

# WOMEN, **CRIME,** & JUSTICE

Edited by  
**Susan K. Datesman &  
Frank R. Scarpitti**

# Women, Crime, and Justice

*Edited by*

SUSAN K. DATESMAN  
FRANK R. SCARPITTI

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To our parents,  
Richard and Kathryn Datesman  
Frank and Geneva Scarpitti

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## Preface

The topic of crime in general has long aroused considerable interest. It was not until the 1970s, however, that the topic of female crime began to attract much attention, largely because of a broader interest in the topic of women fostered by the emergence of the women's movement in the late sixties. During the seventies, a considerable amount of information on women, crime, and justice was accumulated and provided much needed documentation in areas such as the disparate treatment of the sexes by the criminal justice system. At the same time, there has been substantial disagreement on such issues as the actual involvement of women in crime and the relation between women's crime and the women's movement. This book, therefore, brings together, in our estimation, some of the best and most interesting work in this rapidly growing area of criminological and criminal justice study so that the reader can better understand the relations among women, crime, and justice.

The book is divided into five parts. In Part I, we discuss the extent and nature of female crime, including trends in female crime over the past two decades, drawing upon official statistics and self-report data. Part II deals with the etiology of female

crime, Part III examines some patterns of female criminal behavior, and Part IV focuses on the treatment of women in the criminal justice system. In Part V, we tackle the controversial issue of the relation between women's crime and the women's movement. Since a number of the selections speak to this issue, but do not necessarily agree, it is appropriate that the evidence be reviewed and that some conclusions be drawn at this point.

In selecting the readings for Parts II, III, and IV, we drew upon the contributions of various scholars and writers, including those who have published important comments and findings in sources to which most students do not have access. Sociology, criminology, and criminal justice sources are represented along with law and political science sources. Two of the selections were prepared especially for this book. The other selections have all been published since 1973 with one exception. It should also be noted that selections are included on both juvenile and adult female offenders.

It is our belief that this book will have applicability in a variety of criminology, delinquency, and criminal justice courses as well as courses in sex roles and women's studies. The book should also be of interest to anyone who is interested in the problems of crime, injustice, and inequality between the sexes. We hope that the readings, along with the original material, will be informative and will stimulate further interest and research in these areas.

We would like to thank those authors and publishers who permitted their work to appear in this book. We also wish to thank Nancy Amy of Oxford University Press for her editorial help and Mary Tucker for her secretarial help. We owe special thanks to our families and to John Pfuhl for their help and encouragement.

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## Women, Crime, and Justice



## The Extent and Nature of Female Crime

For about two decades Americans have expressed increasing concern about the problems of crime and juvenile delinquency. Presidential commissions have studied the problems, the media have devoted many of their resources to examining them, politicians have deplored their increase and vowed to combat them, and academicians have contributed volumes dealing with the causes and control of crime and delinquency. Although both public and professional concern has been acute, certain areas of the overall crime situation have been virtually ignored. Until recently, this has been the case with female criminality and delinquency.

The crime and delinquency committed by women and girls in American society has commanded little interest from those institutions and agencies that have traditionally devoted a great deal of attention to male criminality. Until recently, few stories were written about female criminals, they seldom appeared in television dramas, and their even being mentioned in popular discussions of crime was considered extraordinary. The few women who did enter into crime were usually depicted in sex-stereotyped ways as "acting like women":

falling in love (with a deviant man), being a little too out of control of their emotions (becoming mentally ill), using their sexuality exploitatively but not that differently from other women (becoming a prostitute), or exhibiting some other neurotic weakness or impulsiveness common to women (as becoming a shoplifter).<sup>1</sup>

Social and behavioral science research has not taken us much further, however. Sociologists, psychologists, and criminologists have, by and large, concentrated their professional attention on the male criminal to the exclusion of the female. Although these disciplines abound with theories of crime and delinquency causation, identity, and career development, little more than a casual examination is necessary to show that they were developed to fit male models. Females are either excluded from all consideration or are assumed to fit the general pattern. Unfortunately, general patterns of criminal behavior are usually based upon male role sets and are seldom applicable to females. Anthony Harris, for example, has recently argued that the inclusion of the sex variable in supposedly general theories of criminal deviance has dire consequences for most theories.<sup>2</sup> He suggests that the failure to start with the sex variable in theories of criminal deviance "has been the major failure of deviance theorizing in this century."<sup>3</sup>

## NEGLECT OF FEMALE CRIME

Why hasn't female criminality and delinquency been subject to the same concern that has characterized male criminality and delinquency for many years? Perhaps the most obvious reason is the negligible involvement of females in legal misconduct as reported by official crime statistics. According to official statistics, females commit only a small fraction of all crimes. This presents the researcher with a very practical problem in the sense that small numbers of cases complicate the analysis and make generalizing from the findings risky. Researchers are thus

more likely to study male offenders simply because they are more numerous and more available as research subjects.

In addition, female criminals and delinquents have not commanded much attention because of the nature of their offenses. Most discussions of female crime and delinquency have emphasized its individualistic, less serious nature when compared with male law violation. Many observers seem to view male violations as "real" crime, dangerous, serious, often organized and injurious to the social order. Males also present a more persistent recidivist problem than females; a recent study found that over 90 percent of those with four or more previous arrests were male.<sup>4</sup> Female crimes, on the other hand, are often seen as victimless, most harmful to the offender, and having minimal impact on the social order. In the case of delinquency, emphasis is often placed on its predominantly sexual nature. Aspects of female delinquency other than sexual delinquencies have been largely overlooked. For example, the discussion of female delinquency in *The Delinquent Girl* published in 1970 is limited to the runaway girl, the incorrigible girl, the sex delinquent girl, the probation violator girl, and the truant girl.<sup>5</sup> The authors state that: "Approximately 75 to 85 percent of the offenses leading to commitment of delinquent girls are found in the 'big five' grouping. The underlying vein of many of these offenses is sexual misconduct by the girl delinquent."<sup>6</sup>

The focus on the illicit sexual and related activities of females partially explicates the status of female delinquency as a minor problem. First, sexual delinquency connotes personal harm rather than aggressive behavior directed toward injuring other persons or toward the violation of property rights as is generally the case with male delinquency. Further, sexual offenses or euphemistic charges, for example, "running away," "incorrigibility," and "truancy," constitute criminal acts only when committed by a juvenile.<sup>7</sup> Such acts of misbehavior are commonly termed juvenile status offenses, since only juveniles can commit them. According to the President's Commission on Law Enforcement and Administration of Justice, more than half of the girls coming

to the attention of the juvenile courts were referred for conduct that would not be considered crimes if committed by adults; only one-fifth of the boys were referred for such conduct.<sup>8</sup> A survey of Connecticut institutions indicated that juvenile status offenses accounted for 80 percent of the delinquencies for which girls were institutionalized but only 18 percent of the delinquencies for which boys were institutionalized.<sup>9</sup> Similarly, over 80 percent of the girls in a state correctional institution in New Jersey were accused of such offenses as running away from home, being incorrigible, ungovernable and beyond the control of parents, being truant, engaging in sexual relations, and becoming pregnant.<sup>10</sup> Since such offenses are not considered crimes when committed by an adult, they are "corrected" by the simple expedient of attaining adult status. Thus, female delinquency is assumed to be less negativistic in its societal impact than male delinquency both in terms of its seriousness and its duration.

In summary, then, at least two fairly straightforward reasons may be advanced to account for the lack of social science study of the female offender: Female criminals and delinquents are simply less numerous than their male counterparts; and female crime and delinquency is assumed to be less serious than male criminality. Thus, attempts to study female criminality may be thwarted by the difficulty of obtaining a sample of women and girls that is sufficiently large to allow any meaningful statistical analysis. Furthermore, female offenses are commonly assumed to be less serious, often sexual, individualistic crimes that are less damaging to the social order than male offenses.

These are not the only reasons, however. Social scientists usually study and write about what interests them as that interest is defined on either intrinsic or pragmatic grounds, such as the availability of research funds. Since most social scientists are male, it is not surprising that they have usually studied other males. Women in general have not been considered worthwhile research topics. In part, then, the lack of data about female offenders reflects a lack of interest on the part of predominately

male social scientists, and perhaps an inability to empathize. Moreover, what little work has been done suffers from bias and stereotypes about women.<sup>11</sup>

Perhaps, too, female criminality and delinquency have not attracted much research attention because, unlike male criminality and delinquency, they have not been defined as significant social problems. The definition of certain social phenomena and not others as problems affects the availability and distribution of research funds. Research funds, in turn, tend to define to a great extent areas of sociological interest. Frances Heidensohn has made an interesting observation on this relationship:

One need not go so far as to argue that high rates of sociological interest in a problem area produce appropriately high "problem situation" responses; but one might well be forgiven for wondering whether the deviance of women is a nonproblem both to the social scientist and to society in general, because so little effort has been devoted to studying it.<sup>12</sup>

Within the past decade, both public and professional interest in female criminality and delinquency have greatly increased along with interest in the general topic of women. Coverage of female crime in the mass media has fostered the belief that female crime rates are increasing at a rapid rate and that women are committing more violent crimes.<sup>13</sup> Female criminals have been in the headlines as murderers, bank robbers, kidnappers, hijackers, and revolutionaries. The activities of women active in radical revolutionary groups such as the Weather Underground and the Symbionese Liberation Army were well-publicized in the media. Also in the headlines were three women in the cult "family" of Charles Manson who were convicted of participating in wanton murders at his direction, as well as the attempted assassinations of President Gerald Ford by Lynette Fromme and Sara Jane Moore. These women have been taken as indicative of a new breed of female criminal, more violent than the traditional female lawbreaker. This belief has been buttressed by such criminologists as Freda Adler who states:

Females . . . are now being found not only robbing banks singlehandedly, but also committing assorted armed robberies, muggings, loan-sharking operations, extortion, murders, and a wide variety of other aggressive, violence-oriented crimes which previously involved only men.<sup>14</sup>

To evaluate this belief and to understand more precisely the current magnitude and nature of female criminality, it is now necessary to examine the available data in some detail.

### OFFICIAL DATA ON FEMALE CRIME

As with male crime, just about all the official data on female crime and delinquency comes from the Federal Bureau of Investigation's *Uniform Crime Reports* (UCR). Crime reports are collected from contributing law enforcement agencies and compiled, analyzed, and published annually by the FBI to give us our only national data on both adult and juvenile crime and arrestees. In 1977, nearly 15,000 law enforcement agencies covering 98 percent of the United States population voluntarily submitted monthly and annual reports to the FBI.<sup>15</sup> Law enforcement agencies report, among other things, the number of crimes that become known to them in seven major crime categories, designated as a Crime Index. Index crimes, which are composed of murder and nonnegligent manslaughter, forcible rape, aggravated assault, robbery, burglary, larceny-theft, and auto theft, are serious or frequently occurring crimes thought to have more chance of being reported to the police than other offenses.<sup>16</sup> These reports also contain information on arrests and include the age, sex, and race of each person arrested. Arrests are reported for twenty-two nonindex crimes in addition to the seven index crimes. ←

Many students of crime have pointed to the faults of official criminal statistics such as the UCR.<sup>17</sup> Among other things, such statistics reflect only crimes that become known to the police and cannot take into account what most observers believe to be

large amounts of unreported crime. Thus, crimes known to the police are only a sample of the crimes that have taken place and are related to actual crimes in some unknown way. A recent study has shown, however, that the UCR "crimes known" data, while not on a one-to-one basis with actual crime, are at least moderately correlated with victimization survey results.<sup>18</sup> In any case, crimes known to the police are a better measure of actual crimes than other official criminal statistics, for as one criminologist has pointed out, "the value of criminal statistics as a basis for measurement of criminality in geographic areas decreases as the procedures take us further away from the offense itself."<sup>19</sup> Thus, crimes known to the police are a more reliable indicator of actual crimes than arrest statistics, arrest statistics are more reliable than court statistics, and court statistics are more reliable than prison statistics.

Unfortunately, the UCR does not report crimes known to the police separately for males and females. Therefore, we will have to rely on arrest statistics to give us some indication of the extent and nature of female criminality. Arrest statistics are obviously biased by the relative efficiency of police agencies and by the exercise of discretion by police officers. Since the police are seldom capable of responding to all known crimes with equal investigative skill and commitment, the arrest rate for some offenses is higher than it is for others. In 1977, for example, police who reported crimes to the FBI cleared by arrest 75 percent of the murder offenses, 51 percent of the forcible rapes, 62 percent of the aggravated assaults, 27 percent of the robberies, 16 percent of the burglaries, 20 percent of the larceny-thefts, and 15 percent of the auto thefts.<sup>20</sup>

Likewise, police discretion often permits law enforcement officers to respond to known crime in ways that do not result in someone's arrest. The decision to arrest may be affected by extra-legal factors such as the sex of the offender. It is commonly believed that law enforcement agents are usually reluctant to arrest females. Mary Owen Cameron, for example, studied factors related to decisions to prosecute shoplifters apprehended in

a large Chicago department store and found that men were referred to the police for prosecution in 35 percent of the cases as compared with 10 percent of the women.<sup>21</sup> Michael Hindelang, on the other hand, found that the percentages of male and female shoplifters referred to the police were about the same (26 percent and 25 percent, respectively) in his study of shoplifters apprehended by large chains of grocery and drug stores.<sup>22</sup> Lawrence Cohen and Rodney Stark also found that the sex of the shoplifter was unrelated to the decision to release or prosecute in a large metropolitan department store located in California.<sup>23</sup>

Another piece of evidence on differential arrest practices comes from Jerome Skolnick's study.<sup>24</sup> In *Justice Without Trial*, Skolnick reports that the traffic warrant policemen he observed were inclined to give special consideration to women. He states:

It is degrading for a man to exert coercion upon a woman, especially in public view. A woman who resists arrest by shouting or screaming is inevitably an embarrassment to a police officer, and the problem of controlling her through physical force could become awkward.<sup>25</sup>

Traffic warrant policemen were especially reluctant to make an arrest in case of women who had children. As one officer put it: "It's not only a helluva lot of trouble to put away a whole family, but you feel like hell locking up a bunch of kids because their mother couldn't post twenty-two dollars bail."<sup>26</sup>

Arrest statistics, then, are influenced by these and other factors for both men and women, and should not be viewed as a definitive statement of the amount of criminality. If women, as some authorities claim, do commit many unreported crimes, if these are crimes that generally have a low police clearance rate (property crimes, for example), and if the community and law enforcement agents usually try to protect the female from arrest, we may conclude that our official statistics grossly underrepresent the amount of female criminality. Despite these warnings, we shall examine some of the official data on female crimi-