



FEMALE OFFENDING IN THE JUVENILE JUSTICE SYSTEM

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Trends in Girls' Violence: Reports of Arrests.

- Gap between juvenile female and juvenile male arrests for aggravated assault has declined
- Female arrests for simple assault have increased while male arrests for simple assault have declined

	Males			Females		
	1996	2005	% Change	1996	2005	% Change
Aggravated Assault	36,972	28,312	-23.4	9,152	8,655	-5.4
Simple Assaults	99,610	95,555	-4.1	38,240	47,402	+24.0

(National Center for Juvenile Justice 2007)

Trends in Girls' Violence: Reports of Arrests.

- Levels of assault for juvenile females and males have been fairly constant over the past two decades
- Female involvement in violence has not increased relative to male violence
- There has been more change in girls' arrests than in underlying violent behavior of girls



Pre-Adjudication Detention

- December 1992, the Annie E. Casey Foundation launched project known as the Juvenile Detention Alternatives Initiative (JDAI)
- 1985 -1995, the number of youth held in secure detention nationwide increased by 72% (Sherman 2005)
- Less than one-third of the juvenile offenders in detention were charged with a violent offense (Sherman 2005)
- More youth were placed in detention for status offenses with violations of court orders accounting for 39.9% of detention population (Sherman 2005)

Result of Failed Protections?



- Incarceration or detention of status offenders is against the law under the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974.
- 1980 amendment allowed for the practice of a Valid Court Order (VCO).
- The VCO “provides that status offenders found in contempt of court for violating a valid court order may be placed in secure detention facilities” (Bishop & Frazier, 1992).
- “Bootstrapping”: courts detain females through findings of contempt of court, probation violations, or violations of court orders for underlying status offenses or minor delinquency (Sherman 2005).

Result of Failed Protections?



- 1990 – 1999: 50% increase in the number of female delinquency cases entering detention centers in the United States
 - Only a 4% increase for male juvenile delinquency (Sherman 2005).
- 2001: Females comprised 19% of detained youth, but were almost twice as likely as boys to be detained for technical violations and status offenses (Sickmund et al. 2004).
- Technical violations and status offenses accounted for 41% of detentions for female juvenile offenders and 25% for their male peers.
- In some states female offenders comprised more than 70% of youth detained for status offenses (Sickmund et al. 2004).

Result of Failed Protections?



- The Juvenile Offenders and Victims 2006 National Report indicates that the “proportion of females” held in custody had “increased over the years from 13% in 1991 to 15% in 2003” (Snyder and Sickmund 2006).
- Female proportion was greater among status offenders held (40%)” than for other offenses (Snyder and Sickmund 2006).
- Female juvenile offenders “represented a much larger proportion of status offenders than delinquent offenders in custody” with a difference of 40% and 14% respectively (Snyder et al. 2006).

Bootstrapping



- A typical male status offender had a 37.6% chance of receiving a formal referral to a juvenile court (Bishop and Frazier, 1992).
 - Increases to 45.7% if he was referred for contempt of court
- Female status offender had a 31.2% chance of a formal referral to a juvenile court
 - increase to 69.7% if she was referred for contempt of court (Bishop and Frazier 1992).
- The repeat male status offender had a 3.9% chance of incarceration if he was referred for a status offense.
 - Incarceration increased to 4.4% if he was found in contempt of court.
- The repeat female status offender had a 1.8% chance of incarceration if referred for a status offense
 - Increase incarceration to 63.2% if she was found in contempt of court (Bishop and Frazier 1992).

Justice by Gender?



- A majority of the juveniles were male, nearly half were Hispanic, most committed misdemeanor offenses, and almost 20% were sent to either a secure (incarcerated) or non-secure placement as a condition of the disposition.
- Of the juveniles with dispositional decisions resulting in supervision, males accounted for almost 80% and approximately half were Hispanic.
- Notably, there was only a 3.7% difference between the number of White and Black juveniles with dispositional decisions resulting in supervision.
- Only a little less than 6% of juveniles disposed for bootstrap level offenses resulted in formal supervision as a result of a juvenile court dispositional decision.

Table 1: Characteristics of juveniles in Texas with dispositions resulting in supervision in 2004. (N = 29,632)

Variable		Frequency	Percent
Gender	Male	23494	79.3
	Female	6138	20.7
Race	White	8477	28.6
	Hispanic	13484	45.5
	Black	7373	24.9
	Other	298	1
Offense	Felony	9730	33.1
	Misdemeanor	13220	44.9
	Violation Probation	4788	16.2
Placement	Bootstrap	1698	5.7
	No Placement	23903	80.7
	Placement	5729	19.3

Table 2: Analysis of predictor variables for female and male juvenile offenders in 2004 by disposition. (N = 29,632)

Variable		No Placement (%/n)	Placement	Chi-Square
Gender	Male	79.8	20.2	60.175*
		18738	4756	
	Female	84.1	5.9	2272.194*
		5165	973	
Offense	Felony	81.8	18.2	
		7962	1768	
	Misdemeanor	86.7	13.3	
		11466	1754	
	Violation of Probation	56.7	43.3	
Bootstrap	2713	2075		
		93.8	6.2	
		1600	106	

Justice by Gender?



- When examining the rate of disposition decisions resulting in residential placement or incarceration, males were almost four times more likely to be placed out of the home than their female counterparts.
- The results indicate that 1.5 percent more males who were adjudicated for bootstrap offenses and placed outside of the home compared to their female counterparts.

Table 3: Crosstab analysis of offense variables offenders in 2004 by gender, offense, and disposition. (N = 29,436)

Variable		No Placement (%/n)	Placement (%/n)	Chi Square
Male Offense	Felony	81.2	18.8	1803.999*
		6752	1560	
	Misdemeanor	86.1	13.9	
		8874	1427	
	Violation of Probation	54.9	45.1	
		2042	1676	
Bootstrap	93.2	6.8		
	952	70		
Female Offense	Felony	85.3	14.7	471.293*
		1210	208	
	Misdemeanor	88.8	11.2	
		2592	327	
	Violation of Probation	62.7	37.3	
		671	399	
Bootstrap	94.7	5.3		
	640	36		

Pathways Studies

- Cook County Illinois 1994 – 2000: Girl offenders "were 44% more likely than boys to have had a child protection petition filed on their behalf (Sherman, 2005).
- Oregon Social Learning Center: Girl offenders, first sexual encounters occurred at an average age of 6.75 (Sherman, 2005).
 - while "3% of boys in their study had documented histories of physical abuse, 77.8% of the girls had histories of abuse" (Sherman, 2005).
- In the form of behavior, adolescent girls with conduct disorders are more at risk than adolescent males for depression, anxiety and suicidal behavior (Loeber et al., 2000).
- Columbia University/Texas: girls charged with violent crimes were three to five times more likely than other groups to report anxiety disorders (Carpenter, Katz, Ka, McReynolds & Wasserman, 2004).
 - Since anxiety disorders typically manifest as a result of trauma, it could be presumed that the stress of a chaotic family life and victimization issues associated with sexual abuse contributes to the activity of the commission of a violent crime.

Possible Explanations



- Increases in girls' arrests may be an artifact of changing policies and attitudes
 - Mandatory arrest policies and domestic violence laws
 - School's zero-tolerance policies
 - Widening definitions of violence
 - Shift in societal attitude
 - Increases in girls' arrests may be an artifact of changing policies and attitudes
- These all result in increased rates of pre-disposition detention
 - May result in juvenile detention centers being used as half way houses rather than places hold youth pending rehabilitation for their delinquent behavior

Who is to save the child from their saviors?



"The rights to a definite charge, counsel, a fair hearing, reasonably relevant and convincing evidence, and appeal are insured to a man on the most trivial issues of political administration, but not to the child. In a large proportion of specialized urban children's courts the child enters with what is in effect a presumption of his delinquency and, under the conditions of today's "chancery" procedure there, it is almost impossible for him to rebut that presumption, once a probation officer has found a personal problem in his history to work on. Who is to save the child from his saviors?"

-- Paul W. Tappan, *Juvenile Delinquency*, 1949



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Justice by Gender: Understanding the Role of Gender in Disposition Decisions Involving Out of Home Placement for Juvenile Offenders

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Abstract Although several studies have examined the differences in sentencing decisions by gender for adult offenders, a limited amount of research on the role of gender in the post-adjudication disposition determination exists for juvenile offenders. Specifically related to the role of gender and the rate of incarceration, previous research has developed a commonly accepted consensus that female juvenile offenders are often detained pre-adjudication for less serious offenses than their male counterparts. This article evaluates the results of previous studies regarding the role of gender in disposition decisions, and the process of bootstrapping juvenile offenders into incarceration. This study examines whether the role of gender and the process of bootstrapping results in similar gender bias decisions in post-adjudication dispositional decisions as has been demonstrated by previous literature for pre-adjudication detention decisions. The results of the study indicate that there is no empirical support to indicate that gender plays a role in the post-adjudication decisions resulting in out of home placement or incarceration. In fact, the main effect of the study indicates that females are actually less likely to be removed from their home and placed in residential care as a condition of their post-

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adjudication disposition than their male counterparts. These findings suggest that the differences in the level of the adjudicated offense accounted for more of the variance in disposition decisions than that of gender. Thus, this study found little support for the increasing argument for the sex stratification of theories of delinquency.

Keywords Female Offender · Bootstrapping · Juvenile Justice · Gender · Status Offender · Out of home placement · Disposition

Introduction

According to the United States Department of Justice's Bureau of Justice Statistics Division, there are about 138,000 women in jails and prisons across the United States. This indicates that the number of incarcerated women has tripled since 1985 (Beck and Gilliard 1998). Although the absolute number of women involved in the justice system is smaller than that of men, the annual rate of increase is "significantly higher for women" than for men with an 11% increase for women in the prison population compared to an 8% increase for men since 1985 (Richie et al. 2000).

In 2000 a two-decade low in the rate of overall juvenile violent crime was recorded; however, the amount of female juvenile delinquency increased. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) conducted a study during the period of 1989 to 1993 that indicate that the number of arrests involving female juveniles increased by 23% while the rate for juvenile males increased by only 11% (Poe-Yamagata and Butts 1996).

Although several studies have examined the differences in sentencing decisions by gender for adult offenders, a limited amount of research on the role of gender in the post-adjudication disposition determination exists for juvenile offenders. In a multiyear analysis, Chesney-Lind and MacDonald (2001) attempted to examine potential gender bias in the handling of juvenile court cases. Their study determined that for boys and girls entering the disposition stage of the juvenile justice process, the impact of charge seriousness is not equal across gender (Chesney-Lind and MacDonald 2001). Other studies conducted regarding pre-adjudication detention decisions indicate that the juvenile justice process differs significantly for female juvenile offenders from their male counterparts. Data collected during the Juvenile Detention Alternatives Initiative (JDAI), launched by the Annie E. Casey Foundation in 1992, indicates that female juvenile offenders are detained more often for less severe offenses than male juvenile offenders and that the female is often held longer than her male counterparts (Sherman 2005). A 2006 study summarized the difference for male and female juvenile detention decisions as "...boys are detained as a response to public safety issues, whereas girls are detained because of problems at home" (Chesney-Lind et al. 2006). These research findings indicate that the female juvenile offender is more often placed in secure detention settings pre-adjudication for offenses that are less threatening to the safety of the community than her male counterparts.

Feminist criminologists have argued that criminological research has focused on males. Therefore criminology has been shaped by a male view of the world causing the field to become "gender blind." Applying theories of male crime to women but not applying theories of women's crime to men makes "women a subcategory of

men” (Chesney-Lind 1989). A strong premise for this feminist perspective is that a majority of theoretical works in the area of deviance theory have concentrated on explaining male deviance. Strain (Cloward and Ohlin 1960), subcultural (Cohen 1955; Miller 1958), differential association (Sutherland and Cressey 1978) and control theory (Reckless et al. 1956; Hirschi 1969) were all developed with virtually exclusive reference to males. Additionally, most empirical research on delinquency has been conducted with samples predominately comprised of male adolescents (Chesney-Lind 1989). Several theorists such as Chesney-Lind, have begun to advance a gendered paradigm of female offending.

This study evaluates whether similar gender differences exist for disposition decisions resulting in incarceration as have been indicated by studies in pre-adjudication detention decisions by the juvenile justice system. Specifically, this study provides a partial test of the feminist theory of delinquency by examining whether female juvenile dispositions include out of home placement at a higher rate than males, controlling for offense seriousness.

Theoretical Overview

Although most social and cultural theories of crime have been developed to explain delinquency and criminality in the male offender, individual and pathological theories have been more prominently used in an attempt to explain female criminal activity. Major sociological theories of crime and delinquency, including ecological, differential association, control, strain, labeling, and Marxist/critical theories, have attempted to account for the effects of political systems, neighborhoods, social class, learning, and economic systems on the delinquent acts of the juvenile offender. However, these theories tend to ignore the specific nature of the female juvenile offender in relation to the theory’s interpretation of the contributors of or to juvenile delinquency.

The increase in both feminist scholars and feminist professionals working with delinquent girls since the 1970’s has resulted in pressure to examine the processing and treatment of delinquent girls (Belknap 2001; Chesney-Lind and Sheldon 1998; Chesney-Lind 1988). More specifically, research resulting in the “power-control” model of delinquency conducted by Hagan on the role of gender and gender role socialization in regard to the female delinquency offered some alternative explanations to the controversy surrounding the differences between male and female criminal activity (Hagan et al. 1985). Hagan suggested that class relations in the workplace and gender relations in society produce two basic types of families with different consequences for female crime. Hagan speculated that female juvenile offenders commit less delinquent acts of crime partially because the patriarchal family more closely controls their behavior. The key to their argument is that the mother working outside the home causes the daughter to find herself in a more “egalitarian” family structure which results in less supervision in the home (Hagan et al. 1985). In 1991, Morash and Chesney-Lind tested the “power-control” theory and found that gender differences in delinquency appeared regardless of the patriarchal or egalitarian family structure (Morash and Chesney-Lind 1991).

Several theorists such as Chesney-Lind, Steffensmeier, and Allan have begun to advance a gendered paradigm of female offending which uses the existing theory

and body of research on gender. While noting that female offending is different in context and complexity than male offending, Steffensmeir and Allan (1996) argue that the principle short coming of gender neutral theories of crime is “that they are not very informative about the specific ways in which differences in the lives of men and women contribute to gender differences” in delinquency (p. 473). However, contemporary feminist theories have begun to suggest that the focus on gender and criminal involvement should extend beyond simply adding another variable to the research model in an attempt to study of female crime and delinquency. It has been suggested that feminist theory, when informed by data regarding sexual victimization, may offer an area to the study of female crime and delinquency. From this perspective, negative interactions with men acts as triggers for behavior by females, often resulting in the female running away and turning to drugs (Bishop and Frazier 1992). The behaviors such as runaway, truancy, and drug use are often viewed as “survival” skills that result in the girl’s involvement in the juvenile justice system.

The Feminist Model of Female Delinquency

Chesney-Lind identifies that the underlying thesis regarding the lack of theory that adequately addresses female delinquency is that youth can be taken into custody for both delinquent acts and status offenses (Chesney-Lind 1989). However, the majority of studies regarding juvenile delinquency have focused solely on those behaviors that would be characterized as delinquent acts. Therefore, the lack of evaluation of the status offender and delinquency results in a consequential belief that “there is considerable question as to whether existing theories that were admittedly developed to explain male delinquency can adequately explain female delinquency” (Chesney-Lind 1989, p. 10). The feminist approach to delinquency “means construction of explanations of female behavior that are sensitive to its patriarchal context” with specific focus on the social control of the legal system order to “reinforce a woman’s place in a male dominated society” (Chesney-Lind 1989, p. 19).

Prior Research

Research on juvenile delinquency and the juvenile justice system has consistently found that both legal and extra legal factors contribute to the pre-adjudication detention and post-dispositional outcomes for youth involved in the system. However, studies evaluating the role of gender have been riddled with inconsistencies and contradictory conclusions. In their analysis of the role of gender in the adjudication process, Cohen and Kluegal (1978) found that boys were more likely to be processed formally by the juvenile justice system for property offenses, while females were more likely to be formally processed for minor offenses such as status and drug offenses. Barrett et al. (1996) reported that “white females were more likely than white males to be adjudicated”, while “black females were less likely than black males to be adjudicated”. To the contrary, Smith and Alexander (1980) found that gender bias did not exist within the juvenile justice system’s decision to adjudicate.

In regard to post-adjudication disposition decisions, several studies indicate that female juveniles receive more severe decisions than their male counterparts. Chesney-Lind and Sheldon (1998), Bishop and Frazier (1992), and Odem (1995) reported that females who committed status offenses were given more severe punishments than males who committed similar offenses. Some studies have reported that in regard to status offenses, females receive more severe outcomes than males (Bishop and Frazier 1992; Chesney-Lind 1977, 1988; Datesman and Scarpitti 1977; Odem 1995). Other studies, such as Teilman and Landry (1981) and Cohen and Kluegal (1978) found that males were actually given longer sentences at disposition than their female counterparts for delinquent offenses. However, Chesney-Lind and MacDonald (2001) reported that “when one moves to the disposition decisions stage, the influence of charge seriousness between boys and girls is reversed”. Their study suggests that once female juvenile offenders are adjudicated delinquent, they are more likely than boys to be given a restrictive sanction for a less serious offense (Chesney-Lind and MacDonald 2001; Bishop and Frazier 1992). These studies agree; however, that there is disparate handling of cases by the juvenile justice system between youth who commit status offenses versus youth who commit delinquent acts.

Rates of Pre-Adjudication Detention

In December 1992, the Annie E. Casey Foundation launched a multi-year multi-site project known as the Juvenile Detention Alternatives Initiative (JDAI). The data obtained revealed an emerging trend in juvenile detention. The study reported that “from 1985 to 1995, the number of youth held in secure detention nationwide increased by 72%” (Sherman 2005). One would anticipate that this increase would be primarily due to an increase in violent offenders for whom no other alternative could be found. However, less than one-third of the juvenile offenders in detention in 1995 were charged with a violent offense (Sherman 2005). In fact, more youth were placed in detention for status offenses with violations of court orders accounting for 39.9% of detention population (Sherman 2005).

The study reported that there has been an increase in the numbers of female juvenile offenders being detained, that females are being detained for less severe offenses than their male counterparts, and female juvenile offenders are often held longer in detention than their male counterparts. From 1990 to 1999 there was a 50% increase in the number of female delinquency cases entering detention centers in the United States compared with a 4% increase for male juvenile delinquency (Sherman 2005). Additionally, female juvenile offenders were more likely than their male counterparts to be detained for status offenses, technical violations and warrants. In 2001, females comprised 19% of detained youth, but were almost twice as likely as boys to be detained for technical violations and status offenses (Sickmund et al. 2004). Technical violations and status offenses accounted for 41% of detentions for female juvenile offenders and 25% for their male peers. In some states evaluated, female offenders comprised more than 70% of youth detained for status offenses (Sickmund et al. 2004).

The Juvenile Offenders and Victims 2006 National Report indicates that this trend has extended to custodial placements other than detention as well. It indicates that

the “proportion of females” held in custody had “increased over the years from 13% in 1991 to 15% in 2003” (Snyder and Sickmund 2006). It stated further that the “female proportion was greater among status offenders held (40%)” than for other offenses (Snyder and Sickmund 2006). Additionally, female juvenile offenders “represented a much larger proportion of status offenders than delinquent offenders in custody” with a difference of 40% and 14% respectively (Snyder et al. 2006).

Rates of Post-Adjudication Incarceration

Although research focusing on the role of gender in post-adjudication decisions resulting in incarceration for juvenile offenders is limited, one study focusing on rates of incarceration as a result of post-adjudication disposition decisions reported that among adjudicated youth, significantly more of the girls had been incarcerated than the males. Additionally, the study found that specifically among White youth, females were more likely than males to have been incarcerated more than once (Horowitz and Pottieger 1991). Additionally, Sheldon (1981) reported that female juveniles were twice as likely as males to be committed to training schools, and Schlossman and Wallach (1978) found that in Milwaukee, twice as many females were committed to training schools than males.

Bootstrapping

Incarceration or detention of status offenders is against the law under the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974. However, for “violations of a valid court order the act requires close monitoring of status offenders who are taken into custody as a result of violations of court orders” (Sherman 2005, p. 30). By engaging in a practice that has been commonly called “bootstrapping”, courts often detain females through findings of contempt of court, probation violations, or violations of court orders for underlying status offenses or minor delinquency (Sherman 2005).

Bishop and Frazier (1992) revealed that a typical male status offender had a 37.6% chance of receiving a formal referral to a juvenile court. The chance increased for the male juvenile offender to 45.7% if he was referred for contempt of court. In contrast, the study found that the female status offender had a 31.2% chance of a formal referral to a juvenile court with an increase to 69.7% if she was referred for contempt of court (Bishop and Frazier 1992). The study also found that the gender differences were even more obvious in the use of detention for repeat status offenders. The male status offender had a 3.9% chance of incarceration or if he was referred for a status offense. The chance of incarceration increased to 4.4% if he was found in contempt of court. However, the typical female juvenile offender had a 1.8% chance of incarceration if referred for a status offense with an increase to 63.2% if she was found in contempt of court (Bishop and Frazier 1992). The literature indicates that the female juvenile offender is more often placed in secure detention settings pre-adjudication for offenses that are less threatening to the safety of the community than her male counterparts.

This study expands the literature by examining whether female juvenile dispositions include out of home placement at a higher rate than males, controlling for offense seriousness. In an attempt to evaluate the core assumptions of the feminist literature regarding pre-adjudication custodial confinement, this paper focuses on an evaluation of the rate of out of home placement and incarceration for status (bootstrap level) offenses for female juvenile offenders compared to that of their male counterparts.

Methods

The juvenile justice system in Texas includes two oversight arms of government. The Texas Youth Commission (TYC) is the institutional division of juvenile justice, in which youth committed to its care are wards of the state and participate in rehabilitation in secure institutions administered by the state of Texas. The second division involves the Texas Juvenile Probation Commission (TJPC). The TJPC functions as an administrative oversight agency whereby youth remain under the supervision of local, county based juvenile probation departments and are subject to progressive sanctions designed to divert youth from commitment to the state operated TYC. Most of the studies conducted on juvenile offenders focus on youth who fall within the institutional division of the juvenile justice system. Due to the fact that youth are often subject to intermediate actions by local juvenile authorities before committing an offender to an institution operated by the State, this study evaluates the dispositional decisions made under the jurisdiction of the local juvenile probation departments and the juvenile court by utilizing secondary data from the TJPC.

The information in the TJPC data set comes from the CASEWORKER system. The CASEWORKER system is a juvenile tracking and case management system used by juvenile probation departments in Texas. The CASEWORKER system is used by local juvenile probation departments to input data from the child, referral sources, detention, disposition decision, placement, program and supervision. Information is input by certified juvenile probation officers or administrative staff trained on how to enter the data and submitted to TJPC. On a monthly basis the TJPC receives an extract of that data from the local probation departments containing information on juveniles involved in the juvenile justice system (Posey 2006). The data set used for this study was obtained by the researchers through an agreement between the Texas Juvenile Crime Prevention Center at Prairie View A&M University and TJPC.

Sample Determination

The initial sample of 132,445 referrals received by local juvenile probation departments in Texas includes 91,714 juveniles. The advantage of this dataset is that it was the most current data set available from TJPC, and represents juveniles referred to any juvenile court for the entire state of Texas during 2004 instead of one single juvenile probation department. This data set is comprised of secondary data that was obtained as a result of an organizational by product of official records collected for internal agency use by TJPC. To ensure that variable definitions were

consistent, the researchers referred to the offenses as defined by the TJPC CASEWORKER offense code descriptions.

The sample studied was limited to youth referred to local juvenile probation departments in Texas during calendar year 2004 whose: 1) offenses resulted in a post-adjudication dispositional decision by the local juvenile court, 2) dispositional decisions including formal probation or modification decisions resulting in probation or extended probation and 3) offenses committed by youth between the ages of 10 and 18. This methodology resulted in a sample that included 29,632 juveniles whose cases were disposed by a local juvenile court to probation supervision by the local juvenile probation department in 2004. To examine differences among minority populations in Texas, the race variable was collapsed to include the categories of White, Hispanic, Black and Other.

Offense Seriousness

Offenses were categorized from the original 4,019 offenses contained in the TJPC codebook into the categories of felony, misdemeanor, violation of probation (VOP), and bootstrap. The categorical coding guidelines identified within the TJPC data code book was utilized as a guideline during recoding for this variable. It should be noted that the same code book is used by the juvenile probation officer's inputting the data into the CASEWORKER system, thereby reducing some potential threats to the internal validity of the study.

Bootstrap Offense

The bootstrap category was developed to tie the data elements to the level of offense the feminist literature has identified as the key distinction of delinquent behavior and involvement in the juvenile justice system between female and male juvenile offenders. It includes offenses that previous research has categorized as status offenses (otherwise known as "Conduct Indicating Need for Supervision Offenses" or CHINS offenses), Class C misdemeanors, and contempt of court referrals. Status offenses would not be considered criminal acts if they were conducted by an adult. These types of offenses include activity such as runaway, truancy and curfew violations. Class C misdemeanors are typically violations of city or county ordinances and are processed in a similar manner to status offenses.

Placement

The placement variable was recoded to combine both secure and non-secure residential placements into one variable. The non secure category included any disposition decision that resulted in a placement that may include but was not limited to a residential treatment center, therapeutic foster care, and a mental health or substance abuse treatment facility. The secure placement variable included any secure post-adjudication facility that is either operated by or contracted with the local juvenile probation department.

The main predictor variable to be examined will be gender while controlling for seriousness of offense, race, and age. The output measures include the outcome

variable disposition resulting in removal from the home and placement in a secure or non-secure residential setting. Logistic regression was used for predictive modeling that on the predictor variable and outcome variable is a categorical with two binary categories (i.e. female Chins/contempt of court, 0=all other).

Findings

The ages of the juveniles included in this study ranged from 10 to 18 with the mean age of 15.24. A majority of the juveniles were male, nearly half were Hispanic, most committed misdemeanor offenses, and almost 20% were sent to either a secure (incarcerated) or non-secure placement as a condition of the disposition. Of the juveniles with dispositional decisions resulting in supervision, males accounted for almost 80% and approximately half were Hispanic. Notably, there was only a 3.7% difference between the number of White and Black juveniles with dispositional decisions resulting in supervision. Only a little less than 6% of juveniles disposed for bootstrap level offenses resulted in formal supervision as a result of a juvenile court dispositional decision. Table 1 shows a summary of the frequency measures for each of the variables included in this study.

Table 2 provides an overview of the crosstab analysis of placement by each of the predictor variables excluding age. It indicates that the predictor variables included in this study were associated with the outcome variable of placement, significant at $p < .001$. The predictor variable with the strongest association to the outcome variable of placement is offense. Of the juveniles disposed to out of home residential placement or incarcerated, a majority were placed on post-adjudication dispositions for Violation of Probation (VOP). Felonies contributed to approximately 1/4 of the offenses committed by juveniles with disposition decisions involving out of home residential placement or incarceration. However, when examining the rate of disposition decisions resulting in residential placement or incarceration, males were almost four times more likely to be placed out of the home than their female counterparts.

A second crosstab analysis was conducted to evaluate differences between adjudicated offenses for female and male juvenile offenders who were disposed to residential placement. The results of this analysis are contained in Table 3. With a

Table 1 Characteristics of juveniles in Texas with dispositions resulting in supervision in 2004

Variable		Frequency	Percent
Gender	Male	23494	79.3
	Female	6138	20.7
Race	White	8477	28.6
	Hispanic	13484	45.5
	Black	7373	24.9
	Other	298	1
Offense	Felony	9730	33.1
	Misdemeanor	13220	44.9
	Violation Probation	4788	16.2
	Bootstrap	1698	5.7
Placement	No Placement	23903	80.7
	Placement	5729	19.3

*Offense data missing on 196 cases.
(N=29,632)

Table 2 Analysis of predictor variables for female and male juvenile offenders in 2004 by disposition

Variable		No Placement (%/n)	Placement	Chi Square
Gender	Male	79.8 18738	20.2 4756	60.175*
	Female	84.1 5165	5.9 973	
Race	White	82.0 6954	18.0 1523	23.641*
	Hispanic	80.6 10872	19.4 2612	
	Black	79.1 5829	20.9 1544	
	Other	83.2 248	16.8 50	
Offense	Felony	81.8 7962	18.2 1768	2272.194*
	Misdemeanor	86.7 11466	13.3 1754	
	Violation of Probation	56.7 2713	43.3 2075	
	Bootstrap	93.8 1592	6.2 106	

*significant ($p < .001$); Offense data missing on 196 cases.
(N=29,632)

significance of $p < .001$, the results indicate that of all 2004 dispositions for juveniles referred in Texas, 1.5 percent more males who were adjudicated for bootstrap offenses and placed outside of the home compared to their female counterparts. Additionally, the analysis indicated that a higher percentage of males received

Table 3 Crosstab analysis of offense variables offenders in 2004 by gender, offense, and disposition

Variable		No Placement (%/n)	Placement (%/n)	Chi Square
Male Offense	Felony	81.2 6752	18.8 1560	1803.999*
	Misdemeanor	86.1 8874	13.9 1427	
	Violation of Probation	54.9 2042	45.1 1676	
	Bootstrap	93.2 952	6.8 70	
Female Offense	Felony	85.3 1210	14.7 208	471.293*
	Misdemeanor	88.8 2592	11.2 327	
	Violation of Probation	62.7 671	37.3 399	
	Bootstrap	94.7 640	5.3 36	

*significant ($p < .01$)

*Offense data missing on 196 cases.

(N=29,436)

Table 4 Intercorrelation matrix for dispositions resulting in supervision for female and male juvenile offenders in 2004

Variable	Race	Gender	Age	Offense	Placement
Race		-.010	-.048**	.038**	.026**
Gender			-.027**	.021**	-.045**
Age				.075**	.040**
Offense					.168**
Placement					

*significant ($p < .05$), **significant ($p < .01$)

disposition decisions that included out of the home residential placement for all offense categories than their female counterparts.

To test for multicollinearity problems, an inter-correlational analysis was conducted using Spearman's Rho by estimating the associations among predictor variables. Table 4 presents the results of the analysis and indicates that the strongest correlation occurs between offense and placement. However, because all the correlations are below .20, the likelihood of multicollinearity is low.

Table 5 includes the summary statistics of the likelihood that the predictor variables result in the outcome variable of residential placement. Binary logistic regression was used to conduct this analysis. Binary logistic regression analysis allows one to predict a discrete outcome (dependent or outcome) from a set of variables that may be continuous, discrete, dichotomous, or a mix of any of these (independent or predictor variables). Generally, the dependent or response variable is dichotomous. Discriminate analysis is also used to predict an outcome with only two groups. However, discriminate analysis can only be used with continuous predictor variables. Thus, in instances where the predictor variables are a categorical, or a mix of continuous and categorical or the variables are dichotomous (i.e. converted to a binary format) logistic regression is preferred.

To test for potential interaction effects between types of offenses committed by females and the outcome variable of placement, binary logistic regression was conducted including the categories of female misdemeanor, female felony, and female boot while holding VOP constant. An interaction term was created by coding the bootstrap offenses to separate status, class C, and contempt of court offenses

Table 5 Analysis of likely hood of predictor variables resulting in residential placement holding VOP constant

Variable	B	S.E	Wald	df	Sig.	Exp(B)
Gender	-.280	.041	45.76	1	.000	.756
Age	.047	.012	15.338	1	.000	1.048
Hispanic	.063	.037	2.942	1	.086	1.065
Black	.185	.042	19.595	1	.000	1.203
Bootstrap	-2.411	.128	356.982	1	.000	.090
Misdemeanor	-1.594	.039	1652.570	1	.000	.203
Felony	-1.230	.040	942.806	1	.000	.292
Female Boot	.036	.215	.028	1	.867	1.037
Constant	-1.013	.192	27.951	1	.000	.363

disposed for female offenders from other offenses and offenses committed by males (1=female Chins/contempt of court, 0=all other). This resulted in the creation of a new variable titled Female Boot. This variable was created to specifically test the hypothesis generated by prior research suggesting that female juveniles were placed out of the home into placement or incarcerated at a higher rate at disposition for less serious offenses than their male counterparts. Because the disposition of VOP offenses resulted in the largest percentage of juveniles being sent to out of home residential placement, it was chosen as the constant in conducting the regression analysis. The results indicated that the predictor variable of Female Boot held no statistical significance to predicting the outcome of placement. Subsequently, one must reject the hypothesis that female juvenile offenders were placed in out of home residential placement at a higher rate than their male counterparts for bootstrap level offenses.

None of the interaction variables were significant indicating that no interaction effects between gender and type of offense existed for the sample used in this study. However, the results indicate that holding all other variables constant, female juveniles were only 3/4 times as likely as their male counterparts to be disposed to out of home placement. Therefore, girls were less likely than boys to be removed from their home by the court.

Discussion

Although previous studies have indicated that through a process commonly known as bootstrapping, female juvenile offenders are detained in pre-adjudication detention settings more often than their male counterparts for status offenses, this analysis indicates that the same is not true for post-adjudication dispositional decisions resulting in out of home residential placement or incarceration in Texas for juvenile offenders in 2004. Neither the cross tab analysis nor the binary logistic regression could support the proposed hypothesis. The findings indicate that there is no empirical support to indicate that gender plays a role in the post-adjudication decisions resulting in placement. In fact, the main effect of the study indicates that females are actually less likely to be removed from their home and placed in residential care or incarcerated by disposition than their male counterparts for status offenses. Additionally, a higher percentage of males received disposition decisions that included out of the home residential placement for all offense categories than their female counterparts.

The findings indicate that feminist theory's suggestion that girls receive more severe punishments per disposition than boys because of the patriarchal role of the court did not receive strong empirical support. Although girls commit higher rates of status offenses than their male counterparts; boys are ultimately removed from their homes at a higher rate per disposition than girls for all offenses including status offenses. Future research should examine the role of other extralegal variables such as mental health, physical and sexual abuse history, and familial status have in influencing the court's decision at disposition. Caution should be taken to avoid confusing the role of gender and other social, psychological and systems variables when evaluating either the causes of delinquency or the system's response to it. Is

gender is the key determinant of the court's response to delinquency, or is it other non-gender specific factors that contribute to the disposition decision?

One limitation of this study may be found within the context of the offense category VOP. Some VOP's may have originated as a Status, Class C or Contempt of Court offenses. Therefore, the juvenile may have been referred to the juvenile court for VOP as a result of committing the status offense. Because incarceration or detention of status offenders is against the law under the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, and a change to the JJDP in 1980 created an opportunity for status offenders to be transferred to secure confinement without having due process protections by allowing status offenders found in contempt of court for violating a valid court order to be placed in secure detention facilities (Bishop and Frazier 1992), further study regarding the origination of the VOP offense and resulting commitment to institutions for juvenile offenders would prove useful to both the studies of female offenders and those who are interested in the constitutional protections of status offenders.

A second limitation to this study is that the data set utilized did not include the extralegal variables such as home environment, physical or sexual abuse history, and mental health issues that may result in different rates of placement. In addition to chaotic family dynamics, several studies indicate that female juvenile offenders have significant mental health issues that may contribute to their behavior. Though there are some exceptions, most studies show that female juvenile offenders have a lower prevalence of conduct and oppositional defiant disorders than male juvenile offenders (Loeber et al. 2000). However, in the form of behavior, adolescent girls with conduct disorders are more at risk than adolescent males for depression, anxiety and suicidal behavior (Loeber et al. 2000). Future studies should evaluate the difference in post disposition decisions resulting in residential placement between males and females with similar extralegal backgrounds such as mental health diagnosis and abuse history. It would be interesting to see if gender was the main predictor variable when controlling for other factors typically attributed to the pathway for female delinquency.

Conclusion

What we learned in this study is that the relationship between variables derived from traditional theories of deviance and disposition decisions resulting in out of home placement or incarceration are not influenced by gender. These findings suggest that the differences in the level of the adjudicated offense accounted for more of the variance in disposition decisions than that of gender. Thus, this study found little support for the increasing argument for the sex stratification of theories of delinquency. It is our belief that the search for gender-specific theories of delinquency divert from the studies that can influence the refining of many traditional theories of deviance that are more applicable to individual behavior and response of the system. Theories stressing family factors such as social bonding, differential association, and labeling or net widening should be more thoroughly applied to the many extralegal factors resulting in disposition decisions resulting in out of home placement in a gender neutral manner.

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