

Labelling Young Women as Violent: Vilification of the Most Vulnerable

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Executive Summary

Violent crime committed by young people has decreased in recent years. At the same time, calls for harsher punishment of youth mount. The resulting tension of competing interests and objectives generated by misinformation and media coverage of high profile, violent crime involving youth is embodied in the proposed Youth Criminal Justice Act (YCJA). The legislation incorporates the punitive and progressive criminal justice agenda. While providing more regressive sentencing options for young people convicted of the most serious offences, the YCJA also embodies the commitment of the federal government to reduce reliance on incarceration as exemplified by the emphasis on extra-judicial measures.

Against this backdrop of current juvenile justice reform measures, this paper explores the factors contributing to the reality that poor, young, racialized women and girls are among the fastest growing prison populations world-wide. The so-called "War on Drugs," evisceration of education, health and other social support services, and "gender-neutral" zero tolerance policies have contributed significantly to this phenomenon. Furthermore, too many imprisoned women and girls are over-classified in terms of their security risks to the general public.

Around the world, we are seeing that women and girls with cognitive and/or mental disabilities are more likely to be criminalized, jailed, and then classified as maximum security prisoners. Many of them were previously institutionalized in psychiatric hospitals and/or involved in other mental health services. Many are criminalized as a result of their disability-induced behaviour in institutions and/or the community.

We enter this century and millennium with the ever-present and persistent challenge of ensuring that women and girls behind prison walls have access to justice. As the economic, social, and political climates within our provinces and territories continue to produce ever more daunting challenges to the survival of the most marginalized, we also struggle to resist the rush to vilify women and girls. This paper will highlight the key issues, research, and approaches recommended to address these matters and strengthen commitment to equality and justice for women and girls.

Background

There is a pressing need to counter misinformation about the nature and extent of young women's violence. A few years ago, I was alerted to this as a result of a call I received from a reporter. He asked me whether I would be prepared to do an interview about the increase in violent offending by young women. "What increase?" was my response. He said his local police source had advised him that their community had seen a 200 per cent increase in robbery offences alone over the past decade. When I asked him how many actual cases those figures represented, he was not certain.

Further investigation revealed that two young women had been charged with robbery—one happened about ten years earlier, the other had just occurred. Prior to that, there were apparently no charges or convictions of girls or young women on record. Technically, then, the statistic was correct. The impression of young women erupting into violent behaviour created by the 200 per cent figure and the accompanying media hype was, however, incredibly skewed and inaccurate. The reality was that the violent behaviour perceived to be "erupting" was non-existent and the actual risk posed to the public by the two young women in question was extremely low.

I still receive many calls from reporters, students, and other members of the public requesting information about the increasing number of violent girls, especially about those who are involved with gangs. Sensationalized media accounts of youth crime, especially any involving young women perpetrating violence, attract a disproportionate amount of "air time." As Yasmin Jiwani points out in, *Violence Prevention and the Girl Child: The Final Report*, while girl gang violence may be prominent in the public imagination, the reality is that only 3.83 per cent of violent crimes are committed by young women.

Factors Contributing to the Increased Criminalization of Women and Girls

In Canada, and internationally, we are also seeing the feminization and criminalization of poverty. Most single parents are women, the majority of whom live below the poverty line. As social programs have been dismantled, women, especially sole support mothers, are faced with the reality of having to make ends meet within the context of a shrinking social welfare system. In order to survive and support their families with insufficient resources, many are forced to work under the table, prostitute themselves, and, occasionally, some even carry packages across international borders for money.

All too often, and increasingly so, these survival approaches result in the criminalization of women and girls for fraud, soliciting for the purposes of prostitution, trafficking, and/or importation charges. Think of the comparative savings in terms of both human and fiscal costs if the monies required to jail them, as well as the expenses of state-provided child-welfare services and support for those who have children seized by the state, were invested in our communities instead. This re-investment of ever-shrinking resources would undoubtedly benefit the women and girls currently being criminalized, as well as many others who are marginalized in their communities. Ultimately, such social and community development is beneficial to all of us.

Another result of funding cutbacks to services over the past decades is the obliteration of progressive policy developments to de-institutionalize those labelled as mentally handicapped and/or mentally ill. These trends to normalize and integrate services for those with cognitive and mental disabilities have been seriously compromised by funding cuts. This has resulted in more people—particularly women and girls who have traditionally been over-represented in these sectors—literally being dumped into the streets and, ultimately, into the wider, deeper, and stickier social control net of our criminal justice system. Although the criminal justice system is the least effective and most expensive system that could be used to respond to cognitive and mental disabilities, it is a system that cannot refuse to "service" anyone who is criminalized, regardless of their disability.

Once in prison, the practical reality is that mental health needs have been equated with risk. Mental-health concerns that are disabling undoubtedly create very real needs for those who have them and for those who

try to control prisons. But, equating mental and cognitive disabilities with risks only serves to perpetuate the social construction of persons with mental disabilities as dangerous.

Although this is precisely the kind of stereotyping prohibited by the equality provisions of the section 15 of the Canadian Charter of Rights and Freedoms, most such young women end up isolated in segregated and/or maximum security units in juvenile and adult jails. Most of these women and girls pose the greatest risk to themselves and their own well-being. They are, however, perceived as difficult to "manage" in prison settings, especially if they resist restraint, lock-up, or medications, slash and carve their bodies, burn themselves, swallow items, try to smash in their own skulls, gouge out their eyes, try to kill themselves, et cetera.

The inability of correctional systems to address cognitive challenges and mental health needs has thus been used as a reason to classify women and girls with cognitive or mental disabilities as risks to the community. As a result, they are imprisoned in high security settings where they are subjected to harsh, often inhumane and illegal treatment. Since this kind of treatment occurs directly as a result of these women prisoners' cognitive and mental disabilities, it is clearly discriminatory and thus contravenes human rights as well as s. 15(1) of our constitutionally enshrined Charter of Rights and Freedoms.

We must continue to pursue opportunities to challenge the increasing criminalization of those with cognitive and mental disabilities. In addition, we must focus upon the development of community-based services. Where we have not been able prevent women or girls with cognitive or mental disabilities from being criminalized in the first place, we need to work to have these women and girls taken out of the prisons on passes and/or released into the community so that they may access the community-based services they need. It would be folly of the most profound and irresponsible proportions to focus on the development of institutionally-based services alone.

Another significant factor in the increasing trend to criminalize women and girls is the adoption and application of so-called "gender neutral" zero-tolerance policies. As will be discussed in more detail below, part of the backlash to increased attempts to hold violent men accountable has been the application of zero-tolerance policies to charge and/or counter charge women and girls. While eliminating violence is an important objective and violence should never be condoned, the state should not counter-charge women and girls involved in relatively minor altercations in school yards, or those who defend themselves or others from violence perpetrated against them by abusive men.

Impact of Stereotypes of Young Women and Violence

The notion of criminality has evolved from such outdated labels as "immorality." Women and children have traditionally been seen as inherently morally "pure." They have also been perceived as property and, therefore, subject to the control of the men who fathered them or married them. Any woman who dared to step outside of her designated role as a "good" mother, wife, daughter, et cetera, was likely to be judged immoral. If she deigned to commit violent acts, regardless of the circumstances (i.e., whether reactive or even defensive), or if she engaged in sexual acts outside of marriage (regardless of whether she was raped or otherwise the subject of unwanted sexual advances); and, worse still, if she voluntarily engaged in sexual activity because she enjoyed it, she would be deemed an aberration and relegated to the margins of her gender.

The more outside of the male-based norms and stereotypes a woman or girl strayed, the more likely she was to be assessed as either "mad" or "bad"-the former pathologized the woman and thus slightly alleviated her degree of personal responsibility and blame for the immorality. The latter label, on the other hand, clearly placed full blame and responsibility on the woman. One might well inquire as to what has really

changed. The same processes are still used by the media, by too many authors (e.g., Pearson, CSC research, etc.), and by the regressive forces of the right, albeit with new labels and sometimes convoluted commentary.

Christie Barron points out that:

[The media] often decontextualizes the acts of crime for public consumption. When youth crime is presented in a social, economic and political vacuum, it appears as if nothing else is occurring in society except kids doing bad things.... Most of the establishment authorities agree that there were ever-increasing numbers of girls involved in violent crimes.

One of the psychiatric social workers asserted: "I've been working with kids since the late '60s and I've seen more females involved in violent acts, more involved in gangs; it may be a wannabe type of situation." One of the probation officers stated that girls became involved in violence because of "trivial stuff" such as someone making a bad comment. She also stated that the number girls involved in violent crime has increased but not necessarily to the level of violence of the boys.

The youth I talked with provided a context for any increase in female violence. "...There should be recognition of circumstances in the youth world relative to their own existence and experience, as opposed to circumstances important to the criminal justice system situated in the adult world." In commenting about the media depiction of young women as violent, one of the young women interviewed by Barron indicated: "I think media looked at the wrong thing; they looked at what [the girls] do but not why. They don't care; they just want to make money" (84-85). Moreover, as she astutely pointed out, the media consistently failed to focus on how degrading and violent prostitution is for the girls involved.

Barron further states that:

violent youths have become "folk devils," to whom are attributed characteristics that feed societal panic but clash with the youths' perceptions of self. Youths are pathologized within professional discourse and portrayed as unremorseful monsters in need of medical treatment. Explaining youth crime as an individual problem denies the structural and cultural barriers that youths say contribute to their actions. These professional stereotypes are reproduced and confirmed as 'truths' through such powerful institutions as the media. (67)

The Differences Between Men's and Women's Violence

The manner in which young women and girls behave "violently" has been largely ignored or minimized historically. Where and when it is addressed, violence by women and girls tends to either be seen as a function of masculinity or a lack of femininity, or as an indication of extreme behaviour often characterized as madness. Perhaps the greatest difficulty in terms of addressing violence perpetrated by young women is that most of the "research" in this area is, in fact, the postulating of theory by academics that often does not include the voices and/or experiences of women and girls themselves. Some notable exceptions are Christie Barron's research, *Justice for Girls in Vancouver*, and the National Youth in Care Network, as well as that of a group of researchers who work out of the University of Glasgow in Scotland under the name of *Girls and Violence*.

It is interesting to note that up until the 1970s, the occasional violent acts committed by women were generally ignored by law enforcement authorities world-wide. During the '70s a new mythology emerged that linked the women's movement to a new wave of violent offending by women. White, adult women, as leaders of the women's emancipation movement, were identified as causing the surge in serious criminal offending by women. Although the facts clearly do not support such contentions, many have concluded that

more women and girls are committing offences because of the influence of some women's desires to be equal to men. Furthermore, the breakdown of the family (also perceived to be a consequence of women's desire for emancipation) is believed to have resulted in girls not having their fathers around to help socialize them. The juvenile justice system has a long history of paternalism, such that young women who defy authority, particularly if they defy parental authority and run away from home, tend to be sanctioned more harshly than their male counterparts.

American author Meda Chesney-Lind calls this the "liberation" hypothesis. She furthermore states that in the 1990s we were in the midst of a second wave that causally links women's equality with girls'-especially poor, minority girls'-participation in gangs. Nevertheless, throughout both "waves" of the women's movement, there have been no substantiated significant changes in the levels and patterns of girls' violent and aggressive behaviour in Canada, the United States, and the United Kingdom (Chesney-Lind 1998). There are, however, marked differences in external responses to violent or aggressive actions, especially those perpetrated by youth.

The development of so-called zero-tolerance policies has resulted in increased policing and prosecuting of all forms of violence committed by boys and girls. Proportionately, because the overall number of young women charged with violent offences remains relatively low, the increased numbers create more substantial percentage increases in the statistics for girls than they do for boys.

In addition, there has been an increased criminalization of young women's survival skills. In the past, it was relatively easy to institutionalize or enforce social controls on young women if they ran away, missed curfew, engaged in sexual activity or displayed behaviour that might be defined as "unfeminine" or, worse yet, unmanageable. Under the old Juvenile Delinquents Act, a young woman could be imprisoned in a juvenile home for such activities. The introduction of the Young Offenders Act (YOA) in 1982 was supposed to end the arbitrary detention of young women for such activities. However, the way the YOA is being implemented by police and judges belies its legislative intent. We fear that the new Youth Criminal Justice Act will not rectify this situation if only the law, and not the practices, change.

Indeed, Ann Campbell and others have challenged us to consider whether it is morally or ethically appropriate for women and girls who need to use violence and aggression as a means to survive should relinquish these tools. She maintains, that:

Secure in our relationships and relatively protected from physical harm, most women do not need to use aggression as a tool to keep the world at bay. But when the ties that bring women close to others are destroyed, what do they have to fear in aggression? They cannot fear the loss of what they do not have. And the indisputable law on the street is fight or get beaten.... Wherever women face lives of brutal exploitation that destroys their faith in the value of trust and intimacy, they will be driven to it. We cannot demand that women desist from its use when their survival requires it. (1993: 140).

As Megan Stephens further points out: Instead of making it a priority to lock up youth, society must begin to try to deal with the environmental factors that compel these young women to behave violently. If the young women that I spoke with were victims, they are victims of a system that has dismissed them as 'bad girls' instead of trying to understand why they think they are driven to act violently.... Any attempt to 'eliminate' youth violence will need to take into consideration the social contexts from which these children come and we need to understand how these contexts seem to make the use of violence not only legitimate but, at least in the minds of these young women, sometimes even necessary. (169-170)

Finally, Mark Totten confirms that,

the literature suggests that women's use of violence is qualitatively different from that of men: whereas male violence tends to be more frequent, serious, and utilitarian,

female violence is more often contextualized in significant factors related to self-defence, anticipation of an upcoming physical or sexual assault, and prior victimization by physical and sexual abuse. (51)

Purpose of the Youth Justice System

It is now more than 17 years since the Young Offenders Act was proclaimed into law and paraded internationally as one of the most innovative and progressive legislative responses to juvenile justice. Since its inception, however, the legislation has had its most progressive elements gradually chiselled away.

The YOA was based on youth-positive principles and it is distressing to observe continued attempts to erode its fundamental tenets and guiding principles. Regressive changes have failed youth and further marginalized many youth with special needs, particularly young women. The YOA called for the least restrictive interventions possible for young people. In fact, it called for an examination of all other youth-serving systems (such as education, child welfare, and children's mental health) prior to invoking its provisions. Alternative or diversionary options are entrenched in the Act. Paradoxically, the past decade has seen just the opposite result. In many schools or group homes, for instance, matters that would previously have been dealt with by an internal administrative authority are increasingly likely to be referred to the juvenile justice system.

As Kim Brooks, Vincent Shiradeli, and Jason Ziedenis reveal in their report on school violence, the larger threat to young people comes not from school violence,

but recent attempts to turn the schools into funnels for the juvenile justice system. Nearly every state has recently changed their laws to require that schools share information with the courts-watering down the confidentiality laws that were the hallmark of the juvenile court's rehabilitative model. Teachers and principals are referring students to police, settling trivial matters in the courts rather than in the classrooms. And if you can't find real evidence of a threat, you can always turn to the Federal Bureau of Investigation's new 'profiling' software that pretends to know all tell-tail signs for potential school shooters, including having parental troubles, disliking popular students, experiencing a failed romance, and listening to songs with violent lyrics. (4)

Consider, for a moment just how many young people experiencing adolescence might have this profile.

Rather than adopt a "zero violence" approach, zero-tolerance policies have resulted in ever increasing numbers of disenfranchised youth being jettisoned out of schools and communities, usually through, rather than into, a thinning social safety net. Rather than nurturing our youth, we are increasingly scapegoating and disposing of them as though they are expendable human refuse. Statistics reveal that there has been an overall reduction in youth crime generally, as well as a relatively low incidence of violent and repeat youth crime more specifically.

These figures notwithstanding, police, reporters, and communities continue to blame the youth justice system, especially the YOA, for crime, quickly and too easily criminalize the behaviour of young people, and throw them to the wide, expensive, and ineffective net of the juvenile justice system.

Young people are best served by supportive and proactive interventions, as opposed to the punitive and reactive approaches characterized by, and endemic to, criminal justice responses. Indeed, there is more than sufficient evidence that preventative approaches to crime are far more cost-effective than current criminal justice approaches. Accordingly, we should focus on developing and enhancing high quality supportive services for children, youth, and adults alike—from universal and enriched health care, child care, and educational opportunities to effective gender, anti-poverty, anti-racism, and conflict-resolution programs. Recognizing the current stresses of fiscal restraint and downsizing, schools might redirect efforts to

consolidating creative energies and encouraging an empowered student body to provide peer and mentoring support, for example.

Professional training on the developmental, educational, as well as psycho-social attributes of young people should be a prerequisite for those working in the youth justice system. In addition, the high number of young offenders who have been abused must be recognized and reflected in the professional training of those who come in contact with young offenders. It has been reported that at least 50 per cent of the youth serving time in British Columbia had previously been sexually abused. In addition, even higher percentages have been reported in Alberta and Manitoba studies. Similarly, a 1994 Ontario study conducted by Margaret Shaw revealed that of the young women in custody, 63 per cent had been physically abused and 58 per cent had been sexually abused. Given these statistics, it seems obvious that specialized training for dealing with abuse victims is crucial.

In order to ensure significant short- and longterm change, proactive education and training programs are required for judges, lawyers, probation officers, police officers, and all other youth justice personnel. The reorientation of those involved with young people is a prerequisite component to the development of positive and effective change within the youth justice and all other youth-serving systems. And young people themselves, as well as front-line workers, should be involved in the development of professional training, as well as in services and programs designed to address the needs of youth.

Providing supportive and empowering services to young people at the time of their first contact with the youth justice system generally reduces the likelihood of future "criminal" involvement. Nevertheless, these services should not exist only within the youth justice system because that would result in criminalizing youth who are simply in need of some supportive services. Preventative and proactive approaches must be emphasized within the child welfare, educational, medical, and mental health systems as well.

Custody Must Really be the Last Resort

In terms of custodial sanctions, the YOA stipulates that such dispositions must only be used as a last resort. Further, when custody is resorted to, "open" custody should be considered before "secure" or "closed" custody. Secure custody was intended as the absolute last resort in terms of sentencing under the Young Offenders Act. Moreover, open custody was envisioned as easily distinguishable from secure custody, for example a group-home type of setting as opposed to an institution. In most provinces, however, the two forms of custody are virtually indistinguishable and provincial authorities have been the most vocal opponents of the two tiers of custody in the juvenile justice system. It comes as no surprise, therefore, that where both still exist, most open custody settings are now institutional and rather secure in nature.

The provisions of the new Youth Criminal Justice Act are even more clear and stringent in their direction. The focus on extra-judicial measures will hopefully help reduce the current reliance upon custody. Without resources to enable communities to develop meaningful community-based options, however, it remains to be seen whether this objective will be realized. Indeed, as we have also seen in the adult system, each time a new reform is introduced which aims to reduce reliance on prison, adequate resources are more often than not usually the key element that will determine their success or demise.

The introduction of conditional sentences probably provides the most recent example of this phenomenon. Initially embraced and utilized by the judiciary as a bona fide alternative to jail for many, after several years of resource deficient implementation, the scheme has now largely fallen into disrepute. Essentially, as Carol LaPrairie and others within the Department of Justice have chronicled, too many people were granted conditional sentences. Inadequate supports and supervision, coupled with stringent and often onerous conditions, resulted in many breaches of the conditions and subsequent jail terms-often for longer periods than if those concerned had received a prison sentence in the first place. Without sufficient resources for implementation, we fear that the progressive provisions of the YCJA may suffer a similar fate.

Where existing programs and services do not address the needs of young people, or the protection of society, the first priority must be to address these service or programming deficits. Rather than resorting to the "adult" criminal justice context at ever earlier ages, the federal and provincial authorities should focus on redistributing the \$170 million spent annually on federal transfers for youth justice to the development and enhancement of youth-positive community-based dispositional options. This would result in improved educational and psycho-social programs and services in both community and institutional settings.

There is a paucity of community-based and therapeutic alternatives for young people in general and young women in particular. The federal Minister of Justice could address some of these issues through cost-sharing agreements with the provinces, rather than proposing legislative amendments. Such moves unfortunately also have the tendency to be simplistic, diminishing the pressure to create more proactive and preventative means of addressing complex issues and concerns. The federal government could reduce justice transfers for custody beds with a corresponding increase in community resource development for young people. Furthermore, provinces should be encouraged to develop gender-specific and culturally-appropriate services and programs for young people. Too frequently, the services and programs that do exist are ill-equipped to deal with issues such as gender, race, class, and sexual orientation.

Institutional Abuse Issues

The emerging picture of the extent of institutional abuse of young people is grotesque (Standing Committee on Justice and Legal Affairs; CAEFS). Young people who have already been labelled as behaviour or management problems are especially vulnerable to abuse at the hands of institutional staff. It is extremely important that victims of abuse can take action and be heard and responded to in supportive ways. Audits and investigations into abuse allegations in residential schools, group homes, orphanages, and custodial centres provide horrendous examples of how and why youth are inadequately protected from abusive conduct. Institutional mechanisms for dealing with internal and external abuse are overwhelmingly inadequate. Reports generally place specific emphasis on the particular needs of young women, who have often been victims of abuse prior to their institutionalization.

It is frightening that children placed under the control of the Canadian government are experiencing physical, sexual, verbal, and emotional abuse. We know that such abuse can have an irreparable and debilitating impact on the lives and psyches of our youth. The fact that abuse is perpetrated by the very systems established to assist them only underscores the reasonableness of youth rejection of the values and authority that do harm to them.

Women are increasingly being charged in circumstances where they have called the police in relation to assault and/or threats directed at them by abusive men, especially if they have managed to defend themselves or otherwise reacted to the violence perpetrated against them. This is especially true for Aboriginal and other racialized women. The increasing numbers of younger women in the provincial and federal prison systems in Canada are also of particular concern to CAEFS. Unless we resist the calls for more punitive and regressive scapegoating of youth, and instead embark upon a public education campaign to inform the public about the excessive penalizing and incarceration of youth, we are not likely to see much change in the current slide away from justice for young people.

First Nations and Aboriginal youth are disproportionately jailed. For eight of the nine most common offences tracked in Canada, youth serve longer prison sentences than do adults. In addition, we jail youth at four times the rate we jail adults, and many times the rate in most states in the U.S. and European countries.

To make matters worse, young women usually end up being jailed in mixed youth centres. This results in many incidents of sexual harassment and rape, most of which go unreported. When we conducted research on young women in custody we found two rather shocking results. First, we discovered that many young women do not define what they experience as sexual harassment or rape. Instead, they talk about it as being flirting or fooling around, or their "turn in the closet." Secondly, for those who do identify what they experience as sexual harassment or rape, most claim that they would not report such assaults (CAEFS).

Too many young women explained their reluctance to report sexual and non-sexual assaults as a consequence of their fear that there would be repercussions, such as being held in more isolated conditions. This fear has been reinforced by experience. Not only are young women and girls often all mixed together, whether they are remanded in custody, or serving a disposition of open or secure custody, they are often isolated and have more limited access to services and programs than their male counterparts (CAEFS).

When a young woman reports a rape or has suddenly ended up impregnated while in custody, the institutional response is rarely to address the issues. Instead, what generally happens is that the young women are subjected to more restrictive and isolated conditions of confinement. This reinforces the adage that women, especially racialized young women, are too few to count. This reality has important implications for women in prison generally.

As the Amnesty International reports on the situation of male staff in women's prisons in the United States, and Madam Justice Arbour's Commission of Inquiry into Certain Events at the Prison for Women, have amply illustrated, strip-searching and male staff in women's prisons is an on-going issue. This is particularly the case when one considers the disincentives for women and girls to report harassment and sexual assault.

Within the institutional environment, the young women were taught they were individually responsible for their past and its shortcomings, and if they wanted to have a chance to succeed in the future they would need to change both themselves and their sense of self and accept the values of mainstream society that "many, if not most acts of aggression are taboo." ... [These are] institutional attempts to place the sole responsibility for a resident's "problems" on the individual, forcing him or her to accept the institutional definition of the situation. (Stephens 164-165)

In addition, Stephens concluded that, "that young women can be, and are, violent, and that violent young women are not crazy or irrational but actually offer coherent explanations of how and why they choose to use violence" (167).

Women and Girls: Still Considered Too Few to Count

All young people suffer as a result of the lack of adequate support services and other systems-based deficiencies. Those who work with young people will be all too familiar with the erosion of resources and support for our community-based support systems for youth. The relatively small numbers of young women who are criminalized and enter the system, as compared to young men, result in even fewer services for young offenders in any community.

Young women are disproportionately disadvantaged as a result of a lack of gender-focussed community and institutional programming and services, and extremely limited access to open custody settings. The majority of young women who receive open custody dispositions must serve their sentences in secure custody and/or co-ed correctional facilities. Girls and young women also tend to have limited access to the services and programs, both in the community and in institutions. In many young offender centres across the country, incidences of sexual assault and/or pregnancies during custody have led to the further segregation of young women in correctional facilities. Young women are in real need of women-centred approaches in the youth justice system, as their needs are often ignored, or at best subsumed, by those of young men.

As Joan Sangster has identified in her historical review of young women in the juvenile justice system, female juvenile delinquency is a "social construction." Indeed, when they looked at who was actually in custody, Raymond Corrado, Candice Odgers and Irwin Cohen found that the majority of the young women who were sentenced to custody were there essentially for "protective" reasons and the offences for which they were convicted were relatively minor. They identify the lack of community-based, non-custodial

placement options as the primary reason for what they refer to as "administrative-based incarceration." They also talk about the fact that the resistance of young women to authority and the resistance of the community to allow young women to return to their "street lives" is also a key factor in predisposing juvenile justice authorities to locking young women up in treatment and custodial programs.

Staff also cite a complete lack of resources for young women in terms of job training (in the community or institutions), education with day care for teenage mothers, or parenting programs. In addition, there are no provisions for pregnant teens within the institutions. Lack of medical staff also places limitations on the movement of pregnant youth to camps or open custody facilities.

The over-representation of young women in custody for administrative breaches (such as the non-payment of fines) and child-welfare type concerns (such as child neglect) are further indicators of systemic bias. Canadian, American, British, and Australian studies of youth court charges and sentencing reveal that young women are disproportionately and overwhelmingly charged and imprisoned for administrative breaches, non-criminal behaviour, and non-status offences (such as traffic violations) (Howard League; Standing Committee on Justice and Legal Affairs; Chesney-Lind 1986).

Of the very few who are arrested for crimes of violence, most involve young women reacting to violence perpetrated against them, or offences previously labelled as status offences that have been reclassified as serious offences as a result of "zero tolerance" (CAEFS; Chesney-Lind 1986). Obviously, we all wish to see a decrease in the use of violence in our communities. However, criminalizing youth does not diminish violence, it merely legitimizes it in the hands of the state.

Young women appearing before the courts tend to have fewer charges against them than males. Systemic bias and discriminatory practices undergo a multiplier effect where gender, race, class, ethnicity, and/or sexual orientation converge. The stereotype of girls becoming gun-toting gang-robbers is simply not supported by statistics. That does not mean that there are not specific and egregious examples of young women committing violent offences. It does mean, however, that every time one such incident occurs, journalists and talk show hosts beat the bushes for other examples to support extreme interpretations of the event. Police officers, teachers, social workers, criminologists, and others asked to supply "expert" opinions have a responsibility to present an accurate picture when they choose to comment in such circumstances.

In a discussion of the current focus on girls as gang members and gang leaders, Meda Chesney-Lind succinctly frames the issues and our challenges:

As young women are demonized by the media, their genuine problems can be marginalized and ignored. Indeed, the girls have become the problem. The challenge to those concerned about girls is, then, twofold. First, responsible work on girls in gangs must make the dynamics of this victim blaming clear. Second, it must continue to develop an understanding of girls' gangs that is sensitive to the context in which they arise. In an era that is increasingly concerned about the intersections of class, race, and gender, such work seems long overdue. (1998: 57)

Much is already known about effective and empowering ways to meet the needs of young women. This information, combined with adequate funding for existing and innovative support services and networks, will result in more effective interventions, increased prevention, and decreased recidivism.

Lisa Neve and Lessons Learned

In Canada and the United States, we are also facing another backlash. Every time women take one step forward, efforts to shove us backwards abound. With respect to women's involvement in the youth justice and adult corrections system, an excellent, albeit odious, example of this trend is the treatment received by a young First Nations woman, diagnosed as suffering from fetal alcohol syndrome. In November 1994,

Lisa Neve became the second woman in Canada to be labelled a dangerous offender and sentenced to an indeterminate sentence.

Although the designation was ultimately overturned on appeal, as a result of that designation, Lisa Neve was classified as a maximum security prisoner and spent six years in prison, most of it in segregated, maximum security units in two different men's prisons.

I first met Lisa when she was twelve years old. She had been dragged into secure "treatment," followed fairly quickly by secure custody. The system was not impressed by her assertive and confident manner. Unlike so many other young women her age, she was clearly a respected and undisputed leader. These qualities are not ones that are generally accepted, much less encouraged or nurtured, in our social control systems-be they child welfare or criminal justice in orientation. They are seen as particularly unacceptable when embodied by a young woman. Sexism, racism, heterosexism, and class biases intersect to provide an incredibly discriminatory lens through which women like Lisa are viewed and judged.

As a result, it did not take long for the adults in authority to label Lisa as a "problem" in need of "correction." Once the labels were applied, they not only stuck, but they also attracted other labels that built upon and expanded those prior. Consequently, although Lisa had started out as "mischievous," or "a brat," she was later labelled an instigator, negative, and eventually, aggressive, sociopathic and finally, a dangerous offender. Largely based upon accounts of her institutional behaviour in young offender centres, as well as her "unfeminine" renegade behaviour while working the street, Lisa was characterized as the most dangerous woman in Canada by Justice Murray in 1994 and then as a maximum security prisoner by the Correctional Service of Canada for more than four years.

Including her pre-trial detention, Lisa spent approximately six years in jail for an offence which the Court of Appeal eventually determined warranted a three-year sentence, as opposed to the indeterminate one that had been imposed. To make matters worse, she spent most of her time living in some of the most severe and limiting prison conditions in Canada. Nobody should ever have to face the tortuous ordeal that Lisa was forced to endure.

Our hope was that the Court of Appeal's decision would result in broader systemic changes to the administration of justice for women across Canada. Unfortunately, although the court challenged such sexist interpretations of the law as acceptance in the lower courts of a psychological assessment of Lisa that "effectively implies ... that a woman's thoughts about murder can somehow be equated with a man's commission of a murder," it stopped short of calling for the much needed broader systemic reforms that Lisa's case exemplified.

The court did note, however, the typical nature of this young woman's "violent" offences, in that "every offence which Neve committed was entangled in some way with her life as a prostitute." They also pointed out that while it was not to be condoned, Lisa's violent offences were generally characterized as attempts to avenge wrongs done to others. Furthermore, they characterized Lisa as "a young woman with a relatively short criminal record for violence, [who was] disposed to telling shocking stories of violence."

Finally, in determining if and when the dangerous offender provisions should apply, the Court of Appeal determined that,

the question is whether, relatively speaking compared to all other offenders in Canada-male and female, young and old, advantaged and disadvantaged-Neve falls into that small group of offenders clustered at or near the extreme end of offenders in this country.

They also found that Lisa Neve did not fit into that group at all.

Within two days, Lisa went from facing the rest of her life in prison to being released from prison. Uncharacteristic of most young Aboriginal people adopted out to white families at birth, Lisa's adoptive family remains extremely supportive. Despite such support, Lisa still has to work extremely hard to overcome the impact of her imprisonment as she plans for the future. Her mental-health challenges since exiting prison are legion and have been life-threatening, as she struggles to combat the feelings of despair and thoughts of self-destruction and suicide that at times still envelope her. The biggest danger for Lisa remains, however, the reaction of others to her infamous dangerous offender label.

Concluding Comments and Observations

There is sufficient evidence that a preventative approach to addressing crime within the context of socio-economic, gender, racial, and ethno-cultural realities is far more cost-effective than current criminal justice approaches. Rather than placing young people in either the adult or the juvenile justice system, most people would prefer to see better services for youth in community settings. While popular in the short term, "quick fix" criminal justice responses cannot address what are fundamentally social justice and equality issues. It is far too simplistic and short-sighted to presume that the off-loading of scapegoated youth onto the criminal justice system will solve youth crime. Nor will youthful offending be eliminated by the mere enactment of the Youth Criminal Justice Act in isolation. Broader-based social reform is fundamental.

As was discussed earlier, the Minister of Justice recently re-introduced, as Bill C-7, the replacement for the Young Offenders Act. The proposed Youth Criminal Justice Act aims to divert more youth from the youth justice system via extra-judicial means. It also proposes more stringent measures for youth convicted of serious and/or multiple offences. Unfortunately, so far there do not appear to be sufficient resources allocated, or national standards developed, to ensure that life will be breathed into the more progressive amendments. Yet again we are left to rely on the provinces and territories to implement progressive elements of the Bill. Without new resources there is faint hope that some of the provinces will do much to change the administration of juvenile justice in their respective jurisdictions. Hence, unless the government links its cost-sharing agreements with the provinces to the implementation of the progressive portions of the proposed new Act, the Youth Criminal Justice Act could end up being a mere rhetorical reframing of vitally important and unresolved issues pertaining to criminalized youth in Canada.

The legal system reinforces sexist, racist, and classist stereotypes of women while simultaneously legitimizing patriarchal notions of the need to socially control women. We must commit to transforming the social and economic position of girls and women and adamantly challenge attempts to further subjugate women if we are truly interested in addressing violence in our communities. We must also refuse to fuel panic with exaggerated and inaccurate claims about increased violent offending by women and girls. Refusing to address the issues raised by the involvement of women and girls in our criminal justice system will continue to cost us much more than money.

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