Juvenile Probation officers' attitudes and Treatment toward “Bad Girls”

Lisa Shelton
lisakshelton@gmail.com

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ABSTRACT

JUVENILE PROBATION OFFICERS’ ATTITUDES AND TREATMENT TOWARD “BAD GIRLS”

Lisa Shelton, MA
Department of Sociology
Northern Illinois University, 2018
Dr. Kristen Myers Director

Adolescent girls have a reputation for being the most undesirable population to work with in the judicial and correctional systems. This reputation is largely due to the heavy stigmatization of juvenile girls who do not behave in ways that are consistent with traditional standards of femininity. In this study, I examine probation officers’ interactions with their juvenile clients. I closely noted differences and similarities in the treatment given to boys and girls and where various strategies tend to be either beneficial or unsuccessful.
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JUVENILE PROBATION OFFICERS’ ATTITUDES AND
TREATMENT TOWARD “BAD GIRLS”

BY

LISA SHELTON
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Thesis Director:
Kristen Myers
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Introduction

As a member of the American Correctional Association, all of my conversations with professionals working within the Department of Corrections had a common theme: no one wants to work with adolescent girls in the justice system. A correctional counselor at a men’s prison told me, “You don’t want to work with girls. You may think you do now, but you don’t.” A correctional officer at a juvenile boys’ facility told me I was either very brave or very crazy when I told him I was applying at a girls’ prison and a former inmate once told me that he had survived 25 years in a maximum-security men’s prison but would not step foot in a girls’ prison. I wondered how these adolescent girls got such a reputation. They are not the physically biggest, strongest, or most intimidating inmates. They are not numerically the biggest inmate population. They are not statistically the most violent, in terms of the crimes they have committed (Cauffman 2008; Denno 1994; Rios 2009; Zahn, Hawkins, et. al 2008), and they are the least likely to be chronic, repeat offenders (Cauffman 2008). So why are they so scary?

Literature on this topic provides a reason why adolescent girl have a reputation for being the most undesirable population to work with in the judicial and correctional systems. This reputation is largely due to the heavy stigmatization of juvenile girls who do not behave in ways that are consistent with traditional standards of femininity (Murnen et al. 2016). Girls are traditionally expected to be pure, controlled, and well-behaved. Any behaviors that are inconsistent with these norms are stigmatized (Bey-cheng 2015). In our society, deviant boys are seen as simply defying civic laws. Deviant girls, on the other hand, are seen as defying society’s preconceived notions of what it means to be a girl (Ness 2004: 33). These rigid stereotypes
affect the way girls are viewed within the criminal justice system. Girls’ behavior tends to be strictly monitored and corrected through negative sanctions. This form of social control is intended to decrease negative behaviors and increase attachment to healthy relationships (Steffensmeier and Allan 1996: 477).

Within the criminal justice system itself, girls are unofficially categorized into groups of “good” girls and “bad” girls. Good girls are those who commit crimes because they are abused, manipulated, or coerced (McCorkel 2004: 395). These “good girls” are thought of as victims who ended up in the system through the fault of someone else, like a past abuser, a negative influence, or a dysfunctional relationship. They tend to take priority in the juvenile justice system and be the primary focus of girls’ correctional programs, as they are seen as having a chance at becoming successfully reintegrated into a positive role in society. Probation officers and other juvenile treatment specialists tend to have greater hope for delinquents who were abused or coerced, as opposed to those who have other types of mental or conduct disorders (Vidal and Skeem 2007). Girls who are deemed “bad girls” are given less attention and are viewed as hopeless cases (Vidal and Skeem 2007). Often these girls are not considered to merely have a simple problem with their conduct; they are seen to have a problem with their gender. This stems from the notion that proper girls do not engage in criminal or delinquent behaviors. Girls who engage in particularly offensive conduct can even be labeled “inappropriate females” or diagnosed with a “gender disorder,” as was the case with Daphne (now known as Dylan) Scholinski (1997).

There are three hypotheses related to sex discrimination in the criminal justice system. The first is the null hypothesis, which suggests that there is no discrimination present toward
either boys or girls in the system. The second is the chivalry hypothesis, also called paternalism, which suggests girls are treated more leniently in processing (Pollak 1950; Thomas 1907). The third is the evil woman hypothesis, suggesting that are treated more harshly than boys for similar criminal behavior (Belknap 2007:149). The chivalry theory stems from the idea that women are weak and therefore need to be protected and controlled. The reasoning behind the evil woman theory is that women will be charged not only for their legal violation but for their “inappropriate sex role behavior” (Nagel and Hagan, 1983:116). Studies conducted in the 1980s tended to favor the chivalry hypothesis (Farrington and Morris 1983; Nagel, Cardascia, and Ross 1982) while more recent studies found stronger tendencies toward the evil woman hypothesis (Olson, Lurigio, and Seng 2000).

In this thesis, I examine the ways gender is treated by probation officers within the juvenile judicial system. I analyze case data from a sample of 123 juvenile offenders, both male and female, ranging from 12-18 years of age in a rural county in northern Illinois. I examine how the gender differences inherent in the system affect the gender-specific treatment given to boys and girls. I will investigate the different ways that gender is approached and treated by juvenile justice professionals who not only police the criminal behavior but also the gender enactment of troubled youth. Basically, I argue that the stigmatization of girls and their behavior leads to disparities in treatment that often leads to negative outcomes for the adolescent girls. As a result, girls in the juvenile justice system are treated as a problem that needs to be fixed. Often, this focus on only the behavior leaves the underlying causes untreated or unacknowledged.
Literature Review

Stigmatization of Girls’ “Bad” Behavior

Gender inequality in the system often goes unnoticed or ignored because of the commonly held assumption that previous waves of the feminist movement have resolved the issues of gender inequality (McRobbie 2004). The belief that gender inequality is now a thing of the past is prevalent and problematic across multiple social institutions. People who subscribe to this notion claim that gender inequality was once a real and serious problem, but it has been resolved. Thus, they argue, there is no need for sexual politics or feminist activist groups. However, this belief does not hold true when we examine persistent patterns of gender inequality in work (Acker, 2006; Arrighi and Maume 2000; England 2010; Hook 2010; Risman 2009; Williams et al. 2012) and the family (Daly and Rake 2003; Tichenor 2005; Lewis 2009). The discrimination that women face in society is mirrored by the discrimination they face in the illegitimate, criminal economy. The way women are typically powerless, underpaid, and subordinated in all of society remains consistent with the ways adult women as well as juvenile girls are positioned within criminal activities or criminal organizations, such as gangs (Britton 2011; Brumbaugh et al 2008). To understand modern gender issues, one must consider this post-feminism view of gender relations and understand how gender inequalities persist in modern culture.

One of the many ways that girls experience gender discrimination is through stigmatization of any behavior that is inconsistent with gender norms and traditional feminine values (Chesney-Lind 1999). Stigmas exist because people often see attributes that differ from societal norms as shortcomings or personal failures (Harvey 2001: 175). Bad behavior is seen as
so inconsistent with traditional femininity that treatment of girls becomes overly focused on correcting the behavior rather than addressing the underlying causes. This problem is particularly prevalent within the juvenile justice system where criminal or delinquent behavior is considered unfeminine. Prior to the Illinois Juvenile Court Act of 1899, juvenile delinquents were tried and treated as adults (Conrad and Schneider 1980), but as juvenile delinquency became an increasing concern, counties established juvenile courts with the goal of protecting and rehabilitating youth (Bostwick 2010). Juvenile and family courts came to be an institution aimed at saving children from “social evils” (Pasko 2010). For girls in the system, there is a particular concern for sexual morality, and rescue homes for unwed mothers, girls who commit sex crimes, or those with venereal diseases became a common means of reformation for teenage girls (Knupfer 2001). Girls who misbehave are viewed as having a problem with their gender rather than simply with their behavior. When males commit criminal or violent acts, their behavior, however illegal, is still consistent with norms associated with traditional masculinity, which suggests that boys and men should be strong, aggressive, and confident (Rios 2009; Steffensmeier and Allan 1996). Despite the negative stigmatization of female criminal behavior, female delinquency has been steadily increasing over the last few decades (Brumbaugh et al. 2010) and so has violent crime for girls (Chesney-Lind and Merlo 2015; Garcia and Lane 2013). Juvenile delinquency for both genders peaked in 1996, but in the last decade the gap between genders is closing and girls now represent a larger percentage of the system than they previously have (U.S. Department of Justice 2017). However, girls do still make up the minority (about 12-20%) of those in the juvenile justice system (Pasko 2010); girls represent less than a third of
juveniles arrested in 2003 (Cauffman 2008) and only 24% of juvenile arrests for aggravated assault (Zahn, Hawkins et. al 2008).

With girls making up a numeric minority in the justice system, it is not surprising that treatment planning is centered on needs of boys, but as the proportion of girls in the system rises, it is imperative that the needs of girls be more strongly considered in treatment and policy planning. A study by Garcia and Lane (2013) found that girls in the justice system feel that they are treated unfairly. Among their top concerns was that they do not feel heard by the staff they worked with. When the voices of girls in the system go unheard and their needs go unmet, they are likely to remain in the system longer because they are being misunderstood by those working with them. Studies show that girls are more likely than their male counterparts to be arrested and committed for less serious offenses (Hughes 2016). According to one study, “girls are also staying in the juvenile justice system after being arrested for these new violent offenses despite fairly clear evidence that these are simply upcrimed forms of female incorrigibility” (Chesney-Lind and Merlo 2015).

Research shows that parents are more likely to refer their daughters to the justice system for sexual behaviors or defiance offenses that they would not see as problematic if committed by their sons (Bishop and Frazier 1992). Paradoxically, much of the same misbehavior that has been stigmatized for girls is often viewed as exciting and almost sexy when glorified in media that promotes “bad girls.” The media’s fascination with girls who act out in ways that are unfeminist bombards us with images of girls going bad. For example, in 2013, popular Disney teen pop star Miley Cyrus shed her wholesome child-star image and donned a nude bikini paired with lewd gestures and sexualized dance moves in an attention-grabbing move, ultimately
driving up her personal profits (Rothman 2013). In 2018, the reality tv drama *Bad Girls Club* began its 16th season as a show where “a group of rebellious women are put in a house together in an experiment intended to moderate their behavior” (*Bad Girls Club* 2018). This over-glorification of “bad girl” behavior skews society’s view of female crime. As Griffin (2004) says, “Normal femininity is constituted in part through a series of contradictions, especially around tensions between ‘good girls’ and ‘bad girls,’ that tend to be played out with respect to representations of femininity and sexuality” (29). These conflicting ideas create a weird juxtaposition in the way that teenage girls are supposed to act. Traditionally, valued standards for femininity suggest that women and girls should behave in a way that is quite different from the new wave of “bad girls” that are glorified in the media (McRobbie 2004). The media’s overemphasis of violent girls’ behavior also skews society’s view of how violent girls have become. Teenage girls appear to have caught up with their male counterparts when it comes to violent criminal behavior, when, in reality, violent offenses make up only a small fraction of girls’ overall arrests, the majority of which are status offenses or larceny theft (Chesney-Lind 1999). If not properly addressed, the misrepresentation of female delinquency can create problems in the juvenile justice system, where everyday practitioners buy into the myth, and subsequently the needs of female offenders are inadequately addressed.

*Gender Differences and Similarities in Delinquency*

Female delinquency is noteworthy in the way that abuse, particularly sexual abuse, is often a precursor (Acoca 1998). Female delinquents are more likely to have been abused than male delinquents (Cauffman 2008). Studies show that the majority of girls in juvenile justice facilities have a history of physical or sexual abuse and more than half have attempted suicide.
(Schaffner, Shick, and Stein 1997). Studies also show that adolescent girls who were neglected or abused are at higher risk of arrest as juveniles (Rivera and Widom 1990) as well as into adulthood (Widom 1995). Delinquent girls often cite family violence or sexual abuse as a motive for committing ungovernability offenses or status offenses, such as running away (Hoyt and Scherer 1998). Family violence and sexual abuse account for a significantly higher proportion of crime for females than males (Hawkins, et al. 2018). In addition to histories of abuse, presence of mental disorders is also high among juvenile offenders, although females have higher rates than males (Cauffman 2008). In non-delinquent categories, females have higher rates of internalizing mental disorders while males have higher rates of externalizing mental disorders. This is not true within the delinquent population, as female offenders have a tendency to rank higher than males in both categories of mental illness. Anxiety disorders, depression and substance abuse disorder are among the most common mental disorders in both male and female delinquent adolescents (Grisso 2008).

Criminal behavior is not consistent across gender lines. Glorification or exoticization of female crime and violence might create the appearance that the genders have become equally violent in terms of the crimes they are committing. However, this is not supported by juvenile crime statistics. Males are still significantly more likely to be arrested than females, particularly for violent offenses, such as aggravated assaults, robbery, or homicide (Brumaugh et. al 2008; Cauffman 2008; Denno 1994; Rios 2009). The evidence does not support the idea that women have become equally as violent as men in terms of criminal offending (Britton 2011). In 2004, girls accounted for approximately 30% of juvenile arrests (Brumaugh et al. 2008). Furthermore, males are more likely to repeat their crimes (Denno 1994). Prostitution and sex crimes are the
only category in which females are more likely to offend than males. The gender discrepancy in crime is greatest for more serious crimes and weapons offenses and lowest for mild property crimes (Steffensmeier and Allan 1996). When female delinquents do commit violent crimes, they are far less likely than their male counterparts to use weapons or cause serious injury to their victims (Ness 2004). Furthermore, when females are involved in more serious crimes, they are more likely to offend in groups or to serve as an accomplice in crime. They are less likely to act alone and, when in groups, less likely to receive an equal share of the benefits (Steffensmeier and Allan 1996). When acting in gangs, girls are more likely to serve in roles such as informants or lower status positions and are much less likely to fall among the top ranks of a gang (Steffensmeier and Allan 1996). Girls who commit violent crimes are much less likely to be acting alone (Miller 2007; Schaffner et al. 1997). In the rare occasion that they do act alone with violent intentions, it is extremely unlikely that they would target males.

The exception to this pattern is when women exploit gendered assumptions and use their own “sexual prowess” to play on men’s notion that a woman alone is sexually vulnerable (Britton 2011). Girls are far more likely than boys to be coerced into criminal behavior by a romantic partner or other interpersonal relationships (Cauffman 2008). When women commit aggressive acts against each other, they have a greater tendency to practice relational aggression. Girls are more likely to engage in bullying, insulting, or other verbal assaults of their victims in order to damage another’s social status or relationships (Chesney-Lind and Irwin 2004). Females overall tend to have lower rates of violent criminal offenses or crimes involving weapons. Over the course of their criminal careers, females tend to participate in less overall violent crime than their male counterparts (Steffensmeier and Allan 1996).
There are also commonalities between adult men and women in criminal behavior. Many of the factors affecting risk or resilience to the perpetration of criminal or violent behavior are consistent for boys and girls. Resilience is the psychological ability to cope with stress and resist the negative influences that result in delinquency or criminal behavior. The largest factor for resilience for both male and female youth is grade point average, but other factors include involvement in school activities, family life, and religious background (Hawkins et al. 2009). All these factors increase resilience to crime for both boys and girls alike. For both males and females, race is a significant factor when it comes to criminal offending. Members of minority groups are more likely than Whites to have criminal backgrounds. African American men self-report higher levels of offending than African American women. This also holds true for Caucasians (Gavazzi 2006). The interaction of class status and race also proves to be a significant factor for both male and female criminal offending. Both male and female offenders tend to be “of low socioeconomic status, poorly educated, under- or unemployed, and disproportionately from minority groups” (Steffensmeier and Allan 1996: 465). Criminal behavior also varies by geographic locations. Areas with higher rates of male criminal offenses also have higher rates of female offenses. Likewise, crime patterns of male and female offenses vary consistently over various time spans; as male offending increases, so does female offending and likewise when male offending decreases (Steffensmeier and Allan 1996). Age is significant, but unlike class and race, crimes vary by gender when age is a factor. The trajectory of female criminal careers tends to begin and peak at earlier ages. This discrepancy in age is most significant for serious and violent offenses and less dramatic for offenses such as drug and
alcohol use (Cauffman 2008). Female criminals are much less likely than males to repeat their violent offenses later in life (Steffensmeier and Allan 1996).

*Gender Discrepancies in the Legal System*

Considering how crime varies significantly by gender, it is no surprise that there is a discrepancy in the laws concerning crime and gender. However, criminal law tends to be stricter with girls than with boys. Even when the laws are written in a gender-neutral way, often laws are gendered in practice in ways that reinforce gender differences in the system. Girls are charged with crimes differently because they are held to a different set of moral standards. Many laws are put in place with the intention of protecting young girls or promoting female purity. Laws protecting the morality of youth were put into place in an effort to save deviant children and were further reformed after the Civil War to protect less fortunate children from the negative afflictions of rapid urbanization (Conrad and Schneider 1980). However, often these laws are not in the best interest of these girls, and in reality, they lead to more frequent arrests of young girls. One major criticism of zero-tolerance policies is that they do not address causal factors and generally maintain a punitive emphasis (Stinchcomb, Bazemore, and Riestenberg 2006). These laws involve status offenses, domestic disputes between girls and their families, and zero-tolerance policies regarding in-school fighting (Hawkins et al. 2008; Schaffner et al. 1997). Previously, schools’ zero-tolerance for fighting policies affected girls at a higher rate than male students (Chesney-Lind 1999), but due to recent policy changes, these now affect boys and girls at similar rates. However, school-based bullying prevention programs may still be harming girls, rather than helping them, as these programs tend to equate girls’ non-physical relational violence, like gossip and ostracizing, with physical bullying often displayed by boys, which is a
greater indication of future criminality and far more likely to result in injury (LaCrosse Levesque 2010). Furthermore, simple status offenses are being relabeled as violent offenses through techniques like bootstrapping, when the police advise parents to stand in the doorway when their children threaten to run away, which turns a minor runaway offense into a violent assault (Chesney-Lind 1999). These laws are enacted to prevent girls from engaging in wayward or violent activities, but they end up merely leading to higher female arrest rates. This relates back to the idea that crime does not uphold traditional feminine values. Girls are more often charged with immorality offenses or status offenses than boys are. Girls are much more likely to be charged with breaking curfew, waywardness, or underage alcohol-related offenses (Brunson and Miller 2006), despite the fact that data does not show that girls are actually engaging in more immorality status offenses than boys (Brumbaugh et al. 2010). This stems from concerns about the moral depravity or sexual behavior of girls. In addition, girls tend to be treated more harshly in the justice system than boys who commit similar offenses (Hoyt and Scherer 1998).

Certain laws affect women at higher rates than men. One of the clearest examples of this is prostitution laws. The clear majority of prostitutes are women, so unsurprisingly women are disproportionately arrested for prostitution (Britton 2011). However, customers of prostitutes are, almost without exception, male. Prostitution carries a much harsher punishment than soliciting a prostitute, ensuring that the girls who are selling sex are punished more harshly than the boys or men who are buying it. This relates to the idea that the morality of girls needs to be controlled, as the girls and women are still being viewed as the “temptresses” or the source of the immorality and are thus being controlled more intensely. The enforcement of prostitution laws also demonstrates gender bias. Prostitutes are arrested at higher rates than those soliciting
prostitutes. Statistical trends for crime and gender illustrate how girls are treated unequally by
the juvenile justice system. As Ness states, “Even though the juvenile violent crime rate has
steadily declined since the mid-1990s for both males and females, the 2001 arrest rate for girls
remains 59% above its 1980 rate while the 2001 rate for boys is 20% below its 1980 rate” (Ness
2004: 34).

In addition to the gender bias in law enforcement, we also see many forms of bias within
treatment or correctional programs by everyday practitioners. The Office of Juvenile Justice and
Delinquency Prevention requires states to “develop and adopt policies to prohibit gender bias
and placement in treatment” (Bownes and Albert 1996). However, if practitioners lack a
thorough understanding of how gender differences may lead to bias in the enforcement of laws,
this mandate may not always be met (Brumbaugh et al. 2010). With the substantial differences
in the ways girls and boys are committing criminal offenses and deviant acts, gender-based
treatment is not necessarily disadvantageous; however, the ways in which such programs are
currently being implemented are not always beneficial. Disparate treatment can be based on
stereotypes held by juvenile justice professionals. While not all studies find gender biases to be
a significant factor when determining court sentencing (Kupchik and Harvey 2007), there is a
substantial amount of evidence to support the theory that some levels of bias exist within the
legal system (van Eijk 2017). Often, these professionals have very negative stereotypes of girls
and prefer not to work with them at all. Studies show that officers often see the girls as whiny,
manipulative, trashy, and irresponsible and they find working with girls to be too challenging,
given their issues and treatment options (Gaarder, Rodriguez, and Zatz 2004; Schaffner et al.
1997). This mentality leads to a lack of compassion from the officers and they become labeled
“criminals.” Often, juvenile justice professionals address the apparent discrepancy between a girl’s behavior and the way she is expected to act by rejecting her femininity and seeing her as, essentially, a genderless “criminal.” Jill McCorkel’s (2004) study on correctional facilities quotes a correctional officer saying “Look, I’ve been telling them we need to get real. It’s not the 1950s anymore and we can’t keep treating inmates like they’re these innocent, little girls. They’re not girls, they’re criminals” (394). Essentially, these girls are stripped of their female status based on their behavioral issues that are inconsistent with how girls should act. Furthermore, girls’ higher rates of mental disorder add to the mentality that they are more difficult and, thus, less desirable to work with (Vidal and Skeem 2007). In the case of female sex offenders, it has been found that girls are labeled as being “just sick” or diseased and are not viewed with a lot of hope for rehabilitation (Steen 2001). However, biases toward girls may have changed, as some even older studies found that in some cases girls are treated with more leniency from court officials and probation officers due to a chivalry complex, in which male officers do not treat adolescent girls as harshly as their male counterparts (Frazier, Bock, and Henretta 1983). This study conducted 35 years ago by Frazier et al. yielded different results than many of the studies conducted within the last decade, suggesting that over the years, probation officers’ views of girls are changing, and professionals are becoming harsher when it comes to the sentencing and treatment of girls than in past decades.

Juveniles who engage in unlawful or criminal activities are given a preliminary assessment by juvenile justice practitioners to determine risk factors, such as recidivism, or to identify any potential problems, including mental health issues or substance abuse problems. The assessment tools can be used in a variety of ways prior to or during sentencing and
treatment. Recently, questions have begun to arise about the appropriateness of standardized instruments for girls as literature has begun to illustrate the importance of gender as a variable in understanding delinquent behavior (Brumbaugh et al. 2010). Gender can affect the accuracy of classification and diagnostic instruments by inaccurately identifying negative behaviors in girls, misclassifying problematic behaviors, failing to distinguish subgroups of girls, or misidentifying needs and strengths of girls. In an effort to reduce this disparity in treatment, the Juvenile Justice and Delinquency Prevention Act mandates that juveniles may not be held in secure facilities including jails, prisons, or juvenile detention centers for status offenses (Bishop and Frazier 1992). However, this does not alleviate the fact that girls are still more likely to be arrested for status offenses. Furthermore, there is still a great deal of subjectivity involved in the processing of juvenile offenders, and girls are still at risk of receiving harsher corrective action plans from juvenile justice professionals.

Treatment for girls is often overly focused on the issues surrounding their gender rather than the issues surrounding their conduct. Because criminal behavior directly contradicts traditional female behavior, the idea is that if the girls would act more “girly” they would not be engaging in delinquent activities. The result of this mentality is that treatment for girls often entails promoting traditional feminine behavior and restricting female sexuality while neglecting the causes of delinquency and ignoring their needs (Pasko 2010; Scholinski 1997). This is a continuation of the old reform model in which morality needs to be controlled, and then proper behavior will follow. Shaming is a technique used frequently in girls’ and women’s treatment to correct negative behavior. This “therapy tool” is supposed to teach girls how to handle conflict and accept criticism. It also makes them feel ashamed of their behavior, so they will choose
more positive behaviors in the future. It plays on the notion that girls who commit crimes are unworthy as women. McCorkel, Harrison, and Inciardi (1998) found that women who were involved in such programs did not often see the value of them. Even those who successfully completed the programs were skeptical of these methods. Clients felt that many of their problems were caused by people hurting, abusing, and breaking them down, so therapeutic techniques that do the same were not in their best interest. Unfortunately, programs like this exist because the system does not have adequate knowledge or understanding of what girls need or what kind of background they are coming from. The system lacks what it needs to meet the needs of girls, and so deviant girls are largely misunderstood. They do not always realize the history of abuse that so often exists with girls in the system, and gender appropriate treatment is often unavailable (Gaarder, Rodriguez, and Zatz 2004: 555). Treatment programs for juvenile delinquent girls have fallen behind treatment programs for juvenile boys and adults. This is because treatment centers for juvenile boys often focus on correcting behavioral issues and often ignore the underlying issues that led to the bad behaviors in the first place (Hoyt and Scherer 1998: 85). Girls, on the other hand, receive the opposite approach to treatment, in which they attempt to address underlying psychological and social issues in hopes the correct behavior will follow.

Public treatment facilities are grossly underfunded and do not always have the necessary resources to meet the needs of girls, and privately funded treatment facilities are often co-ed, where women are grossly outnumbered. These programs cater to the needs of the boys who make up the majority of clients but do not necessarily address the needs of the girls (Lockwood, McCorkel, and Inciardi 1998: 195). Boys make up the majority of the juvenile justice system, so
typically they are the focus of the majority of treatment facilities and probation programs (Hughes 2016; Rios 2009; Schaffner et al. 1997). Furthermore, juvenile officers tend to consider working with girls undesirable. Girls are seen as being more difficult to work with because of their unique set of issues, including mental health issues and histories of abuse (Gavazzi 2006: 196). Effective treatment providers need to become more aware of the experiences of girls within the system, provide a safe and gender-sensitive environment for girls, and coordinate with social welfare agencies (Lockwood, McCorkel, and Inciardi 1998).

**Contributions of This Thesis**

The discrimination that women face in the legal system is problematic. As the needs of adolescent girls in the juvenile justice system go unnoticed, unacknowledged and unmet, these girls are at increased risk of facing sexual, physical, and emotional abuse (Schaffner, Shick, and Stein 1997). Further research on how these discrepancies affect the treatment of young women is necessary to improving the experience of young women in the juvenile justice system. Although girls make up an increasing percentage of the juvenile delinquent population, studies of treatment for delinquent girls are limited and neglected within the fields of sociology and criminology (Brumbaugh et al. 2010; Schaffner et al. 1997). A notable portion of the research conducted on the juvenile justice system focuses primarily on the majority male population, but too few studies focus on female delinquents. Because research is most commonly conducted on males, we are more knowledgeable about male offenders, and most programs are centered on what male juvenile delinquents need. Girls in the system, then, seem to be receiving male-specific treatment while their own needs are going unacknowledged and unattended (Cauffman 2008). We still know relatively little about how girls respond to various treatment programs
Statistical analysis of female delinquency treatment programs is difficult to conduct and may yield inaccurate or inconclusive results because girls make up a small proportion of those in correctional programs, and programs that cater specifically to girls are very rare (Hoyt and Scherer 1998). Furthermore, “we still lack adequate knowledge of how probation officers and other court officials view girls’ pathways to crime, personal attributes, and future possibilities” (Gaarder, Rodriguez, and Zatz 2004: 550). Juvenile probation officers make up the core of our juvenile justice system. The majority of juveniles within the criminal justice system come into some degree of contact with probation officers (Schwalbe and Maschi 2009). Juvenile justice specialists need to focus more on how to accommodate the specific needs of girls and emphasize gender-appropriate treatments.

In this study, I help to fill this gap by examining probation officers’ interactions with their juvenile clients. I closely noted differences and similarities in the treatment given to boys and girls and where various strategies tend to be either beneficial or unsuccessful. I use a gender lens to “conceptualize gender as a structure” (Risman 2006) and scrutinize how gender relations affect various aspects of juvenile criminal behavior and treatment. I see how juvenile probation officers accommodate the needs of girls and how gender-specific treatment can have positive or negative effects. My research strives to answer the question, how do juvenile probation officers enact gendered policy and practices into their work with juvenile offenders? Previous research has shown that deviance and crime vary by gender, and consequently, laws (when put into practice) affect male and female offenders differently. I examined case files from probation officers to find out how their interactions with youth vary from boys to girls and how those variations affect the success of their treatment.
Data Analysis Methods

I conducted secondary data analysis on case files from juvenile probation officers. These cases files were copied, with permission, from the juvenile justice department in one county in the rural Midwest United States as part of a grant to conduct a programmatic review in 2001. All personally identifying information was deleted from the files before they were copied and stored.

This county is largely rural with a population under 50,000 people, according to the US Census Bureau (2000, 2010). Ninety-one percent of the population is White. Most of the juveniles in their justice system were white and male. When juveniles are processed into the system, they were interviewed by a probation officer to assess their needs and risks for re-offending. Youth were assessed using the Youth Assessment and Screening Instrument (YASI). The probation officer directs the juvenile to various diversion programs based on that intake interview. The instrument assesses the youth for risk and preventive factors related to their legal history, family, school, community/peer, alcohol/drugs, mental health, attitudes, skills, and use of time. The case note packets used in this study included only the final scores of the YASI assessment (see Appendix A). Diversion programs are designed to rehabilitate the juvenile, keeping him or her out of the criminal justice system. I analyzed the data recorded during the intake interviews with 123 youths who were processed between 1999 and 2003.

I performed document analysis (Emerson, Fretz, and Shaw 2011) on notes probation officers have written about their meetings with their juvenile clients. Data were analyzed using

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1 These data were collected by Kristen Myers, Jack King, and Kirk Miller in the Department of Sociology at NIU.
inductive reasoning (Lofland, Snow, Anderson, Lofland 2006). No formal hypothesis testing was conducted, as I used the methods of grounded theory (Emerson, Fretz, and Shaw 2011) to derive categories of information from the data itself, not from preconceived notions or expectations.

The process of data reduction and interpretation began with initial “open” coding (Lofland et al. 2006) that allowed broad patterns to emerge from the data. Particular detail was paid to patterns regarding the gender of the juvenile as well as age and race. Subsequent to initial coding, focused coding was used to organize the data into themes and find linkages between said themes. Data was then organized into integrative memos (Emerson, Fretz, and Shaw 2011; Lofland et al. 2006). Negative cases were examined and analyzed in an effort to increase the validity and reliability of the data.

Data

This study analyzes data from a county probation office. The sample consists of 155 cases, with 123 cases that were usable (Table 1). Cases with missing or incomplete data were considered unusable and were omitted from the sample. Those in the sample range from ages 9 to 21. Sixty-seven percent of the sample is male while 32.3% is female. Statewide, males account for 79% of youth arrested (Hughes 2016). Additionally, 84.6% of the sample is White, 13.8% are Black and 1.6% are other racial minority groups. In this sample, the majority of the youth live in single-parent or other non-traditional families, with less than 30% coming from two-parent homes.
Table 1. Study Demographics

<table>
<thead>
<tr>
<th>Gender</th>
<th>Race</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boys</td>
<td>105</td>
<td>131 (84.6%)</td>
</tr>
<tr>
<td></td>
<td>White</td>
<td>Range 9 - 21</td>
</tr>
<tr>
<td>Girls</td>
<td>50</td>
<td>21 (13.8%)</td>
</tr>
<tr>
<td></td>
<td>Black</td>
<td>Median 15</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>Mode 17</td>
</tr>
</tbody>
</table>

Overall, battery was the most common offense, making up approximately one fifth of cases in the sample, but males had higher rates of battery than females (Table 2). Over a quarter of the males in the sample had a charge for battery. Theft was the next most prevalent offense and was the most common offense for females in the study. This contrasts with statewide averages, where most juvenile arrests are for property offenses, followed by person offenses (Hughes 2016). Rates of drug or alcohol-related offenses and runaway offenses were common and were relatively consistent between boys and girls in the sample. All of the sexually based offenses in this sample were committed by males. The overall rate of probation violations was 69%, with boys being slightly more likely to violate probation than girls. Seventy-one percent of males violated their probation compared to 63% of females.
Table 2. Offense

<table>
<thead>
<tr>
<th></th>
<th>Overall</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Battery</td>
<td>19.8%</td>
<td>12.9%</td>
<td>26.7%</td>
</tr>
<tr>
<td>Drug/Alcohol</td>
<td>17.4%</td>
<td>19.4%</td>
<td>16.4%</td>
</tr>
<tr>
<td>Property Damage</td>
<td>11.6%</td>
<td>12.9%</td>
<td>7.3%</td>
</tr>
<tr>
<td>Runaway</td>
<td>10.5%</td>
<td>12.9%</td>
<td>9.1%</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>3.5%</td>
<td>0.0%</td>
<td>5.5%</td>
</tr>
<tr>
<td>Theft</td>
<td>18.6%</td>
<td>32.3%</td>
<td>20.0%</td>
</tr>
<tr>
<td>Other</td>
<td>18.6%</td>
<td>9.7%</td>
<td>15.1%</td>
</tr>
</tbody>
</table>

Limitations of Data

All possible precautions to ensure the integrity and validity of this data were met to the best of my ability. However, there may be some insufficiencies to the data due to the limitation of resources available. All of the cases examined in this study were pulled from one county in a rural area with a highly homogeneous population. According to Census Bureau data, the majority of the population is White, and has a high school diploma, and tend toward conservative or Republican politics (Leip 2018). Given this limitation, views expressed in this analysis may reflect community values and the findings are not necessarily generalizable to the entire population. However, the intent of this study is not to generalize findings, but rather to provide an interpretation of events and illustrate how gender is treated in juvenile justice settings.

Little is known about the probation officers who wrote the notes used for this study. Although we do not know who the probation officers are specifically, we do know they were
trained within the system and are presumably following their procedures and training in their records. As such, they can be seen as agents of the institution and their framing of the children’s behavior can be seen as an extension of the training and values of the system. Data comes only from the notes written by the probation officers. Officers were not spoken to or interviewed and were unable to provide clarification about their meanings or intentions. Only initials for the officers were included on the client records, so we do not know anything about the demographic information about the officers. Secondary data analysis allows us to only access data from the written perspective of the probation officer. The nuances of interpersonal interaction are not well captured without any direct observation and there is no information from the perspective of the clients.

Permission to use these records was granted to the Northern Illinois University Sociology Department by the County Probation Office. Consent was not gathered from individual clients for this study. Upon receiving the records, efforts were made to remove all identifying information to protect the privacy and confidentiality of those mentioned in the records. There is no foreseeable risk of physical or psychological harm to any of the individuals mentioned in the record, as they are not directly involved in any research methods. Records were collected after their probation involvement had ended, so there is no risk of harm to the authenticity or integrity of their interaction with their probation officers.

**Methods and Coding**

All of the probation records used as data were physical paper copies. Each record begins with a face sheet (see Appendix B), with all case information including descriptive information about the client, information about their criminal offense and other legal information and
conditions of their probation. Records also include narratives written by the probation officer detailing each contact with the client. Face sheets attached to each record were stripped of all identifying markers, and demographic information was recorded into an electronic database. Data was then separated into usable and non-usable categories. Usable cases were any cases where there was a written narrative about appointments with probation officers. Charts that consisted only of face sheets, evaluation results, or where the juvenile did not show to appointments were not used. All identifying information of people and places have been changed or removed to protect the identity of all individuals involved.

Memoing methods were used to organize and make sense of the data (Charmaz 2001) and to establish commonalities and themes present within the records. Theoretical memos were created as I began to note ideas about the codes and their relationships (Glasser 1978). Codes were then entered into an electronic database and sorted by commonalities. Common trends in data were noted and grouped together to analyze significant patterns.

**Findings**

My findings support previous research that shows that stigmatization of girls in the juvenile justice system leads to inequality (Chesney-Lind 1999; Rios 2009; Steffensmeier and Allan 1996). Often, this inequality results in the needs of these girls going unmet or even unacknowledged as the focus tends to be on the behavior itself, not the underlying cause. Strong consideration was given to boys about the impact treatment would have on their futures and their ability to carry on with their daily lives. Girls were not typically given this same consideration. As girls are viewed differently from boys, they are also treated differently, which can have negative effects on their rehabilitation and can increase their risk of further legal involvement.
Consistencies in Treatment

While treatment of adolescent boys and girls in probation did vary substantially in many aspects, it did not differ in every category. Academics and finishing high school are regularly discussed for both genders. Both boys and girls were regularly asked about their grades, school attendance, and extracurriculars by probation officers. This was a commonality between boys and girls that was found in the data and was present in nearly every case. Academics and grades are a consistent theme throughout the probation period for nearly all cases. Probation officers check in on school progress during many of the sessions and this is often an underlying theme for the probation process. Typically, academic achievement was a foundational goal that the probation officers tracked regularly. This is one area where we saw similar treatment with similar outcomes. This is not an area where a lot of gendered stigma exists, so the approach for boys and girls was very similar. This relates back to the equality hypothesis of gender, which suggests that boys and girls will be treated equally. Academic status was brought up as one of the first questions in nearly every single case in the data and was frequently a point of check-in at all or nearly all appointments.

In this case, academics were the first topic brought up in nearly every meeting. This high school student was struggling to keep grades at a passing level, so at the beginning of each session the probation officer checked in on her grades and required a weekly report signed by the student’s teacher.

(Session 1) Mom reported school is a problem for Karah … We talked about Karah and how I do not see her making progress and making it in school.
(Session 2) She said she is trying to bring up her grades. She showed me a weekly grade sheet her teachers fill out. She is getting a D in Math and a C in Social Studies. She said she can bring up the D in Math if she completes the homework.
(Session 3) She has not brought up her math grade since last time I saw her.
This case shows us how the emphasis on grades and school work was a consistent priority throughout case sessions. We see through the progression of these sessions that the probation officer focuses on bringing all grades to passing and setting tangible goals along the way to achieve academic success. This case is an example of the way academics were typically approached. Typically, there was not a lot of tension surrounding discussions of school, grades, and extracurriculars because it was an area where generally the probation officers, the parents, and the adolescents all agree that success has value.

School attendance and grades are common issues for adolescents in the probation system, both male and female. Adolescent boys and girls receive the same level of encouragement to attend class and maintain good grades. Boys’ cases followed the same pattern as girls’ cases, where the probation officers routinely began appointments by checking in on academic progress.

(Session 1) He is missing work, receiving detentions and skipping them, becoming mouthy in some classes and is failing science with a 58%.
(Session 2) “He reported that his grades are pretty good, his lowest being a possible D.

This is another example of the way school work is brought up during these probation meetings. There was an update on progress discussed in nearly all meetings, especially when grades were an area of struggle, as it was with this student struggling to keep his grades at a passing level.

Academics for all youth were placed above other aspects of life. High school extracurricular activities were often encouraged, as long as these activities did not interfere with grades and academic success. In cases where the student’s grades and other behaviors relevant to academic success were good, the probation officers would often focus on school-sponsored activities as a positive place to focus energy.
She is currently involved with basketball at school and has three more games... Grades and attendance are good at school and there have been no negative behavior reports.

In this case, grades, attendance, and behavior were all up to expected standards, so the student was encouraged in her extracurricular sport. Sports and other extracurriculars were encouraged as long as grades did not suffer as a result. In cases where students were struggling academically but also participating in extracurricular activities, probation officers still place the most emphasis on class work. Students were frequently cautioned not to let other activities, even socially sanctioned activities, interfere with their school work. Grades and graduation were consistently held as a top priority goal.

I advised him that this is one of the things that you have to deal with when you have an extracurricular activity such as football taking up a lot of your time. Don’t let it affect your grades as education is a lifetime whereas football isn’t.

This case is an example of how grades were prioritized over all other things. Enrollment in sports was fine, as long as it did not take priority over classwork.

Even when a high school diploma was not an option for students, academic progress was still emphasized as a primary goal. Typically, this would involve pursuing high school completion in the form of GEDs or alternative schools. In one case, we see a student whose same-age peers were nearing graduation but was still years away herself, due to having earned only a few high school credits. For this student, her best path for academic success was through a GED and attending community college.

The minor expressed that a GED would be more effective for her due to her having only 4.5 credits (not counting what she got at inpatient treatment). She would be a freshman status. She turns 17 in April. She wants to get her GED, start course at the local community College and have a job.
This example shows how even when there are barriers to obtaining a traditional high school diploma, finishing high school is still a priority.

Academic success was the most common issue brought up in all cases, both for boys and girls. There were very few discrepancies in either the emphasis placed on this aspect of treatment, or the outcomes associated with it.

Disparity in Treatment

The stigmatization of girls that is prevalent in the juvenile justice system can lead to disparities in the treatment girls receive. These disparities followed the patterns described in the evil woman hypothesis (Belknap 2007:149; Nagel and Hagan, 1983:116). Often, the focus of the treatment is on the behaviors themselves, rather than the underlying causes. Girls who behave in ways that are inconsistent with the preconceived notions about how society believes girls should act are seen as unnatural and therefore behavior that must be fixed. This causes the treatment plan to revolve around external factors that are often outside of the girl’s own control, ultimately setting her up for failure. This also leads to treatment plans that ignore internal issues that could be contributing factors to the behaviors in the first place, such as abuse, trauma, or mental illness. Because the same stigmas are not present for boys, this leads to disparities in the way boys and girls are treated.

One of the ways we see this disparity in treatment play out in the differences for girls and boys is that girls’ treatment tended to be more relationship based whereas boys’ treatment tended to be more goal oriented. Goals for individual achievement such as jobs or military were often a focus of boys’ treatment, whereas maintaining better relationships with friends, parents, and boyfriends is a frequent focus for girls. Boys’ treatment is focused on the appropriateness of
their goals, aspirations and personal achievements. Girls, on the other hand, are scrutinized for the appropriateness of their friends and other relationships.

Often, this leads to girls being held to unrealistic expectations about things over which they have no control. For example, girls may be expected to mend relationships with parents or other family members who are not willing to have a relationship with them. In one instance we see Kate, a 16-year-old arrested for running away, who was repeatedly encouraged to pursue a relationship with her father as a part of her probation. When it became apparent that her efforts to reach out to her father were not welcomed by him, she was still encouraged to continue trying. When she reported that her father and another relative had abused her in the past, the incident was appropriately reported, but she was still encouraged to make amends with him.

(Session 2) She is making progress in dealing with her issues. She spoke to her father on the phone and he expressed how he does not want anything to do with her.
(Session 3) This officer asked her about the phone conversation with her father. She stated that he said that he didn't want her to call him anymore... Kate made the effort to write her dad a letter explaining how she felt...
(Session 5) A hotline call to DCFS occurred due to the minor reporting that she was sexually abused (raped) by a relative and father when she lived in in another state...
(Session 7) This officer asked if she is looking to see her father since he lives in the area. She stated that this could be possible.

What seems to be happening with this girl is that the probation officer is so determined to make her relationship with her father fit the ideals he has for what the relationship should be that he is risking her own safety. Pressing the issue of rebuilding this relationship despite her father’s insistence that the relationship is not welcome is setting the client up for failure, as it forces her attention on a goal that is dependent on someone who does not wish to help. Furthermore, setting her up to be repeatedly rejected by her father, with whom there is already a history of abuse, has the potential for detrimental consequences for her emotional well-being (Hagborg,
The officer thinks the girl should have a relationship with her father, even though that relationship is demonstrably dangerous for the girl. This could be due to perceptions that a father’s role is to protect his daughter from perceived immoralities (Gonzalez-Lopez 2004).

In some cases, this over-emphasis on relationships resulted in other issues being ignored. For 14-year-old Carla, her friends were brought up routinely during probation meetings and she was encouraged to consider the appropriateness of her friends and encouraged to sever ties with bad influences. This came up repeatedly after she had shared that her choice of friends was the result of self-esteem issues. Rather than focusing efforts on building self-confidence, the probation officer focused only the friendships that resulted from the lack of confidence.

Carla does not think she is smart enough to hang out with the other kids therefore she hangs out with all bad kids. I advised Carla that I am familiar with several of her friends and I do not feel they are good influences on her. We talked about her friends and if they are the appropriate friends or not.

Once again we see the probation officer focusing the attention on the external behavior, spending time with “bad kids,” rather than addressing the underlying cause of these friendships, her low self-esteem. By expecting her to change her friendships without helping her gain the emotional support to do so, she is not being set up for the greatest possibility of success.

For many of the boys in the sample, friendships and other relationships were noted by the probation officers, but the discussions surrounding these friendships were remarkably different. When a boy’s friends are noted to be bad influences, they are not encouraged to sever connections to these friends as the girls in the study were, but instead they were encouraged to focus their energies on individual accomplishments. Unlike girls, who were expected to manage emotionally complex issues involving other people, boys were encouraged to focus on more
clear and tangible things that were well within their own control. In one case, the probation officer notes that the client’s friends were bad influences who engaged in illegal activities, but rather than addressing that, the officer abruptly changes the topic of conversation to the client’s grades.

Brian is having some problems with his friends, he said some of his friends are not the best influences. He reported some of them are always doing something that is illegal or doing things that can lead them into getting into trouble. Brian said his grades are pretty good. He would like to get better grades.

In this example, Brian, who was arrested for consumption, stated that his friends were bad influences, but rather than advising him on that relationship, the probation officer focused the attention back to grades and individual achievement.

In fact, in nearly every case for boys, career plans are discussed early in the process and emphasized throughout the process, keeping the focus of their treatment on things within their own control. In the case of 14-year-old Peter, who was arrested for sexual abuse, we see the treatment center on his personal goals: “He mentioned that he is planning to obtain a job for summer… He plans to join the armed forces and then attend a college.” This shows how boys who are arrested for various crimes are seen as being part of a structural system. The idea is that if we can just give them what they need to be successful, they will not continue to reoffend. We see this again, exemplified with 10-year-old Kyle, who was arrested for theft: “He has goals for the future. He wants to go to college and become a fireman.” This shows, again, the emphasis on the boy’s future and what he could become. The future of this boy matters more than the behaviors he has committed. We see the same pattern with Derek, a 16-year-old with a burglary charge. In his very first session with the probation officer, his goals for school and career are already noted: “School related goals: become a plumber,” and the entirety of his treatment is
centered on this goal. College, career, or armed forces were common goals discussed for boys after graduation. Boys who were more than a year away from graduation were given similar goals for summers.

Short term goals include: Pursue track and stay throughout the season; remain free of any violations; get a job during the summer; keep improving his grades.

In discussing treatment goals, boys were given something positive to work toward that embraced their potential. When boys committed criminal acts, they were not viewed as behavior that was inconsistent with their ability to carry on as productive members of society in the future. In contrast, the future of girls was not given any notable attention, and their treatment goals involved removing significant aspects of their lives without giving any thought to productive ways of replacing what would be missing. Any mention of these girls’ future potential in regard to redirection of behaviors was strikingly absent.

The emphasis placed on girls’ friendships was not the only aspect of interpersonal relationships where we see an uneven treatment between boys and girls. Romantic relationships and sexual activity were heavily scrutinized for girls but not for boys. Sexual activity was routinely brought up in female cases, regardless of the nature of the offense. However, sexual activity was only mentioned for boys in cases where a male had been arrested for a sexually based offense. Probation officers frequently asked female clients about their sexual activity, even when it was not related to their criminal charge. Male clients were only questioned about their sexual activity if they were charged with a sex crime, and they were only asked questions that directly pertained to that offense.
In one case where a girl was arrested for drug-related charges, the probation officer asked her about sexual activity related to her using. When she admitted to having sex, the probation officer asked her about using protection.

I asked Cindy if she is sexual active when she is using pot or alcohol. She said yes, she is having sex with several partners. I asked if she is using protection and she said yes. While encouraging teenagers to use protection during sexual activity is not inherently harmful, and in fact is a good way to keep those involved safe from sexually transmitted diseases and prevent unwanted pregnancy, it is still an inconsistency in treatment between boys and girls. STD safety was mentioned in only one case with a male client. In that case, the client had been charged with rape. The probation officer did not bring up the topic of STDs; it was only mentioned at the end of the session when the client’s mother asked about how and where to get tested: “They did have one question about the costs of STD testing.”

In another case, the probation officer did not only ask about the sexual activity of a young girl who was arrested for consumption of alcohol, he assigned moral value to her actions, stating that he did not find it appropriate.

She had a hickey on her neck, I asked who it was from and she said her boyfriend. I asked if he was bad news and she said he had been in some trouble. He is currently going through court on a violation of voluntary… I told her that I feel it is inappropriate for her to be getting hickeys when she is only 13. Lucy rolled her eyes at me. She then said it was only one and she does not see what the big deal is.

Once again, we see the stigmas associated with girls’ sexual behavior at play in this interaction. By asking if her boyfriend is “bad news,” the probation officer is already assigning a value judgment to her relationship and doing so in a way that assumes the relationship is problematic. The officer then goes on to judge the morality of her behavior, stating that it is “inappropriate.” Clearly, this judgment was not well received, as Lucy pushed back, resisting the judgment of the
officer. These interactions that focus on negative behaviors, especially when approached in a judgmental way, are not productive and do not provide any sort of direction for these girls. Boys were consistently given a positive goal to work toward, while girls were given negative behaviors to “fix.” This is consistent with past research that shows that girls are more likely to have sexual behavior addressed in the juvenile justice system than their male counterparts (Bishop and Frazier 1992).

For boys, inappropriate sexual behavior was only mentioned when it was directly related to the charges that caused them to be on probation in the first place. A client was charged with criminal sexual abuse, so questions about his continued sexual behavior were not about assigning moral value, just about complying with legal precedent.

This officer brought up an issue that was told about Joe receiving letters from a female from another unit consequently writing her back with sexual connotations involved in the writing…. The things that he continues to struggle in, is issues of boundaries, via writing letters to a female in a sexual nature.

In this case, the client’s sexual behavior was only mentioned as it directly related to the client’s criminal charge, and even then, it was not assigned any moral value as we saw with the girls on probation. Boys who engage in sexual behavior are only expected to control themselves to within the parameters of the law, while girls are expected to uphold moral standards assigned to them by others.

Value judgments and moral scrutiny were placed on girls in other areas as well. The personal appearance of girls was noted in many cases, effectively judging them from the moment they walked in the door. We see this exemplified with 14-year-old Grace, a young girl with an alcohol offense: “Grace had a lot of makeup on, almost too much.” The assessment of “too
much” makeup is entirely a personal judgment and had nothing to do with the Grace’s arrest or her personal goals. It was just a notation about a physical quality the probation officer did not personally like. In another case, 16-year-old Betsy was arrested on runaway charges; the officer directly questioned her about her outfit:

The minor has brown hair which was in several mini pony tails, and brown eyes. She had a shirt on, which had writing on the front which said, "I do bad things.” When I asked what bad things does she do? Mom answered that it’s just a shirt and it means nothing. The minor made no comment.

This probation officer approached a slogan on a t-shirt as if it were some sort of confession of guilt, like she must have done something bad if she is wearing that. Grace’s mom was quick to shut that down, stating that it is “just a shirt.” Not all judgments about clothing was negative. Officers also noted when girls were dressed in ways that they approved of, as we see with 11-year-old Jessica, who was questioned about her “nice” outfit: “Jessica had a nice outfit on. She reported she got it for Christmas.” This pattern of noting and questioning girls on the way they dress or do their hair and makeup shows is one more example of the way treatment of girls revolves around fixing outward qualities. It shows the idea that in order to act like a nice girl, you must look like a nice girl.

Appearance for boys was rarely mentioned. When it was, it not treated as a moral judgment on their personal appearance, but rather situational appropriateness, as we see with a young boy with a cannabis charge:

I informed Jake that he needed to comb his messed up hair and get himself together for school…. [Later] He was present in school and his hair appeared to be washed and combed.

In this case, his appearance was not about linking bad behavior to appearance or about the officer’s personal opinion, but rather it was about teaching him how to present himself in a
particular situation. He needed to clean himself up for school. Again, the focus for a boy is on his own success at school and work. Girls were not given this same direction or reason that they needed to change their looks. Like we saw earlier with Grace, it was never specified why she was wearing too much makeup, only that it was “too much.”

Boys were more often encouraged to regulate their behavior by taking responsibility for their own actions, whereas girls were more often encouraged to submit to another authority figure in order to manage behavior. Boys were taught and encouraged to use self-control and be personally responsible for their future actions. Girls were expected to defer to authority figures, such as parents, in regard to their future behavior. Essentially, boys were expected to keep themselves in line; parents and police were expected to keep their daughters in line. When adolescents did reoffend or get into trouble at home or school, probation officers were more likely to recommend parents use strict restriction or even police involvement as a means of controlling a girl’s behavior. This discrepancy in treatment resulted in increased arrest rates for girls while minimizing police contact for boys.

We see two contrasting cases, both of which involved a juvenile who was fighting at home with family members. A young girl, 14-year-old Caitlyn, who was arrested on charges of consumption of alcohol. The probation officer tells the mother to call the police in order to put an end to the violent behavior:

I told [her mother] she needs to contact the police if Caitlyn grabs her and if she does not, Caitlyn thinks she can keep doing it.

On the contrary, we see a similar case where Cody, who was arrested for theft, is also frequently engaging in violent behavior in the home, but in this case, it is agreed by the mother and the
probation officer that the behaviors would be minimized if he had a stronger sense of self-control.

[Mom] said that Cody also commented that he knows his behavior is not good, but he cannot help it. She and I both agree that Cody does have control over his actions.

In these cases, we see how the same behavior is responded to differently, which can have strong consequences for these youth. Referring to police for behavior management will continue to create addition problems in the girl’s future. On the other hand, the male client’s treatment involved personal skill building that will not only address the issue at hand but will provide positive benefits in his future.

Even in cases of non-violent behavioral offenses, parents of girls were still encouraged to call the police for behavior management. In many cases, police were called to intervene in status offenses such as running away.

This officer informed [mom] that if she runs away then she needs to report her as a runaway…. The officer received a phone message from [mom], regarding her daughter Kristine. She reported that she had runaway, they reported this to the police and she doesn’t know what to do at this point.

By reporting girls to the police for non-violent, status offenses such as running away, it not only increases their criminal record but it fails to address the issues that are causing that behavior in the first place. As boys are consistently given goals to work towards, girls were taught only to stop their bad behaviors. With no positive reinforcement to work toward, girls are not taught to develop new coping skills, and then are punished further for falling back to old patterns.

In another case, a probation officer encouraged a client’s mother to call the police for marijuana use:
I confronted [mom] on the fact about her saying she knew Beth smoked pot and there was nothing she could do about it. I asked [mom] if she has ever called me or the police or her counselor at SCI about her smoking pot.

This officer’s use of language demonstrates this idea that girls need to be kept in line by external forces. The officer states that he “confronted” Mom to encourage her to use police intervention to correct bad behavior. This aggressive language treats the girl as though she is an entity to be acted on, not a person with her own agency or the ability to learn to self-regulate. This type of authoritative approach serves to increase police contact with girls during their probation period. Contrarily, we did not see the same direction being given to parents of boys. In fact, not only were the parents discouraged from calling the police themselves, in a case where the boy wanted to call the police himself, his guardians forbade it. Later when discussing the incident with the probation officer, the probation officer suggested getting in contact with his counselor rather than contacting a legal authority:

David was acting up... David and grandma got into a fight. David told his guardian he was having a bad day and wanted to take a day off, she would not let him. He threatened to call the police, she told him if he called the police there would be no trace left of him. David picked up a knife and then threw it down. David wanted to drop karate but now wants to stay involved. When she asked David what was going on he said drinking. Told her to try calling his counselor to see how counseling is going... Told her I would support guardian getting involved in counseling.

Here we see how the boys were treated in a way where the recommendations given to their parents fostered their emotional expression, rather than punishing it. This was not the only example we see of probation officers making treatment recommendations that support a boy’s emotional well-being. We see another case in which a male client fought with a family member to the extent of causing physical injury. Again, in this case, a mental health professional was called and there were no other consequences, legal or otherwise.
High school counselor called to report and let us know that Robert and his brother got into a major fight last night in the car when mom was driving and that his brother looks like he was in a war zone on his head and is all scratched up. She called the hotline and has let Robert’s Therapist know. The boys reported that they didn’t receive any consequences other than mom stated that she will have to keep the boys separated this summer.

Once again, we are see the boy’s personal and emotional growth being fostered while the emotional needs of girls go unacknowledged. Parents of boys who struggle with their behavior are encouraged to call therapists or other mental health professionals. Parents of girls who misbehave are encouraged to call the police.

History of abuse can also increase chances of future arrests. Studies have shown that girls who are abused are more likely to have an arrest record in the juvenile justice system (Widom 1995). My findings were consistent with such research. Girls in the juvenile justice system are much more likely to have a history of abuse or to be currently living with an abusive situation. Girls who experience abuse in the home are more likely to run away or engage in fights with family members. Probation officers often suggest that parents and guardians report these behaviors to the police, which increases police contact and furthers the cycle of abuse and arrest.

Katie needs individual therapy to deal with her sexual abuse when she was with her mother in another state. DCFS has already been called on her mother once for being drunk and them getting into a fight. I told her mother she needs to contact the police if Katie grabs her and if she does not, Katie thinks she can keep doing it.

In this case, we see a juvenile girl who has a history of abuse, both sexual and physical. It has already been established, through DCFS involvement, that the mother has a history of getting drunk and fighting with her daughter. However, rather than addressing this abuse, the probation officer has suggested that the mother have the daughter arrested when these fights occur. This
not only fails to address the abuse that is occurring, allowing it to continue, but it is punishing the girl for defending herself against a violent, drunk parent.

Even when the juvenile chooses non-violent escapes from abusive situations in the home, such as running away, police involvement is still encouraged by the probation officers.

A hotline call to DCFS occurred due to the minor reporting that she was sexually abused (raped) by a relative when she lived with him. Tyra reported that mom had threatened to send her back to this relative if her poor behavior continues. This relative had abused her in the past. This prompted the runaway. Tyra initially stated that the reason she ran was that she hated everybody in town. But later stated that her mother and step father threatened to send her back to her relative who had abused her in the past. This officer informed mom that if she runs away then she needs to report her as a runaway. The officer received a phone message from mom regarding her daughter Tyra. She reported that she had runaway, they reported this to the police and she doesn't know what to do at this point.

In this case, the young girl is being threatened to be forced to return to a sexually abusive situation, and her response to that is to run away. Other than fulfilling a legal obligation to report this sexual abuse, the probation officer does very little to address the harm being done by this situation. The child states that she is running away to avoid the risk of abuse, and the response from the probation officer and her mother is simply to have her arrested. Essentially, this girl is faced with the option of facing abuse or being arrested, either of which has detrimental consequences.

Other cases showed similar situations with similar outcomes. In another case, the probation officer noted in the case files that he suspected abuse, although the juvenile never outwardly stated it. It was, however, stated that situations at home where preventing this girl from succeeding in her academic work. Rather than exploring possible solutions for the situation
that would allow her to make improvements, the probation officer once again instructs her parents to call the police and allow them to handle the situation.

It was reported that Sharon's problems with her dad and being at his home in the evening interfere with completing homework... I asked her what is keeping her from being more successful and she stated that her mom is back together with her ex-boyfriend. She also said that she dislikes going to her father's because they argue a lot because he overreacts... Sharon commented little until I asked what her dad has done to make her "hate" him. She did not say but just put her head in her hands and started to cry. I commented to Sharon that from my experience her father has done something to her or allowed someone else to do something to her -- abusive in some manner. I informed her father to continue to keep me informed of problems and to directly deal with the unacceptable behaviors Sharon exhibits by grounding, limiting privileges, etc.... He can also report her as a runaway when she leaves for extended period of time without permission.... Sharon has had several police contacts recently for runaway and a new arrest for theft.

In this case, the girl had stated that the reason she was not successful in her academic work was because of the situation at home with her father. The probation officer documented that he suspected there was abuse occurring in the home but still recommended that the parents get the police involved when this girl tries to leave the home.

By punishing behavior such as running away from an abusive situation, these girls are losing not only their only known coping mechanism but also their control over their own safety. The message being sent to these girls is that no one cares if they are safe, as long as they keep their own behavior in line. This goes back to the stigmatization of bad behavior being so strong in the criminal justice system that people simply do not want to take the time and care to work effectively with these girls.

Discrepancies in Treatment Level of Care

Another notable difference in the treatment adolescent girls received was that probation officers were more likely to recommend inpatient treatment for girls and outpatient programs for
boys. Girls who had problems with drugs or alcohol were most often referred to inpatient drug treatment, whereas boys who had the same problems were referred to outpatient drug counselling or diversions programs or AA. Boys with violent crimes or sex offenses were sent to sex offender or anger management groups. Girls with relational issues were sent to residential treatment facilities, even when such issues were not directly related to their criminal charges.

Evidence shows that of home placements for youth have negative implications, particularly for those with psychiatric diagnoses (Kempker, Schmidt, and Espinosa 2017). Throughout the data, we saw inpatient treatment recommended as the first course of action for female clients and as a last resort for male clients.

Penny called and said that she is going to recommend inpatient for her due to her cravings to use and her depression. She said that her mom agreed with the suggestion. Elizabeth refused to attend inpatient and walked out of Penny's office. Penny gave until Monday to set up services.

In this instance, the client was recommended for inpatient treatment due to a co-existing mental health diagnosis and substance use disorder. While the client herself was not enthusiastic about this treatment recommendation, her mother agreed with the suggestion, so they proceeded with that course of action. However, even when parents were not in agreement, probation officers still pushed this level of treatment for teen girls. In this case, the teen was arrested from underage drinking. The probation officer set up an intake with an inpatient drug treatment, despite the client and her parent’s concerns.

Mom fears Ashley will be worse off than better if she goes to Residential Treatment. I advised all of them that I was seeking a court date and I feel she is in need of inpatient treatment. I called Residential Treatment and set the intake date.

In this case, the probation officer took it upon himself to schedule the intake appointment against the mother’s wishes. Treatment placement outside of the home is disruptive to the adolescent’s
routine, disrupting relationships, education, and other aspects of life, yet despite her mother’s concern, this is still the level of treatment they chose to pursue. Even when a girl is assessed at a low to moderate risk for relapse, inpatient treatment is still often the recommended course of treatment.

This officer spoke of the possible consequences but ultimately felt that inpatient treatment would be the best possible route to go on. Mom felt that this could be a good idea. We did discuss an inpatient facility due to their new program, instead of out of town. Both liked that idea….The inpatient program report indicates that Sarah's risk to relapse is moderate to low at this time. She has been able to identify her triggers and has established a prevention plan.

In this case, the client was assessed at a low risk for relapse, but she was still referred for inpatient treatment. Matching patients to the appropriate level of care is critical, and over-matching level of care can still have negative outcomes on patients’ recovery (Stallvik, Gastfriend, and Nordahl 2015). While it may be assumed that higher levels of treatment will always produce better results, this is not the case. Clients have the most success when matched to the appropriate level of care relative their needs and risk of relapse.

Boys with more serious offenses, like sexual assault, are given outpatient therapy. Boys are more likely to get treatment that will allow them to continue to live their lives as normal and pursue their current goals.

He continues to attend his weekly sex offender groups at an outpatient clinic. He reported that he is involved with the Sex Offenders group at another facility and that is going ok.

This client was given outpatient group therapy as a condition of his probation for a sexual abuse charge. This allowed the client the ability to continue to progress toward his goals for academic and career achievement rather that disrupting those goals the way an inpatient or residential treatment program would.
Boys with drug and alcohol-related offenses are more likely to get outpatient treatment. Their offenses are more often viewed as an isolated incident, whereas girls’ are seen as lifestyle issues.

He did have an arrest in a nearby county for consumption of alcohol by a minor and participated in a diversions program.

As previously discussed, boys’ treatment revolved heavily around goals such as education and work, and they were often given treatment that allowed for them to continue to pursue those goals, whereas girls, whose treatment often revolved around goals for eliminating “bad” lifestyle choices, were given treatment that would often bring their entire life to a halt for a period of time.

**Discussion**

The juvenile justice system is fraught with inequalities. Often, these inequalities result in the needs of these girls going unmet or even unacknowledged as the focus tends to be on the behavior itself, not the underlying cause. The stigmatization of girls that is prevalent in the juvenile justice system can lead to disparities in the treatment girls receive. The focus of the treatment is on the behaviors themselves rather than the underlying causes. Girls who behave in ways that are inconsistent with the preconceived notions about how society believes girls should act are seen as unnatural and therefore the behavior must be fixed. Because the same stigmas are not present for boys, this leads to disparities in the way boys and girls are treated. One of the ways we see this disparity in treatment play out in the differences for girls and boys is that boys’ treatment is focused on the appropriateness of their goals, aspirations and personal achievements. Girls, on the other hand, are scrutinized for the appropriateness of their friends and other relationships. The emphasis placed on girls’ friendships was not the only aspect of interpersonal
relationships where we see an uneven treatment between boys and girls. Romantic relationships and sexual activity were heavily scrutinized for girls but not for boys. Sexual activity was routinely brought up in female cases, regardless of the nature of the offense. However, sexual activity was only mentioned for boys in cases where a male had been arrested for a sexually based offense. This is consistent with past research that shows that girls are more likely to have sexual behavior addressed in the juvenile justice system than their male counterparts (Bishop and Frazier 1992).

Boys were more often encouraged to regulate their behavior by taking responsibility for their own actions, whereas girls were more often encouraged to submit to another authority figure in order to manage behavior. Boys were taught and encouraged to use self-control and be personally responsible for their future actions. Girls were expected to defer to authority figures, such as parents, in regard to their future behavior. With one female client, the probation officer tells the mother to call the police in order to put an end to the violent behavior. History of abuse can also increase chances of future arrests. Girls in the juvenile justice system are much more likely to have a history of abuse or to be currently living with an abusive situation. Girls who experience abuse in the home are more likely to run away or engage in fights with family members. Probation officers often suggest that parents and guardians report these behaviors to the police, which increases police contact and furthers the cycle of abuse and arrest. By punishing behavior such as running away from an abusive situation, these girls are losing not only their only known coping mechanism but also their control over their own safety. The message being sent to these girls is that no one cares if they are safe, as long as they keep their own behavior in line. This goes back to the stigmatization of bad behavior being so strong in the
criminal justice system that people simply do not want to take the time and care to work effectively with these girls.

Probation officers were more likely to recommend inpatient treatment for girls and outpatient programs for boys. Boys are more likely to get treatment that will allow them to continue to live their lives as normal and pursue their current goals. Boys’ treatment revolved heavily around goals such as education and work, and they were often given treatment that allowed for them to continue to pursue those goals, whereas girls, whose treatment often revolved around goals for eliminating “bad” lifestyle choices, were given treatment that would often bring their entire life to a halt for a period of time. While treatment of adolescent boys and girls in probation did vary substantially in many aspects, it did not differ in every category. Academics and finishing high school are strongly emphasized for both genders. Both male and female clients were regularly asked about their grades, school attendance, and extracurriculars by probation officers. There were no discrepancies in either the emphasis placed on this aspect of treatment or the outcomes associated with it.

The evidence we saw in this study is based on a single community with a very homogeneous population. Nearly all of the probationers in this study were White. This gave little opportunity for intersectional evidence of inequality. Findings may have been different if a more diverse sample was used. Further studies on the impact of race or other social factors would be helpful in providing a broader picture of the inequalities faced in the juvenile justice system. Furthermore, community values may have played a large part in the treatment of adolescents in the study. The emphasis we saw on promoting career for boys and relationships for girls could be characteristic of a community with very traditional views of family structures
that view men as playing the primary breadwinner role. Future study on dynamics of different communities may be valuable in furthering understanding of the treatment discrepancies between boys and girls in the justice system.

Conclusion

Adolescent girls have a reputation for being the most undesirable population to work with in the judicial and correctional systems. This reputation is largely due to the heavy stigmatization of juvenile girls who do not behave in ways that are consistent with traditional standards of femininity. Stigmatization of girls in the juvenile justice system who do not fit the ideals of femininity leads to disparities in treatment between boys and girls, which often results in the needs of these girls going unmet or even unacknowledged as the focus tends to be on the behavior itself, not the underlying cause. One of the ways we see this disparity in treatment play out in the differences for girls and boys is that girls’ treatment tended to be more relationship based, whereas boys’ treatment tended to be more goal oriented. This forces girls to try to juggle goals that rely on others and are not within their own control, which sets them up for failure of their goals while boys are given treatment goals that revolve around their own intrinsic incentives. Romantic relationships and sexual activity were heavily scrutinized for girls but not for boys. Sexual activity was routinely brought up in female cases, regardless of the nature of the offense. However, sexual activity was only mentioned for boys in cases where a male had been arrested for a sexually based offense.

We also see these disparities in the way probation officers advise parents to manage further delinquent behavior. Officers were far more likely to advise parents of girls to call the police if the girls continue to act out. This is because deviant boys are seen as simply defying
civic laws, whereas deviant girls are seen as defying the essentialist notions of girlhood. Girls who misbehave are viewed as having a problem with their gender rather than simply with their behavior. As girls are viewed differently from boys, they are also treated differently, which can have negative effects on their rehabilitation and can increase their risk of further legal involvement. When males commit criminal or violent acts, their behavior, however illegal, is still consistent with norms associated with traditional masculinity, which suggests that boys and men should be strong, aggressive, and confident; criminal law tends to be stricter with girls than with boys. Boys were taught and encouraged to use self-control and be personally responsible for their future actions. Girls were expected to defer to authority figures, such as parents, in regard to their future behavior. When adolescents did reoffend or get into trouble at home or school, probation officers were more likely to recommend parents use strict restriction or even police involvement as a means of controlling a girl’s behavior. This discrepancy in treatment resulted in increased arrest rates for girls while minimizing police contact for boys.

Even when the laws are written in a gender-neutral way, often laws are gendered in practice in ways that reinforce gender differences in the system. Treatment for girls is often overly focused on the issues surrounding their gender, rather than the issues surrounding their conduct. Because criminal behavior directly contradicts traditional female behavior, the idea is that if the girls would act more “girly” they would not be engaging in delinquent activities. Another notable difference in the treatment adolescent girls received was that probation officers were more likely to recommend inpatient treatment for girls and outpatient programs for boys. Girls who had problems with drugs or alcohol were most often referred to inpatient drug treatment, whereas boys who had the same problems were referred to outpatient drug counselling.
or diversion programs or AA. Boys with violent crimes or sex offenses were sent to sex offender
or anger management groups.

With girls making up a greater proportion of the juvenile justice system, their needs can
no longer go ignored. It is all too common in the juvenile justice system to focus only on
correcting behavior and ignoring the needs these girls have. If we can adequately address the
underlying causes, we may begin to see improved outcomes for girls in the system.
REFERENCES


# Appendix A: YASI ASSESSMENT

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**YASI:**
- Legal History: L M H
- Social History: L M H

**Overall Risk:** L M H
- Legal History: L M H
- Family: L M H
- School: L M H
- Community/Peer: L M H
- Alcohol/Drug: L M H
- Mental Health: L M H
- Attitudes: L M H
- Skills: L M H
- Use of Time: L M H

**Overall Protective:** M H
- Parenting: M H
- School: M H
- Community/Peer: M H
- Attitudes: M H
- Employment: M H
- Use of Free Time: M H

**Physical Health Issues**
- Diagnosis
- Medication

**School Issues**
- Overall School Performance
- School Related Goals: Y N
- Special Education Services: Y N

**Family Issues**
- Divorce: Y N
- Remarriage: Y N
- Contact with both Parents: Y N
- History of DCFS Involvement: Y N
- Adoption: Y N
- History of Mental Illness: Y N
- History of Involvement with Justice System: Y N

**Substance Abuse Concerns:** Y N
- With Substance Abuse Related Charges
- Without Substance Abuse Related Charges
- Recommended for Evaluation: Y N

**Employment**
- Past: Y N
- Present: Y N

**Community/After-School Involvement**
- Past: Y N
- Present: Y N

**Mental Health Issues**
- Diagnosis
- Medication
- History of Counseling/Other Services

**Location:**
- Anger Management Issues: Y N

**History of Abuse**
- Physical: Y N
- Sexual: Y N

**Hobbies**

"Delinquent" Peers: Y N

Leader vs. Follower

**Other**

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## Appendix B: RECORD FACE SHEET

![Road Sheet](image)

- **Client Number:** 5910-01
- **Case Number:** 5910
- **Instance Number:** ALL
- **Race:** Caucasian
- **Sex:** Female
- **Illegible:** Enrolled in school
- **Other:** Medium

### Other Activities
- 00 Juvenile
- 93 Juvenile
- 04 Juvenile
- 05 Juvenile
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