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## Introduction

### Why a Book on Girls and Juvenile Justice?

*I ran away so many times. I tried anything, man, and they wouldn't believe me. . . . As far as they are concerned they think I'm the problem. You know, runaway, bad label.*

(Statement of a 16-year-old part-Hawaiian girl who, after having been physically and sexually assaulted, started running away from home and was arrested as a “runaway” in Hawaii)

*So finally I just ran away. It was so hard to survive. I broke into many “for sale” houses just to sleep in them. I was over-exhausted and starving. I had to sell drugs to get money. The person that lent me the drugs got angry and tried to shoot me because I owed him money. Then I got in an argument with a boy, and he also tried to shoot me. I was raped twice. I found out I was pregnant, but I lost the baby. I was constantly running from the cops for all different things. I have barb wire scars all over my legs from running at night. I started getting really sick from lack of food, sleep, and the dirty places I slept.*

(Statement of a 13-year-old runaway posted online, 2013, Runaway Lives, 2013)

*Crying is not going to get me home. The outside tears are nothing but water. I'm crying on the inside where no one can see it.*

(A 14-year-old girl in a California juvenile hall, American Bar Association, 2001: 1)

*Juvenile Hall strip search of girl spurs questions; DA begins probe of incident where man was present*

(*San Francisco Examiner*, February 16, 1996)

*Fifteen-year-old Kathy Robbins' offense against society was running away from home. She paid for it with her life in a Glenn County Jail cell.*  
(*Los Angeles Daily Journal*, March 30, 1987)

Historically, female juvenile delinquency has been “ignored, trivialized or denied” (Chesney-Lind and Okamoto, 2001: 3), while girls in the juvenile justice system were once “dubbed” the “forgotten few” (Bergsmann, 1989). This response has gradually changed, as statistics consistently illustrate the increasing involvement of female youths in the juvenile justice system (Budnick and Shields-Fletcher, 1998). Throughout the past two decades, an increasing amount of literature has focused on the etiology, prevalence, and treatment of female juvenile delinquency (Belknap, Holsinger, and Dunn, 1997; Chesney-Lind and Okamoto, 2001; Chesney-Lind, 2010), and has highlighted the unique patterns of female juvenile offending (Poe-Yamagata and Butts, 1995). The invisibility of female delinquency has also rapidly faded because of dramatic changes in the arrests of girls during the last decade of the twentieth century. In fact, increases in girls’ arrests dramatically outstripped those of boys for most of the last decade. In the year 2009, girls accounted for about 30% of juvenile arrests, up from 28% in 2000 and 22% in 1990 (Sourcebook of Criminal Justice, Statistics, Federal Bureau of Investigation, 2001, 2009). Attention is being drawn to the fact that their arrests for nontraditional, even violent, offenses are among those showing the greatest increases. These shifts and changes all bring into sharp focus the need to better understand the dynamics involved in female delinquency and the need to tailor responses to the unique circumstances of girls growing up in the new millennium.

Who is the typical female delinquent? What causes her to get into trouble? What happens to her if she is arrested? These are questions that few members of the general public could answer quickly. In contrast, almost all citizens can talk about “delinquency,” by which they generally mean male delinquency. They can even generate some specific complaints about the failure of the juvenile justice system to deal with such matters as the “alarming” increase in serious juvenile crime and the leniency of juvenile courts on juveniles found guilty of offenses (Males, 1999; Elikann, 1999).

This situation should come as no surprise. Even the academic study of delinquent behavior has, for all intents and purposes, been the study of male delinquency. “The delinquent is a rogue male,” wrote Albert Cohen in his influential book on gang delinquency in 1955 (Cohen, 1955: 140). More than a decade later, Travis Hirschi (1969), in his equally important book, *The Causes of Delinquency*, relegated women to a footnote: “in the analysis that follows, the ‘non-Negro’ becomes ‘white,’ and the girls disappear.”

This book is our effort to once again rectify the long history of neglect in delinquency research, a neglect we have tried to rectify in the first three editions of this book. Feminist poet Adrienne Rich (1976) suggested that the feminist enterprise is best undertaken by asking, “But what was it like for women?” In this book, we will be asking, “What is it like for girls?” We seek to put girls – their lives, their problems,

and their experiences with the juvenile justice system – at the center of our inquiry. Fortunately, interest in women's issues has meant that many notable studies on this topic are beginning to appear, and we will be drawing on them, as well as our own work, in the chapters that follow.

Chapter 2 shows that although there are many similarities between male and female delinquency, there are also significant differences. First, and most important, girls tend to be arrested for offenses that are less serious than those committed by boys. About half of all girls arrested are arrested for one of two offenses: larceny-theft (which for girls is often shoplifting) and running away from home. Boys' delinquency also involves many minor offenses, but the crimes boys commit are more varied.

One of the two major "girls' offenses" – running away from home – points to another significant aspect of female delinquency. Girls are quite often arrested for offenses that are not actual crimes like robbery or burglary. Instead, the offenses are activities such as running away from home, being incorrigible, or being beyond parental control. These are called "status offenses," and as we see in Chapter 2, they have long played a major role in bringing girls into the juvenile justice system. (In fact, in the early years of the juvenile justice system, most of the girls in juvenile court were charged with these offenses.) As we shall see, status offenses (particularly running away from home and ungovernability) continue as major factors.

Why are girls more likely to be arrested than boys for running away from home? There are no easy answers to this question. Studies of actual delinquency (not simply arrests) show that girls and boys run away from home in about equal numbers. There is some evidence to suggest that parents and police may be responding differently to the same behavior. Parents may be calling the police when their daughters do not come home, and police may be more likely to arrest a female than a male runaway.

Another cause of different responses to running away speaks to the reasons that boys and girls have for leaving home. Girls are much more likely than boys to be the victims of child sexual abuse, with some experts estimating that roughly 70% of the victims of such abuse are girls (Finkelhor and Baron, 1986; Child Welfare Information Gateway, 2008). Not surprisingly, the evidence also suggests a link between this problem and girls' delinquency – particularly running away from home. Chapter 3 also reviews several studies indicating that an astonishing fraction (often two-thirds to three-fourths) of the girls who find their way into runaway shelters or juvenile detention facilities have been sexually abused. The numbers of girls who experience serious problems with physical abuse are also high. The relationship among girls' problems, their attempts to escape these forms of victimization by running away, and the traditional reaction of the juvenile justice system is a unique aspect of girls' interaction with the system.

Chapter 4 explores a relatively recent development in research on delinquency and girls, specifically the involvement of girls in youth gangs. While girls have traditionally been less involved in gang behavior than boys, their numbers tended to be underestimated by researchers who focused exclusively on male gang life. Current

research is correcting this impression and documenting the social and economic changes that have propelled girls into gang life as a survival mechanism. Research clearly shows that although girls join gangs for many of the same reasons that boys do – for status, for protection, for a sense of belonging and identity, and to meet basic human needs that are not being met by such major institutions as the family and the school – their experience of gang life and the streets is deeply affected by their gender. Several case studies are reviewed in this chapter which include interview data reflecting what gang girls have to say about their lives.

Chapter 5 surveys existing delinquency theories, which were admittedly developed to explain male delinquency, to see if they can be used to explain female delinquency as well. Clearly, the theories were much affected by notions that class and protest masculinity were at the core of delinquency. Will what some have rather flippantly called the “add-women-and-stir” approach be sufficient to create a theory that can explain the delinquency of girls as well as boys? This book argues that the issue is not quite that simple and that far more needs to be understood about the lives of girls, particularly young women of color and young women on the economic margin, and about girls’ victimization before a comprehensive theory of delinquency is written.

In Chapter 6, we attempt to piece together what life is like for girls who enter the juvenile justice system. The early insights into male delinquency were largely gleaned by intensive field observation of delinquent boys. This chapter looks at the few studies that use a similar approach to the understanding of girls’ definitions of their own situations, choices, and behavior. Research on the settings, such as families and schools, that girls find themselves in and the impact of variations in those settings is also reviewed, in addition to the work of those seeking a fuller understanding of how poverty and racism shape girls’ lives.

In general, the first half of the book establishes that girls undergo a childhood and adolescence that are heavily colored by their gender (a case can also be made that the lives of boys are affected by gender roles). It is simply not possible to discuss their problems, their delinquency, and their experiences with the juvenile justice system without considering gender in all its dimensions. Girls and boys do not inhabit the same worlds, and they do not have the same choices. This is not to say that girls do not share some problems with boys (notably the burdens of class and race), but even the manner in which these attributes affect the daily lives of young people is heavily mediated by gender.

In one sense, thinking about girls’ lives and troubles as they relate to female delinquency sidesteps some important questions that must ultimately be answered if we are to build a truly inclusive delinquency theory. First, there is the issue of why girls commit less delinquency (what might be called the gender-gap issue). And there is the related but independent matter of whether theories generated to explain the behavior of boys can be useful in explaining the behavior of fewer girls who do get into trouble (the “generalizability” issue or more recently the “masculinization” hypothesis) (see Daly and Chesney-Lind, 1988; Irwin and Chesney-Lind, 2008). The first question asks, “What is it about girls’ lives that produces less delinquency than

is found among boys?” The second asks, “If girls were exposed to the same opportunities, had the same personality characteristics as boys, and so on, would their delinquency rate mirror that of boys?” That is, are girls who are delinquent simply behaving more like boys?

It is our opinion that too little is known now about the development of girls to answer either question unequivocally, but because more work has been done on girls' delinquency in recent years, we are beginning to think we might know some of the answers. This can be seen from the complexity of the findings that are emerging as research is conducted on girls' lives; sometimes the traditionally male theories seem to work, but more often their applicability to the delinquency of girls is a “yes, but. . .” Yes, getting troubled youth together in groups generally causes delinquency, but if we are talking about girls, it may not have that same effect because girls spend time in small, intimate groups as opposed to larger, more heterogeneous groups (Block, 1984). Yes, school failure is important in the delinquency of boys, but sometimes it figures more largely in the delinquency of girls. What about the role of race or sexual orientation in female delinquency? Does race also matter? Also, are some of the girls on the streets fleeing families who reject the fact that they are gay? Finally, what is the role of trauma in girls' delinquency, given their high levels of victimization? We need to continue to conduct research on girls' lives before we can fully answer either of the basic questions identified here. We also must consider the role played by other social institutions, particularly the institutions charged with the social control of youths (the juvenile justice system), in the lives of girls.

This discussion sets the stage for consideration of what the juvenile justice system is and has been for the girls who encounter it. Chapter 7 reviews its history. Of particular importance in our understanding of the juvenile court's response to girls is a review of the court's evolution as a sort of judicial parent (*parens patriae*) as well as a more traditional court of law. This orientation, for example, justified the arrest and incarceration of youths for noncriminal status offenses, many of which refer to failure to obey parents, to be amenable to their control, to avoid sexual experimentation, and in general to act in ways that parents might want daughters to act. Chapter 8 documents the ongoing judicial paternalism to girls, many of whom have been at odds with their parents. Indeed, the chapter establishes that the juvenile justice system has a continuing concern with girls' obedience to family authority over and above a concern for girls' criminal behavior.

The judicial “double standard,” or sexism, was so deeply ingrained in the system that girls' attempts to explain their problems with their parents or even provide accounts of abuse were often ignored. Instead, the girls were seen as the problem. Chapter 9 documents the method the juvenile justice system has historically employed to handle defiant and/or desperate girls: institutionalization in detention centers, adult jails, or training schools.

Unfortunately, contemporary judicial responses to girls in trouble still leave much to be desired. Despite over fifteen years of federal efforts to encourage deinstitutionalization of status offenders, for example, there are still many girls who are inappropriately detained and incarcerated. A recent study of the nation's detention

centers revealed that in 2006 only 2% of the boys in these facilities were being held for status offenses, but 7% of the girls were being held on these charges. Also, in 2006, among those placed in public residential facilities (mostly training schools), only 4% of the boys, but 17% of the girls were in for status offenses (Sickmund, Sladky, and Kang, 2008). Among those in private facilities, however, the gender differences were stark: 7% of the boys, but 24% of the girls were there for status offenses. Many other girls are incarcerated for violating the conditions of their probation or parole for simple nonviolent property crimes. Specifically, in public facilities 12% of the boys, but 24% of the girls are in for this reason; in private facilities these percentages are 10% for boys and 15% for the girls (see Chapter 9). Moreover, the gains signaled by the deinstitutionalization movement have occasioned a strong parental and judicial backlash, which has most recently expressed itself in congressional efforts to undo some of the most important of the federal efforts to remove noncriminal youths from institutions.

In Chapter 10 we listen to the girls themselves as they talk about their lives and their experiences with programs that aim to keep them out of the juvenile justice system. The interviews are drawn chiefly from a study of Latinas in Arizona but other research will be summarized as well. These interviews make clear that one major problem that girls currently encounter in the system is a product of their difficulties with their parents. Typically, when a boy is arrested or detained, his parents may be upset with him but will generally support him in court. In contrast, girls charged with status offenses have been in court precisely because circumstances at home led them to try the streets. In such situations, parents are not allies and may, in fact, be prosecutors. Moreover, courts are often left with few choices other than incarceration because placements have historically been in very short supply and woefully inadequate for dealing with the psychological problems of troubled young people. The net result was that girls often ended up in juvenile institutions for noncriminal behavior and their male counterparts did not.

National efforts to deinstitutionalize status offenders have resulted in some progress; for example, the past decade showed a dramatic reduction in girls' incarceration in certain states, but recall that these efforts have been under almost constant fire in Congress since the passage of the act. Of even greater concern is the recent jump in the detention rates for girls (with rates of increase far greater than those seen for boys).

Fortunately, renewed interest in girls' issues nationally means there is renewed interest in programming for girls, and some of the most promising of these are examined in Chapter 11. Programs such as therapeutic foster homes, group living situations, homes for teen mothers and their children, and independent living arrangements have proven superior to locking up troubled and victimized girls.

Readers will likely notice that this book is really two books: one about the girls in the juvenile justice system (e.g., the actual behavior that brings them into the system) and another about the juvenile justice system's history and practices toward them. We believe that both perspectives are inseparable if we are to understand girls and their delinquent behavior.

An appreciation of a young woman's experience of girlhood, particularly one that attends to the special problems of girls at the margin, is long overdue. The early years of life set the stage for girls to experience their gender as identity, as role, as rule, and, ultimately, as an institutional web of expectations that defines women, especially young women, as subordinate to men. Despite its importance, astonishingly little has been done on the development of girls – and this is particularly true of girls of color. We do know from the pioneering work of Gilligan and others (Gilligan et al., 1990) that even privileged girls emerge from adolescence with poor self-images, relatively low expectations of life, and much less confidence in themselves and their abilities than boys. How this occurs, or how young women undergo a process that might be dubbed “training girls to know their place,” must be understood if we are ever to come to grips with girls' delinquency and its meaning.

One central but neglected element in the enforcement of girls' place, and ultimately women's place, has been the juvenile justice system. This book documents the role of the system in the enforcement of girls' obedience to a special set of expectations about their deportment, their sexuality, and their obedience to familial demands. Its historic concern with adolescent morality, and particularly girls' morality, has been at the heart of the definition of female delinquency both past and present. Many girls, we argue, are still being arrested, detained, judged, and institutionalized for behavior that is overlooked when boys do it. Likewise, girls' genuine problems with families are being ignored because the judicial system that was established ostensibly to “protect” them has not really been interested in their physical or emotional safety. Instead, it has served to shore up the boundaries of a girlhood that shaped and forced young women into being future second-class citizens.

In sum, we see this book as one way to answer the question, what is it like for girls? For us, this question has two facets: first, what elements of girls' lives might bring them into the juvenile justice system, and second, the quality of justice meted out to young women in police stations, detention centers, halfway houses, and training schools. We know that we are relying heavily on the efforts of many others who share our concerns. We also greatly appreciate the fine but largely unappreciated work done by scholars in earlier generations who did pay attention to girls and, in the work that follows, will revisit their ideas; we also will be relying on some very exciting new work being done by scholars of our own generation as well as the recent work of younger scholars. Our hope is to further develop an understanding of the lives of girls in the juvenile justice system and, at a minimum, to begin to imagine ways of responding to their troubles that do more than add to their problems.

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