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Violent Girls or Relabeled Status Offenders?

An Alternative Interpretation of the Data

Barry C. Feld

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Policy makers and juvenile justice officials express alarm over the rise in arrests of girls for simple and aggravated assault. Others see this perceived increase as an artifact of decreased public tolerance for violence, changes in parental attitudes or law enforcement policies, or heightened surveillance of domestic violence, which disproportionately affects girls. The author contends that the social construction of girls' violence may reflect policy changes in the juvenile justice system itself, especially the deinstitutionalization of status offenders. The Juvenile Justice and Delinquency Prevention Act deinstitutionalization mandates encouraged "bootstrapping" or "relabeling" female status offenders as delinquents to retain access to facilities in which to confine "incorrigible" girls. The author analyzes data on changes in arrest patterns and confinement for boys and girls charged with simple and aggravated assault, arguing that differences in rates, victims, and confinement for "violent" boys and girls support a relabeling interpretation of the supposed rise in girls' violence consistent with the social construction thesis.

Keywords: *girls' violence; social construction of violence; labeling*

Over the past decade, policy makers and juvenile justice officials have expressed alarm over a perceived increase in girls' violence. Official statistics report that police arrests of female juveniles for violent offenses such as simple and aggravated assault either have increased more or

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decreased less than those of their male counterparts and thereby augured a gender convergence in youth violence (Federal Bureau of Investigation, 2006; Steffensmeier, Schwartz, Zhong, & Ackerman, 2005). Reflecting the official statistics, popular media amplify public perceptions of an increase in "girl-on-girl" violence, "bad girls gone wild," "feral and savage" girls, and girl-gang violence (Scelfo, 2004; Sanders, 2005; Kluger, 2006; Williams, 2004). One possible explanation for the perceived narrowing of the gender gap in violence is that gender-specific social structural or cultural changes actually have changed girls' behaviors in ways that differ from boys.

On the other hand, the supposed increase in girls' violence may be an artifact of decreased public tolerance for violence, changes in parental attitudes or law enforcement policies, or heightened surveillance of several types of behaviors, such as domestic violence and simple assaults, which disproportionately affect girls (Garland, 2001; Kempf-Leonard & Johansson, 2007; Steffensmeier et al., 2005). Steffensmeier et al. (2005) compared boys' and girls' official arrest rates with other data sources that do not depend on criminal justice system information (e.g., longitudinal self-report and victimization data) and concluded that "the rise in girls' violence . . . is more a social construction than an empirical reality" (p. 397). They attributed the changes in female arrests for violent crimes to three gender-specific policy changes: a greater propensity to charge less serious forms of conduct as assaults, which disproportionately affects girls; a criminalizing of violence between intimates, such as domestic disputes; and a diminished social and family tolerance of female juveniles' "acting out" behaviors.

Their data and analyses support a social constructionist argument that the recent rise in girls' arrests for violence is an artifact of changes in law enforcement policies and the emerging "culture of control" rather than a reflection of real changes in girls' behavior (Garland, 2001; Steffensmeier et al., 2005). Although cultural and police policy changes likely contribute to a greater tendency to arrest girls for minor violence, the social construction of girls' violence also may reflect policy changes that occurred within the juvenile justice system itself, especially the deinstitutionalization of status offenders (DSO). After federal mandates in the mid-1970s to deinstitutionalize status offenders, analysts described juvenile justice system strategies to "bootstrap" and/or "relabel" female status offenders as delinquents to retain access to secure facilities in which to confine "incorrigible" girls (Bishop & Frazier, 1992; Feld, 1999).

In this article, I focus on patterns of arrests and confinement of boys and girls for simple and aggravated assaults over the past quarter century. The

analysis bolsters Steffensmeier et al.'s (2005) contention that much of the seeming increase in girls' violence is an artifact of changes in law enforcement activities. However, I attribute some of the increase in girls' arrests for violence to federal and state policies to remove status offenders from delinquency institutions. Initially, laws that prohibited confining status offenders with delinquent youth disproportionately benefited girls, whom states most often confined under that jurisdiction. But they provided an impetus to relabel status offenders as delinquents to continue to place them in secure institutions. Within the past two decades, deinstitutionalization policies have coincided with the generic "crackdown" on youth violence in general and heightened concerns about domestic violence in particular, further facilitating the relabeling of status offenders by lowering the threshold of what behavior constitutes an assault, especially in the context of domestic conflict.

I first examine the historical differences in juvenile justice system responses to male and female delinquents and status offender. The next section focuses on the 1974 federal Juvenile Justice and Delinquency Prevention (JJDP) Act, which mandated DSO. In the following section, I analyze arrest data on boys and girls for certain violent crimes—simple and aggravated assault—to highlight differences in the seriousness of the crimes for which police arrest them. The analyses suggest that some girls' arrests for simple assault may be a relabeling of incorrigible girls as delinquents. I then focus on the offender–victim relationship of boys' and girls' assaults, which differentially affects the likelihood of girls' arrests for family conflicts in domestic disputes. Then I examine differences between patterns of incarceration for boys and girls sentenced for simple and aggravated assault. A discussion of the findings and conclusions follows.

Historical Differences in Juvenile Justice System Responses to Boys and Girls and DSO

The progressive reformers who created juvenile courts combined two visions, one interventionist and the other divisionary (Zimring, 2002). They envisioned a specialized court to separate children from adult offenders—diversion—and to treat them rather than to punish them for their crimes—intervention (Platt, 1977; Rothman, 1980; Ryerson, 1978; Tanenhaus, 2004). The juvenile court's delinquency jurisdiction initially encompassed only youths charged with criminal misconduct. However, reformers quickly added status offenses—noncriminal misbehaviors such as "incorrigibility," running away, "immorality," and "indecent and lascivious conduct" (Feld,

2004)—to the definition of delinquency. Historically, juvenile courts responded to boys primarily for criminal misconduct and to girls mainly for noncriminal status offenses (Schlossman, 1977; Sutton, 1988). The status jurisdiction reflected progressives' cultural construction of childhood dependency as well as their sexual sensibilities (Kempf-Leonard & Johansson, 2007; Schlossman & Wallach, 1978). From the juvenile courts' inception, controlling adolescent female sexuality was a central focus of judicial attention and intervention (Sutton, 1988; Tanenhaus, 2004). Historians consistently report that judges detained and incarcerated girls primarily for minor and status offenses and at higher rates than they did boys (Platt, 1977; Schlossman, 1977; Tanenhaus, 2004).

Although juvenile courts' status jurisdiction potentially encompassed nearly all juvenile misbehavior, by the early 1970s, critics argued that juvenile courts incarcerated noncriminal offenders with delinquents in secure detention facilities and institutions, stigmatized them with delinquency labels, discriminated against girls, and provided few beneficial services (Feld, 1999; Schwartz, Steketee, & Schneider, 1990). Judicial intervention at parents' behest to control their children also exacerbated intrafamily conflicts and enabled some caretakers to avoid their responsibilities (Sussman, 1977). In the early 1970s, states charged about three quarters of the girls whom juvenile courts handled as status offenders rather than as criminal delinquents (National Council on Crime and Delinquency, 1975; Schwartz et al., 1990).

The 1974 federal JJDP Act (42 U.S.C. § 223[a][12]) prohibited states from confining status offenders with delinquents in secure detention facilities and institutions and withheld formula grant money from states that failed to develop plans to remove them (Schwartz, 1989). The increased procedural formality and administrative costs of adjudicating delinquent offenders after *In re Gault* (1967) and the JJDP Act's deinstitutionalization goals provided impetus to divert status offenders to services and programs in the community. A 1980 amendment to the JJDP Act, adopted at the behest of the National Council of Juvenile and Family Court Judges, allowed states to continue to receive federal funds and to confine status offenders if juvenile court judges committed them to institutions for violating "valid court orders" (Schwartz, 1989). This exception allowed judges to bootstrap status offenders, disproportionately girls, into delinquents and to incarcerate them for contempt of court for violating court-ordered conditions of probation (Bishop & Frazier, 1992; Hoyt & Scherer, 1998). The 1992 reauthorization of the JJDP Act required states to analyze and provide "gender-specific services" to prevent and treat female delinquency, but

most states used the funds to collect data about girls in the juvenile systems rather than to develop new programs (e.g. Bloom, Owne, Deschenes, & Rosenbaum, 2002; Community Research Associates, 1998; Kempf-Leonard & Sample, 2000; MacDonald & Chesney-Lind, 2001).

As a result of the 1974 DSO initiatives, the number of status offenders in secure detention facilities and institutions declined dramatically by the early 1980s. Because states disproportionately confined girls for noncriminal misconduct, they were the primary beneficiaries (Chesney-Lind, 1988; Handler & Zatz, 1982; Krisberg, Schwartz, Lisky, & Austin, 1986; Maxson & Klein, 1997). An early evaluation of the JJDP Act's DSO mandate by the National Academy of Sciences reported a substantial reduction in the detention and confinement of status offenders (Handler & Zatz, 1982). By 1988, the number of status offenders held in secure facilities had declined by 95% from those detained prior to adoption of the JJDP Act (U.S. General Accounting Office, 1991).

Although the JJDP Act prohibited states from incarcerating status offenders, it did not require states to appropriate adequate funds or to develop community-based programs to meet girls' needs. Even as policy makers and lawmakers struggled to find other options to respond to these "troublesome" youths, early analysts warned that states could evade deinstitutionalization requirements by relabeling status offenders as delinquents, for example, by charging them with simple assault rather than incorrigibility (Handler & Zatz, 1982).

Three decades after passage of the JJDP Act, states' failure adequately to fund or inability to offer appropriate community services provides a continuing impetus to use the juvenile delinquency system to circumvent DSO (Hoyt & Scherer, 1998; Maxson & Klein, 1997). "Status offenders" are not a unique or discrete category of juveniles, and they share many of the same characteristics and behavioral versatility as other delinquent offenders. As a result, the juvenile justice system simply could charge a female status offender with a minor crime, adjudicate her as a delinquent, and thereby evade deinstitutionalization strictures (Costello & Worthington, 1981; Federle & Chesney-Lind, 1992; Kempf-Leonard & Sample, 2000).

Macrostructural economic and racial demographic changes during the 1970s and 1980s led to the emergence of an urban Black underclass and increased the punitiveness of juvenile justice policies, and these changes indirectly affected girls' susceptibility to arrest for violence. In the late 1980s and early 1990s, the epidemic of crack cocaine spurred increases in gun violence and Black male homicide, and states adopted punitive laws to "get tough" and "crack down" on youth crime (Blumstein, 1996; Feld, 1999; Zimring, 1998).

States changed their laws to transfer more juveniles to criminal courts for prosecution as adults, and these amendments reflect a broader cultural and jurisprudential shift from rehabilitative to retributive and managerial penal policies (Feld, 2003; Garland, 2001; Tonry, 2004). Most of the punitive legislative agenda affected boys, particularly urban Black boys, charged with serious, violent crimes (Feld, 1999). Even though girls were not originally the intended subjects of the changes, the shift in juvenile justice responses to youth violence adversely affected girls, whom states could charge with assault (Chesney-Lind & Belknap, 2004; Poulin, 1996). Because the crack-down on youth violence and the rise in girls' arrests for assault coincided with DSO, focusing on the juvenile system's responses to girls provides an indicator of its changing mission and adaptive strategy.

Arrests of Boys and Girls for Violence: Simple and Aggravated Assaults

Police arrest and juvenile courts handle fewer girls than their proportional makeup of the juvenile population. As Table 1 reports, in 2003, police arrested an estimated 2.2 million juveniles. Girls constituted fewer than one third (29%) of all juveniles arrested and fewer than one fifth (18%) of those arrested for Violent Crime Index offenses. Girls constituted about one quarter (24%) of all the juveniles arrested for aggravated assaults and about one third (32%) of juvenile arrests for simple assault. Girls' arrests for simple assault constitute the largest proportion of their arrests for any violent crime. Arrests for Violent Crime Index offenses—murder, forcible rape, robbery, and aggravated assault—account for a very small proportion (4.2%) of all juvenile arrests, and aggravated assaults constitute two thirds (66.6%) of the Violent Crime Index offenses (Snyder & Sickmund, 2006). Significantly, however, police arrested about 85% of all girls arrested for Violent Crime Index offenses for aggravated assault (Federal Bureau of Investigation, 2006). By contrast, police arrested fewer than two thirds (62%) of boys for aggravated assaults and a much larger proportion for the most serious Violent Crime Index crimes of murder, rape, and robbery.

Changes in gender patterns of juveniles' arrests may reflect real differences in rates of offending by boys and girls over time, or they may be justice system artifacts reflecting differences in the ways police and courts choose to respond to boys and girls (Girls Inc., 1996). Although girls constitute a smaller portion of juvenile arrestees than boys, the two groups' arrest patterns have

Table 1
Juvenile and Female Arrest Estimates for Violence, 2003

Crime	Total Juvenile Arrest Estimates for All Offenses	Percentage Female Share of Arrests
Total	2,220,300	29
Violent Crime Index ^a	92,300	18
Aggravated assault	61,490	24
Simple assault	241,900	32

Source: Snyder and Sickmund (2006).

a. Violent Crime Index includes murder, forcible rape, robbery, and aggravated assault.

diverged somewhat over the past decade. This divergence distinguishes more recent female delinquency from earlier decades, when male and female offending followed roughly similar patterns and when modest female increases were concentrated primarily in minor property crimes rather than violent crime (Steffensmeier, 1993).

As Table 2 indicates, arrests of female juveniles for various violent offenses have either increased more or decreased less than those of their male counterparts. From 1996 to 2005, the total number of juveniles arrested dropped by about 25%, primarily because arrests of boys decreased by 28.8%, whereas those of girls decreased only less than half as much (14.3%). Arrests of boys for Violent Crime Index offenses decreased substantially more than those of female offenders. Over the past decade, arrests of boys for Violent Crime Index offenses declined by 27.9%, whereas those of girls decreased by only 10.2%. Aggravated assaults constitute two thirds of all juvenile arrests for offenses included in the Violent Crime Index. Boys' arrests for aggravated assaults decreased by nearly one quarter (23.4%), whereas girls' arrests declined much more modestly (5.4%). By contrast, girls' arrests for simple assaults increased by one quarter (24%), whereas boys' arrests declined somewhat (4.1%). Thus, the major changes in arrest patterns for juvenile violence over the past decades are the sharp decrease in boys' arrests for aggravated assaults and the parallel increase in girls' arrests for less serious assaults.

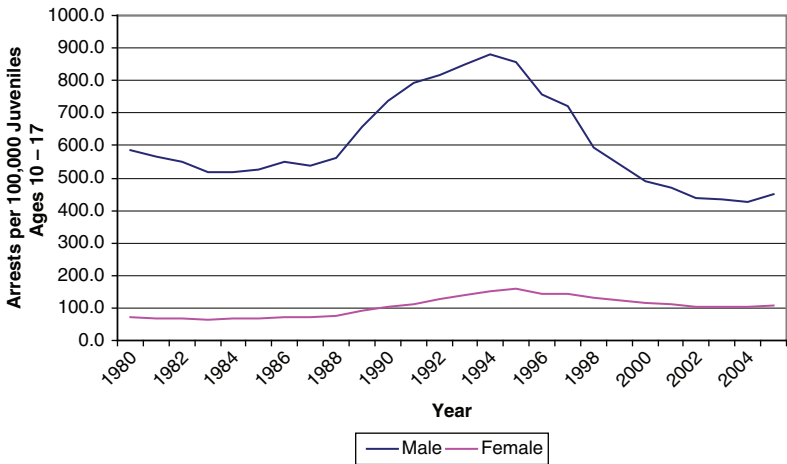
Although the percentages reported in Table 2 reflect changes in the numbers of arrests, Figure 1 shows changes in the arrest rates per 100,000 male and female juveniles aged 10 to 17 years for Violent Crime Index offenses between 1980 and 2005. Overall, police arrested male juveniles at much higher rates than they did female juveniles. Consistent with Table 2, arrest rates for both groups peaked in the mid-1990s, and then the male rates

Table 2
Percentage Changes in Male and Female
Juvenile Arrests, 1996 to 2005

Crime	Girls	Boys
Total crime	-14.3	-28.8
Violent Crime Index	-10.2	-27.9
Aggravated assault	-5.4	-23.4
Simple assault	24.0	-4.1

Source: Federal Bureau of Investigation (2006).

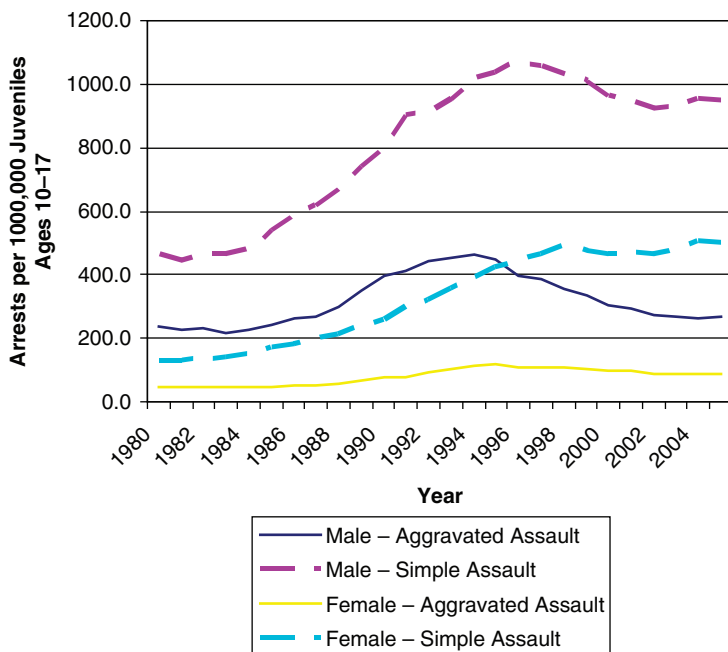
Figure 1
Male and Female Juvenile Arrest Rates,
1980 to 2005, Violent Crime Index Offenses



Source: National Center for Juvenile Justice (2008).

exhibited a much sharper decline than the female rates. Indeed, the male juvenile arrest rate for Violent Crime Index offenses in 2005 was nearly one quarter (23.3%) lower than in 1980. By contrast, girls’ arrest rate for Violent Crime Index offenses rose from 70.4 to 106.9 per 100,000 over the same period, a 51.8% increase. In 1980, Violent Crime Index arrest rates for male juveniles were about 8 times higher than those of female juveniles, whereas

Figure 2
Male and Female Juvenile Arrest Rates,
1980 to 2005, Simple and Aggravated Assaults



Source: National Center for Juvenile Justice (2008).

by 2005, they were only 4 times higher. Thus, the juvenile “crime drop” of the past decade reflects primarily a decline in boys’ arrests.

Arrests for aggravated assault constituted the largest component of the Violent Crime Index, and arrests for simple assault constituted the largest component of non-Violent Crime Index arrests. Over the past quarter century, clear changes have occurred between boys’ and girls’ patterns of arrests for these offenses. As Figure 2 indicates, boys’ and girls’ arrests for aggravated assault diverged conspicuously. The female arrest rate in 2005 was nearly double (97%) the arrest rate in 1980 (88.8 vs. 45 arrests for girls per 100,000). Although police arrested male juveniles for aggravated assault about 3 times more frequently than they did female juveniles, the boys’ proportional

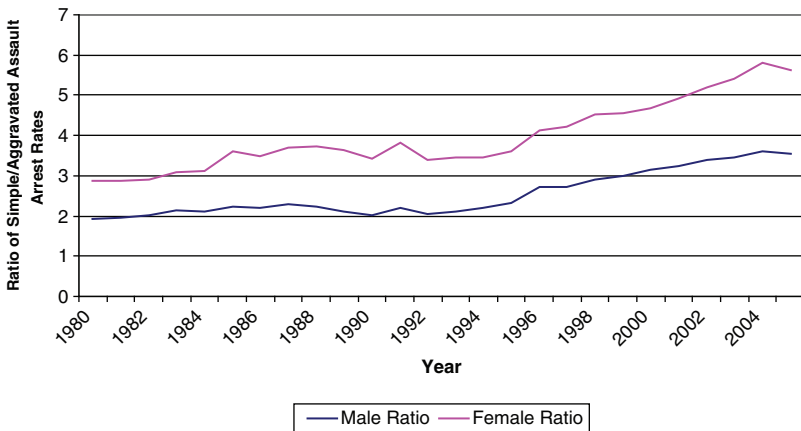
increase (11.8%) was much more modest than that exhibited by the girls over the same period (267.8 vs. 239.4 arrests for boys per 100,000).

Police arrest juveniles for simple assaults much more frequently than they do for aggravated assaults. Again, changes in the arrests rates of female juveniles for simple assaults over the past quarter century greatly outstripped those of their male counterparts. The rate at which police arrested girls for simple assault in 2005 was nearly quadruple (3.9) the rate at which they arrested them in 1980 (499.8 vs. 129.7 female arrests per 100,000). Although the male arrest rate for simple assaults started from a higher base than the female rate, it only doubled (2.1) over the same period (948.9 vs. 462.7 arrests per 100,000).

To gauge the relative seriousness of most juveniles' arrests for violence, Figure 3 depicts the ratios of arrest rates for simple assaults and aggravated assaults for boys and for girls. In 1980, police arrested girls for simple assaults about 3 times (2.9) as often as they did for aggravated assaults. They arrested boys for simple assaults about twice (1.9) as often as they arrested them for aggravated assaults. Thus, police arrested girls more frequently than they did boys for less serious types of violence. In part, boys more often use weapons and inflict physical injuries on their victims than do girls, thereby aggravating many of their assaults. By 2005, police arrested girls more than 5 times (5.6) as often for simple assaults as they did for aggravated assaults. By contrast, the ratio of boys' arrests for simple to aggravated assaults only trebled (3.5). Thus, police are arresting even more girls for the least serious forms of violence than they did previously, and that ratio increased more so than for boys. These changes in ratios of arrest rates reflect the two different patterns reported in Table 2. The nearly one quarter (23.4%) decline in boys' arrests for aggravated assaults over the past decade increased their ratio of simple to aggravated assaults. By contrast, the nearly one quarter (24%) increase in girls' arrests for simple assaults over the same period substantially increased their ratio of simple to aggravated assaults. Thus, by all the measures—arrests, arrest rates, and ratios of simple to aggravated assaults—the increase in girls' arrests for simple assaults and boys' decrease in arrests for aggravated assaults constitute the most significant change in youth violence over the decades.

Despite these dramatic and gender-linked changes, it remains unclear whether the increase in girls' arrests signifies a real change in girls' underlying violent behavior or reflects police reclassification of assault offenses with a gender-specific component (Steffensmeier et al., 2005). Unlike crimes such as murder and robbery, which have relatively well defined elements and clearer indicators, police exercise considerably more discretion when they

Figure 3
Ratios of Simple to Aggravated Assault Arrests
for Boys and Girls, 1980 to 2005



Source: National Center for Juvenile Justice (2008).

characterize behavior as an assault at all and whether they classify it as a simple or an aggravated assault, and these meanings have changed over time (Blumstein, 2000). An increase in proactive policing of disorder and minor crimes; a lower threshold to arrest or charge those types of offenses, especially among youth; and more aggressive policing in private settings may create the appearance of a juvenile “crime wave” when none actually exists. Zimring (1998) emphasized the role of police discretion and policy changes in the increase in arrests of youths for assaults. He argued that

since 1980, there is significant circumstantial evidence from many sources that changing police thresholds for when assault should be recorded and when the report should be for aggravated assault are the reason for most of the growth in arrest rates. . . . Any reduction in the threshold between simple and aggravated assault and any shift in the minimum standard for recording an offense would have the kind of statistical impact on assault arrests that has occurred since the late 1980s. (pp. 39-40, 46)

Analysts of the changing characteristics of assaults over the past decades have compared ratios of aggravated assaults to homicides (e.g., Zimring, 1998) or of assaults to robberies (e.g., Snyder & Sickmund, 2006; Zimring

& Hawkins, 1997) to demonstrate the malleable and changing definitions of assaults. Because arrests for aggravated assaults increased without any corresponding rise in arrests for homicides or for robberies, they have attributed the escalation in assault arrests to changes in law enforcement policies, such as changing offense seriousness thresholds or responses to domestic violence, rather than to real increases in assaults per se. Similarly, Steffensmeier et al. (2005) compared official arrest statistics for boys and girls from the Federal Bureau of Investigation's Uniform Crime Reports with victims' responses to the National Crime Victimization Survey and juveniles' self-reports in Monitoring the Future and the National Youth Risk Behavior Survey to assess whether the victim and self-report indicators mirrored the increase in girls' arrests for violence over the same period. These indicators revealed no systematic changes in girls' rates or prevalence of offending compared with that of boys, despite the dramatic increase in girls' official arrests for violence over the same period. Steffensmeier et al. concluded that

recent changes in law enforcement practices and the juvenile justice system have apparently escalated the arrest proneness of adolescent females. The rise in girls' arrests for violent crime and the narrowing of the gender gap have less to do with underlying behavior and more to do, first, with net-widening changes in law and policing toward prosecuting less serious forms of violence, especially those occurring in private settings and where there is less culpability, and, second, with less biased or more efficient responses to girls' physical or verbal aggression on the part of law enforcement, parents, teachers, and social workers. (pp. 387-90)

The demarcation between status offenses and delinquency is as imprecise, malleable, and manipulable as the definition of assaults. "Because many status offenders are not simply runaways or truants but also engage in delinquent activities, it is possible for many such youths to be 're-labeled' delinquents rather than remain classified as status offenders" (Castallano, 1986, p. 496). The ambiguous difference between incorrigible or "unruly" behavior (status offenses) and the heterogeneous and elastic nature of violent behavior, particularly in the context of domestic discord, likely contributes to girls' increased arrests for simple assault. Steffensmeier et al. (2005) argued that

female arrest gains for violence are largely a by-product of net-widening enforcement policies, like broader definitions of youth violence and greater surveillance of girls that have escalated the arrest-proneness of adolescent girls today relative to girls in prior decades and relative to boys. (p. 357)

The near doubling (1.9) in the ratio of simple to aggravated assaults for girls (2.9 vs. 5.6; Figure 3) indicates that most girls' arrests are increasingly for violent offenses at the lowest end of the seriousness scale. School "zero tolerance" policies and police "quality of life," "broken windows," and mandatory domestic violence arrest strategies cumulatively lower the threshold for reporting behavior as an assault or for aggravating it and lead to the arrests of more girls for behaviors previously addressed outside of the purview of police or courts (Chesney-Lind, Morash, & Irwin, 2007). Steffensmeier et al.'s analyses demonstrated that such policies can create an artificial appearance of a girls' violent crime wave when the underlying behavior remains much more stable. Indeed, such policies "tend to blur distinctions between delinquency and antisocial behavior more generally, lump together differing forms of physical aggression and verbal intimidation as manifesting interpersonal violence, and elevate interpersonal violence (defined broadly) as a high-profile social problem (particularly among youth)" (p. 363).

Victims of Boys' and Girls' Violence: Gender-Specific Domestic Disputes

Changing public attitudes and police practices toward domestic assaults have contributed to a growth in reports and arrests for simple assaults that victims and officers previously ignored (Blumstein, 2000; Miller, 2005). Mandatory arrest policies for domestic violence may have increased girls' risk for arrest by reducing social tolerance for girls' delinquency (Chesney-Lind, 2002; Miller, 2005). The heightened sensitivity to domestic violence combined with the prohibitions on incarcerating status offenders may encourage police to arrest girls more frequently for assault. Charging girls with simple assault rather than with a status offense, such as incorrigibility or unruly conduct, enables families, police, and juvenile courts to relabel the same behaviors as delinquency and thereby evade the prohibitions of the JJDP Act (Chesney-Lind & Belknap, 2004; Girls Inc., 1996; Mahoney & Fenster, 1982; Schneider, 1984).

Family problems, even some that in past years may have been classified as status offenses (e.g., incorrigibility), can now result in an assault arrest. This logic also explains why violent crime arrests over the past decade have increased proportionately more for juvenile females than males. (Snyder, 2000, p. 4)

Parents' expectations for their sons' and daughters' behavior and obedience to parental authority differ (Chesney-Lind, 1988), and these differing cultural expectations affect how the justice system responds to girls' behavior when they "act out" within the home (Krause & McShane, 1994; Sussman, 1977). Girls who deviate from traditional gender norms such as passivity or femininity may be at greater risk for arrest for domestic violence (Miller, 2005). Girls fight with family members or siblings more frequently than do boys, whereas boys fight more often with acquaintances or strangers (Bloom et al., 2002; Hoyt & Scherer, 1998). Some studies report that girls are 3 times as likely to assault family members as are boys (Franke, Huynh-Hohnbaum, & Chung, 2002). Parents who in the past could have charged their daughters with being unruly or incorrigible now may request that police arrest them for "domestic violence" arising out of the same family scuffle (Russ, 2004). A study in California found that the female share of domestic violence arrests increased from 6% in 1988 to 17% in 1998 (Bureau of Criminal Information and Analysis, 1999).

Some experts have found that this growth [in girls' assault arrests] is due in part not to a significant increase in violent behavior but to the re-labeling of girls' family conflicts as violent offenses, the changes in police practices regarding domestic violence and aggressive behavior, [and] the gender bias in the processing of misdemeanor cases. (American Bar Association & National Bar Association, 2001, p. 3)

Policies of mandatory arrest for domestic violence, initially adopted to restrain abusive men from attacking their partners (Miller, 2005), provide parents with another tool with which to control their unruly daughters. Regardless of who initiates a "violent" domestic incident, it is more practical and efficient for police to identify the youth as the offender when a parent is the caretaker for other children in the home (Gaarder, Rodriguez, & Zatz, 2004). As one probation officer observed,

if you arrest the parents, then you have to shelter the kids. . . . So if the police just make the kids go away and the number of kids being referred to the juvenile court for assaulting their parents or for disorderly conduct or punching walls or doors . . . the numbers have just been increasingly tremendously because of that political change. (Gaarder et al., 2004, p. 565)

Analyses of girls' assault cases referred to juvenile court report that about half were "family centered" and involved conduct that parents and courts previously addressed as incorrigibility cases (Chesney-Lind & Pasko, 2004).

Table 3
Victims of Murders Committed by Juveniles, 1993 to 2002

Victim–Offender Relationship	Boys	Girls
Family	7	36
Acquaintance	55	46
Stranger	38	18

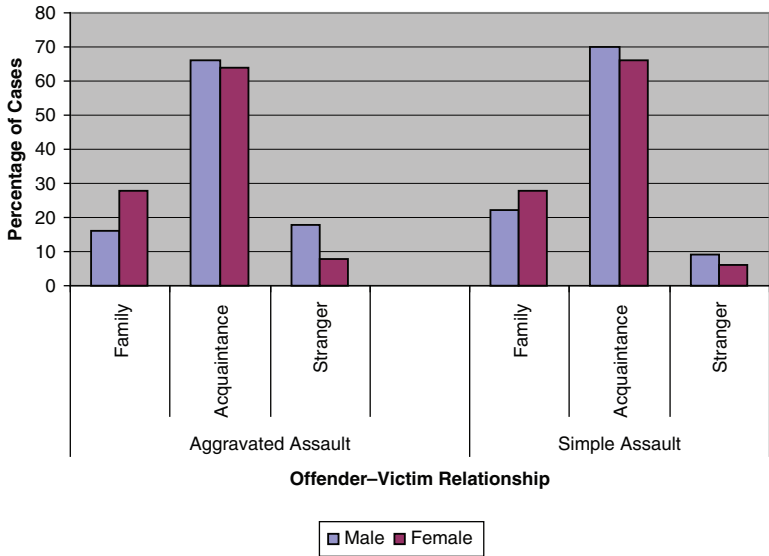
Source: Snyder and Sickmund (2006, p. 69).

Many cases of girls charged with assault involved nonserious altercations with parents, who often may have been the initial aggressors (Acoca, 1999; Acoca & Dedel, 1998). Probation officers describe most girls' assault cases as fights with parents at home or between girls at school or elsewhere over boys (Artz, 1998; Bond-Maupin, Maupin, & Leisenring, 2002; Gaarder et al., 2004). School officials' adoption of zero-tolerance policies toward youth violence increases the number of youths referred for schoolyard tussles that they previously handled internally (Steffensmeier et al., 2005).

Girls typically perpetrate violence at home or at school and against family members or acquaintances, whereas boys are more likely to commit violent acts against acquaintances or strangers (Steffensmeier et al., 2005). Two pieces of evidence provide indicators of differences between boys and girls in offender–victim relationships and support the inference that more girls' violence arises in the context of domestic conflicts. Obviously, homicide is not an instance of the relabeling of status offenses, but the offender–victim relationship in homicides provides one indicator of gender-specific differences in violent offending. Table 3 reports the victim–offender relationships for boys and girls who committed homicides between 1993 and 2002. In more than one third (36%) of cases in which girls killed, their victims were family members, contrasted with only 7% of boys' homicides. By contrast, boys murdered strangers more than twice as frequently as did girls (38% vs. 18%). Thus, the most lethal forms of violence committed by girls were far more likely than for boys to occur in a domestic context.

Figure 4 examines the offender–victim relationships of youths involved in aggravated and simple assaults and provides another instance of gender-specific differences in violent offending in domestic disputes. The Federal Bureau of Investigation's National Incident-Based Reporting System is an incident-based crime reporting program that collects, among other data, information about offenders, victims, and their relationships (Snyder & Sickmund, 2006). More than one quarter of girls (28%), compared with

Figure 4
Male and Female Offender–Victim Relationships



Source: Snyder & Sickmund (2006, p. 145).

fewer than one fifth (16%) of boys, committed aggravated assaults against family members. By contrast, boys assaulted acquaintances more frequently than did girls, and they assaulted strangers twice as often as girls. A similar pattern occurred for boys and girls involved in simple assaults. Girls’ assaults occurred more frequently within the family than did boys’ assaults, whereas boys more often assaulted acquaintances or strangers. Some of the increase in girls’ arrests for simple assaults can be attributed to their greater likelihood than boys to “victimize” family members, the decrease in public and police tolerance for all forms of domestic violence, and the ease with which police may reclassify incorrigible behavior as assault.

The rise in girls’ arrests for violent crime and the narrowing gender gap have less to do with underlying behavior and more to do, first, with net-widening changes in law and policing toward prosecuting less serious forms of violence, especially those occurring in private settings and where there is less culpability, and, second, with less biased or more efficient responses to girls’

physical or verbal aggression on the part of law enforcement, parents, teachers, and social workers. (Steffensmeier et al., 2005, p. 387)

Several studies provide evidence of the juvenile justice system's re-labeling status offenders as delinquents to incarcerate them. A comparison of juvenile court petitions filed against girls before and after Pennsylvania repealed its status jurisdiction in the mid-1970s found that the proportion of girls charged with assaults more than doubled (from 14% to 29%) following the change (Curran, 1984). In response to the JJDP Act's DSO mandate, the proportion of girls confined in training schools for status offenses declined from 71% in 1971 to 11% in 1987, while there was a commensurate increase in the proportion of girls confined for minor delinquencies during the same period (Schwartz et al., 1990). Moreover, states appear to confine girls for less serious offenses than they do boys. In 1987, juvenile courts confined over half (56%) of girls for misdemeanor offenses, compared with only 43% of boys (Schwartz et al., 1990).

Offense Characteristics of Delinquent Boys and Girls in Confinement

Juvenile court judges possess a wide range of options to sentence delinquents: dismissal, continuance without a finding, restitution or fine, probation with or without conditions, out-of-home placement in a public or private facility or group home, confinement in a county institution or state training school, or placement in another secure public or private setting. Because male juveniles commit most of the serious crimes, evaluations of juvenile court sentencing practices typically focus on boys and examine racial rather than gender disparities (e.g., Feld, 1999; McCord, Widom, & Crowell, 2001).

Some sentencing research on gender bias focuses on "chivalrous" or lenient treatment of delinquent girls to explain why girls receive less severe sanctions than do similarly charged boys (Hoyt & Scherer 1998). Other analysts invoke "protectionist" or "paternalistic" explanations to account for why juvenile courts intervene more actively in the lives of sexually active females and status offenders than they do boys charged with minor offenses (e.g., Chesney-Lind, 1977, 1988; Johnson & Scheuble, 1991; Schlossman, 1977; Schlossman & Wallach 1978). Earlier research consistently reported a gender double standard in the sentencing of girls and boys. Juvenile courts incarcerated proportionally more girls than boys charged with status offenses and

sentenced boys charged with delinquency more severely than they did girls (e.g., Bishop & Frazier 1992). More recent studies have reported fewer gender differences in sentencing status offenders once analysts control for present offense and prior record (e.g., Corley, Cernkovich, & Giordano, 1989; Hoyt & Scherer, 1998; Teilman & Landry, 1981; U.S. General Accounting Office, 1995). However, others contend that the definitions of the offenses for which the research control (e.g., status offenses) already reflect gender bias (Alder, 1984). Johnson and Scheuble (1991) summarized the inconsistent research findings on sentencing girls and reported that

the traditional sex role model has more application to less serious types of violations, such as status offenses, for which females are given a more severe penalty than males for violating role expectation. It also has application for the sentencing of repeat offenders. Such behavior by girls is more strongly in violation of gender role expectations than it is for boys and should result in more punitive disposition for the girls. For the more serious violations of the law, the chivalry model may have the most relevance. Girls are more likely to receive leniency and protection from the consequences of the more serious crimes. (p. 680)

Bishop and Frazier (1992) analyzed juvenile courts' use of contempt power to sanction male and female status offenders who violated valid court orders and reported differential treatment and bootstrapping of girls that covertly perpetuated gender bias.

The next analyses look at characteristics of youths in juvenile residential facilities. Police arrest and juvenile courts file petitions, detain, adjudicate, and place boys in institutions at higher rates and for more serious offenses than they do girls. However, the juvenile justice system processes girls for aggravated and simple assaults at higher rates than it does girls charged with other types of offenses, such as property, drugs, and public order crimes (Feld, in press; Snyder & Sickmund, 2006). Rather than examining the cumulative process by which judges place youths in correctional facilities, the Census of Juveniles in Residential Placement provides a 1-day count of youths in residential placements on a biennial basis.

Table 4 adapts the Census of Juveniles in Residential Placement data and reports on juveniles in residential placement (detention and confinement) in 1997, 1999, 2001, and 2003. In 2003, girls constituted about 14% of all delinquents in confinement and 13% of those confined for violent crimes, and both proportions have increased over the four biennia. Nearly three quarters (about 72%) of all girls confined in secure facilities for crimes against individuals were incarcerated for either simple or aggravated

Table 4
Confinement of Boys and Girls for Simple and
Aggravated Assaults, 1997 to 2003

Variable	1997	1999	2001	2003
Total delinquents confined	98,222	102,958	99,297	91,831
Female proportion of all delinquents in confinement	11%	12%	13%	14%
Number of girls confined for all person offenses	3612	4365	4443	4401
Proportion of delinquent offenders confined for all person offenses who are female	10%	12%	13%	13%
Number of girls confined for simple and aggravated assault	2,535	3,147	3,211	3,198
% of total delinquents confined for aggravated assault who are female	12	14	15	16
% of total delinquents confined for simple assault who are female	22	23	24	25
% of girls confined for simple and aggravated assaults as a proportion of all girls' delinquency confinements	23	25	25	25
% of boys confined for simple and aggravated assaults as a proportion of all boys' delinquency confinements	16	16	15	16
Girls' % aggravated assaults to all assaults	45	45	40	38
Boys' % aggravated assaults to all assaults	62	60	54	51

Source: Adapted from Sickmund, Sladky, & Kang (2005).

assault. In 2003, girls constituted about one seventh (13%) of all delinquents confined for aggravated assault and one fourth (25%) of those confined for simple assault. Confinement for simple assault represents the largest proportion for any offense for which states confine girls, and it has increased steadily over the census years.

To highlight the differences between the offenses for which states confine male and female juveniles, in 2003, girls constituted only about one in seven (14%) of all delinquents in confinement. However, states incarcerated one

quarter (25%) of all delinquent girls for either simple or aggravated assaults. By contrast, states confined boys for a more heterogeneous mix of offenses, of which simple and aggravated assaults accounted for only about one seventh (15%).

When changes in confinement for assault are examined, it is found that in each succeeding biennial census, the proportion of girls confined for aggravated and simple assaults increased. Even though boys constituted 92% of all delinquents confined for Violent Crime Index offenses (Sickmund, Sladky, & Kang, 2005), the proportion of girls confined for aggravated assaults, as a percentage of all delinquents confined for aggravated assaults, increased from 12% to 16%. In all four biennia, states confined a majority of all boys for aggravated assaults (62%, 60%, 54%, and 51%) rather than simple assaults. By contrast, the majority of girls whom states confined for assaults were incarcerated for simple assaults rather than aggravated assaults (45%, 45%, 40%, and 38%). Although violent girls may violate gender norms and thereby appear more serious (Schaffner, 1998), by contrast with the boys, larger proportions of girls are confined for less violent and injurious crimes than their male counterparts. The incarceration of larger numbers and proportions of girls for simple assaults suggests a process of relabeling other statuslike conduct, such as incorrigibility, to obtain access to secure placement facilities.

Conclusion and Policy Implications

Juvenile courts adapt to changes in their organizational environment, and institutional maintenance may explain juvenile courts' continued endurance at least as well as their professed ability to achieve their rehabilitative goals (Schwartz, Weiner, & Enosh, 1998; Sutton, 1988). The breadth and mutability of the juvenile court's mission enable it to redefine the boundaries of social control it administers (Sutton, 1988) and allow court personnel to maintain operational stability in the face of the delinquent male "crime drop," with an offsetting increase in female cases (Federle, 2000). DSO coincided with the emergence of a "culture of control," greater emphases on proactive policing, and aggressively addressing minor disorder and law violations (Garland, 2001). "The trend has been to lower the threshold of law enforcement, in effect to arrest or charge up and be less tolerant of low-level crime and misdemeanors, and to be more inclined to respond to them with maximum penalties" (Steffensmeier et al., 2005, p. 363).

The broad discretion available to parents, police, prosecutors, and juvenile court personnel allows them to charge many status offenders as minor delinquents and to “bring status offenders under the jurisdiction of the court at a rate almost as great as had existed prior to the [decriminalization] reform” (Schneider, 1984, p. 367). Courtroom observers report that following DSO, prosecutors charged many girls with criminal offenses for behavior that they previously charged as status offenses (Mahoney & Fenster, 1982). After Washington State temporarily decriminalized status offenders, some police and courts “redefined” them as minor criminal offenders so that juvenile courts could retain jurisdiction and authority over them (Castallano, 1986; Schneider, 1984). Analyses of the changing handling of girls’ simple and aggravated assaults strongly suggest that the perceived growth in girls’ “violence” may reflect a “criminalization of intra-familial conflicts and aggressive behavior,” rather than an actual change in girls behavior (American Bar Association & National Bar Association, 2001, p. 14).

After three decades of DSO, the juvenile justice system remains committed to protecting and controlling girls, but without responding to their real needs. When Congress passed the JJDP Act in 1974, neither the federal nor state governments made substantial or systematic efforts to provide girls with adequate programs or services in the community (Chesney-Lind & Shelden, 2005; Maxson & Klein, 1997). Although the 1992 reauthorization of the JJDP Act included provision for “gender-specific services,” the implementation of that mandate has languished. The failure to provide alternatives to institutional confinement for “troublesome girls” creates substantial pressures within the juvenile justice system to circumvent DSO restrictions by the simple expedient of relabeling them as delinquents by charging them with assault.

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