

Stereotypes and Neglect That Exist in Contexts and Juvenile Justice System

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Abstract: During the past decade, as the crimes committed by girl offenders have become increasingly severe and violent, attention has been drawn to this field. Many studies have indicated that the gender gap is closing given girl delinquency being more severe. This work traces historical issues about girl delinquency in previous literature and compares recent data released by juvenile justice system, finding that girl delinquents are encountering dilemmas within and beyond juvenile justice system. To unveil their plights, this work refines factors leading to their crimes and manifests the deficiency in juvenile justice system. The first part releases updated data and tendency to present the fact that female delinquency is becoming increasingly severe. The second part concludes and analyzes the gender specific pathways leading to their crimes. The third part explores why the present gender-neutral juvenile justice system is deficient and why girls are facing dilemmas in such systems.

Keywords: female delinquency, gender gap, stereotypes, feminism

1. Introduction

Juvenile delinquency, a phenomenon that has received increasing attention, refers to the unlawful acts committed by individuals who are younger than statutory age of majority [1]. In line with laws from different countries, the maximum age of juvenile offenders is generally prior to 18 with slight regional disparity [2]. The patterns of delinquency, or juvenile offending, is presented as two general types based on previous literature. The first type of delinquency is dealt with by the juvenile courts involving violation behaviors such as damage to property, theft, prostitution, cybercrimes, etc., while some extremely serious crimes such as murder, rape, armed robbery, arson, etc. are sometimes dealt with by the adult justice [3]. The second type refers to status offenses which can be only committed by a minor at a specific circumstance such as underage smoking or drinking, aggressive behaviors, violating a curfew and so on [3].

Female and male adolescents share many similarities in delinquency, but what can't be denied is that girl offenders exhibit different pathways to offenses to some extent [4]. Although the attention paid to female delinquency has been increasing for the past decades, in contrast with male counterparts, the theories and studies are far from enough. Some conventional theories and empirical tests were conducted with male data, making it difficult to prove its applicability to female delinquency [5]. Moreover, neglect and bias (e.g., female delinquents only conduct status violation and always involve with sexual misconduct) for female delinquency have flourished, which contradict the data collected from the past decade. According to the statistics released by Justice Department's

Office of Juvenile Justice and Delinquency Prevention, juvenile delinquency cases have exhibited a decrease of 56% since 2015 and the number of youths in placement has been witnessed to fall 77% from 2000 to 2020 [6]. Although the crime cases have been dropping steadily over the past decades, the disparity between the case rates of male and female delinquency are closing [7]. Comparing the data derived from 1985 and 2020, the case rate of male delinquency was around 4 times larger than that of female delinquency in 1985 whereas this figure has dropped to 2.6 times by 2020 [7], which indicates that the proportion of female delinquency is rising up. In the meanwhile, it is also reported by Federal Bureau of Investigation that although the number of female delinquency cases has decreased slightly over the past 10 years, it accounts for nearly 33% of juvenile arrests in 2019 [8], marking a significant rise in ratio. In response to this continuous growth in case rate and categories of female delinquency, this work emphasizes that maybe gender-specific instead of gender-neutral delinquency justice system should be taken into consideration when describing female delinquency.

Some scholars did explore differences lying in female and male delinquency in the previous literature. For instance, Professor Mears affirmed that gender difference exists in peer influence [5] and Steffensmeier argued that the gender gap is closing given girl delinquency is more and more engaged with violence [9]. However, most gender differences documented in those studies were mainly focused on types and caseloads of crime committed by different sexes with little works paying attention to the “gender gap” that truly reflect the dilemmas and plights girl offenders are facing. To be more precise, the closing of gender differences in types and caseloads of juvenile crime doesn’t show any sign in development of gender-equality, nor feminism. In contrast, this indicates the conventional perspectives toward female delinquency are lagging, which urges us to close the “real gender gap”. In line with Global Gender Gap Index report released in 2023, gender gap refers to the gap between male and female across health, education, politics, and economics [10][11], which is aimed to be narrowed down for the pursuit of gender equality. Combined with this definition, it appears that more efforts and attention ought to be drawn to gender gap related to contexts, custody and beyond confinement.

As digging and exploring the data further, there is no denying that gender gap pertaining to educational attainment, health and survival, economic participation as well as moral evaluations on delinquents should be laid emphasis on. This work aims to highlight the bias and deficiency of support deriving from female delinquents’ contexts and emphasize the existing plight that they are confronted with, anticipating that these perspectives accounting for female delinquency can contribute to development of gender-specific delinquency justice system.

2. Patterns and Factors of Female Delinquency

To indicate the contexts and dilemmas faced by girl delinquents in a more efficient manner, this paragraph starts the discussion with special characteristics and factors lying in girl offending. When exploring causes contributing to juvenile offending, this work has refined previous studies and divided these causes into three subgroups containing environmental, biological, and psychological factors [12][13]. As mentioned by Professor Lerner [14], the development of female delinquency is not the simple addition of these dimensions, but an intersection and integration of these three factors. To better distinguish the gender-specific factors resulting in girl delinquency, environmental and psychological factors will be elaborated subsequently.

2.1. Characteristics of Female Delinquency

Before moving on to the topic of factors leading to female delinquency, characteristics of girl offending are supposed to be discussed previously to better understand the whole picture. When comparing girl offenders who primarily committed status offenses pertaining to running away and

sexual misconduct a generation ago, nowadays the number of female offenders involved in gang activity, prostitution, drug trafficking, armed burglary, and assault is increasing [15].

One prominent characteristic is that girl offenders are still more engaged in status offenses even though the range of girl offenses reach almost all categories of violation [13]. This implies that there are more chances for girl offenders being brought to detention due to status offenses compared to their male counterparts. It is also proposed by Puzzanchera, Adams, and Sickmundy that [16], girl offenders are more likely to be piped to court by sources outside law enforcement such as parents or schools [16].

The second significant feature is that the rate (the number of female offenders sexually abused divided by the number of total female offenders) of girl offenders who once suffered from sexual abuse is higher than male counterparts [17]. The time of sexual abuse not only tends to start earlier for girls than boys, but also lasts longer [18], which aggravate girls' situations.

The last feature is presented that girl adolescents entangled with violation tend to experience more mental disorders in contrast to non-delinquency-involved girls and male delinquents [4]. This can be expounded by the perspective proposed by Funk [19] that women as well as girls' emphasis on relationship and their sensibility to disruption from external environment cause them to suffer more mental disorders.

2.2. Factors Contribute to Female Delinquency

As has been mentioned above, environmental, and psychological factors are shed light on to thoroughly explore the contexts and pathways that lead girls to crimes. Relationships with family, partners and peers tend to be the largest predictors from environmental factors while the big picture such as poor economy and backward community also matters. Meanwhile, some other triggers such as sexual abuse and substance abuse should also be drawn attention to [4].

In describing with disruptive family relationship, either permissive parenting style or authoritarian style, always pertains to emotional abuse, domestic violence, conflicts as well as erratic displays of control [20]. Besides, not only family relationship, family structure along with intergenerational patterns in offending (parents who are charged with crimes seem to increase the chance of raising delinquent adolescents [21]) also accounts for juvenile delinquents [13]. As for girl delinquents, it is reported that girls who suffered from domestic violence often exhibit a resistance to victimization [4], which indicates that girls may resort to violence to defend themselves from physical abuse. In addition, the research reported by Schaffner [22] also unpacks the correlation between girls' experiences of violence and engagement in violence in adolescence, revealing that around 61% of girl delinquents have experienced abuse. The destructive family relationship and parenting style should be re-emphasized here. Since girls stress more on relationship and are more sensitive to disruption [19], the morbid family environment appears to be the plights which turn to be the trigger of other status crimes such as running away. This status crime usually inclines to strike the chain reaction which urge the girls to engage in more severe offenses such as participating in gang activities, prostitution, drug trafficking or property offenses to survive. To make things worse, girls running away from home are more likely to be pregnant at a young age and fail to have access to public assistance [23].

Peer influence should also be considered when explaining the pathways leading to girls offending. It has been documented that associations with deviant peers noticeably predict delinquency and maintain offenses during adolescence [24]. Both female and male adolescents who are coping with distraught family relationship or yielding poor academic performance or having difficulty getting on well with the major, are more likely to participate in a gang where they find like-minded companions. However, it is disappointing to find that the portrayal for girl delinquents depicted in traditional gang literature is either a tomboy or a sex object, which is mainly based on anecdotes instead of empirically analyzed data [25]. While both female and male delinquents involved in gang activities engage in

precocious sex, it is girls that processed and stigmatized for it, marking the bias girl offenders are facing.

Morbid relationship with partner appears to be another gender-specific factor contributing to female offending and recidivism of crimes [4]. Research conducted by Lederman unveiled that around 75% of girls involved with juvenile justice system were sexually active and approximately 30% admitted having sexual involvement with adult males much older than their ages [26]. These girls are usually related with instable family relationship and mentally helpless, which urges them to seek reliance and solace on partners (normally much elder) who can satisfy their essential needs [22]. Girls in such circumstances are obedient to the pressure from their boyfriends such as the introduction to drug use, alcohol, and some other illegal activities [22]. Ironically, in line with the Office of National Drug Control Policy, the partners who elicit them to drugs usually become their drug suppliers [4]. Here the special pathway to crimes with respect to substance use should be underlined. As concluded by Holsinger, drug addiction has a more powerful negative impact on girls than it does on boys [27]. After being accustomed to substance abusing, girls either take the initiative or probably forced by their partners to engage in prostitution or other illegal dealings to gain access to drugs [22]. Furthermore, Pregnancies is another intense risk resulting in chronic trauma for girl delinquents, especially when they were found pregnant during detention, there is a high possibility that they are separated from their babies by the correction facilities [28].

As for psychological aspect, it's mentioned by Thomas Grisso [29] that youth diagnosed with mental disorders make up a significant portion of youth who are in juvenile courts. The close linkage between mental disorders and delinquents has been explained by the General Strain Theory proposed by Agnew [30]. It cast light on the positive relationship between external stress (life events) from environment and delinquent offending [30]. To be more precise, when the strain yields an ill state pertaining to depression, anger, anxiety, etc., adolescents incline to be pressured to commit offenses to cope with the inner imbalance and loss of control. Significantly, gender difference also exhibits in this factor presented as the fact that incarcerated female delinquents' manifest higher rates of common mental disorders such as depression, bipolar, PTSD and so on than male counterparts [31]. This may result from girl delinquents' more exposure to violence and victimization as well as more vulnerability to disruptive relationship.

After refining 4 major pathways leading to female delinquency, it is not hard to figure out that the contexts breeding girl offenders are more severe than it has been expected. Considering the special emotional and physical needs of adolescent girls, suggesting that male-centered juvenile justice system needs reforming.

3. Stereotypes and Neglect Exist in and beyond Juvenile Justice System

3.1. Misconceptions in Explanations and Theories for Girl Delinquency

Reflecting upon historical literature, it is apparent that gender has been the most discriminating factor in juvenile delinquency. The reasons accounting for this neglect in historical literature may be expounded in two ways: (a). Male crimes overwhelmingly exceeded female crimes a century ago, making female delinquency less prominent. (b). The pioneering works in criminology always related female delinquency with patriarchal bias based on the historical background at that time [32]. For instance, the father of positivism Lombroso [33] asserted that female delinquency had something to do with aberration exhibiting more "masculinity", and Polka [34] persisted that female offenders exploited sexuality to gain deferential treatment, letting alone Freud's household perspective of penis envy which was prevalent for a long time. After 1970, due to women liberation campaign, the crimes convicted by females and girls rose dramatically which spurred the investigation into female delinquency and corrected some biased concepts [32]. However, these updated theories partially

attributed the increase in both types and caseloads of female offending to gang activities and women liberation movement [32], which is also one-sided. Over the past decade, more gender-specific or pro-feminist theories which conform to the trend of times have been proposed with increasing attention paid to female offending and feminism. For example, General Strain Theory, first introduced by Agnew, unfolded that stressors from environment result in negative feelings such as aggression and depression have the high possibility of triggering crimes while with the lack of protective factors [30]. This pro-feminist theory contributes to explaining gender differences by studying how people's stress and subsequent coping responses change with gender [30]. Another gender-specific theory that has been drawing attention to is Pathways Theory. It speculates that women and girls enter the crimes because of some negative sociological and psychological experiences pretraining to physical and sexual abuse, morbid relationship, etc. to some extent [35]. These gender-specific factors usually result in survivalist crimes such as prostitution and property offending [35]. With the development of this pathways theory, some gender-specific policies and implementation appear to be practical in juvenile justice system. However, there are still some challenges in the process.

3.2. Deficient Juvenile Justice System for Female Delinquency

Although the last decade has witnessed an increase in gender-specific theories and studies for girl delinquents, the reformation for gender-responsive JJS (juvenile justice system) is still moving at a slow pace [36]. The following part will exhibit dilemmas girl delinquents are facing within JJS and discuss the underlying reasons why the JJS fail to provide them with a more gender-specific environment.

The first deficiency lies in the process of translating gender-specific theories to gender-responsive practice. It has been identified that most assessments, procedures, and management in current JJS are designed in response to male delinquents' needs and there are very limited experimental studies on the effectiveness of gender projects (such as the impact of differences between boys and girls) and the effectiveness of gender specific services [36]. Apart from the lack of validity examination on these latest gender-responsive studies, the work to translate these theories into practice is also ticking over [36]. Salisbury asserts that related departments in JJS not only has to adapt to current political and economical environment, but also needs to call for the funding from government and assistance from experts [37].

Another deficiency inhibiting the closing of gender gap in JJS is tightly related to the stakeholders in this system. In line with investigations into some detention facilities and interviews with stakeholders, it seems that gender inequality is still going on within the JJS, which aggravates the plight for girl delinquents [38]. Some disparity has been apparent that girl offenders are sentenced to correctional facilities more frequently and for more length of time compared to their male counterparts (when girls are charged with drug-related offenses and prostitution) [39]. Moreover, when it comes to status offenses committed by both sexes, girls are still subjected to longer incarceration or supervision [39]. Notably, the mistreatment in detention as well as the exposure to confinement lead to the pathway to their recidivism and chronic crimes [38].

Two explanations why stakeholders need regulating in JJS are illustrated subsequently: (a). The stakeholders (referring to court judges, correctional facilities staff, social workers, etc. who hold enormous power over system-involved girls) work in JJS haven't received enough updated knowledge and training pertaining to gender-specific theories and gender-responsive programming training [32]. (b). The attributions these staff make for the causes of girls' offenses have been neglected, where many prejudices are hidden within it [39]. To better understand the bias hidden in staff's perspectives, attributions for girls' pathways to crimes are divided into three categories [39]. The first category of attribution is internal-factor attribution which refers to attributing the causes of crime to personal characteristics and will. It is suggested that gender stereotypes and norms play a

significant role in internal-factor attribution [40]. For example, words like “manipulators”, “liars”, “Trading sex” are frequently mentioned in describing with girl delinquents and more attention is paid to girls’ physical appearance and sexuality, which distorts the real situation and makes it sound like the girl delinquents can choose the lives they want while the truth is that most of them are also victims [40]. The second one is external-factor attribution, which refers to laying focus on environmental and situational characteristics (normally more reference to family and peer relationships). External-factor attribution casts light on family issues and poor parenting leading to girls’ offenses, which blames less on individual criminal [41]. However, this attribution usually makes the staff go to the other extreme, that is, the reason why they detain girls for longer is often because girls have nowhere to go (running way) and need to be protected, which aggravates the angry girls’ experience in correction facilities instead [41]. The last one is structural external-factor attribution, which believes girls’ crimes are greatly caused by backward communities and poor economy, focusing on big picture. The structural external-factor attribution appears to be the fairest one, reflecting a more critical, large-scale environment the girls are struggling in, which urges the workers to recognize the deep trauma in girl offenders and realize that more girl offenders are in need to be saved instead of being corrected [41].

4. Conclusion

This work has exposed the dilemmas faced by female offenders and excavated the factors contributing to their plight. It has been confirmed that there is still a long way to go to close the gender gap existing in our society and juvenile justice system. Two conclusions are made in this work. Firstly, girls’ pathways to crimes are indeed special, and family relationship, partnerships as well as trauma are always the starting point, or the triggers of dominoes, resulting in a series of subsequent offenses. It is worth noting that the offenses are normally status offenses just to survive or vent their rage and depression. As they are getting older and drifting away from the mainstream, the crimes they commit become more severe. This conclusion urges us to cast light on the gender-specific pathways of girls, specially the three key findings mentioned above. Meanwhile, it is necessary to think over the prevention measures about how to prevent girl delinquency at the source. The second conclusion exhibits the fact that gender gap and bias for girls do exist in juvenile justice system, which may aggravate their system-involved experience and even cause subsequent recidivism. The main reason hidden behind this fact is that stakeholders need to be trained to update their knowledge about gender-responsive programming for girls and to erase their stereotypes for girl offenders. Moreover, less funding from government and limited experimental studies on the effectiveness of gender projects also add to the list. This work only focused on the dilemma’s girl delinquents are facing. When describing the factors contributing to crimes, not all the dimensions were exclusively discussed to manifest the most significant triggers. For the future research, more efforts will be put on how to translate gender specific theories into practical programs and more studies will be conducted to test the validity of existing theories. Moreover, more studies on how to reduce staff’s bias toward girl delinquents and how to efficiently equip them with updated knowledge will also be conducted.

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