

Penal Issues

CESDIP

Centre de Recherches
Sociologiques sur le Droit
et les Institutions Pénales
UMR 8183

www.cesdip.fr

Delinquent Girls: Victims and/or Guilty?

Dominique Duprez, sociologist, Research Director at CNRS, CESDIP, **Élise Lemerrier**, Lecturer in sociology, DySoLa University of Rouen, and **Cindy Duhamel**, psychologist at the Youth Legal Protection Service (PJJ), University of Rouen present the findings of a research financed by the French Ministry of Justice

Introduction

Since offences committed by girls were viewed as statistically negligible, for a long time they received little attention from the social sciences. The research project presented in this paper aims at shedding some light on the life course of girls under criminal justice control following some offence, based on their life histories and on interviews with professionals working with them. When we met these girls, they were supervised by the Youth Judicial Protection Service in a community-based setting and/or were sentenced to custodial care or imprisonment. The girls to whom we had access had already undergone a labelling process, so that we make no pretence of casting light on the delinquent careers of girls in general, particularly since they are usually maintained within a juvenile protection scheme longer than boys.

This investigation breaks with the stereotyped perception of female offenders as passive victims and/or manipulated by men, in which the offenses they commit are ascribed to a presumed "lack of femininity". Our approach, part of the new current which analyses offending with a gender-based theoretical stance, emphasizes the process of (re)production of feminine and masculine attributes and the underlying power relations. This study also differs in its use of both sociological and psychological approaches for a more effective deconstruction of pseudo-psychological discourse on these girls' supposed "feminine nature" or "lack of femininity".

What statistics tell

In France, girls represent a small minority of the population of juvenile offenders; this generates specific difficulties in handling them, in particular for the justice system and for the Youth Judicial Protection Service (PJJ). While they represent 17% of prosecutable juveniles¹, girls represent only 10% of juveniles under PJJ supervision. If we consider all the sentences handed down by the justice system between 2006 and 2011, juveniles received less than 10% of them (9% in 2006, 8.5% in 2011).

¹ Source : Ministry of Justice – SG/SDSE, Criminal justice decision-support information system.

The proportion of girls among the population of sentenced juveniles was 17% in 2013, according to Ministry of Justice data. However, girls' offending has been growing faster than that of boys over the last ten years. For instance, between 2001 and 2013 the progression in the number of girl suspects, irrespective of the motive, was considerably greater than for boys (+ 40% for girls as against 3% for boys). In cases involving juveniles, whereas the number of boys suspected of thefts dropped by 15%, there was a 25% rise in this figure for girls. For acts of violence, the number of cases involving boys increased by 37%, and by 108% for girls. Theft is definitely the main offence committed by girls (48%), whereas for boys the figure for that offense (38%) is comparable to destruction and other offences (39%).

Penal and educational responses

The proportion of juveniles among imprisoned individuals on January 1, 2014 was 1.07% (731 out of 68,295 prisoners). Between 2006 and 2011, girls never represented more than 6.4% of the under-age population in detention. One might hypothesize that girls are less often put into prison and more often taken charge of by the educational facilities of the PJJ, but this is not so. In 2013, girls represented 10% of the juvenile offenders in the hands of the public and non-profit sectors of the PJJ, of whom 9% were in custodial care or in community settings, and 13% for investigation purposes.

Actually, the criminal justice system creates differentiations between boys and girls by being more "indulgent" with girls. In 2013, again, according to SG/SDSE statistics, whereas girls represented only 9% of juveniles prosecuted, they represented 22% of those offered alternatives to prosecution (mostly reminder of the law) or a financial or other type of settlement, whereas boys represented 96% of those imprisoned.

Last, with respect to the judicial process, our qualitative investigation is corroborated by the statistics: the court proceedings are generally longer for juveniles than for adults. In 2013, the average time required for a proceeding was 17.8 months: an average of 3.8 months were needed to dispatch the case, followed by 14 months for the inquiry and the trial. Since the proceedings begin on the average 2.5 months after the offence was committed, the time elapsed between the act and sentencing was 20.3 months on the average in 2013, as compared to 15 months for cases involving adults (excluding traffic offenses).

Source: Infostat Justice, n° 133, February 2015

Framework of the research project

The methodology was meant to approach offending by girls on the basis of their life course, from both a psychological and sociological perspective. Our investigation was therefore based upon semi-structured interviews conducted among girls who volunteered for them and professionals who were in charge of them, in 2014-2015. Our sample is composed of 31 girls, under-age or young adults, coming from everywhere in France, all of whom had been subjected to a measure, a criminal sanction or a prison sentence following a misdemeanour or crime committed when they were under-age.

Our intention being to examine the production of offending and the judicial and institutional responses to it in an interactionist perspective, we met the girl respondents within the Youth Judicial Protection services (PJJ), the authorized non-profit organizations and/or the corrections administration in charge of them; we also questioned a dozen professionals. We chose:

- two community-based educational services in provincial France, one urban and the other covering a large rural territory
- one non-coeducational custodial reform school (CEF²)
- a detention center for women, including under-age girls.

Nonetheless, it is interesting to differentiate between how girls are treated in CEFs by a co-educational interprofessional team and the very specific context of detention, implying few contacts between male professionals (all high-echelon prison guards or PJJ workers) and these girls.

Our research protocol prescribed that each girl should be interviewed by the sociologist, man or woman, followed by a second talk with the psychologist, a woman, so as to take advantage of these two viewpoints and limit the risk of a refusal at the onset, out of fear of seeing a psychologist. The individual case files were consulted prior to the talks, to familiarize the researchers with the legal aspects (designation of the offences committed, sanctions and sentences pronounced, penal trajectory) and some biographical elements. Observations on the context of the interview (non-verbal elements, dynamic of the talk and immersion in the institutions) were taken into account in the analysis.

² Centre éducatif fermé, a custodial educational facility

Victims and/or guilty?

Our study emphasized these girls' family ties as well as the neighbourhoods where they have been socialised, so as to achieve a better understanding of the paths leading to offending, along with the institutional treatment they received. The girls we met, who came from all parts of France, were almost all of working class origin. Another recurrent factor was the presence of broken homes, which often led to legal action involving youth protection services. Although the break occurred very early in life in a few cases, for most girls it was separation from one parent that produced a potentially traumatic loss. Many girls spoke of emotional suffering tied to the lack of relations with one or the other parent, be it real or perceived as such. In these situations, arrangements within the broader family circle may lead other relatives (siblings, grandparents or others) to play the role of parent to the girl.

Several life stories also bring out a context of domestic violence, with the female figures (mother, sister) molested by a man in their immediate surroundings. Similarly, many of these girls had suffered moral, physical and/or sexual violence by a member of the family, of a friendship network and/or in a public place. However, they were rarely recognized as victims. Sometimes it was only when they came in contact with the juvenile justice system as offenders that they were able to verbalise these experiences. And several of them made a connection between the violence they suffered and the violence they inflicted.

Several girls had been placed at an early age, and seem to have experience with every conceivable type of child protection caretaking. These numerous experiences of rupture tend to affect subsequently their relations with other people and espe-

cially with institutional personnel later on, as shown by the frequent aggressions committed against other youths or the professionals within the caretaking institutions.

Those who were labelled "Rumanians" by the institutional agents (independently, in fact, of the variety of the origins they claim: Gypsy, Serb, etc.) sometimes mention severed family relations in consequence of the immigration of part of their family and/or the situation in their country of origin. Occasionally the break seems to be linked to the imprisonment of a family member (mother, husband, or other). According to them, it is the justice system that produces these breaks, whereas they would have liked to remain with their close relations and generally refused proposals for placement in a children's home.

Ruptures in their life course are also caused by measures or placements supposedly prescribed to protect these girls (from dropping out of school, from the risk of keeping bad company, the risk of running away, and so on). The break with the school system when entering collège often marked the onset of more serious difficulties, both within the family and wider social context. Their families, characterised by conflict-ridden relations or the lack of parental figures accepted as such, rarely represent a resource for coping with those problems. In this context, the peers group and, later, a boyfriend, occupy an essential place in these girls' lives.

Latifa was raised by her grandmother and her maternal uncle: *My grandmother brought me up, from when I was born. Because my mother had me very, very young. She was 19. So, after that, she got dragged into making some stupid mistakes. That led her to prison, for ten years. So that's why my grandmother raised me.* They kept in touch, in spite of Latifa's imprisonment for aggravated violent crime, unlawful detention, and acts of barbarity. *Because she let her daughter down, I thought she would do the same with me. But no. She didn't let me down. She was always there for me.*

Latifa spent her childhood in a large city neighbourhood. She says: *it's part ghetto, part residential. I lived in one of the residential flats, more or less private. I was always told I was the middle-class girl of the neighbourhood, but no, not at all!* Her uncle is a landscape architect and her grandmother a retired textile-worker. The latter didn't want her to go around with the kids from the neighbourhood so she sent her to a private junior high school (*collège*) to avoid the local public school, which had a *bad reputation*. She then had difficulties finding her place among the girls in that private *collège*: *I didn't like it there because they were from a much better background than me, and the way they acted, their attitude, it was... I hadn't been educated like that. And actually, that wasn't for me at all, because I felt like... I don't know how to say it, I felt poor compared to them. And that's why I got thrown out. Because I never went to school. So they sent me to the neighbourhood collège. So everything went OK for a little while. And after that, everything went wrong because there were always fights, always problems. So I went to another collège. She had a hard time finding her place with respect to those two milieus: the other girl is posh, whereas I'm not posh. And then after that, I was the posh one and the others weren't posh... Conflicts, all the time, any way. All the time, the conflicts revolved around money. Money can make you go crazy!*

A feminine type of deviance?

In contrast with their family relationships, their territorial or community-based (in the case of the girls known as "Rumanians") anchorages constitute resources for experimenting with new possibilities. Starting in *collège*, they often meet a group of boys, within which they occupy the position of "girl among the boys". They do not try to be "like the boys", but rather to "share their madness", as one girl put it (hanging around on the street, going out to nightspots, drinking and taking drugs).

As users of toxic substances (cannabis, alcohol and cigarettes), the girls often speak of their addiction to the substance, and of the offences possibly tied to it. In this context, actually perpetrating the offence generally seems to depend on opportunities, encounters and needs. In addition to thefts, selling cannabis sometimes becomes a full-fledged activity. The latter is there-

fore no longer the prerogative of boys. This is especially the case for girls in detention, even if they are rarely sentenced for those offenses. There are no specifically female offenses, then, strictly speaking. Many girls accumulate different types of offences, as in the case of Deborah, who sums up her itinerary as follows: *bah, violence, drugs, insults, stealing cars... And all the rest*. They commit the same types of offences as the boys, including acts of barbarity and sexual violence.

Their integration in these deviant groups gives them a form of emancipation along with narcissistic and social/economic benefits. Protected, but also controlled by the group (especially as to their sentimental experiments), they become mobile and gain access to the immediate pleasures of partying and consumerism, and at the same time avoid (to a certain extent) gender assignment to immobility and reserved behaviour.

However, this strategy encounters its limits when they begin to experiment with sentimental and sexual relations, most often outside the group, in fact. Their attitudes towards constituting a couple differ: some girls are for it, as a way of stabilising their situation, whereas others refuse to settle down to a lasting relationship, precisely so as to "prepare better for the future". In both cases, what is at stake is the way these girls from a working class background enter the adult world. When they start experimenting with their love life, and especially when they have a set partner, they can no longer maintain that relative vagueness as to their position in the gendered social order, as was the case when they were "the girl in a gang of boys".

Although the experience of having a partner is appreciated by most of the girls for the emotional stability and/or the access to an independent social status it supposedly provides, the experience rarely affords as much protection as they had hoped for. Although their marital experiences are somewhat varied, they all find themselves assigned to household chores and isolation again. And for several of them, the man, often older than them, turns out to be violent and attempts to gain ascendancy over them. The love affair, taking them out of what they perceive as the "protective" cocoon of the gang of boys, sometimes gets these girls caught in a chain of events they are no longer able to control, and which leads them, in some cases, straight into court proceedings, often before an investigating magistrate rather than a judge for juveniles.

Fanny is very well integrated in the neighbourhood gang of boys. She participated in a hold-up with them. When her friends were arrested, she was the only person who was not denounced to the justice system by the group, and she believes that this was because she was the only girl. She has an ambivalent attitude toward her singular role in the group. On the one hand she feels guilty about not having been given the same sentence: she is in a CEF, whereas her pals were sentenced to prison. On the other hand she seems to appreciate having been given special treatment by the boys:

- *They mollycoddled me* (laughing)
- *What did they do to mollycoddle you?*
- *They were always protecting me.*
- *What did they protect you from?*
- *From everything. Well, everything except from getting into trouble...* (laughing)
- *Well, yes, even from some trouble. Sometimes they would say: "no, Fanny, don't do that" Yeab, that's it. Or sometimes they would say "don't talk to him". Stuff like that. When I was in a mess, they helped me. Stuff like that.*
- *What did they help you with?*
- *Silly little things. For instance, when I didn't know how to go home, they came along and dropped me off. They helped me out with money.*

The gendered processing of delinquents by the criminal justice system

Studies on how the justice system handles women have already demonstrated the gendered nature of social control³. The effects are evidenced in the trajectories of the girls we encoun-

³ C. Cardi, G. Pruvost (Ed.), *Penser la violence des femmes*, La Découverte, 2007 and A. Vuattoux, « Adolescents, adolescentes face à la justice pénale », *Genèses*, 2014, 4, 97 pp. 47-66.

tered. As shown by the statistics mentioned in our introduction, most girls are maintained within the youth protection system longer than boys. Our interviews led us to wonder about the outcome of this prolonged intervention of the justice system. Perhaps it leads them to accumulate offences, caught up as they are in what some call a "chain of events" (thefts, use of drugs, violence, etc.) and/or the repeated search for new "adrenaline rushes". Quite often these delinquent acts are committed when they run away from a home, and the (short term) social reaction is often the same: transferal to another home, from which the girl runs away again until the point when one of these offences is perceived and defined as serious (violence against a counsellor, act of barbarity, unlawful detention, sexual violence, or other), sometimes leading them to incarceration. One may therefore wonder about the fact that they were not stopped before that point. Isn't there a sort of paradox in "protecting" them from a prison sentence (at least at first, and with the noteworthy exception of the young "Serbs" and "Rumanians", who are over-criminalised), while at the same time allowing them to settle into a delinquent career, with the risk of encouraging a feeling of impunity in them? So protection of girls against incarceration is quite relative, then: while some of them stay longer within the youth protection system, others (as well as the same ones, during a second phase) are more severely punished. Girls who are vagrants of sorts are more frequently placed in the hands of the justice system than boys, allegedly precisely to "protect" them. This was true for Caroline and Stéphanie, for example, both of whom were given a non-custodial judicial measure although they were not on the way to offending. Judiciary constraint was used, then, to lead them to accept supervision since they were constant "runaways" from the youth protection services. It is also, notoriously, the case for girls known as "Rumanians", who apparently slip through the youth protection net. They tell of frequent identity checks by the police and denounce violence committed by the police, including, specifically, against groups of women. They generally do not seem to have the resources needed to defend their rights. They are the prisons' new "destitute".

Excerpt from an interview with a senior correctional officer

A 15-16 year-old youth who steals something, I don't know, a cell phone – a French boy – he won't go to prison. They'll give him two or three measures, send him to the judge a couple of times, he'll get some measures, maybe enforced by his parents. Bah, here [for the young Rumanian girls], it's imprisonment right away, right away. Because, precisely, there aren't any measures first, you see. Because there isn't any assurance at the family level, no parents behind them to take charge.

– *How do the guards take it, when they see – because we hear it from the kids – when they see the same girl come back twice, 3 times...*

– *Yeab, they're a bit worn out, eh! Take Nadia, a Rumanian girl, for instance... She's someone I met when I arrived here in 2011. And she was, you can say she was really uncontrollable. Well, she was manageable but she shouted all the time, she was aggressive. Actually, we realised, over time, during her stays in prison, that it was a language problem, a communication problem. Because as soon as she began to speak French, to understand and all, she didn't act the same, at all. And now, to top it all, she came back this week-end, she's become of age, but as soon as she saw me, she saw me briefly a bit earlier, "Oh, Madame, I must see you, I want to come in to say hello!"*

– *She speaks good French now?*

– *That's right, and it's true, when I arrived, that aggressiveness, I thought, 'but what's up with that girl, you know!' she was really aggressive, fighting with everyone.*

Are girls "complicated" for professionals?

For corrections administration professionals as well as for those from the PJJ, working with delinquent girls is often perceived as less satisfying and more "complicated". As one counsellor explained: *most institutions that are supposedly coeducational sometimes rationalise their not taking in any girls by saying it isn't possible, you can't, er..., you can't accept girls because we only have*

boys, and if we have a girl..." Independently of the type of care, the PJJ professionals we met explained that they have insufficient tools for working with girls: *Contrary to girls, boys have the possibility of training for a vocational training certificate (CAP) in Institutional Building Maintenance. They also have access to workshops (mechanics, etc.) and to courses on technical subjects. But it isn't easy to be accepted, there are few openings, and a young prisoner will only be accepted if he has the right profile. There have never been any vocational training possibilities for girls, and for a long time the only place they could go to was a cooking workshop (a PJJ educator).*

In the past educational tools were designed for boys, as a rule, even if they were said to be universal, and therefore coeducational. The presence of girls then challenges this implicit assumption of care based essentially on male norms while claiming universality. This feeling of greater "complexity" in taking charge of them may be seen in the light of the few training opportunities and vocational tools adapted to the distinctive features of the girls with whom they must cope. By distinctive features, we are not designating some hypothetical intrinsic female identity, but rather the singularity of each girl's life course, a mix of gender, ethnic, class and age relationships that lead them, for example, alternately (and sometimes simultaneously) to be victims and offenders.

One last remark: this feeling that work with girls is more complex contrasts with the girls' overall positive view of "their" male and female counsellors, while at the same time they repeatedly state that they don't like counsellors "in general". So they operate a dichotomy between "counsellors" in general, who are connoted negatively ("they're useless"), and a real person (when that person is named), associated, then, with a positive comment ("nice", "I won't forget her", "gives me everything").

Some conclusive remarks

Analysis of girls' delinquent careers shows that their offending is not specific: it includes thefts, destruction, violence, drug dealing, unlawful detention, sexual assault, etc. Whatever singularity there may be resides in the social reaction they elicit. Girls (with the noteworthy exception of those designated as "Rumanians") are maintained longer within the youth protection sphere, but are not "protected" any better for that, as they often do not have access to the same resources as boys to help them get out of their delinquent career, especially in terms of vocational integration.

This is particularly true of places of detention, where girls are usually in situations generating suffering and isolation, deprived of support from their family and milieu, as opposed to boys, who often encounter cousins and friends from their neighbourhood. A more serious problem is the fact that these girls, with few exceptions, are not offered any possibility of developing a project for social rehabilitation while serving their sentence. Several girls who had training or a job were nonetheless given heavy prison sentences. The battle to maintain their integration then seems to rest on the personal resources they are able to muster, insofar as the stigma of their stay in prison does not catch up with them, leading them to think, as Shirley puts it: *I'm a girl with no future*. Last, since few institutions accept girls, they are often sent to distant facilities, far from their family and social environment, making it all the more difficult to develop a training or professional project.

Cindy Duhamel, (Cindy.Duhamel@justice.fr)
Dominique Duprez, (dduprez@cesdip.fr)
Élise Lemerrier (elise.lemerrier@univ-rouen.fr)