to understand the processing of youth by the system, it is necessary to understand how racism and sexism may interact. We cannot understand this simply by looking at race and gender alone. The processing of females may vary depending on whether the individual is African American, Hispanic, Asian American, Native American, or Anglo. Related to these two areas of data gathering, more research needs to examine whether, and if so, how, “justice” is gendered. A close eye on the processing and institutionalizing of status offenders
must be maintained, particularly regarding gender and the criminalization of girls (and boys) for running away from abusive homes. This research needs to be conducted at every stage of the system: the police, courts, and probation and parole decision-making stages. Moreover, this research needs to account for how a youth’s gender, race, age, class, sexual preference, marital status, pregnancy status, dependent child status, and other “extralegal” characteristics might impact decision-making.

The final area of recommendations has to do with the treatment of girls once they have been institutionalized or processed as delinquents. At a recent conference on juvenile delinquents in Ohio, we participated in a special caucus on delinquent girls. Many of those working with delinquent girls spoke up on the importance of having the girls themselves take part in designing their own programs. As noted in this chapter and by these workers, these girls have entire lives filled with having power taken away from them and limited opportunities to express what they need. Although not empirically tested, these workers’ enthusiasm about the significantly improved effectiveness of girls completing programs and achieving positive behavioral changes when they took part in designing their own programs points to the need to try this innovative change. One worker noted that consistent weekly support groups, in which it is up to the girls what they talk about, are more successful than ordering girls into structured programs. She believed that this was due to these girls’ experiences of having been violated so severely that they could not trust something that they had no power over, and that taking part in their own rehabilitation was itself empowering.

Linda Albrecht, who has considerable history working with delinquent girls, warned during this conference that simply making a “bad” program “gender specific” was not going to make the program “good.” Indeed, she warned that delinquent girls must be approached as a “whole package,” not in a compartmentalized way, so that in addition to trying to educate girls about gender issues, you are also working on their acting out and violent behavior. (See Chapter 3 by Zaplin for discussion of a systems approach.)

If in fact girls are becoming more violent, more programs need to assess the causes of this violence. Warehousing girls convicted of violent and other offenses in institutions while failing to adequately treat them for incest, nonsexual physical abuse, witnessing the battering of their mothers, witnessing general violence (including murder) in their neighborhoods, and so on is not going to have a serious impact on deterring future problems, including delinquency. In addition to more proactive and individual and group counseling for survivors of these violent homes and communities, policies need to be implemented to address the revictimization some girls receive while institutionalized. The research reviewed above also points to the need for adequate programs for chemical abuse and dependency.
Given the overall gendered differences girls and boys experience in their families, schools, and the workforce, it makes sense that services for juveniles, delinquents, and potential delinquents address the sexism and gender differences in the “real” world. It is necessary that class and racial differences and classism and racism are addressed, as well. Finally, the educational, vocational, and recreational programming available to incarcerated youth must be monitored to ensure that delinquent institutions are not providing unfair access to girls and are not working to reinforce gender stereotypes. Girls need education, vocations, exercise, and other activities as much as boys. Institutions need to be held more accountable for gender differences in access to programming.

### Conclusions

This chapter has reviewed the many avenues through which girl delinquents have been ignored or treated in sexist manners. This has been the case in theorizing about delinquency, in the processing of delinquents through the formal system, and in the institutions warehousing delinquent girls. Research in the past fifteen years has documented the heretofore ignored relationship between high rates of violence in the home and the criminalizing of girls for running away from these abusive homes. Scholars must continue to examine the relationship between childhood abuse and subsequent mental health, chemical abuse, and delinquency problems. Juvenile and criminal processing system decision-makers must be more informed about the link between childhood victimization and subsequent delinquency. Finally, institutions for delinquents cannot ignore problems and decide it is “too late” for these delinquents with chronic problems often related to their violent pasts. Although it may be too late to stop the youth from offending, and it is not ideal to wait until the youth has an official record, it is better to provide treatment after the offending starts than none at all. In sum, improving systemic responses to female delinquency requires that more innovative preventive measures be taken, and that programs for institutionalized girls be improved and strengthened, recognizing gender differences, sexism, and the “real-life” experiences of delinquent girls.
This chapter emphasizes the need for “revamping” the treatment of not only delinquent girls but also delinquent boys (since many of them come from abusive homes as well), and to pay more attention to youth in these abusive homes in order to “derail” them from their pathways to offending. Belknap and Holsinger explore the child-abuse-victim-to-offender link in order to present an accurate representation of female delinquents, specifically addressing which girls are most at risk of becoming delinquents. The authors contend that this is necessary not only because the theories and media coverage have either ignored or misrepresented these girls, but because a realistic understanding of them is critical to treat them most effectively. First and foremost, Belknap and Holsinger stress the need for preventive measures aimed at identifying and responding to children from abusive homes on the grounds that girls’ high risk of victimization in their homes, particularly incest, is strongly related to their subsequent offending. Thus, early intervention with high-risk youths and their families is needed to effectively address their problems and troubled behavior before the cycle of criminality becomes firmly established. The authors also make recommendations related to statistics and data gathering and the treatment of girls once they have been institutionalized or processed as delinquents.
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