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Girls in the Juvenile Justice System

**Thesis submitted to the Graduate College of
Marshall University**

**In partial fulfillment of
The requirements for the degree of
Masters of Arts in Sociology**

By

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Marshall University

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Abstract

Girls in the Juvenile Justice System

By Ryan Michelle Donley

Juvenile crime has been a controversial topic of debate since the Industrial Revolution. More recently many studies on juvenile crime have turned their attention to sex differences in committing crime and being processed through the justice system. Current statistics of arrest, adjudication, and placement rates for different types of status offenses and criminal offenses will show whether Chesney-Lind's and other researchers' conclusions that juvenile females are treated more harshly within the juvenile justice system still holds true twenty years later. Given the literature review and the national juvenile crime statistics, there is strong evidence that suggests females continue to be treated differently and more harshly than males for similar offenses and status offenses.

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Introduction

Juvenile crime has been a controversial topic of debate since the Industrial Revolution. Many theories have attempted to explain why juveniles commit or do not commit acts of delinquency and/or status offenses. Within the last five decades researchers have included race, sex, age, and social class as characteristics that they contend are factors which influence juvenile crime and how they are processed by the juvenile justice system.

More recently many studies on juvenile crime have turned their attention to sex differences in committing crime and being processed through the justice system. Throughout the years feminist theorists have attempted to explain sex differences within the justice system. Conflict, labeling, and power control theories, as well as chivalry and paternalism hypothesis have all attempted to explain sex differences in committing crime and being processed through not only the adult justice system, but also the juvenile justice system. Conflict, labeling and power control theories are only a few theories which attempt to explain the sex differences in why males and females commit crime and then come to the attention of the justice system representatives. Chivalry and paternalism hypothesis suggests that females receive lesser punishment because male police, prosecutors, and judges feel the need to step in to save these women or to treat them leniently as long as women sustain a submissive gender role (Viki, et. al., 2003; Daly, 1989; Grabe, et. al., 2006; Akers, 1999). The two hypothesis attempt to explain why females are treated differently for the same or similar criminal acts that males commit, as well as if females are treated harsher.

A historical background of the juvenile justice system will be discussed so that a better understanding of how the system has seen, treated, and dealt with juvenile delinquents and status offenders. A review of literature will help to establish what other researchers have discovered in previous qualitative and quantitative research, as well as research that has been gathered about the juvenile female offender. Statistics from 1985 to 2004 of juvenile male and female crime were collected *Juvenile Offenders and Victims:2006 National Report* (Synder and Sickmund, 2006) as well as *FBI Arrest Statistics 1994-2004* (Puzzanchera, et. al., 2006).

The research will illustrate whether females have been given more severe sanctions for offenses which are also committed by juvenile males, or assigned more lenient treatment than juvenile males from the first stage of arrest to the final stage of incarceration. These current statistics of arrest, adjudication, and placement rates for different types of status offenses and criminal offenses will show whether Chesney-Lind's conclusions that juvenile females are treated more harshly within the juvenile justice system still holds true twenty years later.

Therefore, chapter 1 begins with the exploration of the juvenile justice history and what factors have lead the current system to act as the juveniles parent, makes choices for the youth that the court declares is best, treats, processes, detains, commit's today's juvenile males and females. A literature review of research pertaining to juvenile females and the juvenile justice system occurs in chapter 2. Statistical comparison of juvenile female and male arrest, types of crimes committed, adjudication, and placement rates are discussed in chapter 3. Chapter 4 brings the paper to a close with conclusions and suggestions for future research.

Chapter 1

History of Juvenile Justice in the United States a Historical Background

The first juvenile court in the United States was created in 1899, with the passage of the Illinois Juvenile Court Act (Satterthwaite, 1997). This acted as the model in which the Nation's early juvenile court system developed techniques for legally dealing with delinquent youth. Since 1899 the juvenile justice system has undergone many changes that have brought it closer to resembling the adult criminal justice system (Roberts, 2004; Satterthwaite, 1997; Ferro, 2003). Even though the juvenile justice system resembles the adult system, it too has many flaws that affect the outcome of youth being brought into the system and processed through.

In order to better understand the current juvenile justice system and how it arrived at its current objective and operation, it is first necessary to examine its past history. The past history of the juvenile justice system is important to review in order to comprehend why today's juvenile justice system acts as the juveniles parent, makes choices for the youth that the court declares is best, treats, processes, detains, commit's today's juvenile males and females. As well as possible factors throughout history that has changed society and how society has decided to deal with those youthful offenders.

In today's society, we expect children to play with toys and each other. Parents expect children to make mistakes and to a certain degree not always follow rules. People expect that children are shown love and discipline. Society plays a role in their upbringing, but the parents have the primary responsibility for guiding their children into a healthy and productive adulthood. From Ancient times to the Middle Ages, little attention was given to the nature of children. They were seen not as having a childhood

that we have come to understand today. This concept of childhood did not exist. Children were seen as miniature adults and fully responsible for their behaviors.

During the middle of the 16th century, Elizabethan England created statutes known as “poor laws” (Ferro, 2003; Roberts, 2004; Satterthwaite, 1997). These statutes forced homeless, neglected, or delinquent minors into workhouses, apprenticeships or to families for domestic service (Ferro, 2003). Individuals were indentured until the age of 21 or longer. Poor laws became the model for dealing with poor or delinquent children and were brought from England to the American colonies (Ferro, 2003; Satterthwaite, 1997).

Once the poor laws reached the American colonies, new ideas on childhood evolved, which caused new ways of thinking about children (Ferro, 2003). Puritans influence gave more attention to the process of child rearing. Puritans believed that if proper child rearing did not occur then the child could be eternally damned and believed that every human was innately sinful, and therefore, every child was born with original sin. To save a child, that child had to be “broken” of its natural will and subordinated to parents, society, and God. Such a view lead to a Puritan law where any male over the age of sixteen who refused to obey his parents could be taken in for a hearing and if found guilty, could be punished including, in the most serious of cases, a sentence of death (Ferro, 2003; Roberts, 2004; Satterthwaite, 1997). Essentially the Puritans created the offense category known as status offense, any act that is considered illegal for children but not for adults (Ferro, 2003; Satterthwaite, 1997).

By the early 19th century the United States was becoming more urbanized and industrialized. By 1825, New York City’s population had reached 166,000 inhabitants

(Ferro, 2003) Fueled by a massive influx of immigrants, slums rapidly sprung up because of the city's inability to expand municipal services (sanitation, public health, clean water, etc.) and substandard economic conditions lead to a rise in criminal activity occurred among New York's juveniles. Property crime (e.g., burglary) among juvenile males and prostitution among juvenile females increased substantially. Youth who were not in school, unemployed, and had no adult supervision were a reoccurring problem within these impoverished, urban communities (Ferro, 2003; Satterthwaite, 1997). It is safe to say that the problem of juvenile delinquency was linked directly to the rise of the urban poor spawned by the Industrial Revolution.

The Puritan ideal of "breaking" a child of their innate sin began to erode during the early 19th century. More attention was being given to the special nature of childhood. Society began to see children as children not as miniature adults and developed a more adherent process of nurturing a child as a part of successful child rearing. Consequently concern from society's upper class arose that urban youth were more likely to engage in delinquent behavior because of exposure to the conditions in poor urbanized neighborhoods. These children, it was believed, had to be "saved" by some kind of intervention (Ferro, 2003) which in turn provided the basis for the child saving movement (Ferro, 2003; Satterthwaite, 1997).

In 1825, The Society for the Prevention of Juvenile Delinquency established the New York House of Refuge, which was designed to exclusively accommodate juveniles (Ferro, 2003; U.S. Department of Juvenile Justice, 2006). Houses of Refuge not only housed children who had committed crimes but also poor children, orphans, or children thought to be wayward, incorrigible, or beyond the control of their parents. Similar

houses of refuge were established throughout the United States by juvenile justice reformers known as the “Child Savers.” Child Savers, otherwise known as Reformers, began to connect crime and delinquency with poverty stricken areas. Instead of trying to “break” a child, like the Puritans, reformers wanted to rescue children, by placing them into state operated facilities (e.g., orphanages, work houses) from the conditions of urban slums that appeared to cause their criminal behavior.

In 1839, a case involving a young girl in Pennsylvania who was involuntarily incarcerated in a house of refuge for committing a status offense was challenged claiming that the incarceration was illegal (Ferro, 2003; Roberts, 2004). The Pennsylvania Supreme Court not only refused to examine the events that led to the commitment, the length the girl would be incarcerated, or the conditions of the youth’s confinement, but also held that the incarceration was justified (Ferro, 2003). The Pennsylvania Supreme Court, in its ruling of *Ex Parte Crouse*, established the doctrine of *parens patriae* for the United States, which dates back to the Middle Ages in England. The doctrine enabled the state to assume responsibility for children until they began to exhibit positive changes, and to provide for their care or protection (Ferro, 2003; Roberts, 2004; U.S. Department of Juvenile Justice, 2006; Satterthwaite, 1997). *Parens patriae* was the foundation stone upon which modern juvenile court was established.

The first juvenile court in the United States was established in Cook County, Illinois in 1899 developed under the doctrine of *parens patriae*. Because children were not of full legal capacity, the state had the authority to provide protection for children whose legal guardians or parents were unable to provide appropriate care or protection (Ferro, 2003; U.S. Department of Justice, 2006; Roberts, 2004). The structure of the juvenile

court was recognized as the model for all juvenile court systems and developed nationwide. By 1910, thirty-two states had established juvenile courts and/ or probation services (Ferro, 2003; Roberts, 2004; Satterthwaite, 1997). The model for the new juvenile justice system replaced punishment with rehabilitation methods. The ideal of rehabilitating delinquent youth, rather than punishing, proved very attractive and helped to generate programs, juvenile courts or both in all but two states by 1925 (Ferro, 2003; Roberts, 2004; U.S. Department of Juvenile Justice, 2006). The model's mission was to turn delinquent youth into productive citizens through treatment, rather than punishment, and encouraged the evolution of a separate procedural and substantive system of juvenile justice.

The rehabilitation model incorporated the ideas that a juvenile's criminal tendencies could be reversed if procedures were taken and applied at an early age. This model was more concerned with how to transform the youthful offender into a productive and functioning citizen once the offender's debt to society had been paid. To accomplish this goal, juvenile offenders were sent to reformatory schools. These reformatory schools were created to segregate youthful offenders from adult criminals, reform the youthful offenders by focusing on education, and removing youthful offenders from adverse home environments (Ferro, 2003). In theory, these schools were supposed to have a transformative effect on wayward youth. However, in the case of *People ex rel O'Connell v. Turner* (1870) the Illinois Supreme Court ruled that it was unconstitutional to confine youths who had not been convicted of a criminal offense to reform school (U.S. Department of Juvenile Justice, 2006; Ferro, 2003).

The next fifty-five years remained focused on rehabilitating juvenile offenders. The system itself spawned many important and influential Supreme Court cases and legislation that continued to help structure today's juvenile justice system. One of many was The Juvenile Delinquency Prevention and Control Act-1968. The legislation was designed to encourage states to develop community plans and programs that would discourage juvenile delinquency. Once the programs were drafted and approved, states would receive federal funding.

The Juvenile Justice and Delinquency Prevention Act-1974 which succeeded the 1968 legislation established a strong prevention model of juvenile delinquency, deinstitutionalizing youth who were already within the system and keeping juvenile offenders separate from adult offenders (Ferro, 2003; Satterthwaite, 1997; Synder and Sickmund, 2006). States would receive federal funding only if they removed youth from secure detention centers and correctional facilities and separated them from adult offenders

As a result of a steep rise in gang activity and violence in the 1980's and 1990's The question of how we save the children, which was asked only half a century ago, had shifted to how can we protect society from these youthful offenders. Reform and rehabilitation were abandoned in favor of a more punitive system. Tolerance for gang activity and the violence that accompanied that life style waned dramatically. The public mood was more attuned to "getting tough on crime." The government was forced to turn its back on rehabilitating youthful offenders and focus on punishment because of public out cry for "get tough on crime". The American public became increasingly troubled about the perception of how lax the police and courts appeared to be when dealing with habitual

and violent juvenile criminals. Although there were misconceptions concerning the increase in juvenile crime, many States responded by passing retaliatory laws. The United States government amended The Juvenile Justice and Delinquency Prevention Act-1974 allowing some states to try juveniles as adults for some violent crimes and weapons violations. Minimum detention sentences were instituted in some states. Some of these laws transferred certain classes of offenders from juvenile criminal court jurisdiction. Others required the juvenile courts to treat certain classes of juvenile offenders as criminals, but in juvenile court. These laws also resulted in offenders who were charged with certain offences to be excluded completely from juvenile court jurisdiction or be waived automatically to adult criminal court. In some states juveniles who were adjudicated for certain offenses faced mandatory sentences.

As society's tolerance and perception of juvenile delinquency shifted throughout the decades, the way that youthful offenders were viewed and treated tried to keep pace with an ever evolving society. In the beginning society wanted to punish children who were capable of mens rea. This shifted to poor laws, where homeless, neglected, or delinquent juveniles were remanded to workhouses or apprenticeships. The Puritans focused on child rearing and breaking children of their innate sins. During the Progressive Era the focus was on saving the children and turning them into productive citizens.

About fifty-five years later society's tolerance for crime had been exhausted and calls for tougher actions against juvenile crime ensued. These conceptions of delinquency and how to deal with youthful offenders shaped not only today's juvenile justice system but also the modern study of delinquency. Therefore, a literature review of female

juvenile delinquency and their involvement within the juvenile justice system will be discussed in Chapter 2.

Chapter 2

Literature Review

Why people commit or do not commit crime has long been of interest to researchers. Early research on crime focused on adult male crime, and then eventually included juvenile male criminal activity. At the advent of the Industrial Revolution interest shifted to include adult and juvenile females. Even though researchers became interested in the study of adult and juvenile females, compared to the amount of research on adult and juvenile males, females were severely under represented in the academia department.

The earliest attempt to explain criminal behavior was by Caesar Lombroso who wrote many books about crime and criminals. Two of those that were especially influential were, *L'uomo delinquente* [The Criminal Man] and *la donna delinquente* [The Female Offender] (Curran et. al., 2001; Morrison, et. al., 1896). Lombroso's work attempted to move the study of crime away from innocence until proven guilty, punishment that fits the crime, free will, and moral culpability, towards more empirical data that distinguished recidivist criminals from "normal" people by the use of physical characteristics (Curran et. al., 2001; Morrison, et. al., 1896).

Lombroso was an enthusiastic student of Darwinism and drew on the concept of atavism to explain criminal behavior. He saw the criminal as a biological degenerate or "biological throwback", almost ape-like (Curran et. al., 2001; Morrison, et. al., 1896). The criminals were seen as "biological throwbacks" to a more primitive ancestral state and could be recognized by physical features that indicated their more "savage" nature (Curran et. al., 2001; Morrison, et. al., 1896). Lombroso termed this as atavism and

claimed that the criminal behavior could be explained by this form of biological degeneracy (Curran et. al., 2001; Morrison, et. al., 1896). Criminal atavists could be identified by certain physical characteristics, which Lombroso referred to as stigmata's (Curran et. al., 2001; Morrison, et. al., 1896). Male criminals could be distinguished from law abiding citizens by moles, excessive body hair, tattoos, receding foreheads, large hands, and bumps on the head (Curran et. al., 2001; Morrison, et. al., 1896). Also included in his work were ways to identify a female criminal.

Normal women were also conceived of by Lombroso as being atavistic. The criminal woman, however, was masculine and because masculinity was seen as a good thing in only males, this masculinity then transformed the criminal woman into a type of "monster" (Curran et. al., 2001; Morrison, et. al., 1896). In contrast to the male criminal, being more identifiable by physical characteristics, the female criminal was less identifiable (Curran et. al., 2001; Morrison, et. al., 1896). These women were preserved to be childlike, jealous, vengeful, have low intelligence, are deceitful, and are kleptomaniacs (Curran et. al., 2001; Morrison, et. al., 1896).

Early social scientists interested in female crime shared Lombroso's assumptions about the physical and psychological nature of women. Even though Lombroso's work was flawed, it helped to pave the way for future work on not only adult and juvenile male crime, but also adult and juvenile female crime.

The gender difference of criminals has long been in interest to researchers. Because delinquency is predominately a male phenomenon, most research has therefore solely focused on the male gender. Nevertheless, the number of young women within the juvenile justice system has increased over the decades (Lenssen, et al, 2000;

Puzzanchera, et. al., 2006). The reasons why they are ensnared by the system have stayed relatively constant over the years.

Juvenile females are arrested to some degree in all categories of offenses. However, juvenile females tend to be arrested more often for offenses that are less serious (referred to as status offenses) and tend to be considered victimless crimes. These status offenses include such offenses as truancy, running away, drinking alcohol, smoking, being incorrigible, and curfew violation are considered illegal when committed by juveniles. Girls are more likely to be arrested for these status offenses than they would be for robbery (Chesney-Lind & Sheldon, 1998).

According to Puzzanchera et. al. (2006), there are four major status offenses: Truancy, liquor violations, runaway, and ungovernability. The most serious of these offenses is considered to be running away, followed in sequence by ungovernable, liquor offenses, and truancy (Puzzanchera, et. al., 2006). Juvenile females constituted 59% of all runaways in 2003 (Puzzanchera, et. al., 2006). This status offense category represented the highest percent of female cases out of the four major status offenses followed by ungovernable cases (39%), liquor cases (35%), and truancy cases (27%) (Puzzanchera, et. al., 2006).

Females become involved in the juvenile justice system through a number of entry points. They typically enter the juvenile justice system as a result of status offenses (those offenses which are illegal for minors but not for adults), charges of prostitution, drug and alcohol charges, and petty property offenses (Horowitz and Pottieger, 1991; Chesney-Lind, 1989; Lunnenmann, 2000; Chesney-Lind, 1999; Chesney-Lind, 1988; Sondheimer, 2001; Bloom et. al., 2002; Bloom et. al., 2002; Hoyt and Schere, 1998;

Alder, 1984; Bloom et. al., 2004; MacDonald and Chesney-Lind, 2001; Junger-Tas, et. al., 2004; Murphy and Brown, 2000). They do enter the system for more serious offenses, but this occurs at a lower rate than the above factors.

The most typical way that females are brought to the attention of juvenile justice representative is through the action or referral of their parents. Females typically enter the system because they run away or are considered incorrigible or ungovernable and are beyond the control of their parents (Macdonald and Chesney-Lind, 2001). In other words, these girls become involved in the system not because they are necessarily criminals, but rather because they have violated parental authority. Furthermore, when females are brought before the courts because of parental referral, they are said to be treated more harshly than males (MacDonald and Chesney-Lind, 2001). Parental initiation of complaints to either the courts or police plays a tremendous role in status offender referrals (Chesney-Lind, 1988).

Juvenile females are usually referred to the juvenile justice system because they have run away from home. Research has shown that the most common reason females run away from home is due in large part because of domestic physical, mental, and/or sexual abuse and they fear the home situation (Chesney-Lind, 1999; Chesney-Lind, 1988; Ferro, 2003; Alemagno, et. al., 2006). When brought before the court because of a parental referral, the judge will sometimes send girls back home and if they run away again will be found in contempt of court. In abusive home situations girls who continually run away are eventually sentenced to a detention center. Because the rates for running away tend to be much higher for females than males female detention rates tend to be disproportionately high as well.

Juvenile girls are more likely than boys to be arrested and detained in detention centers or training schools for status offenses (Polakow, 2000; Chesney-Lind, 1989; Chesney-Lind & Sheldon, 1998; Bynum & Thompson, 2002; Regoli & Hewitt, 2003). Once girls are sent to either a detention center or training school they are detained for longer periods of time and treated more harshly for status offense than boys who are charged with the same crime (Chesney-Lind & Sheldon, 1998).

Collecting data on serious juvenile crime in Miami, Florida over a two year period, Horowitz and Pottieger (1991) found that females were more likely to commit and be arrested for prostitution. Moreover, girls were more likely to be formally processed for miscellaneous offenses and drug and alcohol offenses. The study suggested that girls are treated more harshly for violating ascribed gender roles. Petty property crimes committed by males were considered to be more serious offense than when committed by females. They were also three times more likely to receive incarceration sentences for petty property crimes.

The researchers concluded that there appeared to be gender and race differences within the juvenile justice system (Horowitz and Pottieger, 1991). They suggested that gender-role stereotyping and paternalism may contribute to gender differences in how the juvenile justice system handles serious offenders.

Throughout the years American society has gone through many changes in regards to women's roles in society. Women were expected to conform to the traditional roles of homemaker and childrearing. They were discouraged from labor force participation or being independent and self-determining. As women began to exercise independence in many untraditional spheres of life they started to engage in more risk

taking behavior. Juvenile females were also being monitored less frequently by adults and were being socialized more like juvenile males than ever before. While females were being encouraged to take on these new roles, they were also expected to maintain their previous ones of submissiveness and taking care of the family.

Females and males are expected to fulfill certain gender roles that have been defined by society and ascribed to them at birth. Gender roles are an integral part of socialization throughout the developmental stages and well into adulthood. The gender role that is ascribed to girls is that they are expected to be polite and deferential, respectful of others, thoughtful, and stay close to home. On the other hand, the gender expectations for boys are that they be encouraged to be tough and aggressive, adventurous and active in risk taking behaviors. These different standards of behaviors and expectations for boys and girls have had a long history in child rearing and determine how society will respond to the violation of those standards.

Acceptable behaviors and expectations for boys and girls have had an influence on how the juvenile justice system responds to juvenile crime. These ascribed roles and expectations have drawn the attention of researchers to how juvenile justice representatives treat female offenders. Pollack (1950) examined how general attitudes towards women effect the processing through the justice system. The research postulated that the predominately male justice system inherited a chivalrous attitude towards women in general, thus transferring this attitude to the female offender (Pollack, 1950). Because of this chivalrous attitude, the female offender was consequently treated more leniently than the male offender. The paternalism hypothesis is similar although feminists argue that paternalism is not the same “because paternalism does not always result in a more

lenient treatment of female criminals or delinquents” (Akers, pg. 191). Female delinquents could be handed a lenient sanction, but could just as easily receive a harsher penalty to reinforce a submissive gender role (Chesney-Lind, 1989; Akers, 1999). She is more likely to be shown leniency by the court when appropriate gender behavior and characteristics are displayed. When traditional gender roles are violated, antagonistic behavior and non-female characteristics are displayed at any time throughout the judicial process, females can expect to receive harsh treatment (Daly, 1989; Akers, 1999; Visher, 1983; Viki et. al., 2003). Probation officers and judges often embrace the parental role, a form of judicial paternalism (Chesney-Lind, 1988).

Both of these hypothesis suggest that females could be treated a certain way within the justice system due to how predominately male justice system representatives see a female’s gender role or typescript. Females who display an appropriate role receive special treatment in contrast to those females who violate gender expectations. When female roles are violated, she is more likely to receive a harsher disposition (Visher, 1983).

Girls activities tend to be monitored closer, to be dependent upon males, are discouraged from risk taking behaviors, etc than boys (Chesney-Lind, 1988, Hagan, et. al., 1979, 1990, 2002).

Hagan et. al. (1979, 1990, 2002) found that female adolescent’s identification with their mothers and the mothers’ monitoring of daughter’s activities, lead to a reduction in risk-taking and delinquent behavior particularly in the patriarchal family structure. However, in egalitarian family structures, mothers displayed less control over their daughters and there was an increased acceptance to risk-taking behavior which, they

argued, resulted in more delinquency. In contrast, Morash and Chesney-Lind (1988) asserted that gender differences appeared in families regardless of the type of family structure. The important factor for explaining low levels of delinquency, especially in males, was the quality of the youth's relationship with the mother. The family's social class rather than the socialization for risk-taking behavior predicted delinquency for both male and female juveniles.

Gender roles differ across social class, race, culture, and family structures. A two parent, middle class family may have more rigid gender roles than a specific ethnic, minority family or a single parent home. Junger-Tas, et. al. (2004) compared eleven European countries and found that there is a substantial gap in the rate of delinquency between girls and boys across all of the eleven countries and ethnic groups. Specifically, their data confirmed that social controls by families and academic institutions were related to youth delinquency. For example, a female having a bad relationship with her parents and experiencing dysfunctional mental well-being were predictors of female problem behaviors. Juvenile relationships with parents and parental control were significantly related to drug use, truancy, and running away from home (Junger-Tas, et. al., 2004). Junger-Tas, et. al. (2004) concluded that their results illustrated that the different ways females and males are socialized were robust predictors of delinquent behavior.

Researchers suggested and demonstrated that there are many factors beyond legal requirements, which juvenile justice representatives process juvenile offenders, including characteristics or cues such as race, social class, economic background, group affiliation, demeanor, and dress (MacDonald and Chesney-Lind, 2001; Junger-Tas, et. al., 2004;

Murphy and Brown, 2000; Bloom et. al., 2002). The type of crime committed (status or delinquent offense), victim referral, parental referral, eye witnesses, was the crime committed out in public all influence police officers perception on whether to arrest or not, probation officers documentation in pre-sentencing reports, prosecutors decision to petition cases, judges decision on to dismiss a case, place youth on probation or into a placement facility (Horowitz and Pottieger, 1991; Chesney-Lind, 1989; Lunnenmann, 2000; Chesney-Lind, 1999; Chesney-Lind, 1988; Sondheimer, 2001; Bloom et. al., 2002; Bloom et. al., 2002; Hoyt and Schere, 1998; Alder, 1984; Bloom et. al., 2004;). Not all of these factors are used at the same stages of the criminal processing. Police may use such characteristics as gender, race, social class, demeanor, if there was a victim, whether or not there were eye witnesses, and if the crime was committed out in public. Judges may use cues such as race, gender, type of crime committed, and parental referral. Because male justice representatives use different cues, specifically gender, to process juvenile offenders paternalistic chivalry can determine whether police will arrest girls, how probation officers write referral reports and whether judges will give leniency or harsh punishment to female juvenile offenders.

Visher (1983) conducted observations of 900 patrol shifts with 5688 police-suspect interactions during 1977. She was interested in the behavior of police officers and their interactions when they encountered female (n=142) and male suspects (n=643) who were involved in criminal offense or violations of public order. When police officers came into contact with a female suspect, the results demonstrated that police arrest decisions were influenced by the suspect's race, age, demeanor, if an arrest was requested by a victim, as well as "commission of property offenses" (pg. 15). The likelihood for a

police officer to arrest a male suspect was influenced by demeanor, race, victim's accounts of events, violent and property offense. In regards to age, Visher's results revealed that younger females were treated more harshly than older females. It is possible that the reason the younger females are treated more harshly than older females is because of the expectation that young females are to act with respect to elders. It is also plausible that police officers are treating juvenile females harsher than males because they are doing it "for their own good". This in turn is a form of paternalistic treatment. Paternalism is very similar to the chivalry hypothesis. However, feminists argue that paternalism is not the same as chivalry "because it does not always result in a more lenient treatment of female criminals or delinquents" (Akers, pg.191). When a female is brought into the criminal justice system, she can be handed a lenient sanction, but a harsher penalty can just as easily be imposed to maintain a submissive gender role (Chesney-Lind, 1989; Akers, 1999).

The Chivalry hypothesis postulates that female criminals receive more lenient treatment within the criminal justice system (Viki, et. al., 2003; Daly, 1989; Grabe, et. al., 2006; Akers, 1999). The reasoning behind why females are said to be treated more leniently is due to male police, prosecutors, and judges seeing females as being weak and irrational, therefore, those representatives needed to step in to save these women (Akers, 1999).

Chivalry and paternalism both look to explain if females are treated differently (i.e.- harsher or more leniently) than males within the justice system. However, one suggests that females receive lesser punishment because male justice representatives need to step in to save these women. The other suggests that females are treated leniently as

long as women sustain a submissive gender role. Both attempt to explain how and why females are treated harsher for the same or similar criminal act or status offenses that males commit.

Sealock and Simpson (1998) examined the “mechanisms of police decisions to arrest and how bias in police decisions can occur” (pg. 429) by collecting official police records of contacts between police and juveniles during 1968 to 1975. The research suggested that police officers use their personal knowledge of societal typescripting in their arrest decision processing. Typescripting is constructed from two ideas: “type” and “script”. “Type” refers to actors that have ascribed or achieved characteristics that are associated with gender, race, and socioeconomic status. Contained within these types is a “script”, which are socially approved behaviors that individuals and groups are expected to follow. When individuals do not follow their expected typescript, they are considered “countertypes.”

Sealock and Simpson (1998) examined the effect that a juvenile suspect’s gender had on likelihood of arrest. They found that there was support for arrest bias in suspect characteristics. Males demonstrated a higher chance of being arrested than females. Sealock and Simpson (1998) also suggested that their findings demonstrated that black suspects and poor suspects were more at risk of being arrested than white suspects and suspects from higher economic backgrounds. During the police officer’s decision making process, conflicting typescript and countertype may occur due to challenging their heuristic justification. Other information could possibly influence the officer’s decision to arrest, as explained by Sealock and Simpson (1998):

“Any additional information available to the officer that would increase the subjective disutility of a nonarrest would heighten the likelihood of an arrest. This effect is expected

to be stronger for the female offender because any element that would increase the officer's perception of the severity of her actions would intensify her atypicality. Thus the unpredictability of her future behavior would be increased; as a result, an officer would perceive greater subjective disutility in not placing her under arrest." (pg. 453)

The analysis also concluded that with prior arrests, females were more likely to be arrested again than males for any offense. Females were also more likely to be penalized severely for status offenses than boys who behaved similarly. Conducting a means-difference test demonstrated that their sample was significantly more likely than males to be arrested for status offenses. When a logistic regression test was performed with the same sample but with their control variables, the results demonstrated the opposite affect. Sealock and Simpson concluded that one or more variables played different roles for males and females in each status offense. They suggested that legal variables, such as the seriousness of offense, the threat to the public that the youth poses indicated by the number of prior police contact, and the nature of the offense "may be subjected to sex bias" (pg. 450). These biases were said to possibly be "evidence that paternalistic attitudes toward female offenders" occurred (pg 450).

Guevara, et. al. (2006), examined independent and interactive effects of race and gender on juvenile justice decision making process. They collected data from a sample of juvenile court referrals to two mid-western juvenile courts looking at male and females separately by race. Using descriptive statistics with weighted data, the results demonstrated that that the majority of the referred youths were white and male. More than half of all youths in the sample had no prior referrals, were commonly charged with property offenses, and were not detained prior to adjudication. Females were more likely to be charged with property crime, had a higher rate of having cases dismissed, while males were more likely to have a prior court referral, receive probation, and to be charged

with some other offense. When the investigators examined the correlations between the independent variables (race, gender, age, priors, person offense, property offense, and other offense) and the dependant variables (predetained, dismissed, probation, and placement), “race and gender affected the pre-adjudication detention and disposition decisions” (pg.269). The researcher predicted that white females would receive the most lenient disposition outcomes and non-white males would receive the most severe disposition outcomes, but the data did not support their hypothesis. What it did demonstrate was that females did not always receive the most lenient of outcomes, as well as being less likely to receive detention prior to adjudication than males. Guevara et. al. suggested that the overall results inferred that gender and race intersected which influenced juvenile court cases outcomes.

Sagatun (1989) examined how probation officers explained reasons why juvenile males and females commit crime. Sagatun (1989) found that the sex of the probation officers impacted their descriptions of male and female juvenile delinquents. Probation officers were more likely to refer to the youthful offender in a more negative light if that offender was the same sex as the probation officer. Both sexes also considered that the opposite sex offender had higher self esteem. Probation officers, male and female, suggested that they would use the same description and explanations for both male and female juvenile delinquency (the reason that the youths in trouble were experiencing low self esteem). Sagatun (1989) goes on to say that “boys were often described by both male and female officers as “fun loving with a spirit of adventure,” while female delinquents were described as “willful and destructive” (pg. 139). The girls were evaluated as being

rebellious and more negative than delinquent boys, while boys were seen as being “traditional” (pg. 139) by both male and female probation officers.

Horn and Evans (2000) examined pre-sentencing reports from probation officers and how the gender of both probation officers and clients influenced how supervisory officers allocated cases and assessed the content of the probation officers’ reports. They found that male officers were not only assigned more males delinquency cases, but also received more cases involving robbery, burglary and drug offences. By contrast, female officers were assigned more female delinquency cases and were allocated more fraud and forgery, driving, and “other theft” (pg. 189) offenses. Even though male and female probation officers recorded similar problems and motivations as causes for delinquency, there were certain type of motivations that were identified more often by male probation officers than by female probation officers. Horn and Evans (2000) suggest are that male probation officers are more likely to record motivations such as “delinquent values and unemployment” (pg. 195) while female probation officers record motivations such as “lack of leisure facilities, financial problems, and oppressive behavior” (pg. 195). Probation officers were likely to report that female offenders had “interpersonal problems, psychiatric problems” (pg. 195) in contrast to male offenders who were often recorded as being unemployed and having a lack of leisure facilities. They concluded that the gender of the offender may have more to do with the differences in problems and motivations that are recorded, rather than the gender of the probation officer.

Mallicoat (2007), using attribution theory, examined if there was a difference in probation officers’ assignment of culpability and descriptions of youthful offenders in pre-sentencing reports and how gender may affect sentencing recommendations. Her

sample consisted of 315 cases where youth were sentenced to probation between January 2001 and July 2002. Mallicoat then constructed information as either being high or low internal attribution and high or low external attribution. Internal consisted of characteristics such as personality, attitudes towards others, or adjustments to adolescence (pg. 11). External referred to environmental or situational characteristics (pg. 11). Using a multivariate analysis, Mallicoat (2007), concluded that “gender is a significant predictor for attribution type in that probation officers use positive internal high culpability and positive external low culpability attributions to describe males more often than females. In contrast, probation officers describe females using significantly high scores of negative external low culpability attributions compare to males (pg 24).” Those probation officers find girls more blameworthy for external low culpability compared to boys has significant implications for how the juvenile justice system chooses to deal with boys and girls. The analysis illustrated that assignment of culpability by probation officers varied by gender and that certain characteristics were described in reports for one gender and not another for certain crimes. For example, sexual behaviors were often described for girls despite the type of offense for which they were arrested, while boy’s sexual behavior was described only if they had been engaged in sexual criminal activity (Mallicoat, 2007).

Sanborn (1996) conducted research that included open-ended survey interviews from judges, prosecutors, defense attorneys, and probation officers (n=100) from three different juvenile courts that assessed what perspective factors influenced disposition decisions within the juvenile court. Although Sanborn was unable to determine precisely what factors influenced dispositions decisions and to generalize any findings, he was able

to describe how the three juvenile court personnel from urban, rural, and suburban areas perceived certain factors that they felt influenced dispositions. Factors such as family and child's treatment need's were ranked by subjects in the urban court as being relatively low in how they affected the disposition. However, the suburban and rural courts considered these as relatively important in their dispositions. The urban court saw "who the complainant was, the child's character, and the method of adjudication"(pg. 103) as being more influential during disposition hearings than the rural or suburban courts. Race and sex was acknowledged by subjects as having some influence on dispositions, while class influenced some dispositions in the suburban and rural courts.

MacDonald and Chesney –Lind (2001), hypothesized that once juvenile female offenders were found delinquent they would be sanctioned more severely than juvenile male offenders who were also found delinquent. They concluded that at early stages of judicial processing, it appeared that gender had no effect on the decision making. If girls passed the petition and adjudication phases of the justice system, they would be more harshly sanctioned for relatively minor offenses than a male.

In their analysis of 110 juvenile females being held in an urban juvenile detention center in Ohio, Alemagno, et. al. (2006) found that females were more likely to be taking medication for an emotional problem, consider suicide, report violence or fear of violence related to unwanted sexual contact, report having exchanged sex for money or drugs, and run away from home for more than two nights due to fear of a volatile situation at home. Alder (1984) found that girls tended to be referred to placement facilities for misconduct and delinquency more often than boys. Frazier and Bishop (1990) analyzed contempt of

court proceedings in Florida and found that girls were far more likely to be treated more severely by the courts than boys charged with similar contempt offenses.

This chapter has discussed research spanning the last 50 years. The findings suggest that the gender of the juvenile has an influence over the justice process. Females are treated more harshly when displaying characteristics or cues that violate described female gender roles. Factors that effect a harsher treatment also include prior record, race, social class, demeanor, age and circumstances of their arrest. Therefore chapter 3 will examine statistical data ranging from 1984 to 2004 concerning arrest, adjudication, and placement of juvenile offenders.

Chapter 3

National Juvenile Crime Statistics Review

In 2004, a total of 1,578,895 Juveniles were arrested, girls accounted for 472,063 of all arrests (Synder and Sickmund, 2006). Within the juvenile justice system girls account for a much smaller percentage of total population, but are overrepresented in non-criminal status offenses and are still relatively invisible (Chesney-Lind, 1989).

Juvenile females were arrested more often than juvenile males for running away (Synder and Sickmund, 2006). This was the only category where girls outnumbered boys in arrest rates in 2004. If only examining arrest by age for running away, the total number of persons arrested that were under the age of eighteen was 86,093 (Puzzanchera, et.al., 2006). The largest number of arrests came from juveniles thirteen to fourteen years old. As juveniles aged the number of arrests for running away decreased from fifteen to seventeen years old (see table 3.1). Females constituted more arrests for running away from the age of thirteen years old to seventeen years old, see table 3.2 (Puzzanchera, et. al., 2006). Juvenile thirteen to fourteen years old ranked highest in arrests for disorderly conduct, sexual offenses (except forcible rape and prostitution), weapons, vandalism, other assaults, property crime, arson, larceny-theft, burglary, aggravated assault, and forcible rape (Puzzanchera, et. al., 2006).

Table 3.1
Arrests for Runaways by Age, 2004

Offense	Ages						
	Under 18	Under 10	10-12	13-14	15	16	17
Runaways	86,093	710	4,840	25,001	22,146	21,892	11,504

Source: Puzzanchera, C.; Adams, B.; Synder, H.; Kang, W. (2006). Easy Access to FBI Arrest Statistics 1994-2004 Online. Available: <http://ojjdp.ncrs.gov/ojstatbb/ezaucr/>

Table 3.2
Percent of Arrests for Runaways by Age and Sex, 2004

	Under					
	10	10-12	13-14	15	16	17
Female	.004%	4.6%	30.8%	26.5%	25%	12.6%
Male	.013%	.071%	26.5%	24.5%	26%	14.4%

Source: Puzzanchera, C.; Adams, B.; Synder, H.; Kang, W. (2006). Easy Access to FBI Arrest Statistic 1994-2004 Online. Available: <http://ojjdp.ncrs.gov/ojstatbb/ezaucr/>

Juvenile female arrest rates increased 1.4% from 2003 to 2004 (Synder and Sickmund, 2006). There are a total of thirty-one categories that all individuals can be arrested for. Out of those thirty-one categories, girls arrest rates increased in twenty of those. The average increase for each category for girls during this time was about 8.5%.

Office of Juvenile Justice and Delinquency Prevention (OJJDP) found that girls arrest rates increased 1.4%, while boys arrest rates decreased by 3.1% between 2003 and 2004 (Puzzanchera, et. al., 2006). Juvenile females increased 0.2% in violent crime arrests and 3.2% in property crime. Compared to boys arrest rates for the same categories, boys decreased 1.3% in violent crime, as well as decreased 5.8% in property crime (Puzzanchera, et. al., 2006). Juvenile males decreased in the violent crime index, but increased in other categories such as forgery, other assaults, drug abuse violations, and disorderly conduct. For boys, the suspicion category had the largest increase in arrest rates compared to girls who ranked second highest increase in a category for them. Juvenile females had the largest increase in arrest rates in robbery (56.5%). When examining the disproportionate rise, one should keep in mind that the absolute number of girls arrested for these types of crimes is relatively small and the arrest rates for boys are two times higher than females.

Table 3.3 presents statistics between 1995 and 2004 for juvenile males and females, the total arrest rates decreased for both juvenile males (27.2%) and females (7.3%), however, on an individual category basis both had increases in some categories (Synder and Sickmund, 2006). Juvenile males increased in only two categories, sex offenses (except forcible rape and prostitution) and driving under the influence. On the other hand, juvenile females had an increase in seven categories, the largest increase being prostitution and commercialized vice, and driving under the influence. Even though there has been a steady decline in overall arrest rates between 1995 and 2004, arrests rates for girls has declined at a much slower rate than boys.

Table 3.3
Ten-Year Arrest Trends By Sex, 1995-2004

Offense charged	Males Under 18			Females Under 18		
	1995	2004	Percent change	1995	2004	Percent change
Other assaults	102,216	100,830	-1.4	38,225	50,223	+31.4
Prostitution and commercialized vice	450	305	-32.2	399	852	+113.5
Sex offenses (except forcible rape and prostitution)	9,453	10,339	+9.4	711	1,063	+49.5
Drug abuse violations	105,515	96,606	-8.4	15,787	20,407	+29.3
Driving under the influence	8,057	8,978	+11.4	1,446	2,445	+69.1
Disorderly conduct	56,064	48,899	-12.8	23,068	26,900	+16.6
All other offenses (except traffic)	89,023	77,322	-13.1	58,177	63,786	+9.6

Source: Puzzanchera, C.; Adams, B.; Synder, H.; Kang, W. (2006). Easy Access to FBI Arrest Statistics 1994-2004 Online. Available: <http://ojjdp.ncrs.gov/ojstatbb/ezaucr/>

United States law enforcement agencies made an estimated 2.2 million arrests of persons under the age of eighteen in 2003 (Synder and Sickmund, 2006). Of which

female juvenile arrests constituted 29% of total arrests (Synder and Sickmund, 2006). In 2003 of an estimated 1,400 juveniles were arrested for prostitution and commercialized vice, 69% were juvenile females (Synder and Sickmund, 2006). The second highest offense category for juvenile females in 2003 was running away constituting 59% of an estimated 123,000 juvenile arrests (Synder and Sickmund, 2006). Most offenses committed by girls tend to be less serious in nature and occur less often than boy's offenses (Chesney-Lind & Sheldon, 1998; Curran & Renzetti, 2001).

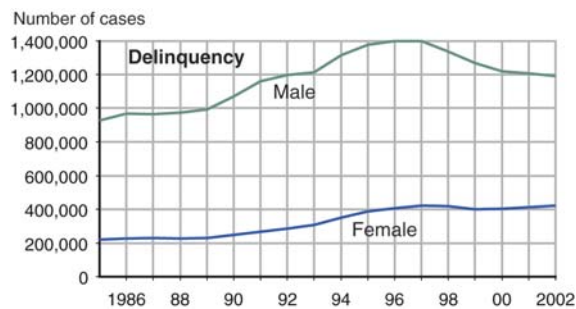
In 2003, females were more likely than males to be detained for simple assault (11% vs. 7%), technical violations (29% vs. 21%), and status offenses (10% vs. 4%) (Synder and Sickmund, 2006). Females were also more likely than males to be committed for technical violations (15% vs. 11%), and status offenses (14% vs. 3%) (Synder and Sickmund, 2006).

Between 1994 and 2003, female juvenile delinquency rates actually decreased however, they only decreased by 3%, while the juvenile male total case rates decreased by 22% (Puzzanchera, et. al., 2006). During this ten year period, juvenile female arrests either increased more or decreased less than male juvenile arrests in many offense categories. Arrests for runaway, for instance, decreased 40% for girls, while males decreased 42%. Disorderly conduct increased by 46% for girls, while boys increased by only 2% (Puzzanchera, et. al., 2006). Female juvenile arrest rates measured most significantly for nonviolent delinquent and criminal acts, while there was not a significant increase for violent criminal acts (Puzzanchera, et. al., 2006). Juvenile females decreased at a significantly lower rate, increased significantly more in disorderly conduct,

nonviolent delinquent and criminal acts, as well as decreased at a slower rate for running away.

Between 1985 and 2002 the overall delinquency caseload for female juveniles increased 92%, while males increased 29%, see table 3.4 (Synder and Sickmund, 2006). Males accounted for most delinquency cases involving detention and were consistently more likely than females to be detained. The likelihood of detention was 1.3 times higher for males than for females in 2002. Juvenile females had an 87% increase in detained cases (Synder and Sickmund, 2006). In contrast, the number of male cases detained rose overall 34% between 1985 and 2002 (Synder and Sickmund, 2006). Even though both males and females increased in the number of detained cases, females had increased at a much higher rate than males, but males were more likely to be detained.

Table 3.4
Delinquency Caseload, 1985-2002



Source: Synder, H. & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

In 2002, males were more likely than females to be detained in person offenses (1.2 times higher), property offenses (1.6 times higher), drug offenses (1.1 times higher), and public order offenses (1.3 times higher) (see table 3.5 below). However, females were more likely to be detained for status offenses.

Table 3.5
Percent of cases detained, 2002

<u>Offense</u>	<u>Male</u>	<u>Female</u>
Delinquency	22%	17%
Person	26	22
Property	19	12
Drugs	20	18
Public Order	23	18

Source: Synder, H. & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Between 1985 and 2002, the volume of cases in which youths were adjudicated rose 85% (Synder and Sickmund, 2006). In 2002, juvenile females were less likely to be adjudicated (64%) than males (67%) (Synder and Sickmund, 2006). This was true across person, property, drug, and public order offense categories (see table 3.6).

Table 3.6
Number of adjudicated cases per gender, per 1,000, 2002

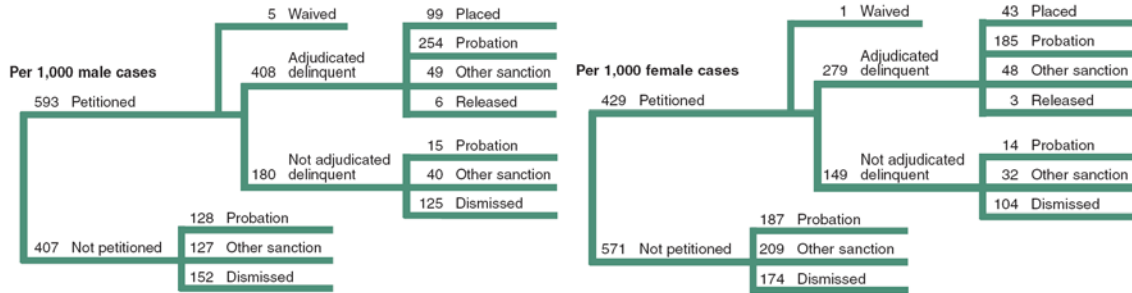
<u>Type of Offense</u>	<u>Adjudicated Males</u>	<u>Adjudicated Females</u>
Person	397	322
Property	408	279
Drug	419	366
Public Order	421	363

Source: Synder, H. & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

In 2002, juvenile courts handled more than 423,000 delinquency cases involving females (Synder and Sickmund, 2006). However, males accounted for more than twice as many cases. There was a substantial gender difference on the handling of property cases in 2002. Table 3.7 displays that property cases involving male juveniles had a higher rate of being petitioned than females. If the cases were petitioned, males were adjudicated at a higher rate. If cases were adjudicated, males were ordered to a residential placement at a higher rate than females. Male and female juvenile offenders were equally likely to have

their property cases dismissed or released without formal or informal sanctions (Synder and Sickmund, 2006).

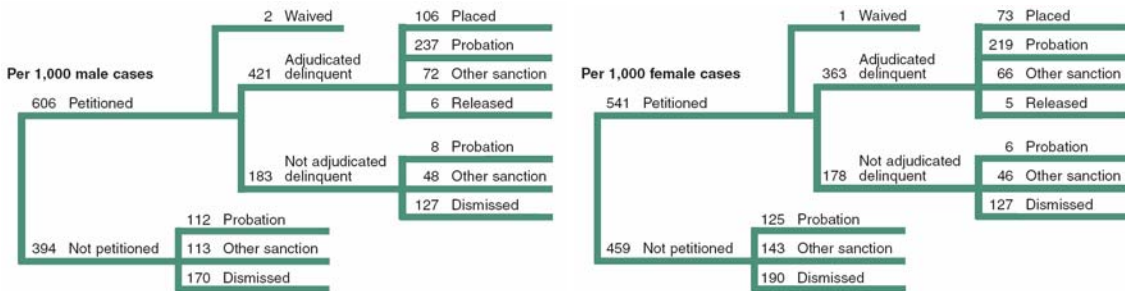
Table 3.7
Property offense case processing, 2002



Source: Synder, H. & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

When male and female juvenile offenders were involved in adjudicated public order cases, females were more likely to receive formal probation as their most severe disposition than were males (see table 3.8). If the public order case was not petitioned female juveniles were more likely to have their case dismissed, receive other sanctions, or probation than males (Synder and Sickmund, 2006).

Table 3.8
Public order offense case processing, 2002



Source: Synder, H. & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

In formal status offenses, caseloads differed substantially from the delinquency caseloads. A major difference between delinquency and status offense cases is that

females accounted for a larger portion of status cases than delinquency cases, see table 3.9 (Synder and Sickmund, 2006). Not only were girls more likely to be formally processed for status offense cases, they were also more likely to be arrested for running away than boys (Chesney-Lind, 1999).

Table 3.9
Percent of petitioned status offense cases involving females, 1985-2002

Offense	Female Proportion
Runaway	61%
Truancy	46%
Ungovernability	46%
Liquor	30%

Source: Synder, H. & Sickmund, M., 2006. Juvenile Offenders and Victims: 2006 National Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Petitioned status offense cases that were adjudicated, running away cases were not only overall less likely to be adjudicated, female juveniles were also less likely to have their cases adjudicated (see table 3.10). The most likely disposition for the indicated status offenses was formal probation.

Table 3.10
Percent of petitioned status offense cases adjudicated, 1985-2002

Offense	Male	Female	Total
Runaway	47%	45%	46%
Truancy	63%	63%	63%
Ungovernability	63%	62%	63%
Liquor	64%	61%	63%

Source: Synder, H. & Sickmund, M., 2006. Juvenile Offenders and Victims: 2006 National Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Male offenders dominated the juvenile justice system in 2003 for they represented 85% of all juveniles in residential placement (Synder and Sickmund, 2006). From 1991 to 2003 the detained population of males increased 29%, while females increased 98% (Synder and Sickmund, 2006). The committed delinquent population had a much greater increase of juvenile females (88%) than males (23%) (Synder and Sickmund, 2006).

Even though males have a larger population in residential placement, the female population increased at a much high rate.

The female population in 2003 accounted for a 15% of all juvenile offenders in residential placement. Detention centers held the largest portion of female offenders (45%), followed by long-term facility (24%), and group homes (12%) (Synder and Sickmund, 2006). Males were more likely to be detained in a long-term secured facility (37%), followed by detention center (35%), and then group home (9%) (Synder and Sickmund, 2006). The volume of juvenile female offenders in custody has increased over the years. However, the female proportion is greater among status offenders (40%) that are in custody (Synder and Sickmund, 2006).

The proportion of juvenile females who were in custody for status offenses fluctuated between 1991 and 2003 (Synder and Sickmund, 2006). In 1991 the proportion of girls in custody for status offenses was 45%. Four years later the proportion decreased by 4%. An increase of 7% in the female proportion of offenders in custody for status offenses occurred in 1997. By 1999, the proportion decreased by 9%. There was another increase of 3% by 2001 and a decrease of 1% in 2003 to bring the total proportion of offenders in custody for status offenses to 40% (Synder and Sickmund, 2006). Compare those to the female proportion of delinquent offenders in custody, the data shows that female delinquent offenders who were detained rose from 12% to 18% and those delinquent offenders who were committed rose from 8% to 12% with no decrease during the twelve year period (Synder and Sickmund, 2006). (see table 3.12)

Table 3.11
Female proportion of offenders in custody

<u>Year</u>	<u>Total</u>	<u>Delinquent</u>	<u>Status</u>
1991	13%	9%	45%
1993	12	9	44
1995	12	10	40
1997	14	11	47
1999	13	12	39
2001	14	13	41
2003	14	14	40

Source: Synder, H. & Sickmund, M., 2006. Juvenile Offenders and Victims: 2006 National Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

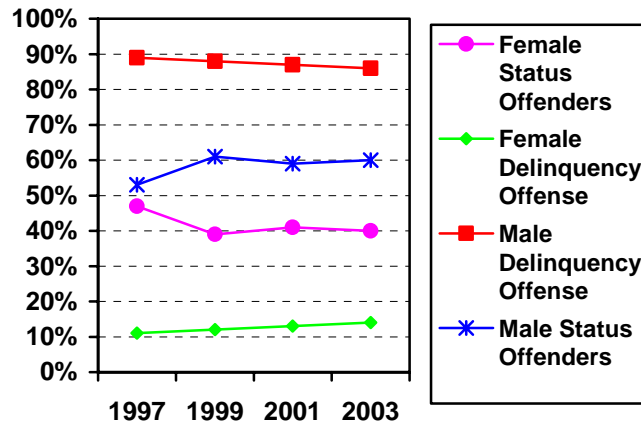
Table 3.12
Female Proportion of offenders in Disposition

<u>Year</u>	<u>Total</u>	<u>Detained</u>	<u>Committed</u>
1991	9%	12%	8%
1993	9	12	8
1995	10	13	8
1997	11	15	10
1999	12	17	11
2001	13	18	11
2003	14	18	12

Source: Synder, H. & Sickmund, M., 2006. Juvenile Offenders and Victims: 2006 National Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

The Juvenile Offenders and Victims: 2006 National Report states that in 2003 boys were less likely to be held in custody for status offenses than girls (4% vs. 10%). From 1997 to 2003 girls in custody increased for delinquency offenses, while boys decreased, see table 3.13. Girls are more likely to be held in custody for status offenses than in delinquent offenses (40% vs. 14%). They were more likely than males to be held for simple assault and technical violations. Those females in custody also tended to be younger than males (Synder and Sickmund, 2006).

Table 3.13
Percent of Offenders in Juvenile Facilities, 1997-2003



Source: Synder, H. & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

The time in placement does not always coincide with the seriousness of the offense. The longest time in placement were those offenders held for criminal homicide, median time being 345 days. Sexual assault offenders had the second highest median time in placement of 271 days. The average time in placement for committed status offense (105 days) was virtually the same as the average time for weapons (107 days), auto theft (105 days), burglary (104 days), and theft (103 days) offenders, see table 3.14 (Synder and Sickmund, 2006).

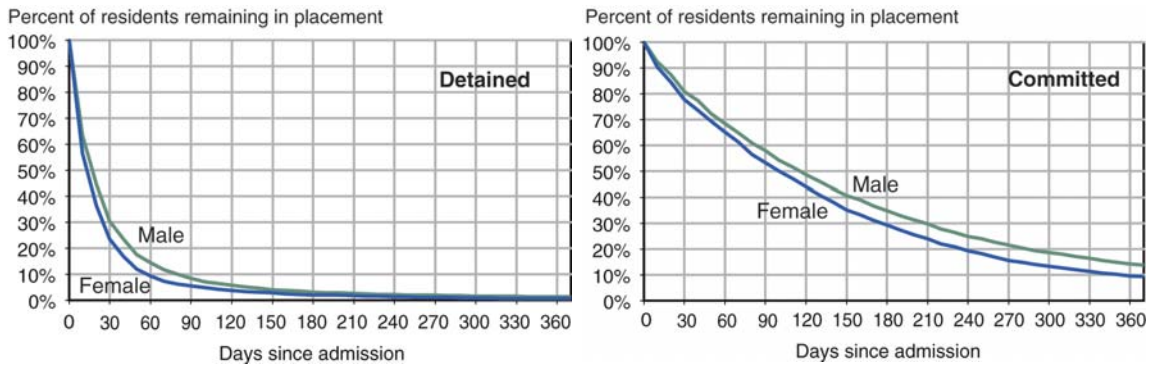
Table 3.14
Committed Offenders, 2003

Most Serious Offense	Median days in placement
Homicide	345
Sexual assault	271
Robbery	154
Arson	141
Public Order (not weapons)	128
Aggravated assault	126
Simple assault	112
Drug trafficking	112
Weapons	107
Auto Theft	105
Status offense	105
Burglary	104
Theft	103
Drugs (not trafficking)	97
Technical violation	62

Source: Synder, H. & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

In 2003, males tended to stay in facilities longer than females, see table 3.15 (Synder and Sickmund, 2006). After 28 days 25% of females remained detained. Among detained males, 25% remained after 36 days. 14% of detained females and 20% of males remained in custody after 45 days. After 180 days, 29% of committed females and 35% of committed males remained in custody (Synder and Sickmund, 2006). Males had a greater median time in placement than females (71 days vs. 41 days) (Synder and Sickmund, 2006).

Table 3.15
Percent of Residents Remaining in Placement, 2003



Source: Synder, H. & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

When the current statistical data from Synder and Sickmund (2006) are examined, female rates in the juvenile justice system fluctuated between 1985-2004 by either decreasing at a significantly slower rate or increasing at a significantly faster rate. Juvenile females increased at a much faster rate than males for the detained population. They also increased more than males for the committed delinquent population and were in custody at a much younger age. Females were more likely to be detained for simple assault, technical violations, and status offenses. They were also more likely to be committed to placement for technical violations and status offenses. As a most severe disposition females had a higher rate of receiving formal probation than males for adjudicated public order cases. If public order cases were not petitioned, females were more likely to have the case dismissed, receive other sanctions, or probation.

Females accounted for a greater portion of status offense cases than delinquency cases. Status offense cases were more likely to be formally processed for females and they were also more likely to be arrested for running away. Being detained in a detention center was the most common placement facility to house detained females. They were also represented more than males as status offenders who were detained. Females were

slightly less likely than males to be adjudicated for status offenses. Status offenders, both male and female, were held in custody on average for the same length of time as those offenders who committed weapon offense, auto theft, burglary, and theft offenses.

This chapter discussed National statistical data over nineteen years. The findings suggest that juvenile females are more likely to be arrested and held in custody for status offenses than delinquent offenses and more often than males. The data are inconclusive on if the statement that girls are treated more harshly within the juvenile justice system still stands true for all delinquent and criminal acts. It is believed that girls are still treated more harshly for committing status offenses. Therefore chapter 4 will bring the paper to a close with conclusions about literature and statistical review, as well as suggestions for future research.

Chapter 4

Conclusions

The past history of the juvenile justice system has had a great influence on today's juvenile justice system and how that system acts as the juvenile's parent by making choices for the youth that the court declares is best. As society's perception and tolerance shifted throughout, the way that youthful offenders were viewed and adjudicated was unable to keep pace or adjust to the increase of female involvement in criminal activities.

Over the decades the female role and expectations in society has shifted. Women were expected to conform to the traditional roles of homemaker and childrearing. In the second half of the 20th century the acceptance of females in the work force and out of homes and kitchens became more common. As women began to exercise independence in many untraditional spheres of life they started to engage in more risk taking behavior. Consequently, the way that the children were being raised within the family unit also began to change. Juvenile females were also being monitored less frequently by adults and were being socialized more like juvenile males than ever before. Parental expectations for their daughters began to coincide with their expectations for their sons. Daughters were encouraged to become independent, confident, assertive, and engage in risk taking behaviors. Their rearing was very similar to that of boys. While females were being encouraged to take on these new roles, they were also expected to maintain their previous ones of submissiveness and taking care of the family. Therefore, when a juvenile female displayed non-conforming gender roles to juvenile justice authorities, they were more likely treated harsher than males who displayed the same demeanor (Visher, 1983).

The statement made by Chesney-Lind and other researchers of twenty years ago, that females are treated more harshly than males in the juvenile justice system, is certainly still true today for some offenses. It appears that for certain types of crimes, specifically status offences, juvenile females are treated more harshly within the justice system. Females constitute a small number of total arrests, but are over represented in status offenses for arrests and placement. Detention centers held the highest number of females, who were commonly in placement for status offenses.

Currently one can now dispute the findings asserted decades ago that female juveniles are committed for longer periods of time than their male counterparts. The evidence suggests that in 2003 females were detained for shorter amounts of time but were committed for less serious offenses. Juvenile females were not being treated more harshly than males for length of time in placement but were committed at a much younger age than males. However, status offenders, on average, were detained the same amount of time as those offenders who commit auto theft, weapons, burglary and theft offenses.

Given the literature review and the national juvenile crime statistics, there is strong evidence that suggests females continue to be treated differently and more harshly than males for similar offenses and status offenses. These differences in treatment and processing begins at the first contact with juvenile justice representatives, and continue throughout the system. Characteristics or cues guide the police in their decision making process on whether to arrest or return to the youths parents (Visher, 1983; Sealock and Simpson, 1998). Once arrested females encounter more bias treatment during the pre-sentencing reports. Both male and female probation officers were more likely to describe

female offenders in a negative light as being rebellious, willful and destructive (Sagatun, 1989). Despite the type of crime that a female offender was arrested for, their sexual behavior was often described in the pre-sentencing report. In contrast, male sexual behavior was described only if they have been engaged in sexual criminal activity (Mallicoat, 2007).

From the current literature and statistics reviews, some conclusions can be drawn. There is evidence that females are treated more harshly for status offenses and those offenses that are considered moral offenses. However, the current statistical data are inconclusive in that females are treated more harshly across all criminal/delinquent offenses. Females are no longer being detained for longer periods of time than males, but are committed at a much younger age than males.

The research and statistics presented in this paper illustrate compelling information about the treatment of female juveniles in the justice system. Observations, surveys and a closer examination of juvenile court statistics or records, past and present, need to be performed to indicate clearer results. Another factor, such as the gender of the presiding judge needs to be taken into consideration. The gender of the judge needs to be taken into consideration now because more women are in positions of authority within the justice system compared to twenty years ago. If the gender of a probation officer influences pre-sentencing reports and how that probation officer describes the youthful offender, then the gender of the judge should in turn also influence how the juvenile is dealt with at this level. Further research needs to be conducted at all levels of juvenile judiciary processing in order to gain a clearer assessment of the treatment of females.

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