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Implementing Community Service: The Referral Process Probation Division, Administrative Office of the United States Courts

Strategies for Working With Special-Needs Probationers Ellen C. Wertlieb Martin A. Greenberg

Do Correctional Industries Adversely Impact the Private Sector? Robert C. Grieser

of State Correctional Officials
Crowding: Causes, Court Orders, and Solutions Fred Holbert Jack E. Call

Orientation of Prison Guards: Support Rehabilitation? Francis T. Cullen Faith E. Lutze Bruce G. Link Nancy Travis Wolfe

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This Issue in Brief

Implementing Community Service: The Referral Process.—A community service sentence can serve many purposes—to deter, punish, or rehabilitate, while at the same time assuring that an offender receives a publicly discernable penalty. With increased interest in community service, many questions and issues have arisen regarding its use. This article, an excerpt from the monograph, *Community Service: A Guide for Sentencing and Implementation*, concentrates on the practical aspects of operating a community service program. Among the issues addressed are how to select appropriate agencies to receive community service; how to prepare the offender for community service; how to follow up after the offender is placed with an organization; and how to evaluate the success of a community service program. The information is especially directed to Federal probation officers but will also serve as a guide for other criminal justice and corrections professionals involved in sentencing and sentence implementation.

Strategies for Working With Special-Needs Probationers.—Authors Ellen C. Wertlieb and Martin A. Greenberg discuss the results of a survey of what alternatives to incarceration probation officers use with their disabled clients. Findings indicate a great deal of disparity regarding the approaches used within and across probation jurisdictions. All probation officers agreed, however, that they needed additional training to better serve their special-needs clients. The article concludes with some suggested strategies for improving service-delivery to probationers with disabilities.

Do Correctional Industries Adversely Impact the Private Sector?—Correctional industries have been the subject of much attention and often unfavorable publicity over the past several years. Complaints have gotten stronger in recent months as prison industries nationally are seeking to expand to keep pace with rapidly rising prison populations. Author Robert C. Grieser responds to those com-

plaints by addressing some of the numerous myths about prison industries that exist on the part of many in the private sector. The author also suggests ways in which the private sector and prison industries can work together to the benefit of both.

The Perspective of State Correctional Officials on Prison Overcrowding: Causes, Court Orders, and Solutions.—Overcrowding continues to be a major problem facing prison administrators

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The Forgotten Few: Juvenile Female Offenders*

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ADOLESCENT FEMALE offenders have been described as a "specialty item in a mass market" (Grimes, 1983). Generally overlooked and frequently ignored, relegated to a footnote, and perceived as sexually deviant and in need of protection, these young women have received scant attention from members of the juvenile and criminal justice communities.

What about the juvenile female offender? Who pays attention to her special needs? Unfortunately, the courts and law enforcement pay too much attention for the wrong reasons, while litigators, legislators, and juvenile correctional administrators pay too little attention, also for the wrong reasons. During the past 25 years, few research studies, congressional inquiries, or litigation have focused on juvenile female offenders. Even when research is conducted on juvenile offenders, the data are not disaggregated by sex. When the Bureau of Justice Statistics provides valuable and much-needed data on juveniles in the justice system, one or two tables at most provide information by gender. *Uniform Crime Reports* data published by the Federal Bureau of Investigation also provide little information by gender.

Class action suits based on parity of programs, proven effective for adult women to increase their educational and vocational training opportunities while in prison, have not been filed on behalf of young women. Questionable correctional policies and practices are all too frequently the subject of policy debates within departments of youth services while in adult departments of corrections these same procedures have become the subject for litigation (Collins, 1987).

This article addresses the problems of young women in the juvenile justice system, including a description of who the female adolescent offender is, gender bias and stereotyping by correctional educators and administrators, and much-needed policy changes to ensure equitable programs.

Profile of a Juvenile Female Offender

Young women in trouble with the law are typically 16 years old, live in urban ghettos, are high school dropouts, and are victims of sexual and/or physical abuse or exploitation. Most come from single parent families, have experienced foster care placement, lack adequate work and social skills, and are substance abusers. Over half of these adolescent females are black or Hispanic (Bergsmann, 1988; Crawford, 1988; Sarri, 1988).

For youths in secure confinement, property crimes account for nearly 41 percent of all offenses, possession of drugs accounts for nearly 7 percent, status offenses 9 percent, and violent crime 32 percent (Beck, Kline and Greenfield, 1988). Although the number of females in correctional facilities has remained about the same between 1975 and 1985 (17,192 and 17,009, respectively), a shift has occurred between placement in public and private facilities. In 1975, 53 percent of the female youthful offenders were in public institutions; in 1985, only 40 percent were in such institutions (Kline, anticipated 1989).

In a self-report study conducted by the American Correctional Association Task Force on the Female Offender (Crawford, 1988), 62 percent of the juveniles indicated that they were physically abused, 47 percent with 11 or more incidences of abuse. Thirty percent said the abuse began between ages five and nine, another 45 percent said onset occurred between 10 and 14 years of age. In most instances, parents were the primary abusers.

Sexual abuses follow similar but slightly less harsh patterns. Fifty-four percent of the juvenile females were victims of sexual abuse, 40 percent with abuse occurring once or twice, 33 percent with 3 to 10 occurrences. The age of onset of abuse occurred before age 5 in about 16 percent of the youths, from ages 5 to 9 for nearly 33 percent, and from ages 10 to 14 for nearly 40 percent. Fathers, stepfathers, and uncles accounted for nearly 40 percent of the attackers. Other research conducted on the national, state, and local levels show both higher and lower figures than those cited by Crawford. All, however, document the close connection between physical/sexual abuse and running away from home (Geller and Ford-Somma, 1979; Chesney-Lind, 1987).

Although most of the females were not convicted of drug abuse, self-report data indicate that they are

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frequent users of controlled substances, with alcohol, marijuana, speed, and cocaine the most frequent drugs used (Crawford, 1988).

Sarri predicts that 90 percent of all youthful female offenders will be single heads of households who will spend 80 percent of their income on housing and child care (1988). Yet, a majority of these youths, who have failed to obtain a high school diploma or a GED and are educationally disadvantaged, also suffer from societal biases against women and minorities.

A majority (64 percent) of female juvenile offenders in secure facilities indicate that a member(s) of their family has been incarcerated. Most (80 percent) also report being runaways. Contrary to staff perceptions, over half report growing up with love and acceptance. Typical of most teenagers, over 80 percent say that peers and friends influence them (Crawford, 1988).

Many teen-age female offenders suffer from low self-esteem. Self-report data show that over half have attempted suicide, 64 percent of whom have tried more than once. They express reasons such as being depressed, life is too painful to continue, and no one cares (Crawford, 1988). While offenders are not a precise mirror of young women in society in the depths of their feelings of poor self-worth, studies demonstrate that lack of self-esteem is generally a common problem among young women. In a study begun in 1981 to measure the self-confidence of high school valedictorians, salutatorians, and honor students, males and females in roughly the same percentages believed that they had "far above average" intelligence at graduation. Four years later as college seniors, 25 percent of the males continued to share this opinion while none of the females did (Epperson, 1988). If women with above average intelligence, leadership ability, and the opportunity to achieve higher education experienced feelings of low self-esteem, it is not too difficult to understand how young women from broken homes, urban ghettos, poor schools, and abusive families develop feelings of despair and hopelessness about themselves and their chances for success.

Gender Bias and Stereotyping in the Juvenile Justice System

Differential treatment of females and males prevails in the juvenile justice system. Sexual promiscuity, including immoral conduct, has prevailed for much of the last 100 years as one basis for locking up juvenile females. Girls are expected to conform

to traditional roles within the family and society. They should be inconspicuous; passive in their dealings with others and take few, if any, risks; and obedient to their parents, teachers, and elders. Boys, on the other hand, are expected to be rowdy, boisterous, and get into trouble now and then. They should be aggressive, independent, and strive for great achievements. As Chesney-Lind explains, "From sons, defiance of authority is almost normative whereas from daughters it may be seen as an extremely serious offense. And because so much of the adolescent female sex role evolved to control female sexual experimentation so as to guarantee virginity upon marriage, such defiance is virtually always cast in sexual terms" (Chesney-Lind, 1978).

The courts view female adolescents as "more vulnerable and in need of protection than boys" (Grimes, 1983) and thus have used their "discretionary powers in the service of traditional sex roles . . . (while they) appear to be less concerned with the protection of female offenders than the protection of the sexual status quo" (Datesman, Scarpitti and Stephenson in Sarri, 1983). Of all the juveniles who appeared in court in 1984, females represented 45 percent of all status offender cases compared with only 19 percent of all delinquency cases. Of this 45 percent, 62 percent were runaways (Snyder et al., 1987).

While young women comprised 14 percent of all juveniles in custody in 1985, they represented 52 percent of all status offenders (Bureau of Justice Statistics, 1986). *Uniform Crime Reports* data show that 18 percent of all female juvenile arrests are for curfew and loitering violations and running away, yet only 6.4 percent of male juvenile arrests are for these offenses (Federal Bureau of Investigation, 1987). The 1987 Children in Custody survey indicates that the number of female status offenders has increased since 1985 while the number of male status offenders has declined (Allen-Hagen, 1988). Today, less than 2 percent (1.6 percent) of males are held in training schools for the commission of status offenses compared to 9.3 percent of all females (Beck, Kline and Greenfield, 1988).

Parents, law enforcement officers, and school administrators are inextricably linked to young women's contacts with the law. Often parents use the courts as a route to mending family feuds or as a last resort for addressing problems with promiscuous and sexually active daughters. Because judges have similar parental concerns, they tend to react sympathetically. Rarely are the courts employed as a quick fix for sons who exhibit similar sexual behaviors.

Female sexual activity also frequently becomes part of the record that judges and other court officers review, including levels and types of sexual activity and numbers of children, regardless of the offense for which they are being tried. According to several judges in Missouri, such information is almost never found in delinquent male records (Grimes, 1983).

Police contribute to the differential treatment of these adolescent females as well. Not only do they tend to arrest more females for sexual and relational activities than for criminal conduct, they also promote a different set of sanctions for them. Dating back to the 1950's, research has shown that girls were more likely than boys to be: 1) referred to social or welfare agencies rather than being released from custody; 2) placed on informal probation supervision; and 3) placed in secure treatment facilities for the commission of status offenses (Chesney-Lind, 1982). Females arrested for status offenses often remain in detention longer than males, according to a Minnesota study in which 82.9 percent of all status offenders held beyond the statutory limit were females (Osburn and Rode, 1982). And, 12 percent of all status offenders placed in secure detention are females contrasted with 9 percent for males (Snyder et al., 1987).

Self-report data, on the other hand, indicate that males engage in at least the same amount of sexual activity as females but rarely are arrested for such behavior. Adolescent females in self-report studies indicate that their engagement in criminal activity is greater than what court intake records show. If these studies are accurate, the number of females involved in criminal activity would remain below that of males, but the types of offenses for which they would be arrested would be much the same (Geller and Ford-Somma, 1979; Sarri, 1983; Chesney-Lind, 1987). As Chesney-Lind maintains, "... it is reasonable to assume that some bias (either unofficial or official) is present within the juvenile justice system and functions to filter out those young women guilty of criminal offenses while retaining those women suspected of sexual misconduct" (1982).

A third source of referral to juvenile courts is through the school system. In a study conducted in nine public and parochial high schools in the Midwest, 11 percent of all court referrals come from the schools (Sarri, 1983). These youths have become so disruptive that the teaching and administrative staff are no longer able to contain them.

Administrative Disinterest

Like their adult counterparts, adjudicated juvenile females find themselves with few programs and

services to meet their needs for developing socialization and life skills and an awareness of the world of work and their role in it. In the community, services are geared to preventing further physical or sexual harm but not to developing vocational and life skills (National Council of Jewish Women, 1984).

In secure confinement, the amount of staff time to work with these adolescents is limited to the average length of stay of 8 months (Bergsman, 1988). Yet, it is during incarceration that these young women should be acquiring some of the tools they will need for economic independence and personal growth. The barriers to providing equitable treatment of these females come from several sources: 1) the traditional view of young women held by many female and male correctional administrators and staff; 2) the small number of females who, because of their limited population, are housed in co-correctional (co-educational) facilities; 3) limited resources that are mostly channeled to the males who constitute 93 percent of the incarcerated juvenile population; and 4) lack of program and service integration among state and local education, health, labor, and youth services agencies.

When educationally disadvantaged delinquent females enter the juvenile justice system, they also encounter administrative resistance in the provision of appropriate resources and programs to meet their unique needs. Departments of corrections and youth services rarely, if ever, designate a central office position to coordinate female programs and services (Ryan, 1984). Co-educational institutions are often the result of financial/administrative decisions based on the small number of females and the large number of male offenders. Often, the young women are imposed on all-male facilities in which policy and procedure frequently are not written from an equity perspective and where programs and services are more appropriate for males than females.

Workforce Changes in the 1990's

The traditional or stereotypical orientation of many youth services managers towards delinquent women is a great disservice not only to these young women but also to society. Major economic and workforce changes are anticipated during the 1990's, changes that will most certainly impact women and minorities. Consider the major trends for our economic future that the Hudson Institute forecasts for the year 2000: a growing economy, fueled by an increase in service-related jobs over manufacturing; a workforce that is "growing slowly, becoming older, more female and more disadvantaged," as well as minor-

ity; and jobs that require higher skill levels than those of today (Johnston, 1987). In other words, highly skilled employees will have greater employment options while the least skilled will face greater joblessness.

The 1990's will see more women and minorities entering the labor pool. Nearly 66 percent of all new workers will be women, many of whom will be poor single heads of households; non-whites will constitute 29 percent of the new work force. Although women will continue to work in jobs that pay less than those for men, they also will have greater opportunities for high-paying professional and technical positions. And, even with entry-level positions, employers who are facing a shrinking labor pool are beginning to invest time and money in finding and training new workers. Unless women offenders, who are disproportionately minority, receive sufficient education and training to perform the more complex jobs projected for the coming years, our economy will suffer and their poverty, dependence, and criminal activity will escalate (Johnston, 1987; Packer, 1988).

As jobs become more sophisticated, young women offenders, who have minimal occupational skills, will find it increasingly difficult, if not impossible, to become employed in an occupation with more than poverty-level wages. Many are high school dropouts, and nearly 26 percent suffer educational disadvantages, including learning disabilities and emotional problems (Bergsmann, 1988). Their exposure to vocational education is often limited to traditional programs of cosmetology, office skills, and food services. The Department of Labor's statistics on women, especially women and girls who are minorities, are not encouraging. In 1984, the unemployment rate for black female teen-agers was almost three times as great as for white female teens, and for Hispanic women unemployment rates were almost 4 percent above the rates of all women (Council of Chief State School Officers, 1986).

Policy Considerations

The inequitable treatment of juvenile female offenders is often exacerbated by the lack of adequate social and life skills programs and pre-vocational and vocational training programs that are critical for these youths in order to achieve economic and emotional self-sufficiency. Recognizing this problem, the American Correctional Association (ACA) has called for both juvenile and adult women offenders to receive programs comparable with those provided to males, as well as services that meet the unique

needs of females. Integral to its policy on "Female Offender Services" is the provision for "access to a full range of work and programs designed to expand economic and social roles of women, with emphasis on education; career counseling and exploration of non-traditional as well as traditional vocational training; relevant life skills, including parenting and social and economic assertiveness; and pre-release and work/education release programs" (1986).

The Correctional Education Association (CEA) concurs with the need for appropriate education for women offenders. Its standards, promulgated in 1988, include a mandatory standard on educational equity which states that, "Institutions housing females provide educational programs, services and access to community programs and resources equitable with those provided for males within the system." This means that small numbers and thus high per capita costs of program delivery cannot be used to justify a lack of equitable programs that are defined "in terms of range and relevance of options, quality of offerings, staff qualifications, instructional materials and equipment, and curriculum design." Pennsylvania is the first state to use the standards to assess the status of its educational programs. A program to enforce the standards is being developed to ensure that all participating jurisdictions would be required to provide equitable educational programs for juvenile female offenders.

Troubled and delinquent offenders have often been the stepchildren of the educational system. Today, these offenders fall within the "at-risk" category of youths whose multiple problems have made their odds of educational success difficult at best. Many of these teen-agers have failed academically, been chronic truants, and when they do go to school, frequently act out. Unfortunately, when they enter the juvenile justice system, education, one of their greatest needs and surest routes for entering the economic and social mainstream, becomes second to security, which takes preference above all else.

A Bill of Educational Rights for incarcerated youth has been called for (Price and Vitolo, 1988) which seeks "to establish minimum standards for protecting their rights and assuring them of an education program designed to meet their needs." Included in this Bill of Educational Rights are the rights to: 1) ". . . a public education fostering (youth) development as productive members of society" guaranteed by Federal policy that mandates education for all juvenile offenders; 2) a curriculum that "emphasize(s) the core subjects and skills" including basic academics and independent living skills that use a competency-based

system for awarding credits; 3) "a thorough educational assessment" that appropriately identifies and addresses different learning styles and needs; 4) education on "affective development" to focus on positive self-esteem and interpersonal relationships; 5) special education services; 6) state-certified instructors to design a curriculum consistent with the community's educational standards; 7) an educational program that meets "recognized community standards leading to a diploma" in order that youths can continue their education on release; and 8) transition services on release to assist with reintegration back to school, entry into a vocational education program, or job placement.

Inherent in this Bill of Education Rights are many important elements for delinquent female offenders. These youths need academic encouragement, counseling to improve their self-esteem, introduction to the world of work to encourage them to consider high paying careers, vocational education courses, independent living skills, and transition planning and assistance.

Institutions interested in implementing the provisions of the ACA's policy on female offenders, the CEA standards, including the standard on equity, and the provisions of the Bill of Education Rights could do so by: 1) developing equitable educational opportunities for adolescent females delivered through a continuum of interrelated programs and 2) establishing a collaborative educational program that links youth services staff with employees in the state departments of education, labor, and employment and training both inside and outside the training school.

To achieve pre-vocational, vocational, health, and life skills, a comprehensive, coordinated service delivery system must be in place within the institution and continue through transition back into the community. Such services include testing and evaluation; pre-vocational and vocational training; independent living and social skills; health education, including human sexuality; individual and group counseling; substance abuse programs and pre-release planning, including a network of support in the community.

Underlying any fundamental change in the way these youths perceive themselves is the need to raise their self-esteem. Contributing to many of these girls' involvement in the juvenile justice system is their poor self-esteem, brought on by abuse and/or exploitation at home, poor academic achievement, little assistance from teachers and administrators and minimal school involvement (Finn, Stott and Zari-

chny, 1988) and the myriad of social and economic problems in which they have grown up. They tend to underestimate their abilities; fail to consider a full range of career opportunities; become pregnant and then a single parent; perform poorly in school; be overly dependent on young men; fear success and assertiveness; and have an excessive need for external approval (Agonito and Moon, no date). Training school staff, not just educators, must work with these young women to enhance self-esteem through academic and vocational education programs that instill self-confidence and staff-offender interactions based on acceptance and approval.

More subtle, but equally compelling, is the need for staff members to be gender neutral in their interactions with all youthful offenders. For example, teachers need to design curricular materials that incorporate women and minorities. They should employ classroom strategies that encourage female participation, e.g., females, especially minority females, need more "wait time" than other students during classroom interaction. In co-correctional facilities, females should be included fairly in all classroom interactions. Finally, testing and counseling programs should avoid career segregation and stereotyping (Sadker and Sadker, 1988).

Conclusion

Little time, and even less effort, has been devoted to the juvenile female offender in the last century. Criminal and juvenile justice administrators pursue problems that are seemingly more pressing, such as crowding, or those that are more vocal, such as litigation. Researchers study juvenile offenders, generalizing their theories of male juveniles to females. Unfortunately, the adolescent female offender has been silent for so long that the few administrators and researchers who do champion her special needs are often unheard and even when heard go unheeded.

The differential treatment of females and males in the juvenile justice system begins with the schools, continues with law enforcement and the courts, and is perpetuated by the correctional system. Many delinquent females are locked up for running away from home as a result of physical and/or sexual abuse or exploitation. Many others suffer from low self-esteem, inequitable treatment in school from teachers and administrators, and inequitable programs during incarceration.

The need for educational equity for these offenders is paramount. Teachers must begin to design cur-

ricula with females in mind and interact in a gender-free environment. Law enforcement officers must stop arresting females for running away and for other status offenses. Judges and magistrates must stop treating girls differently from boys in the length of confinement in detention and the length and types of sentences imposed. Correctional educators and other staff must begin to provide equitable programs and services for this adolescent female population. Only then will female juvenile offenders have the opportunity to develop the social and educational/vocational skills to compete in the ever-changing technological world in which we live.

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