

Chapter 1

Introduction. Moving Beyond Perceptions: Unveiling the Complexities of Female Offenders in a Rapidly Changing World



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Introduction

Understanding societal perceptions and social norms associated with female offenders is a formidable challenge, fraught with complexity. Our deep-rooted beliefs and stereotypes often cast a veil over our ability to recognize and acknowledge female criminality. For centuries, women have been assigned specific roles and are often characterized as gentle, nurturing, and passive. These deeply ingrained stereotypes paint a picture of women that is contrary to the image of an offender. The incongruity between these traditional gender roles and the concept of female criminality creates a cognitive dissonance, challenging our preconceived notions and making it difficult to accept women as potential criminals.

Heteronormativity further compounds this challenge by entrenching gender-based norms and expectations. Heteronormative frameworks adhere to the notion of binary gender roles, emphasizing the complementary natures of masculinity and femininity. Such frameworks perpetuate the belief that women lack the capacity for violence or criminal behavior. This narrow lens restricts our ability to perceive women as offenders and contradicts the social narrative.

Furthermore, the historical marginalization and victimization of women also play a role in shaping our perceptions. Women have long been subjected to various forms of subjugation and violence, making it challenging for society to reconcile the image of a victimized woman with that of a perpetrator. In this regard, the narrative surrounding female criminality often attributes their actions to external

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influences, such as victimization or coercion, rather than acknowledging their agency and capacity for independent decision-making.

The convergence of these factors creates a deeply ingrained bias, thus obscuring our ability to perceive women as offenders. Such beliefs seep into the very foundations of the criminal justice system. Potential bias can arise through the unequal application of laws for men and women. While female offending is less of an anomaly than it was just 10 or 20 years ago, this series will draw from extensive research and compelling evidence on female offenders to dissect the multifaceted nature of female offending, the role of societal norms, and their relationship to criminal justice response.

From Victimization to Perpetration: Perpetuating Social Norms and Enduring Bias

From a historical point of view, there have been significant advancements in our societal attitudes toward behaviors like child abuse, sexual assault, and intimate partner violence (IPV), which were historically tolerated. For example, the earliest documented law, such as those found in the Code of Hammurabi, considered the rape of a virgin as a form of property damage against her father. Fast forward to the early American colonies, laws of rape were designed to safeguard the chastity of women and be protected from other men. In this regard, rape was defined as the non-consensual sexual act with a woman aged 10 or older (Deer, 2015). Later, the age of consent was altered to range between 14 and 18 in the late 1800s. Unfortunately, women of color were not protected under rape laws until *George v. State* (1859) when the Mississippi Supreme Court made it a crime for a Black man to rape a Black girl younger than 12. This law did not apply to White men until the Georgia state code extended the law to assert that raping an enslaved or free person of color would be penalized with a fine or imprisonment. More than a century ago, the women's movement and feminists relentlessly fought for women's and children's rights, and the movement sought and successfully obtained legal reform and criminal justice protection from these crimes. Historically, domestic violence and child abuse were considered "family problems," wherein abuse was sanctioned as the father's or husband's right to do what they wished with their wife and/or children (Erez, 1986; Ménard, 2014). For example, it was not until the 1950s when the *Journal of American Medical Association* published an article on "battered woman syndrome," which led to new research and laws designed to report suspected child abuse (Ménard, 2014).

Similarly, domestic abuse was tolerated, hardly ever addressed in public, and rarely viewed as a crime (Erez, 1986). Although Alabama was the first state to revoke the "husbandly" right to physically abuse a spouse in *Fulgham v. State* (1871), responses to such cases remained infrequent. In instances when criminal justice response did occur, husbands were typically charged with misdemeanors. It

was not until the 1960s that the severity of abuse was considered, leading to the recognition that more severe charges, such as felonies, were warranted (see Cox et al., [in press](#), this volume, Chap. 6). Then, the changing social and political climate of the 1960s and 1970s, particularly regarding the women's movement, brought about significant shifts in how society perceived and responded to IPV.

The emergence of the Anti-Rape movement in the 1960s, as part of the second wave of the feminist movement, brought attention to violence against women. Substantial legislative advancements were made during the 1970s, including the criminalization of marital rape, the implementation of rape shield laws, the inclusion of sexual harassment, funding for rape crisis centers, and eventually the *Violence Against Women Act* (VAWA) in 1994 and recent reauthorization in 2022, which led to increased services for survivors from underserved and marginalized communities. These efforts marked significant progress in addressing sexual abuse. However, it should be noted that sexual assault or rape laws in the United States only pertained to women until the change in 2013 to the Uniform Crime Report (*Federal Bureau of Investigation*, 2017) definition of sexual assault, which became more gender inclusive and allowed for data to be collected on male, female, and sexual minority victims, and offenders.

With the substantial gains from the women's movements and the increase in legislative reforms over the years came a significant shift in the direction of research, theories, interventions, and additional legal reforms designed to encourage criminal justice response to reduce victimization against women. Unsurprisingly, researchers overwhelmingly focused on women as victims and men as oppressors during this transformative period. While some scholars studied female and male family violence perpetration in the 1970s–80s (Gelles & Straus, 1988; Steinmetz & Straus, 1974), such research was scrutinized and/or dismissed. For example, studies by Gelles and Straus (1988) found that women perpetrated IPV almost as much as men. However, the researchers' results were stifled, and the research methodologies were hotly contested. It was conceivable that scholars, influenced by the prevailing political climate, hesitated to investigate the role of women as offenders. Such an inquiry could potentially challenge the notion of women as innocent victims and even impede the progress toward gender equality.

Problematically, the prevailing stereotype of sexual and partner violence is that they are acts of violence committed by a man against a woman or child (Little, 2020; Messerschmidt, 2014). However, as this book will attest, this is not always the case. For example, recent research by the Centers for Disease Control and Prevention (CDC; Leemis et al., 2022) reported that the lifetime prevalence of sexual violence, physical violence, and stalking by an intimate partner was 47.3% for women and 44.2% for men. Similarly, Stemple et al. (2017) examined data from two National Intimate Partner and Sexual Violence Surveys and two extensive surveys from the Bureau of Justice from 2008 to 2013. The authors found that women perpetrate sexual crimes at higher rates than previously believed. Seventy-nine percent of the men in the study who experienced sexual coercion and/or unwanted sexual contact reported that a woman abused them, and 58% of these male victims reported that the offender used violence during the abuse.

While such studies as these have existed for many years, the public remains indifferent or naïve about the extent to which women partake in criminal behavior. Perhaps it is more likely that women's violence is not highlighted in the media as much as men. Typically, what we see on television and social media is more likely to showcase incidents of men's criminal behavior than women's criminal behavior. For example, Estrada et al. (2019) examined newspaper articles from 1905 to 2015 and found that 90% of crime articles focused on male offenders. The media leads us to believe that women do not participate in crime nearly as often as men. Such omission in the news and discussion of women's behavior perpetuates the belief that they are the primary victims of most crimes. When women are identified in newspaper articles or social media, they are often considered low-risk offenders depicted as sexualized bad girls, black widow prototypes, bad victims deserving of their circumstances, or good victims depicting the perpetrator as a bad person (Collins, 2016). Others (Brennan & Vandenberg, 2009; see also Slakoff et al., *in press*, Volume 2) have demonstrated how previous research on female offenders features how gender stereotypes impact expectations of appropriate behavior in females. The authors provided media explanations for offending as mad/bad/sad, with a more substantial stigma associated with female than male offenders.

Research indicates that women are more likely to suffer more severe injuries in IPV incidents than men (Archer, 2000). In addition, studies have shown that women are more likely to be victims of male-perpetrated intimate partner homicide (Stöckl et al., 2013) and sexual abuse (Basile et al., 2022). These findings, no doubt, contribute to the prevailing perception that women are less likely to be perpetrators of IPV or sexual assault. However, it is essential to recognize that women can also perpetrate IPV and sexual abuse, resulting in severe physical and psychological trauma for their victims. Understanding the complexity of gender dynamics in abusive relationships is crucial to support and assist all survivors, regardless of their gender and sexual orientation. With few contrasting views in the media, our perceptions of women as the primary victims are further solidified (Depraetere et al., 2018; Ellemers, 2018). Additional research continues to find that sexual abuse (Banton & West, 2020) and partner violence (Poorman et al., 2003; Russell et al., 2015; Stanziani et al., 2018) committed by a woman is considered less severe and less likely to be considered abuse than the same act committed by a man. If we perceive female offending as uncommon, it becomes more difficult to understand, and therefore we seek an explanation for their behavior (Estrada et al., 2019). For example, when we hear about an offense committed by a female, we look for excuses or believe they are deviant in some way.

In this updated volume, readers will see how these stereotypes and social norms affect criminal justice responses. Put plainly, a gender disparity continues in criminal justice response, prosecution, and sentencing. Research has indicated that men are more likely to be arrested for domestic abuse (Hamilton & Worthen, 2011) and sexual abuse, as well as sexual offenses, than women (Shields & Cochran, 2020). Furthermore, research on prosecutorial decision-making involving female and male offenders tends to be mixed. For instance, some studies have found that prosecutors are more likely to drop charges from a felony to a misdemeanor for female

defendants than male defendants (Henning & Renauer, 2005; Kingsnorth & MacIntosh, 2007), while others (Romain & Freiburger, 2013) have found female defendants in IPV cases were significantly less likely to have their case dismissed compared to male defendants or have found no significant differences among male and female defendants in how violent crime is prosecuted (Sommers et al., 2014).

Furthermore, Nowacki (2020) found that the odds of women receiving a prison sentence were lower for females than for males. Over time, there has been a “strong gender effect” (Kim et al., 2019, p. 489) that shows female defendants in federal cases benefit in terms of sentencing, and this effect continues after controlling for legal and extra-legal factors (Doerner & Demuth, 2012; Holland & Prohaska, 2021). Overall, studies indicate female offenders receive less severe sentences than male offenders when sentenced for the same crime type (Doerner & Demuth, 2012; Koons-Witt et al., 2014; Shields & Cochran, 2020; Spohn, 1999). However, Liu et al.’ (2021) study showed no differences in sentencing among male and female defendants of severe crimes. Carson (2022a) reported that the percentage of people in state prisons for violent offenses was 45% for women and 64% for men.

Since *Perceptions of Female Offenders* was first published in 2013, women’s prison populations have grown enough to counteract reductions in male inmates’ populations; women currently comprise the fastest-growing segment of the incarcerated population (Kajstura & Sawyer, 2023). According to Carson (2022b), women in prisons are more likely than men to be incarcerated for drug or property crimes. Despite the more significant number of incarcerated men compared to women, the rate at which female imprisonment has grown has been twice as fast as that of men since 1980. According to the Bureau of Justice, almost one million women (976,000) are under the supervision of the criminal justice system (Carson, 2022a). In 2021, the imprisonment rate for Black women was 1.6 times (62 per 100,000) higher than for white women (38 per 100,000). Latinx women were imprisoned at a rate of 1.3 times more than white women (49 vs. 38 per 100,000). While the imprisonment of Black and Latinx women has decreased since 2000, the rate for white women has increased by 12%. Interestingly, when we look at the incarceration of girls (ages 10–17), we find that African American (77 per 100,000) and Native American girls (112 per 100,000) are more likely to be incarcerated than White (24 per 100,000), Latinx (27 per 100,000), and Asian (4 per 100,000) girls. Most girls (34%) are in trouble for status offenses such as truancy or curfew violations, and more than half of girls are incarcerated for running away.

Research on criminal justice-involved women and girls has found that incarcerated women have experienced higher rates of substance use, child abuse (emotional, physical, and sexual), and other traumas under the age of 18 compared to women who have not been incarcerated (Bodkin et al., 2019; Grella et al., 2013; Messina & Grella, 2006; Tusher & Cook, 2010). Researchers (Saxena & Messina, 2021) examined the trajectories of victimization toward incarceration and found childhood victimization and continued involvement with the criminal justice system and substance use increased adult perpetration of violence. Women who experience childhood trauma may face additional constraints that restrict their options and expose them to more significant risks as they progress into adolescence and adulthood. This can

create circumstances that pave the way for being unhoused, experiencing unemployment, substance abuse, and engaging in illegal activities just to survive (Chesney-Lind & Pasko, 2004). Because gender inequality persists, wherein women are raised in communities that uphold sexist values, this ultimately results in a greater marginalized status. Moreover, women from diverse cultures and racial backgrounds encounter distinct circumstances and often have fewer choices than their White counterparts. Specifically, individuals who identify as sexual minorities, people of color, or those living in poverty experience even greater marginalization and potential for incarceration (Chesney-Lind & Pasko, 2004).

Special Considerations: LGBTQ+ Victims and Offenders

When addressing issues associated with female offenders, one must also recognize female sexual minority victims and offenders. The most recent data on IPV victimization shows that sexual minorities (Lesbian, Gay, Bisexual; LGB) are more likely to be victims of serious crimes. Bender and Lauritsen (2021) found that LGB victimization rates for rape and sexual assault were 2–4 times higher than that of heterosexuals. Lesbian and bisexual couples were 4–7 times more likely to experience IPV victimization (Bender & Lauritsen, 2021). In essence, bisexual women bear the brunt of all forms of IPV compared to other sexual minorities and heterosexual women (Chen et al., 2020).

Furthermore, sexual minorities are over-represented in the criminal justice system (Frazer et al., 2022). More specifically, approximately 38.5 transgender adults identify as trans women (Herman, et al., 2022) and are disproportionately exhibited in the criminal justice system. According to Frazer et al. (2022), 17–65% of all trans women have been incarcerated, and racial and ethnic minority trans women were more likely to be incarcerated compared to White, non-Hispanic, and trans women (Reisner et al., 2014). However, we know much less about perpetrators within the LGBTQ+ community. Our gender role expectations and heteronormative views of relationships serve to create social norms. Those who deviate from this norm are considered deviant, leading to greater discrimination against those who do not fall neatly under the umbrella of heteronormativity.

The widely held heterosexist assumption that women are victims and men are perpetrators of IPV and sexual abuse impacts all aspects of criminal justice response. It is worth noting that cases involving male victims and sexual minorities fall outside the conventional stereotype, and as this book series will show, male and sexual minority perpetrators who face prosecution receive more severe penalties than women. Gender stereotypes and the violation of prescribed gender roles can harm defendants and victims in IPV and sexual abuse cases, leading to bias and unfair treatment within the legal system.

Legal Restrictions and the Policing of Bodily Autonomy

Moreover, the characterization of a female offender may become redefined because of the widespread ramifications of recent restrictions on sexual autonomy placed on women and sexual minorities. These trends indicate the power of a patriarchal system, as described by researchers (Chesney-Lind, 2020; Chesney-Lind & Hadi, 2017), underscoring the growing necessity to assert control over women's and LGBTQ+ sexuality and reproductive choices. These laws may widen disparities affecting women of color and those with lower socioeconomic status and further dismantle families by needless imprisonment.

As our society witnesses a shift in values and beliefs about women, it is possible that women's prison populations will continue to rise. Recent trends of higher female incarceration rates and more restrictive regulations about sexual expression and reproduction have led to increased scrutiny of women's actions, aligned with a shift in societal values toward more conservative perspectives and legislation. For example, bills have been enacted and/or are being proposed in states (Arkansas, Texas, Kentucky, and South Carolina, Florida) to establish the fetus as a person with full constitutional rights at the moment of conception. The proposed penalties for mothers include charges of homicide to endangering a fetus—which could include taking prescribed medication and taking illegal drugs or alcohol. Bills exist or have been recently proposed that civilly or criminally penalize anyone who assists a woman with an abortion or punish the woman herself for crossing state lines to receive an abortion. Other states have recently enacted revised “conscience clauses” that open the door for medical professionals and insurance companies (e.g., Florida, Ohio) to refuse service to sexual minorities. Florida also recently passed a bill to stop gender-affirming care for trans minors, allowing the state to intervene to remove the child from their home. Another Florida law recently enacted (as of this writing) calls for the death penalty for child abuse and reduced the number of jurors to 8 out of 12. This is particularly disturbing, as states have come to call transgender and members of the LGBTQ+ community “groomers” for sex abuse. Other states are curtailing sex education in schools. While there have been more bills introduced further restricting the rights of women and LGBTQ+ individuals, it is too soon to determine the extent to which these new laws can impact females in the criminal justice system.

Scholars (Chesney-Lind & Irwin, 2008; Ehrmann et al., 2019; Silcox, 2017) attribute some of the rising rates of incarceration to more severe punitive laws on status offenses or being forced into prostitution. It is possible that women's incarceration might continue to rise with more states imposing conservative attitudes that punish women who stray from the feminine ideal. The past years have been tumultuous, particularly in growing conservative ideologies despite attempts to bring greater attention to female victims of sexual harassment and rape (i.e., #MeToo Movement) and rights of sexual expression. Nevertheless, the metaphorical leash placed upon women's and sexual minorities' rights to control their bodies grows tighter. As a number of states in the United States expand restrictions on abortions

and rights to privacy and increase efforts to control one's sexual expression, the potential repercussions of such laws have civil and criminal implications that can lead to potential financial liability, stigma, fear of violence, and criminalization. Such restrictive laws can influence freedom of thought, conscience, religion, or beliefs. Many of these laws disproportionately affect marginalized populations.

The Purpose of This Book

This volume focuses on the trajectories of female offending and the various ways differential treatment occurs, providing theoretical and empirical evidence to elucidate the reasons behind these differences. It offers contemporary insights into female offenders across different crimes, including sexual coercion, assault, partner violence, and sexual offenses. In addition, the book explores how societal influences, such as sex-role socialization and social media, perpetuate disparities in criminal justice response.

This updated edition has broadened the focus to include a wider group of contributors, including researchers, psychologists, sociologists, and criminologists. This volume incorporates the latest research data and statistics to ensure readers can access up-to-date information. Many chapters include authors from the previous volume, updated to reflect recent theories and research. New authors are introduced in this volume that expands upon female offending in youth to adulthood in crimes such as aggression, assault, partner violence, and sexual violence. The role of social media is also discussed in terms of its growing influence in shaping perceptions and behaviors related to female offenders.

The goal is to present a thought-provoking reading that catalyzes dynamic discussions. As research on the impact of perceptions of female offenders and the workings of the criminal justice system evolves, there are still significant questions surrounding the interplay between stereotypes, societal norms, and our perceptions of female offenders. We hope this volume will encourage readers to question their preconceptions about women in society and the criminal justice system and consider the potential benefits and consequences for female offenders.

The Organization of Chapters

This volume highlights the significance of gendered viewpoints that must be considered when working with women who have committed offenses. Initially, we delve into the undeniable fact that gendered understandings of society emerge during childhood. Our examination commences by investigating the impact of these gender-oriented perspectives on our development. Subsequently, we examine empirical studies on women who have engaged in sexual aggression, partner violence, assault, and sexual abuse. Furthermore, we delve into the vital discussion

around gender equality, which is intricately interwoven with these crimes and laws about criminal justice and response measures. This book is broken down into two sections. The first section focuses primarily on aggression in adolescence and young adults and addresses female offenders of intimate partner violence. For example, in Chap. 2, Rose and Javdani study the role of gender using an ecological lens to understand female crime. In this regard, the authors examine legal actors' attributions of girls and adolescents in the juvenile justice system and the interplay of gender, race, and class. Their study demonstrates how girls' contact and trajectory through the criminal justice system are perceived differently by professionals in the criminal justice system. Next, Chap. 3 (Holmgreen & Oswald) provides an updated chapter on female sexual aggression on campus and how women's perpetration is often overlooked. The authors describe the behaviors used most often, the correlates of sexual aggression in college women, and how colleges recognize and respond to female sexual aggression.

Chap. 4 addresses the female perpetration of intimate partner violence. Dutton and Tetreault review the most recent research on perceptions of IPV held by the public, police, courts, and custody assessors. Dutton and Tetreault provide a short history of research and gender symmetry and explain how aggression in women develops much like in men. They follow the research studies that demonstrate pre-existing characteristics that predict IPV perpetration and address psychological syndromes predictive of IPV among male and female offenders. In Chap. 5, Whitesitt expands upon gender symmetry in the context of coercive control and situational violence. Whitesitt discusses how the absence of representation in the different types of IPV in American culture has been excluded from social media and perpetuates the gender paradigm. She examines high-profile cases such as the Johnny Depp and Amber Heard case and other famous cases to impart the need for the public to understand how different types of violent relationships involve different gender dynamics. In Chap. 6, Cox, McNeil, and Stewart review the history of policy and criminal justice response to IPV. The authors review various policies and the effectiveness of these policies. For example, the authors review law enforcement response, prosecutorial decision-making, judicial decision-making, and potential IPV reforms needed to decrease IPV and improve public safety. The authors also discuss the limitations of current research and the lack of data on gender and racially diverse individuals.

The second section of this volume further evaluates the role of gender stereotypes and social norms in intimate and sexual violence among female perpetrators. For example, in Chap. 7, Bates, Harper, and Amisi address the impact of gendered stereotypes and perceptions of violence on female perpetrators of domestic and sexual violence. The authors describe the lack of acknowledgment of women's perpetration of IPV and focus on literature that will assist our understanding of how gender influences perceptions of family and sexual violence. The authors also address the understudied topic of sibling and child-to-parent aggression and how it affects treatment and intervention with perpetrators and victims.

The final two chapters in this volume focus on female sexual offending. Chap. 8 (Anderson, Reinsmith-Jones, and Lee) examines the ripple effect of female sexual

offending. Anderson and colleagues believe female sexual abuse is a growing public health problem with few intervention and prevention strategies. They explain how our continued negligence of this issue impedes the health and welfare of victims. In the first part of the chapter, the authors explain the various typologies of female sexual offenders and contexts for offending, including mothers as perpetrators or bystanders, female healthcare and mental health professionals, sex traffickers, and adolescent offenders and traffickers. In the second part of the chapter, the authors discuss the victims of female sex offenders and the lack of professional support for victims of female sex offenders. Lastly, in Chap. 9, the authors Pflugradt and Allen examine ways to assess women who perpetrate sexual offenses. Pflugradt and Allen review the research on female sexual offending and risk-relevant characteristics associated with female offenders. There is a lack of assessments for female sexual offenders. The authors find ways to identify pathways and motivations for offending, given that research shows a low base rate of recidivism for reoffending. The authors also seek to examine how female sexual offenders with a higher degree of criminogenic factors may be at greater risk of sexual reoffending. The authors stress the need to identify criminogenic needs, factors related to recidivism risk, and the necessity for more comprehensive assessments validated on female offenders.

We hope this volume provides an understanding of young female offenders and obstacles that can lead to a trajectory toward aggression, the role of women in partner violence and sexual offenses, and how perceptions impact the response (or lack thereof) of the criminal justice system. The information in this book can catalyze societal transformation, promoting inclusivity and equity. Because research on female offenders is still relatively new but expanding, we continue to lack the knowledge, resources, or research on female offenders compared to male offenders. This area is ripe for new research to accommodate female offenders better while considering the intersections among race, socioeconomic status, sexual minority status, and other social and personal characteristics that influence female offending. Since it is evident that gendered perceptions ultimately shape the criminal justice system's response and public policies concerning male and female offenders, scholars must identify shared beliefs and fundamental disagreements to reach a compromise that guides us toward novel ideas in research and theory, fostering inclusiveness and fairness. It is important to note that our knowledge of female offenders remains incomplete, and while acknowledging the limitations and unaddressed issues in this text, we hope this volume will underscore the necessity for a paradigm shift in how we research, fund, and work with female offenders.

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