

Chapter 2

Gender Matters: Using an Ecological Lens to Understand Female Crime and Disruptive Behavior

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Women and girl's crime and disruptive behavior represent important and growing social problems. The increase in criminalization of adolescent girls' behaviors is particularly alarming, as evidence indicates that girls' arrests over the past several decades has been increasing while that of boys has remained constant or decreased. For instance, in 2003, more than 643,000 arrests were made involving juvenile females, representing 29% of all youth arrests. Over 40% of these arrests were for property crime, running away, and curfew violations (Snyder, 2005). Moreover, while the total juvenile arrest rate has been decreasing over the last 20 years, it has been steadily increasing for girls. This increase in the arrest rate has been particularly dramatic for drug abuse violations and violent crime, such as assault (Snyder, 2005).

Scholars across disciplines have increasingly encouraged the development of female-focused theories (Bloom, Owen, & Covington, 2004; Chesney-Lind & Pasko, 2004; Kruttschnitt, 1996; Moffitt, Caspi, Rutter, & Silva, 2001). This chapter presents theoretical and empirical evidence to underscore the importance of social problem definition in the advancement of female-focused theories. In particular, frameworks focusing on social problem definition (Caplan & Nelson, 1973; Ryan, 1972) and gender theory (Anderson, 2005; Lorber, 1994; Stacey & Thorne, 1985; Wood & Eagly, 2002) are used to understand perceptions of girls' criminal behavior and advance implications for future research, policy, and intervention.

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Social Problem Definition

Based on a transactional/ecological framework (e.g., Bronfenbrenner, 1979), one can understand the development of a social problem using multiple levels of analysis. This chapter will focus on the individual (or “micro”), proximal context (or “meso”), and ecological factors (or “macro” levels of analysis) (also see Javdani, 2006). Individual factors can include girls’ traits or characteristics, such as personality, emotion regulation, and psychopathology. Proximal contexts can include settings in which girls participate frequently, such as the home/parenting or school/academic. Ecological factors include distal contexts, such as “macro” social forces, that can affect girls’ less directly, such as gender-based norms, cultural prescriptions, and institutionalized policies and practices (e.g., within the criminal and juvenile justice systems). It is assumed that these levels of analysis are interrelated and mutually affect one another. However, a focus on each and how they can shape perceptions of girls’ offenses can offer important implications for female-focused theories on crime and disruptive behavior. This chapter will argue for the importance of the ecological level of analysis and describe the over-reliance on person-mediated and person-centered approaches, particularly within the field of psychology.

Person-Centered and Person-Mediated Social Problem Definitions

Based on existing research, the dominant conceptualization of girls’ crime and disruptive behaviors has hinged upon the first two levels of analysis: individual and proximal contexts. That is, girls’ pattern of behavior is understood to arise largely because of girls’ individual deviance (e.g., individual differences in personality; Hochhausen, Lorenz, & Newman, 2002) and risky proximal contexts (e.g., history of abuse; poor parenting; Mullis, Cornille, Mullis, & Huber, 2004), respectively. This has resulted in a potentially overly narrow understanding of the social phenomenon of female crime due to the limited attention paid to the ecological level of analysis. Further, though one level of analysis focuses on girls’ risky individual characteristics while the other focuses on risky contexts, both levels may ultimately view girls themselves as the problem. This phenomenon occurs largely at the level of interpretation. Specifically, interpretations can be thought of as being: (1) person-centered or (2) person-mediated.

From the person-centered perspective, the problem is located directly within the individual (e.g., these girls *are* deviant and they think, feel, and behave abnormally). This perspective advances the argument that individual level characteristics of girls result in disruptive behavior. Examples include studies that compare mental health needs of female and male delinquents and demonstrate that a higher proportion of delinquent girls are diagnosed with psychological disorders (e.g., Odgers & Moretti, 2002), often characterized as being more severe (e.g., McCabe, Lansing, Garland,

& Hough, 2002). For instance, a meta-analytic review supports a polygenic multiple threshold model to explain female disruptive behaviors (Rhee & Waldman, 2002). This model purports that, though there are no sex differences in the magnitude of genetic and environmental influences, females require a greater level of etiologic liability in order to express the same level of delinquency as boys. Put colloquially, it “takes more” for girls to become delinquent. Taken together, the person-centered interpretations of female juvenile delinquency share important assumptions and conclusions. In particular, it is assumed that girls’ delinquency *stems from* individual differences and *lies within* individual girls. This research has a decidedly narrow focus: the traits and psychopathology of individual girls. Essentially, the questions posed by this work can be captured by the statement, “what is it about the individual characteristics of these girls that makes them criminals?” Thus, influencing changes in girls’ disruptive behavior is characterized almost exclusively as requiring changes within and control over individual girls. Notable problem solutions dictated by this social problem definition involve mental health treatment and incarceration. Indeed, these interventions are most often administered to delinquent girls (Snyder & Sickmund, 2006).

From the person-mediated perspective, the problem is theorized to have developed as a result of girls’ proximal contexts, but is mediated by individual level characteristics, and thus continues to be located within the individual (e.g., childhood victimization has *made* these girls deviant and think, feel, and behave abnormally). Thus, person-mediated perspectives of female juvenile delinquency suggest that characteristics of an individual’s social, historical, or developmental context has resulted in individual girls’ disruptive behavior. Given its prevalence in this population, delinquent girls’ exposure to a context of childhood victimization is often at the heart of person-mediated interpretations. Generally speaking, the main argument of this approach is that contextual factors lead to changes in individuals, which in turn influence the development of crime and disruptive behavior.

Examples of research in this area include delineating proximal risk factors such as childhood maltreatment, family dysfunction, low income, intergenerational cycles of incarceration, substance use, and co-occurring mental health disorders (Mullis et al., 2004; Odgers & Moretti, 2002). Notably, these risk factors represent multiple dimensions of risk: individual, family, and economic. However, these factors represent risks *for* the individual and are interpreted as such. This work suggests that, due to exposure to such risk, girls are unable to develop healthy identities and relationships and, in turn, become delinquent. For instance, a body of work has examined neurological sequelae of child abuse (e.g., Glaser, 2000). This research suggests that childhood victimization leads to neurological deficits, which in turn influence the development of psychopathology. Abnormal emotions, cognitions, and behavior can then result in delinquency and disruptive behavior. Similarly, an argument for a link between childhood victimization and development of personality disorders has also been advanced (e.g., Feldman-Schorrig & McDonald, 1992). Specifically, this argument states that when abuse is severe and occurs early in life, it affects personality factors such that abused girls tend to *seek out* further victimization. Other research suggests that childhood victimization can result in behavior that

is in and of itself criminal. For example, it is argued that childhood victimization leads to substance abuse and truancy (Lenssen, Doreleijers, van Dijk, & Hartman, 2000), and sexual victimization in particular leads to development of risky sexual behaviors, such as prostitution (Tubman, Montgomery, Gil, & Wagner, 2004).

Taken together, the narratives dictated by the person-mediated approach differ from those of the person-centered approach in that the former do not imply that girls' disruptive behavior directly stems from the girls themselves. Instead, the person-mediated perspective suggests that contextual factors, such as childhood histories of abuse and developmental context, influence changes in individual girls, who are as a result more likely to exhibit disruptive behavior. Thus, delinquency develops through different means. However, this distinction proves to be largely superficial when one reflects that contextual factors are considered important to the extent that they produce changes in individual girls. That is, individual differences mediate the relationship between context and disruptive behaviors in person-mediated approaches, whereas individual differences directly lead to disruptive behaviors in person-centered approaches. As a result, much of the critiques that have been levied against person-centered approaches apply to person-mediated approaches as well.

One important implication of both person-centered and person-mediated approaches is to advance a victim blaming ideology (Caplan & Nelson, 1973; Ryan, 1972), particularly given that a majority of girls involved in the juvenile justice system report childhood histories of abuse (Snyder & Sickmund, 2006). In particular, both perspectives locate the problem of girls' disruptive behaviors within the individual girls, and thereby imply that solving the problem requires changing the girls to reduce their deviant behavior. Furthermore, both perspectives are "othering" (Ryan, 1972) in that they identify differences between delinquent girls and other segments of the population and attempt to explain these differences as the cause of the problem. In so doing, these narratives fail to consider that delinquency is a *social* phenomenon, involving an individual's behaviors, her context, and the system's response to these behaviors; it is insufficient to be concerned with only the individual. Moreover, a narrow and inadequate problem definition results in a flawed understanding and can result in negative consequences for the individuals being studied. One notable difference exists between the two approaches: in theory, person-mediated approaches allow for delinquency to be affected by either changing individual girls *or* changing their contexts. Still, since the contextual forces that are often implicated within this approach take their toll before delinquency occurs (e.g., abuse has occurred, the family has been dysfunctional), changing the individual girl remains the most prevalent option in practice.

Ecological-Level Social Problem Definition

Another explanation for the prevalence and persistence of female crime and disruptive behavior is advanced by an ecological perspective. This argument is echoed in Schur's (1983) explanation, which states, "[d]eviance is not simply a function of a

person's problematic behavior; rather it emerges as other people define and react to a behavior as being problematic" (Schur, 1983, as cited in Girschick, 1999, p. 20). The justice system is a major social institution that defines and helps respond to crime; as such, its response to female crime can influence perspectives on what type of behavior, committed under what circumstances, and against what parties, constitutes *antisocial* behavior (i.e., shapes the social problem definition of female crime). Moreover, research suggests that individual characteristics and proximal contexts explain only about half of the variance associated with antisocial behavior, leaving a full 43% of the variance unaccounted for (e.g., twin and adoption studies; Rhee & Waldman, 2002), underscoring the importance of other levels of analysis. For women and girls' crime and disruptive behavior, there are at least two interrelated ecological levels of analysis, often overlooked by person-mediated and person-centered perspectives: the response of the criminal and juvenile justice systems and gendered norms and prescriptions.

Empirical evidence suggests that the response of the criminal and juvenile justice systems differ based on gender (e.g., Chesney-Lind & Pasko, 2004; Chesney-Lind & Sheldon, 2004; Javdani, Sadeh, & Verona, 2011). More specifically, research suggests that the increase in female arrests is at least partly due to shifts in institutionalized policies and practices, rather than being only a reflection of a rise in women and girls disruptive behaviors. As echoed previously (e.g., Chesney-Lind & Pasko, 2004), and as reviewed in a recent paper (Javdani et al., 2011), specific institutional policies may have promoted an increase in female arrest and incarceration. Particular categories of offenses for which women and girls may be increasingly affected include status offenses (e.g., running away from home), drug offenses (e.g., drug use and distribution), and domestic violence-related assaults (e.g., aggravated battery; Javdani et al., 2011). Particular institutionalized policies and practices that may implicate the system's response involve re-labeling status offenses to violent offenses (e.g., "other assaults"), bootstrapping (i.e., re-arrest due to violation of a court order), increased criminalization of drug offenses and addiction, and pro- and dual-arrest practices involving domestic and partner violence (see Javdani et al., 2011 for a review). The implication of research in this area is that the system's response to female crime may contribute to the patterns of offenses and the resulting interpretations for women and girls' behavior.

A second, and related, ecological level of analysis is that of gender. Gender theorists have argued that gender as a construct itself operates at an ecological level of analysis (e.g., Anderson, 2005; Lorber, 1994; Stacey & Thorne, 1985; Wasco & Bond, 2010). That is, gender is not only an individual attribute but also a structural grouping variable that "places women and men into unequal categories, roles, and occupations" (Anderson, 2005; p. 858). Thus, at the ecological level, gender manifests in the form of gender-related power dynamics that operate partly independently of an individual's motivations and behaviors. A classic example is that of institutionalized practices and policies that create barriers to women's capacity to obtain leadership positions across a variety of organizational roles (e.g., see Eagly & Johnson, 1990). An ecological understanding views the organizational response (e.g., organizational policies creating barriers for women leaders to attend

to family responsibilities) as part of this social problem and does not interpret the existence of disproportionately fewer women leaders as a reflection of women's individual characteristics (e.g., lack of assertiveness). Gender becomes particularly important in its intersection with the justice system's response to women and girls' crime. That is, the justice system's response necessitates an examination of the potentially gendered institutional processes that can disproportionately impact women and girls, and which ultimately reflect the instantiation of gender-biased policies and practices. This understanding of gender implicates the response of the justice system in promoting inequality and maintaining women's subjugation by levying a differential response based on gender. In particular, evidence in a recent review indicates that gendered practices characterize the institutional response regarding status, drug, and domestic violence-related offenses, such that these practices have been associated with a greater increase in female versus male arrest and incarceration (Javdani et al., 2011).

Social Problem Definition Operating in Girls' Lives

The next section exemplifies the need for an ecological problem definition using qualitative interviews with girls involved in the juvenile justice system. Girls' narratives ($n=19$) were collected during 1 year of a research study assessing the effectiveness of an intervention called the Girls Advocacy Project (see Javdani & Allen, in preparation). Narratives are reported here as a way to exemplify the context surrounding girls' disruptive behaviors. Interviews were collected as part of a larger interview that included quantitative and qualitative components. Excerpts reported here were collected during a semi-structured qualitative component during which girls were asked to "tell me a little bit about how you got involved with the juvenile justice system?" Narratives serve to highlight the contexts surrounding the particular offense categories described above (status, drug, and domestic violence).

Re-labeling Status Offenses into Violent Offenses

Status offenses constitute crimes for which juveniles, but not adults, can be arrested and include behaviors such as running away from home, curfew violations, and truancy. Historically, girls' arrests have fallen under categories such as "incurability," which often occurred when girls were disobedient, particularly at home. This section will provide examples of instances during which girls "disobedience" at home has been re-labeled formally as violent offenses.

One girl's account highlights this dynamic well. This participant was arrested and incarcerated at the age of 12 and continues to be involved in the juvenile justice system 4 years later. She explains the context surrounding this arrest, which was for a domestic battery against her uncle, who was not arrested or charged with an

offense during this incident. When asked what the fight was about, this participant replies, “Ribs.” She elaborates:

It was on the fourth of July when I got um, arrested because, I was with my... my uncle arguing, and so, he hit me, I hit him ...and [he called the police and].... [After the police came] ... I went to my room and they came and they asked me questions and stuff...and then they sent me to jail...[*What led up to the fight?*]... [My uncle] was drinking....I wanted to check on the food [the ribs], but he was drunk and he was in charge, and I just wanted to look in there, I wanted to see if it was done, because I didn't want it to burn because I was hungry, and...he [got mad]... and ... started to swinging [at me].

At first glance, the formal charge of a violent offense may seem justified, given that the participant admits to hitting her uncle back. From a person-centered perspective, one could argue that this participant has problems with impulsivity and managing her anger. She stepped “out of line” in hitting an adult, who must have thought the threat was serious enough to call the police. From a person-mediated perspective, one can take the proximal context of this girl’s life into consideration. For instance, her uncle’s drinking may be a problem in her home context. In addition, this participant later elaborates several other disruptive elements at home, including her mother’s drug use and her brother’s involvement in local gangs. One can argue that these contexts create chaos in the participant’s life and have left her with a paucity of skills to regulate her emotions and her actions. From both perspectives, this girl’s actions are ultimately a problem, whether they exist in isolation (person-centered) or as a result of her problematic home environment (person-mediated).

Indeed, the response that was levied by law enforcement and later the local juvenile court betray their adherence to person-centered and person-mediated interpretations. Specifically, this participant was removed from her home, incarcerated for 1 month, and further sentenced to probation as a result of this offense. Her charge was aggravated battery, for which she was mandated to anger management courses, a curfew, and monitoring of her school attendance. She later reports that she did not comply with this court order, resulting in several technical violations of her probation, consistent with the pattern of “bootstrapping” other offenses onto an original offense.

What the system’s response, at several phases, did not consider was a need to change this participant’s context, and not focus solely on changing her behavior. This is most striking in the fact that the participant’s uncle was not also responded to in formal or informal ways. A more critical examination of her context demonstrates that the argument that occurred was about this participant’s desire to keep her dinner from burning. At most, this could be thought of as a minor act of disobedience to house rules that are not illegal. An ecological level of analysis would argue for almost a completely different response to this young lady that did not center on anger management or scrutiny of her school-related behaviors. Given the situation leading up to her arrest, neither anger nor academic problems were implicated. A potentially more effective response would center around changing key aspects of her context, for instance, helping her acquire needed resources (e.g., who to call if her uncle’s drinking escalates), how to obtain food if she is hungry, and obtaining resources for her legal guardians.

This pattern was not an isolated one and was reported by more than half of participants. In some situations, the original offense for which the police were called was for a status offense. However, even in this situation, the formal offense was still for a violent crime. Another participant's narrative demonstrates this pattern. She describes an argument with her mother that occurred when she was 13 years old. Similar to the last participant's narrative, an in-home disagreement resulted in this girl's arrest and later incarceration. As she notes, her mother called the police to report the participant as a runaway. The system assigned her probation and mandated anger management, which the participant did not fully complete. After being placed in violation of her court order, she was detained again and is awaiting sentencing. She describes:

I got in a fight with my mom....She called the police and I went to jail. But basically, she told the police that I hit her first, cuz she didn't wanna go to jail. So, I just was [I told the police] like, I did hit her first, I didn't wanna...like make her, I didn't want her to go to jail she had too much going for herself to go to jail. So I just said I did, I did hit her first myself....*[what actually happened?]*...well, she hit me first, she got mad over, cuz I didn't do something for her so she just hit me. I was just like, I was just defending myself...and like hurtin' me and I'm just sitting there, not sayin' nothing or cryin' or somethin', well I wanted to defend myself and I did...and I guess she think I'm not supposed to defend myself. And I am. Well, she called the police when I left out of there. And then we fightin', I like walk out the door, I went to stand outside. Cuz she wanted to keep, she wanted to keep fightin' me, and I didn't wanna keep fightin' her, and I was getting' tired, so I walked out the door and standed outside, so I guess she called the police and told em' I was runnin' away or somethin'. *[Had you run away?]* ... No I was standin' outside of the house. She thought I was, she thought I was runnin' away when I went outside. *[What was the fight about?]* ...It was on a Saturday. And I was asleep, she woke me up, told me, she called my name, or somethin' and we just got in a fight. She hit me. So I took a couple hits on her, and I got tired of hitting her and asked her to stop, she wouldn't stop, so I started fightin' back.

This participant later describes that her mother frequently called the police for other issues, such as school tardiness and truancy. As she later narrates, she felt that she was labeled as a "troublemaker" and, eventually, began to be charged for more serious offenses and formally charged and detained, even though her behavior did not escalate:

The police that came there, cuz, we, like every time we'd be late, she called the police on us, and they'd always come over there and take us to school. [My mom] would call the police cuz she think that I'm not gonna go to school and I was gonna go. So she'd call the police, and the police would show up, and I guess they got tired of showin' up and they just took me to jail.

Similar to the previous narrative, person-centered and person-mediated interpretations would center around this participant's anger problems (hitting her mother back) and impulsivity (leaving her house before the argument was resolved). Indeed, the mandates for her to participate in an intensive anger management program suggest that her anger was thought to be a core concern. Further, despite the original call to law enforcement being for running away, the participant was charged with a much more serious offense once the argument with her mom was explained. What was overlooked was the fact that police saw her outside her home when they arrived, suggesting that she had not intended to run away from home, but rather

because “I didn’t want to keep fighting.” Ironically, this is a technique taught by anger management programs—to walk away from situations that may escalate. However, instead of charging this youth as a runaway, or not charging her at all, she was labeled as a violent offender and asked to complete a program in which she could obtain skills she was already demonstrating. Further, it appears from this participant’s second quote that the system’s response was related to its familiarity with this particular family, such that they “got tired of showin’ up and they just took [her] to jail.” Thus, the response of the system did not seem consistent with the seriousness of the particular act for which police were called (running away), but seemed to be a product of their perception of this girl as unruly and the frequent calls to police on the part of her mother. If an ecologically centered response had been levied, key targets for intervention could have included parenting practices for the participant’s mother and obtaining needed resources to reduce further legal contact (e.g., a bus pass so the participant reduced school tardiness because of a long walk).

Drug-Related Offenses

Participants also frequently described being charged with drug-related offenses. Though there has been a surge in these offenses after implementation of particular policies, such as those constituting the “war on drugs,” evidence indicates that women and girls have been disproportionately affected (e.g., Bush-Baskette, 2000; Mauer, Potler, & Wolf, 1999). Additionally, research suggests that the contexts surrounding female drug charges are qualitatively different from that of men, with women participating in drug distribution more frequently by virtue of their association with higher-level male dealers (Javdani et al., 2011). However, as a result of particular drug policies (e.g., Anti-Drug Abuse Acts of 1986 and 1988; Bush-Baskette, 2004) women are increasingly charged with more serious offenses and levied harsher sentences. As Nagel and Johnson (2004) state, sentences of drug offenders are more likely to be determined “by the size of the conspiracy in which they are a participant, rather than by their role in the conspiracy” (p. 220).

One girl’s account highlights the impact of some of these policy changes well. This participant was arrested for drug charges and conspiracy charges (for not providing police with accurate information) when she was 13 years old. She describes that she received drugs from a boyfriend and felt that she had little choice in “running” the drugs he gave her and giving them to her cousin, who had purchased the drugs. She later discovered that this boyfriend was dealing a large amount of drugs at school and had several girls storing and “running” drugs for him within the school:

Um...when I was in 7th grade ...this boy...had, gave me some drugs to give it to uh...ma cousin, and um...I had...ok. Then, I went back...to class-, cause I was coming from the bathroom. I went back to class ...then, when I came back after bathroom, he had gave it to me, didn’t give it to...ma cousin...[I found out later]...that other girls had been hold[ing] the drugs for...him also. But I didn’t, like I wasn’t intending to hold it. [So later that day]... the

attendance lady [caught another girl]...[She] told on me [and] I went to the office. But [by that time], I had already passed it to the person who supposed to have been passed to, but then I got in trouble because I [didn't] lie] ...I don't know I was just so scared I just couldn't even think. [When the police came] ... they just kept on pressuring me to tell them like who gave it to me or whatever, and they was just telling me all the bad thing that's what happen to me if I didn't tell. So, I end up telling them [about my cousin but not my boyfriend].

From a person-centered perspective, it can be argued that this participant engaged in poor decision making in several instances. Chief among them are her choice to accept “running” the drugs for her boyfriend and her unwillingness to tell police that her boyfriend was involved in drug distribution at her school. An appropriate response to this might be to demonstrate, through punishment, the consequences of these decisions. This exactly characterized the actual nature of the system’s response, which included incarceration and probation for this participant.

From a person-mediated perspective, this participants poor decisions can be related to the peer pressure she felt from her boyfriend and the existence of drugs at her school (the setting in which she was peer pressured); both of which can be thought of as proximal contexts that influenced the participants poor choices. In addition to punishment advocated by the person-centered perspective, the person-mediated perspective might also engage this girl in skill building around negotiating and asserting needs when faced with peer pressure. However, these were not part of the actual response of the system in this case; the formal response instead focused on punishment, as the participant was not offered services other than incarceration and mandatory drug testing as a consequence of her probation.

From an ecological perspective, several other factors should be considered important. Key among them are gender dynamics surrounding both of this participant’s decision points—accepting the drugs and keeping information from the police. How is gender at play at the ecological level? As others have argued (e.g., Miller, 2008), gender-based dynamics operate outside this individual girl and can work to systematically limit her choices in important ways. At the first decision point, her loyalty to her boyfriend and the consequences of violating this loyalty may have played an important role in her choice to take the drugs from him (see Miller, 2008). Indeed, it has been argued that these gendered social forces can be so strong that they serve to systematically limit choices (Lorber, 1994). This concept is consistent with theories of gender-based oppression (e.g., Frye, 1995), which argue that the social press to act in accordance with gender-congruent roles creates a limited opportunity structure in which the choice *not* to engage in a gender-congruent action (e.g., being loyal to one’s boyfriend and doing what he asks) is associated with costs that far exceed the benefits of acting in gender-incongruent ways (e.g., expressing dissent). Similarly, at the second decision point, this participant acted in the role of protector and incurred harm in the form of obtaining a conspiracy charge in order to protect her romantic partner. Again, the cost of being disloyal and harming her relationship may, in this girl’s life, be greater than the cost of harming herself. This is particularly evident given that the participant did not lie about her own role in the offense even though police did not find any drugs in her possession, but she refused to tell the truth about her boyfriend’s role in the situation.

The system's response to this incident did not account for these gender-based dynamics. Moreover, it worked to aid in the protection of the individual most responsible for the distribution of drugs at this school—the participant's boyfriend. This is evident in the fact that no incentives, resources, or benefits were provided for the participant if she did provide information about her boyfriend to the police; rather, she only incurred punishment if she did not comply. One can infer that the justice system's response does not account for the difficulties, based on gendered dynamics, which are inherent in this participant's refusal to accept the task of running drugs for her boyfriend. In short, for this participant, saying no to her partner may be much more difficult than the justice system currently understands it to be. Further, she was charged for higher-level drug possession and distribution offenses because law enforcement was aware of the scope of this drug problem at the school. Indeed, police were not aware of the quantity of drugs she was carrying and assumed it was a large amount because of the serious drug distribution problem at her school. In this way, the participant's own role and actions in the situation were less important than the scale of the situation itself. Ecologically centered responses could have focused on changing the school context to reduce opportunities for girls to be engaged in "running" drugs (e.g., monitoring bathrooms), protecting low-level offenders such as this participant instead of punishing them in order to increase the probability of hindering higher-level drug distributors, and providing education regarding individual rights to set limits and negotiate needs, particularly with romantic partners.

Domestic Violence-Related Offenses

A final offense category examined with respect to the ecological perspective is that of domestic violence offenses. This is a particularly important area given that women often report engaging in violence in the context of interpersonal relationships (Archer, 2000; Ehrensaft, Moffitt, & Caspi, 2004), while about 5% of women charged with domestic violence offenses report generally violent behavior across contexts (Miller & Meloy, 2006). Further, women and girls report motivations consistent with self-defensive and frustration-response behavior (Muftic & Bouffard, 2007). In recent years, changes in arrest policies have promoted an increase in the percentage of women arrested for domestic offenses (Blumner, 1999 as cited in Miller, 2001; Pollock & Davis, 2005; Zorza & Woods, 1994). Specifically, implementation of pro-arrest policies were advocated following the battered women's movement to increase accountability for batterers, including policies that mandate arrest given any evidence of violence (see Feder & Henning, 2005; Miller, 2001 for historical reviews). However, in practice, women in abusive relationships engaging in any type of violence, including self-defense, have been less likely to be characterized as victims and are increasingly being arrested under these laws (Chesney-Lind, 2002; DeLeon-Granados, Wells, & Binsbacher, 2006). As both quantitative and qualitative investigations with adolescent girls suggest, violence in the context of romantic relationships is a growing social problem for young women

(Miller, 2008) and at the root of a multitude of arrests for girls' violent crime (Brown, Chesney-Lind, & Stein, 2007).

A majority of participants reported dating violence, both mutual and unreciprocated, during their interviews. One participant's account helps delineate the context surrounding domestic violence-related offenses. This participant describes being in an abusive relationship with a boyfriend who physically and sexually assaulted her over the course of their relationship. Despite the fact that violence within the relationship was usually directed at her and, at times, mutual, she ended up being the sole party charged with assault. As she goes on to explain, the response she received was consistent with pro-arrest policies encouraging arrests when physical evidence is collected at the crime scene. As this participant describes, her destruction of her boyfriend's property (e.g., t-shirts) provided the evidence necessary to arrest her, despite the fact that these items were destroyed without physically attacking her romantic partner:

I was sleeping and my boyfriend was hitting on me and I got up and I was the aggressor in the fight. Because every time the police showed up...it was his stuff that was ripped up, even when they came like all my hair was out, like he pulled all my hair out, I had marks... like on my neck and my face, I always, I still ended up going to jail, so. ...I had...the marks on my face all he had was a ripped shirt. So he was the aggressor in the fight, but I was jailed because I started it. [*did your boyfriend go to jail too?*]... No.

This was not the only incident of abuse this participant described having endured in the context of this romantic relationship. She also describes that this was not the only time when physical marks were left on her body, but as she states later, the physical marks were from a previous incident with this same partner. Because law enforcement perceived that the ripped t-shirt of her boyfriend was from the current incident, but could not ascertain that the marks on the participant's body were from the same incident, she was ultimately arrested and he was not. In addition, her partner's action to call the police and report that his girlfriend had "started it" seemed to be enough to warrant her arrest. When asked why she thought he was not also arrested, her response directly implicates the response of the justice system:

Because like, they took more time out to talk to him... and ...I wasn't really calm about it. [When the police took me] I'm thinking he taking me home, but he told me I was under arrest. [After this happened a few times] I had a list of battery charges and I thought I wasn't going to get out of jail because I was already on probation for a domestic battery charge

This description further contextualizes the response of the justice system: she was not calm, presented as angry, and did not feel she had enough time to explain the circumstances of the fight and the broader context of abuse to law enforcement, whereas her partner appears to have been able to relay his side of the story. Thus, despite several instances in which violence was directed solely at the participant and had left physical scars, the justice system's response did not take this broader context of abuse into account in their response to the incident.

Similar to the preceding accounts from other participants, the person-centered and person-mediated perspectives may seem reasonable. From the person-centered perspective, it may be reasonable to assume this participant has violent tendencies that are extreme enough to lead her to destroy her partner's property. This is further

corroborated by the fact that her partner was the “first to get to the phone” and call law enforcement.

From a person-mediated perspective, the participant may be viewed as “fragile” or characterized by emotion regulation deficits and poor decision making; a pattern consistent with battered women’s syndrome (Fernandez, 2007). Inherent in this conceptualization is the argument that an environmental stressor, such as abuse, changes the cognitions, emotions, and behaviors of the victim in ways that are maladaptive. The solution in both cases is to change the woman’s behaviors, emotions, and cognitions and, in so doing, place the burden of change on the battered woman, consistent with the victim blaming ideology (Ryan, 1972).

From an ecological perspective, the gendered response of the justice system demonstrates shortcomings in the scenario. For instance, one important event that seemed to shape the response of the system was the fact that the participant’s boyfriend “got to the phone first.” A false assumption that neglects gender-based dynamics including coercive control and fear in a battering relationship could assume that the person who calls the police was under the greatest threat (Miller, 2001). However, the opposite could indeed be the case, especially given that the participant later describes being afraid of retaliation on the part of her partner if she were to call the police. This participant does not recall being screened for previous abuse in this relationship and was not asked about feeling coerced or afraid. In the interview with our team, she reports dynamics in her relationship consistent with coercive control. Thus, a key difference in the response to this situation from an ecological perspective would occur as soon as law enforcement arrive: screening of relationship dynamics separately and in a safe environment, assessing the extent to which the destruction of the partner’s clothing actually constituted a threat of *violence* against her partner, and assessing the participants perceived fear. Perhaps most importantly, providing resources for this participant that could provide her with support and education for navigating an abusive relationship so that she could be aware of her actual choices and how, in this case, law enforcement could have providing meaningful, instrumental support.

Though not all domestic violence calls are responded to in this way, this particular scenario underscores the shortcomings of the system’s response. In particular, the system, in its effort to provide “equal treatment” under the law may have actually undermined the spirit of pro- and dual-arrest policies, which were historically created within the battered women’s movement to promote batterer accountability. A failure to understand gender dynamics of power and control involved in an abusive relationship such as this will almost certainly result in *unequal* treatment and work to punish the most vulnerable parties.

Conclusions

This chapter has presented three different ways to understand the social problem of women and girls crime and disruptive behavior: person-centered, person-mediated, and ecological. Despite contributions from each of these three perspectives to an

understanding of female crime and antisocial behavior, it is argued that an over-reliance on person-centered and person-mediated approaches can advance a dangerously narrow view that places blame on the individual emotions, thoughts, and behaviors of women and girls, to the exclusion of understanding the broader ecological context in which their offenses arise. The response of the justice system and the operation of gendered prescriptions are two interrelated dimensions of the ecological perspective that operate in women and girls' lives, but are ultimately given little attention in both the understanding of, and social response to, female crime.

References

- Anderson, K. L. (2005). Theorizing gender in intimate partner violence research. *Sex Roles, 52*, 853–865. doi:10.1007/s11199-005-4204-x.
- Archer, J. (2000). Sex differences in aggression between heterosexual partners: A meta-analytic review. *Psychological Bulletin, 126*, 651–680. doi:10.1016/S1359-1789(01)00061-1.
- Bloom, B., Owen, B., & Covington, S. (2004). Women offenders and the gendered effects of public policy. *The Review of Policy Research, 1*, 31–48. doi:10.1111/j.1541-1338.2004.00056.
- Bronfenbrenner, U. (1979). *The ecology of human development*. Cambridge, MA: Harvard Press.
- Brown, L. M., Chesney-Lind, M., & Stein, N. (2007). Patriarchy matters: Toward a gendered theory of teen violence and victimization. *Violence Against Women, 13*, 1249–1273.
- Bush-Baskette, S. (2000). War on drugs and the incarceration of mothers. *Journal of Drug Issues, 30*, 919–928.
- Bush-Baskette, S. (2004). The war on drugs and the incarceration of mothers. In P. J. Schram & B. Koons-Witt (Eds.), *Gendered (in)justice: Theory and practice in feminist criminology*. Long Grove, IL: Waveland Press.
- Caplan, N., & Nelson, S. D. (1973). On being useful: The nature and consequences of psychological research on social problems. *American Psychologist, 28*, 199–211.
- Chesney-Lind, M. (2002). Criminalizing victimization: The unintended consequences of pro-arrest policies for girls and women. *Criminology and Public Policy, 2*, 81–90. doi:10.1111/j.1745-9133.2002.tb00108.
- Chesney-Lind, M., & Pasko, L. (2004). *Girls, women, and crime*. Thousand Oaks, CA: Sage.
- Chesney-Lind, M., & Shelden, R. G. (2004). *Girls, delinquency, and juvenile justice*. Belmont: Wadsworth/Thomson Learning.
- DeLeon-Granados, W., Wells, W., & Binsbacher, R. (2006). Arresting developments: Trends in female arrests for domestic violence and proposed explanations. *Violence Against Women, 12*, 355–371.
- Eagly, A. H., & Johnson, B. T. (1990). Gender and leadership style: A meta-analysis. *Psychological Bulletin, 108*, 233–256.
- Ehrensaft, M. K., Moffitt, T. E., & Caspi, A. (2004). Clinically abusive relationships in an unselected birth cohort: Men's and women's participation and developmental antecedents. *Journal of Abnormal Psychology, 113*, 258–270. doi:10.1037/0021-843X.113.2.258.
- Feder, L., & Henning, K. (2005). A comparison of male and female dually arrested domestic violence offenders. *Violence and Victims, 20*, 153–171. doi:10.1891/vivi.2005.20.2.153.
- Feldman-Schorrig, S. P., & McDonald, J. J. (1992). The role of forensic psychiatry in the defense of sexual harassment cases. *The Journal of Psychiatry & Law, 20*, 5–33.
- Fernandez, L. K. (2007). Battered women's syndrome. *The Georgetown Journal of Gender and the Law, 8*, 235.
- Frye, M. (1995). Oppression. In M. L. Anderson & P. Hill Collins (Eds.), *Race, class, and gender* (pp. 1–16). New York, NY: Wadsworth Publishing Company.

- Glaser, D. (2000). Child abuse and neglect and the brain—A review. *Journal of Child Psychology and Psychiatry*, *41*, 97–116.
- Hochhausen, N. M., Lorenz, A. R., & Newman, J. P. (2002). Specifying the impulsivity of female inmates with borderline personality disorder. *Journal of Abnormal Psychology*, *111*, 495–501.
- Javdani, S. (2006). Challenging the dominant narrative surrounding female juvenile delinquency: Toward a new problem definition. *The Community Psychologist*, *36*, 36–39.
- Javdani, S., Sadeh, N., & Verona, E. (2011). Gendered Social Forces: An examination of the impact of the justice systems' response on women and girls' criminal trajectories. *Psychology, Public Policy, and Law*, *17*, 161–211.
- Kruttschnitt, C. (1996). Contributions of quantitative methods to the study of gender and crime, or bootstrapping our way into the theoretical thicket. *Journal of Quantitative Criminology*, *12*, 135–161. doi:10.1007/BF02354413.
- Lenssen, S. A. M., Doreleijers, T. A. H., van Dijk, M. E., & Hartman, C. A. (2000). Girls in detention: What are their characteristics? A project to explore and document the character of this target group and the significant ways in which it differs from one consisting of boys. *Journal of Adolescence*, *23*, 287–303.
- Lorber, J. (1994). *Paradoxes of gender*. New Haven: Yale University Press.
- Mauer, M., Potler, C., & Wolf, R. (1999). *Gender and justice: Women, drugs, and sentencing policy*. Washington, DC: The Sentencing Project.
- McCabe, K., Lansing, A. E., Garland, A., & Hough, R. (2002). Gender differences in psychopathology, functional impairment, and familial risk factors among adjudicated delinquents. *Journal of the American Academy of Child and Adolescent Psychiatry*, *41*, 860–867.
- Miller, S. (2001). The paradox of women arrested for domestic violence: Criminal justice professionals and service providers respond. *Violence Against Women*, *7*, 1–24. doi:10.1177/10778010122183900.
- Miller, J. (2008). *Getting played: African American girls, urban inequality, and gendered violence*. New York: NYU Press.
- Miller, S. L., & Meloy, M. L. (2006). Women's use of force: Voices of women arrested for domestic violence. *Violence Against Women*, *12*, 89–115. doi:10.1177/1077801205277356.
- Moffitt, T. E., Caspi, A., Rutter, M., & Silva, P. A. (2001). *Sex differences in antisocial behavior: Conduct disorder, delinquency, and violence in the Dunedin longitudinal study*. Cambridge, UK: Cambridge University Press.
- Muftic, L. R., & Bouffard, J. A. (2007). Evaluation of gender differences in the implementation and impact of a comprehensive approach to domestic violence. *Violence Against Women*, *13*, 46–49. doi:10.1177/1077801206295131.
- Mullis, R. L., Cornille, T. A., Mullis, A. K., & Huber, J. (2004). Female juvenile offending: a review of characteristics and contexts. *Journal of Child and Family Studies*, *13*, 205–218.
- Nagel, I. H., & Johnson, B. L. (2004). The role of gender in a structured sentencing system: Equal treatment, policy choices, and the sentencing of female offenders. In P. J. Schram & B. Koons-Witt (Eds.), *Gendered (in)justice: Theory and practice in feminist criminology*. Long Grove, IL: Waveland Press.
- Ogders, C. L., & Moretti, M. M. (2002). Aggressive and disruptive girls: Research update and challenges. *International Journal of Forensic Mental Health*, *1*, 103–119.
- Pollock, J. M., & Davis, S. M. (2005). The continuing myth of the violent female offender. *Criminal Justice Review*, *30*, 5–29. doi:10.1177/0734016805275378.
- Rhee, S. H., & Waldman, I. D. (2002). Genetic and environmental influences on antisocial behavior: A meta-analysis of twin and adoption studies. *Psychological Bulletin*, *128*, 490–529. doi:10.1037/0033-2909.128.3.490.
- Ryan, W. (1972). The art of savage discovery: How to blame the victim. In *Blaming the victim* (pp. 3–30). New York: Random House.
- Schur, E. M. (1983). *Labeling women deviant: Gender, stigma, and social control*. Philadelphia: Temple University Press.
- Snyder, H. N. (2005). *OJJDP Juvenile Justice Bulletin: Juvenile Arrests 2003*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

- Snyder, H. N., & Sickmund, M. (2006). *Juvenile offenders and victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Stacey, J., & Thorne, B. (1985). The missing feminist revolution in sociology. *Social Problems*, 32, 301–316. doi:10.1525/sp.1985.32.4.03a00010.
- Tubman, J. G., Montgomery, M. J., Gil, A. G., & Wagner, E. F. (2004). Abuse experiences in a community sample of young adults: Relations with psychiatric disorders, sexual risk behaviors, and sexually transmitted diseases. *American Journal of Community Psychology*, 34, 147–162.
- Wasco, S., & Bond, M. A. (2010). The treatment of gender in community psychology research. In J. Chrisler & D. McCreary (Eds.), *Handbook of gender research in psychology*. New York, NY: Springer. doi:10.1007/978-1-4419-1467-5_26.
- Wood, W., & Eagly, A. H. (2002). A cross cultural analysis of the behavior of women and men: Implications for the origins of sex differences. *Psychological Bulletin*, 128, 699–727. doi:10.1037/0033-2909.128.5.699.
- Zorza, J., & Woods, L. (1994). *Mandatory arrest: Problems and possibilities*. New York: National Center on Women and Family Law.



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