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DELINQUENCY AND GENDER

Patricia Y. Miller

Project Co-Director: Gary Schwartz, Ph.D.
Project Co-Director: (Administration): Joseph E. Puntil

Institute for Juvenile Research
Department of Mental Health, State of Illinois
1140 South Paulina Street
Chicago, Illinois 60612

Director, Department of Mental Health: Leroy P. Levitt, M.D.
Director, Illinois Mental Health Institutes: Jack Weinberg, M.D.
Director, Institute for Juvenile Research: Frank T. Rafferty, M.D.
Director of Research, Institute for Juvenile Research: Anne M. Seiden, M.D.

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Most delinquency theories tend to converge about a common focus; they endeavor to explain the emergence of illegal behavior among predominately lower-class boys during adolescence. That this decision to restrict the field of inquiry is prudent is usually defended by invoking a cost-benefit model. "...The most consistently serious problems of delinquency, considering the social cost to the individual and to society, are to be found in the organized delinquent activities of boys in late adolescence." (Cloward and Ohlin, 1960: 30). The inattention to female delinquency is similarly justified (Cavan, 1962: 101-2). Female violative behavior has received less attention from scholars, juvenile justice professionals and concerned civic organizations because, compared to boys, fewer girls are adjudicated delinquents. Of these, fewer become recidivists. And their offense repertoire, largely confined to "self-destructive" acts, usually excludes property offenses.

While it is appropriate that social concerns influence the course of social science research, it is less than appropriate that they dictate its analytic focus. For such reasoning applied to a phenomenon as pervasive as juvenile delinquency is analogous to a decision to limit the study of voting behavior to Socialists or Republicans because high levels of political activity characterize members of such groups. Evaluation of the benefits which have accrued to the society and the individual from the scholarly preoccupation with the modal offender category (lower-class boys) underscores the dubious character of the advantages of this research strategy.

Although empirical studies, analyzing self-report as well as official records of juvenile delinquency, consistently find fewer females involved in violative behavior, official data obtained for recent years (Uniform Crime Reports, 1952; 1972) provide evidence which suggests that the prevalence of juvenile and adult female participation in illegal activity may be increasing. Simon's (1975) analysis of the arrest experience of females over the twenty year period 1953-72 indicates a steady increase in the percentage of females who are charged with property crimes among all females arrested. Thus, according to the official profile, the apparent increase in female involvement in crime accompanies a shift in the kinds of crime women are committing, marking the movement of women into precisely those categories of crime where their absence in the past provided the basis for scholarly, official and community indifference. But Uniform Crime Reports provide summary data about persons charged with specific offenses by reporting police agencies and, therefore, suffer the well recognized biases and limitations of official statistics (Beattie, 1955; Wolfgang, 1963). Also, increases in female contact with the criminal justice system may reflect changing perceptions of women among those in law enforcement rather than actual increasing participation in violative behavior. In the absence of self-report data, it is difficult to interpret this evidence.

The costs to the society of the delinquent act, expressed in terms of the seriousness of the offense and, accordingly, the probability of an official response appear to be greater where the offender is a lower-class male (Williams and Gold, 1972). The assertion of Cloward

and Ohlin stated above - that the social costs of delinquent activity to the individual are greater for males - has yet to be demonstrated. Actually, sociological wisdom suggests an opposing argument. A delinquent status is less often an expected or anticipated outcome for girls; it is discontinuous with both childhood and adult female roles. Moreover, the stigmatization of a delinquent status, precisely because it is so discontinuous with female role expectations, would appear to impinge more severely on opportunities for girls (compared to boys) to achieve approved adult roles. Thus, in the absence of empirical evidence, the contention that the subjective consequences of delinquent behavior are more acute for the male offender is less than immediately obvious.

Implicit in the depiction of the female offense repertoire as "self-destructive" is this sense of gender-specific differential subjective costs of the delinquent act. The distinctive offense constellations, of males and females are conditioned by their respective normative contexts (Grosser, 1951). Thus, the "bold versatility and daring" evidenced by the property offenses of the delinquent boy is consistent with the male role and "expresses" valued elements of that role. In contrast, the delinquent girl who, in permitting sexual access, appears to reject societal expectations of female conduct is actually advancing her popularity - a valued commodity for young girls. Her property offenses, principally shoplifting, further her physical attractiveness and are similarly "role supportive." Obviously, premarital sexual adventures are not inherently "self-destructive." For male adolescents - who comprise at least half of all sexually

experienced youth - these are generally viewed with casual indulgence if not encouragement. Although female sexual misconduct has a greater potential for negative consequences, such as unwanted pregnancy, it is the apparent denial of traditional role expectations which this entails that culminates in a blemished reputation and the possibility of official sanctions.

The evidence in the literature to support the contention that female offenses have a distinctive, predominately sexual, character is not very compelling. The content analysis of Thomas (1923), generally regarded as the earliest "modern" statement on female delinquency, indicates that the pursuit of the four wishes within the context of traditional role occupations and limited options for the satisfaction of affective needs may lead to states of "unadjustment." While the four wishes and frustrated affective yearnings may be implicated in some delinquent outcomes, to interpret his analysis as demonstrating the sexual character of female criminality represents a limited understanding of the work. Nevertheless, variants of this interpretation dominate most of the limited body of recent research on female delinquency (Ball and Logan, 1960; Konopka, 1966; Cowie et al., 1968; Vedder and Sommerville, 1970) - research more often focusing on adjudicated offenders and residents of training schools and homes for unwed mothers. The weight of evidence, consistent over several studies of custodial populations, supports the conclusions that the adolescent female violative repertoire is unique not only in its form but also in the singularity of its motivational foundation. Whichever of a limited number of forms the behavior may take, the specifically sexual aspects

of the female role will be implicated in that behavior. Apparently, the lessons of the past are reluctantly generalized (e.g., Robison, 1936), for these studies assume that the behavior which elicits a response from youth-serving agencies is an unbiased subset of all female violative behavior.

The handful of comparative empirical studies based on self-report data which attempt to inform the generalizations that have been derived from studies of "official" female delinquency tend to discredit common conceptions of female delinquency. These studies are consistent with virtually all known research on human sexuality in finding greater male involvement in sexual misconduct during adolescence (Hindelang, 1971; Gold, 1970). Similarly, sexual experience comprises but a small portion of the total female violative experience. Girls, in fact, appear to commit the same range of offenses as boys although they report markedly lower levels of participation in offenses which "express masculinity" (Gold, 1970: 65).

Just as the gender role has been invoked to explain the form of female delinquency, it has also been argued that the "lack of opportunity, the nature of her occupations and her comparative protection against temptation" restrain a predisposition to violative behavior among women which is equivalent to that of men (see Pollack, 1950:xvi-xviii where the major historical arguments are reviewed). Typically, proponents of gender-linked opportunity explanations for gender-specific levels of criminal involvement suggest that female criminality increases where changes in the status of women enable them to approach social equality with men.

Delinquency theory and research suffer from a tedious reliance on simplistic gender role stereotypes. The delinquency of boys has been attributed to its role congruent aspects (Cohen, 1955) or, alternatively, it has been viewed as the result of frustration with patriarchy and a growing urgency to abandon childhood (Parsons, 1937). Like boys, girls may violate legal norms to conform to role norms. But since delinquency is not role congruent for girls, conformity to one role norm, e.g., heterosexual popularity, may entail the violation of another, e.g., chastity.

But male and female gender roles are not monolithic whether considered from either the perspectives of the incumbents or the expectations of others. In addition to those disparities between the individual's role behavior and his or her perceptions of the role-appropriateness of that behavior, there no doubt exist a variety of culture- and social class-specific gender role styles. Thus, those qualities of "bold versatility and daring" and "passive dependence" which delinquency researchers have employed as virtual synonyms for male and female modes of delinquent involvement should be recognized for what they are - synonyms - and for what they are not - verifications of the link between the gender role and violative behavior.

Shover and Norland (1975) correctly observe that the casual manipulation of gender role stereotypes in interpretations of gender differences in criminality does not satisfy the requirements of theoretical explanation. The gender role may, in fact, account for observed gender differences in criminality - from a sociological perspective, such an explanation has much to commend it, i.e., it is verifiable, parsimonious,

consistent with common sense, etc. But the assertion of causation is obviously not equivalent to the demonstration of causation. Research that would satisfy these criticisms would entail the demonstration of differential gender-linked distributions of those attributes, such as passivity, aggression and dependence, implicated in the differences in the level and form of male and female violative behavior as well as the demonstration of association within gender of delinquent behavior and the distribution of these attributes.

The Data

The data in the present study were collected as part of a large study of self-reported delinquency. The analysis of these data will enable us to evaluate gender differences in the level and form of delinquent involvement and to estimate the level of male and female involvement in violative behavior for contemporary adolescents in the non-custodial population as well. The present data set is particularly useful in this regard since it includes data on sexual experience, which is rarely collected in surveys of this type, in addition to the usual inventory of delinquent activities. The self-reported delinquent experience of these girls and boys will also be considered in relation to the contributions of their cohort to official statistics. While the data do not permit the direct test of explanations of delinquent involvement derived from the kinds of gender role differences favored by previous researchers, the relationship between delinquency and gender role orientations will be explored.

The data were collected in 1972 from adolescents in Illinois between the ages of fourteen and eighteen. The sample is a stratified¹ random probability sample of households without replacement. Nineteen thousand households in six hundred clusters were screened to locate 4,299 eligible respondents. Completed questionnaires were obtained from 3,185 (74%) of these.

The sample frame excluded institutions. Therefore, no data were collected for adolescents living in residential boarding schools and colleges, custodial institutions or for those serving in the armed forces. Since so many eighteen year olds are away from home in college or the military, those in the sample comprise a biased subset of eighteen year olds in Illinois and have been excluded from the analysis. A very small number of respondents who were married at the time of the interview were also excluded.

The questionnaire was self-administered in the home. The interviewer was present at the time, conducting a face-to-face interview with the respondent's parents. In addition to obtaining a broad range of information about the family, this research strategy also served to distract the adults in the household from the respondent's task and thereby maximize his or her privacy while completing the questionnaire. At least three call-backs were made where necessary to locate the respondent; interviewers were instructed never to leave a questionnaire for completion by an absent youngster.

¹To insure adequate representation of "downstate" Illinois - the large area of the state outside of the Chicago SMSA - this region was oversampled. The data reported in the present analysis have been weighted to conform to the geographic distribution of adolescents in the state according to the U.S. Census (1970).

The questionnaire included 379 items pertaining to a variety of adolescent behaviors, attitudes and aspirations. Among these was a modified version of the delinquency inventory developed by Short and Nye (1958). This inventory, which has been in use by delinquency researchers for several years, permits estimation of the prevalence of a wide range of delinquent behaviors as well as a rough approximation of the extent of individual involvement.

In addition to the delinquency inventory, respondents were asked at what age they initiated three forms of sexual experience - light petting, heavy petting and coitus. There is perfect agreement between the response distribution for the question pertaining to coitus and similar data collected for a contemporary national sample by the U.S. Commission on Population (Zelnik and Kantner, 1972). Reasoning that sexual experimentation was a customary feature of adolescent development - varying with age, race and gender - a sum score was computed and standardized for each respondent based on his or her replies to the above items. This variable, which expresses the respondents sexual experience in standard deviation units from the mean for his or her gender-race-age cohort, will be used in addition to the Short and Nye inventory to evaluate the level and form of delinquent involvement reported by the male and female respondents in this sample.

Since respondents reasonably may be assumed to be invested in concealing their offense histories and, also, since they may be confused about the legal status of their behavior, some researchers contend that self-report data on delinquent involvement is less valid than

data developed from official records where a legal finding has been made. Research by Clark and Tifft (1966) indicates that substantial under-reporting occurs primarily for more commonplace offenses such as petty theft and truancy. For the preponderance of offenses, under-reporting is negligible. Their findings suggest that the biases in self-report data produce smaller distortions in estimates of violative behavior comparison to the size of the distortions than those introduced by the use of official records, where there is a large disparity between reports to police and reports cleared by arrests (Sellin and Wolfgang, 1964). A related criticism of self-report data is based on the argument that the behavior of those who have achieved a delinquent status is the appropriate variable of interest for delinquency researchers. I share with others the belief that violative behavior, rather than violative behavior filtered through the vagaries of institutional responses to it, comprises the more relevant social problem.

The Findings

Consistent with virtually all previous research, a higher percentage of males compared to females reported involvement across most offense categories (Table 1). Exceptions to the general pattern of larger male involvement are evident for alcohol and drug offenses where slightly more females report use. Since it can be assumed that many of these girls are dating boys who are older than they are - some of whom are no doubt beyond the age where they could fall into our sample - and since frequent drug use is associated with age among the boys in this study (Simon et al., 1974), the tendency for disproportionate female reporting of drug and alcohol use probably reflects a growth in the

routine use of drugs among some adolescents in the dating context rather than an increase in "escapist" motivations among female adolescents.

Of greater interest than the gender differences per se are the differences within gender in the delinquent involvement reported in this sample compared to others. Since the Short and Nye inventory has been rather widely adopted by delinquency researchers, a modest number of studies are available which report responses obtained for various samples of adolescents to items similar to those used in the present study. Where at least three such studies could be located, the mean percentage admitting the commission of the offense in those studies and the standard deviation was calculated. Differences between the percentage admitting each offense in the present study that differed by at least one standard deviation from the mean percentage admitting the offense in previous studies are indicated by the pluses and minuses in the "Change" columns of Table 1.

Among males, data that would permit comparisons could be located for fourteen of the twenty seven offenses. Eight of these comparisons - petty theft, fist fighting, gang fighting, carrying a weapon, truancy, drinking alcohol, driving without a license and marijuana use - indicate that the experience of boys in Illinois does not differ substantially from that of male respondents in earlier studies. For two offenses - running away from home and strongarming - substantially more boys in the present study admitted involvement. These apparent increases are consistent with official statistics which indicate increases in

TABLE 1

Self-Reported Delinquent Behavior of Illinois Boys
and Girls in 1972 Compared With Earlier Studies

Offense	Percent of Boys Admitting Commission of Offense			Percent of Girls Admitting Commission of Offense		
	Illinois	Earlier Studies	Change	Illinois	Earlier Studies	Change
Truant	45.9	\bar{X} 44.9 ^{abcdefj} sd 12.1		39.2	\bar{X} 30.7 ^{abceffj} sd 10.9	
Drink Alcohol	58.9	\bar{X} 60.4 ^{defj} sd 3.8		62.5	\bar{X} 45.7 ^{efj} sd 4.1	+
Drink to drunkenness	43.1			38.1		
Purchase alcohol	23.2			13.2		
Drive without a license	48.3	\bar{X} 56.6 ^{acdj} sd 13.3		31.8	\bar{X} 37.2 ^{acj} sd 16.0	
Drive recklessly	32.2	\bar{X} 44.3 ^{adj} sd 1.4	-	19.2		
Joyride	8.4	\bar{X} 11.2 ^{acdej} sd 2.6	-	5.4	\bar{X} 3.8 ^{acej} sd 0.8	+
Strip car for parts	8.0			3.6		
Use marijuana	19.5	\bar{X} 19.4 ^{fghi} sd 4.0		19.0	\bar{X} 10.4 ^{fghi} 4.2	+
Use psychedelics	6.2			7.1		
Use heroin	2.8			1.9		
Use barbituates	6.6			8.2		
Use amphetamines	6.2			8.5		
Sell drugs	4.7			4.2		
Made anonymous phone call	52.0			56.1		

TABLE 1 (cont.)

Self-Reported Delinquent Behavior of Illinois Boys
and Girls in 1972 Compared With Earlier Studies

Offense	Percent of Boys Admitting Commission of Offense				Percent of Girls Admitting Commission of Offense			
	Illinois	Earlier Studies	Change		Illinois	Earlier Studies	Change	
Runaway	16.9	\bar{X} 11.6 ^{acej} sd 3.3	+		14.8	\bar{X} 10.2 ^{acej} sd 2.7	+	
Damage property	35.6	\bar{X} 45.7 ^{abcdefj} sd 8.1	-		17.0	\bar{X} 14.4 ^{abceffj} sd 4.0		
Petty Theft	57.9	\bar{X} 61.3 ^{abcdefj} sd 3.7			44.6	\bar{X} 32.8 ^{abceffj} sd 3.7	+	
Shoplift	50.8				39.9			
Larceny (\$20+)	12.7	\bar{X} 17.4 ^{acdfj} sd 2.7	-		6.2	\bar{X} 4.9 ^{aeffj} sd 1.1	+	
Kept/Used stolen goods	42.3				28.2			
Break & enter	10.2				3.3			
Fist fight	65.8	\bar{X} 69.4 ^{adffj} sd 14.4			27.7	\bar{X} 24.4 ^{afj} sd 4.2		
Gang fight	22.3	\bar{X} 21.2 ^{aeffj} sd 5.1			9.2	\bar{X} 5.9 ^{aeffj} sd 1.4	+	
Carry weapon	27.4	\bar{X} 25.1 ^{effj} sd 8.7			11.1	\bar{X} 4.2 ^{effj} sd 4.1	+	
Use weapon	14.1				5.0			
Strongarm	10.2	\bar{X} 6.7 ^{aeffj} sd 1.6	+		3.6	\bar{X} 1.4 ^{aeffj} sd 1.1	+	

- a) Short and Nye (1958)
b) Slocum and Stone (1963)
c) Akers (1964)
d) Vaz (1965)
e) Gold (1970)

- f) Hindelang (1971)
g) Josephson (1971)
h) Clarke and Levine (1971)
i) Mauss (1969)
j) Wise (1967)

running away and violent crimes. Comparisons of the remaining offenses - property damage, larceny, reckless driving and joyriding - indicate that fewer male respondents in the present study have admitted involvement in these.

For females, the pattern of findings is less ambiguous. Data for comparison are available for thirteen of the twenty seven offenses. For four offenses, the reported involvement of the girls in the present study is within one standard deviation of the mean, suggesting that their experience is comparable to that reported by earlier cohorts. However, it should be noted that for three of these - truancy, property damage and fist fighting - the percentage reporting involvement among the Illinois girls exceeds the mean of the percentage admitting the commission of these offenses in earlier studies. For the remaining nine offenses drinking alcohol, joyriding, using marijuana, running away from home, petty theft, larceny, gang fighting, carrying a weapon and strongarming the percentage of involved girls in the present study is substantially greater than that obtained for earlier studies.

The findings are consistent with the interpretation that the level of self-reported male participation in violative behavior has, with a couple of exceptions, remained fairly stable over the past twenty years. This does not appear to be the case among females. In twelve of thirteen comparisons, an increase in the percent involved was found for the present sample; for nine of these, the increases was a substantial one. Increased female involvement is found for the entire range of offenses examined status offenses, drug offenses,

property offenses and offenses against the person. Simon's examination of female arrest statistics for the twenty year period 1953-72 indicates that the enlarged contact of females with law enforcement agencies is attributable primarily to their increasing involvement in property offenses. Our data suggest that the maturity of the present cohort of adolescent females will mark the movement of increasing numbers of women into all offense categories, including those that entail violence.

But qualifications must be attached to these interpretations. The majority of the studies that were used in these comparisons reported data collected from students at one or a few high schools. Obviously, the researchers assumed that the delinquent experience of a sample of students drawn from a given school could be generalized beyond that school. The rather large standard deviations obtained for some offenses in these earlier studies suggest that this assumption may not be warranted. Actually, there may be large variability across schools in the percentage committing these offenses. Then, the mean obtained for the percentages involved in fist fighting, truancy, driving without a license and possibly the remaining offenses as well, would not be a stable indicator of the percentage of adolescents involved in delinquent activities in the past. If this is true, the results of the comparisons made here are meaningless. However, the independent verification of enlarged involvement in violative behavior provided by the Uniform Crime Reports lends support to the conclusion that these comparisons are useful.

Since the school provided the sampling address for most of these earlier studies, school dropouts - who generally have more experience in violative behavior (cf. Elliott and Voss, 1974) - were excluded from these data collections. Thus, the apparent increase in delinquent involvement among the Illinois girls may be a function of the presence of school dropouts in our sample. But this does not appear to be the case. While a greater percentage of the school dropouts admitted the commission of offenses across virtually all offense categories (Table 2), where their experience elevated that of the total sample, the increase rarely exceeded 1%. In only one instance - larceny - would the percentage of females involved in those offenses where a substantial increase is reported fall to within one standard deviation of the mean of the earlier studies if the dropouts were excluded from the IJR data.

The optimal research design for evaluating changes in delinquent involvement would entail periodic cohort analyses of adolescents within a given population. The research reported here is a cross-sectional study of a random sample of adolescents in Illinois. The most appropriate base for comparison, therefore, would be data on the self-reported delinquent experience of random samples of those who passed through adolescence in Illinois ten and twenty years ago. In the absence of such a data set, I have chosen to evaluate this data in terms of that collected by researchers for disparate populations at earlier points in time, more often in the late '50's and early '60's. Since there are so few studies available and the sources of possible error within them are so varied, I believe that any attempt to establish

TABLE 2

Self-Reported Delinquent Behavior of Illinois Boys
and Girls Who Were Attending School and Who Were Out of School

Offense	Percent of Boys Admitting Commission of Offense				Percent of Girls Admitting Commission of Offense			
	Out of School	In School	Total	% Diff. (Total- In Sch)	Out of School	In School	Total	% Diff. (Total- In Sch)
Truant	87.0	44.0	45.9	1.9	64.0	38.0	39.2	1.2
Drink Alcohol	58.0	59.0	58.9	-0.1	70.0	62.0	62.5	0.5
Drink to drunkenness	59.0	42.4	43.1	0.7	66.2	37.2	38.1	0.9
Purchase alcohol	50.8	22.3	23.2	0.9	28.2	12.7	13.2	0.5
Drive without a license	62.1	47.7	48.3	0.6	34.7	31.6	31.8	0.2
Drive recklessly	49.5	31.5	32.2	0.7	20.9	19.2	19.2	--
Joyride	22.5	7.9	8.4	0.5	14.5	5.1	5.4	0.3
Strip car for parts	21.5	7.6	8.0	0.4	9.2	3.4	3.6	0.2
Use marijuana	21.9	19.2	19.5	0.3	49.5	17.9	19.0	1.1
Use psychedelics	13.7	5.9	6.2	0.3	18.7	6.7	7.1	0.4
Use heroin	3.8	2.8	2.8	--	7.4	1.7	1.9	0.2
Use barbituates	15.0	6.3	6.6	0.3	25.7	7.6	8.2	0.6
Use amphetamines	16.3	6.1	6.2	0.1	28.0	7.8	8.5	0.7
Sell drugs	10.8	4.5	4.7	0.2	8.2	4.1	4.2	0.1
Made anonymous phone call	34.0	52.6	52.0	-0.6	30.9	57.2	56.1	-1.1

TABLE 2 (cont.)

Self-Reported Delinquent Behavior of Illinois Boys
and Girls Who Were Attending School and Who Were Out of School

Offense	Percent of Boys Admitting Commission of Offense				Percent of Girls Admitting Commission of Offense			
	Out of School	In School	Total	% Diff. (Total- In Sch)	Out of School	In School	Total	% Diff. (Total- In Sch)
Runaway	39.5	16.1	16.9	0.8	32.5	13.9	14.8	0.9
Damage property	45.9	35.3	35.6	0.3	8.8	17.3	17.0	-0.3
Petty theft	67.3	57.4	57.9	0.5	42.9	44.9	44.6	-0.3
Shoplift	46.2	50.9	50.8	-0.1	48.0	39.7	39.9	0.2
Larceny (\$20+)	30.0	11.9	12.7	0.8	13.7	5.8	6.2	0.6
Kept stolen goods	47.2	42.1	42.3	0.2	37.9	27.7	28.2	0.5
Break and enter	38.3	9.3	10.2	0.9	6.4	3.2	3.3	0.1
Fist fight	64.0	65.8	65.8	--	48.0	27.1	27.7	0.6
Gang fight	38.9	21.8	22.3	0.5	12.0	9.2	9.2	--
Carry weapon	38.6	26.8	27.4	0.6	24.2	10.7	11.1	0.4
Use weapon	25.8	13.6	14.1	0.5	13.4	4.7	5.0	0.3
Strongarm	17.2	9.9	10.2	0.3	1.2	3.7	3.6	-0.1

trends would necessarily prove futile. But it is unreasonable to assume that the experience of the present Illinois cohort is dramatically discontinuous with that of other recent cohorts; the apparent increases in female violative behavior demonstrated in this analysis imply a trend toward increasing involvement across the entire spectrum of illegal activity in successive cohorts of girls as they move into adolescence.

The findings in this study, which are based on self-report data on the involvement of juveniles in violative behavior, are consistent with the increased rate of female engagement in the juvenile justice system reported in the Uniform Crime Reports. The reported increases have caused considerable concern to be focused on the involvement of girls and women in crime. A great deal of speculation has been one result of the search for an explanation of this phenomenon.

Two recent books isolate changes in the content of the female gender role as a probable cause of higher female crime rates. Simon (1975) posits that the increased participation of women in the paid labor force has provided a corresponding increase in their access to illegitimate opportunities, accounting for the rise in crime. The correlation between growth in the number of women working outside of the home and the increase in women arrested for property offenses encourages Simon to suggest that their work roles provide women with opportunities - previously unavailable to them to commit theft, fraud and embezzlement. There are several problems with this line of reasoning. The author commits the "ecological fallacy"; a correlation between two rates, such as paid labor force participation and property crimes

committed by women, does not necessarily indicate a causal relationship between them. In this case, such a relationship is particularly unlikely since both men and women who are arrested are more often unemployed or under-employed and less often charged with "white collar" offenses. Also, this explanation cannot account for the increased criminal activity of juvenile girls since the present analysis indicates that these offenses are committed by girls attending school and include offenses against persons as well as property.

Adler (1975) also posits a causal relationship between gender role content and changes in the form and level of female violative activity. The female delinquent, she contends, need not profess a coherent ideology or a commitment to the Women's Movement per se; a pragmatic posture towards her own life as well as her violative activity distinguishes the contemporary female in crime from her predecessors. Like Simon, Adler postulates that opportunity is related to increased female criminal activity, but here the argument is set in the terms of Merton's classic strain theory. According to Adler, girls are eager to move into the conventional roles occupied by males; frustration resulting from their blocked access to such conventional goals impels their illegal activity. The empirical support for strain theory explanations of delinquency among boys is generally unimpressive (see Hirschi, 1969:6-10 for an excellent critique of research in this tradition), although the theory does have some utility in predicting the delinquency of lower-class boys.

Historically, gender role theory has been invoked as a social explanation for differences in male and female violative activity. According to such arguments, it is not gender itself that accounts for these differences. Rather, differences in the content of the developmental tasks of adolescence, the level of protection and supervision, the level and salience of peer support for both violative and conforming behavior and the nature of available opportunities associated with the male and female gender roles limit and shape male and female delinquent behavior. It follows, then, that changes in these areas would facilitate changes in violative activity and other types of behavior as well. Similarly, if gender role differences were obscured so that access to illegitimate opportunities, levels of supervision, etc., did not vary systematically with gender, such a convergence would result in a convergence in the level and form of violative activity as well.

In the present data set, there is evidence of convergence in the delinquent activity among those boys and girls who advocate the convergence of male and female roles. Table 3 compares the mean involvement in delinquent activity of boys and girls within race and social class groupings who provided either traditional or non-traditional replies to at least four of five attitudinal items pertaining to the roles of women in society.²

² Respondents were asked extent of agreement or disagreement with the following:

1. It is natural for women to want to be taken care of by men.
2. I wouldn't want a woman boss.
3. There should be more opportunities for women to take leadership positions in politics and business.
4. It's better for girls to try to be agreeable than to speak their minds.
5. Husbands and wives should share both the jobs of breadwinner and of raising children.

Table 3

Gender, Race, Social Class, Gender Role Attitudes and Self-reported Delinquency (Mean Delinquent Involvement Scores for Lower, Lower-Middle and Upper-Middle Class White and Black Males and Females with Traditional and Non-Traditional Gender Role Attitudes)

		Delinquent Involvement				Delinquent Involvement		
		White Males	White Females	Difference Gender		Black Males	Black Females	Difference Gender
Lower Class		\bar{X} 1.420	1.231	.189**	\bar{X}	1.635	1.449	.186
	Traditional	sd .390	.286		sd	.526	.296	
		N 74	51		N	17	12	
		\bar{X} 1.354	1.267	.087	\bar{X}	1.242	1.221	.021
	Non-Traditional	sd .376	.233		sd	.323	.236	
		N 47	93		N	28	48	
	Difference - Attitudes	.066	-.036			.393	.228	
Lower-Middle Class ¹		\bar{X} 1.390	1.197	.193**	\bar{X}	1.781	1.135	.646**
	Traditional	sd .313	.268		sd	.501	.097	
		N 89	59		N	11	4	
		\bar{X} 1.380	1.231	.149**	\bar{X}	1.388	1.309	.079
	Non-Traditional	sd .400	.219		sd	.277	.332	
		N 88	117		N	38	29	
	Difference - Attitudes	.010	-.034			.395	.174	
Upper-Middle Class		\bar{X} 1.413	1.141	.272**				
	Traditional	sd .365	.160					
		N 55	30					
		\bar{X} 1.298	1.208	.090*				
	Non-Traditional	sd .317	.227					
		N 96	166					
	Difference - Attitudes	.115	-.067					

¹Because there are so few upper-middle class black respondents, these are combined with those in the lower-middle class.

To minimize confusion in the table, mean delinquent involvement scores of those in the "moderate" category, whose responses indicated a blend of traditional and non-traditional attitudes, are not reported in the table. Generally, the delinquent involvement of these respondents was intermediate between that of the traditionalists and the non-traditionalists in their respective gender, race and social class groups.

For each social class group, within race, two sets of summary measures are provided which indicate the size and direction of the effects attributable to attitudes and those attributable to gender. Thus, among lower-class white respondents, the small positive number (.066) in the row labelled "Difference - Attitudes" indicates that boys who have traditional gender role attitudes are somewhat more involved in delinquent activity compared to boys who favor non-traditional roles for women. Among the girls in this group, however, the small negative effect (-.036) indicates that those who advance a non-traditional orientation to female roles are somewhat more involved in delinquent activity.

A similar pattern is found for three of the remaining social class groups within race. For lower-middle and upper-middle class whites and middle-class blacks, the findings are consistent with those for lower-class whites. Traditional males reported greater involvement in delinquency than their non-traditional counterparts, but the delinquency of females with non-traditional attitudes exceeded that of the traditional

girls. Thus, it is expected that a tendency to convergence in the level of violative activity for boys and girls would occur where there is least support for the double standard, namely, among those who - by virtue of their responses - appear to subscribe to convergence in the non-violative realm of behavior. The columns labelled "Difference - Gender" report the disparities in male and female delinquent activity for those with traditional and non-traditional gender role attitudes. For both blacks and whites, regardless of social class, the disparity across gender in delinquent involvement is substantially and consistently greater among traditionalists. There are obviously two sources of convergence in these data: the decline in delinquent involvement among males and the increase among females which accompany the movement from traditional to non-traditional gender role attitudes. Returning to the figures in the rows labelled "Difference - Attitudes," it is apparent that in most instances it is disproportionately the decrease in male delinquent activity that accounts for the convergence.

There is one exception to this general pattern. Among lower-class black girls, support for what I have called non-traditional female roles is associated with a decline in violative behavior. Since the absolute level of delinquent involvement among lower-class black girls and boys with non-traditional attitudes is comparable to that of non-traditional girls and boys in the other racial and social class groups, this apparent anomaly is probably a function of the exceptionally high level of delinquent involvement among lower-class black youth

with traditional gender role attitudes. While the traditional lower-class black girls substantially less involved in delinquent activity than their male counterparts, they nevertheless comprise the most delinquent involved group of girls in the table. This suggests that while a double standard for violative involvement may characterize lower-class black youngsters with traditional gender role attitudes, as it does other adolescents, the expectation of conformity to the dominant values of the society is less clearly attached to the female gender role in this instance.

Since gender roles are complementary, respondents who indicated support for traditional female roles also implicitly indicated their support for the double standard; in other words, they indicated an ideological commitment to gender role distinctions. It is to be expected that delinquent involvement would be greater for such boys since delinquency is attached to the traditional male gender role by many scholars who view it as a response to the problems boys in certain structural or relational positions experience in achieving satisfactory gender role identification. Similarly, we would expect little delinquent involvement among those girls who are committed to traditional female roles which emphasize conformity and fidelity. Those youngsters who are not committed to traditional gender roles are thereby freed from many of the specific developmental tasks and expectations that accompany these. Thus, girls who are detached from the commitment to traditional roles may be similarly detached from the commitment to conformity, just as their male counterparts may experience fewer problems in

achieving adequate gender role identification or the solutions to these problems may be more often available in the conventional sphere.

The measurement of delinquency in this section is based on a mean of the sum of six indices constructed from the factor solutions reported in Table 4. The six indices, which measure involvement in status offenses, drug use, violence and crimes against persons and property, were first examined individually in terms of the variables used in the present analysis gender, race, social class and gender role attitudes. This preliminary analysis indicated a weak, inconsistent tendency toward results of the form reported in Table 3, where the indices were combined. Specific kinds of offenses do not articulate dramatically with gender role attitudes, as one might expect they would. Rather, the tendency for gender role attitudes to facilitate or discourage delinquent activity is diffuse and subtle - extending to the full range of offenses considered in this study and it was only when these were combined that consistent, clear results were obtained.

Although the tests of statistical significance of the findings in Table 3 are inconsistent, I think the consistency in the findings across race and social class supports several conclusions. First, a double standard for violative behavior appears to characterize those who are strongly committed to traditional gender role distinctions, such that the boys in this group are substantially more delinquent than the girls. Also, the delinquent behavior of girls and boys who

support inter-gender convergence in the conventional realm tends to be comparable although greater involvement among boys persists. Finally, the social costs of the advocacy of inter-gender convergence would appear to be a small increase in female violative activity and a somewhat greater decline in male participation in criminal activity.

The search for the causes of the increased involvement in crime of juvenile and adult women has caused some to question the influence of the Women's Movement or "liberation" on the level and form of female violative behavior. Such a line of inquiry implies a naivete or, at least, a distrust of the literature on social movements. The principal constituency of the Movement is drawn from adult, middle-class, well-educated women. Their pursuit of social change is focused on the conventional sectors of their lives - their marital and work roles - and the means customarily employed in the pursuit of their goals are conventional as well, i.e., the lobby, the strike, the courts, etc. A non-traditional response to the attitudinal items included in the above analysis may indicate sympathy or support for the Women's Movement, but if this is true, the findings do not support the conclusion that such sympathy transforms the conforming individual. First, the analysis assumes that role attitudes are causally prior to delinquent involvement. They may, of course, follow from it or an inter-active model may best describe the relationship. Also, the increment in delinquent activity associated with non-traditional attitudes for girls in four of the five groups is generally modest - certainly smaller than the negative

effect such attitudes have on male delinquent activity. Finally, it should be realized that the greatest delinquent involvement is found among lower-class black girls with traditional gender role attitudes, probably the group least likely to sympathize with the objectives of the Women's Movement.

While fewer girls than boys reported ever participating in most of the offenses, the form of delinquent involvement among those girls who did admit participation parallels that of the boys. Table 4 reports the solutions obtained when the replies of male and female respondents to the questions pertaining to delinquent involvement were entered into separate varimax factor rotations. Expressed very simply, the number of factors produced indicates the number of distinct dimensions (or factors) existing in the pattern of responses provided by the boys and girls who participated in this study. For both males and females, the solutions produced six factors. But of greater interest than the equivalence in the number of factors is the similarity in their structures. The size of the loadings reported in Table 4 indicates which offenses define the factor or which offenses "go together." Thus, I have labeled Factor 1 "Drug Offenses" because the offenses which obtained moderate (at least .4) or strong (.7 or greater) loadings on this factor pertain to either drug use or the sale of drugs. Similarly, I have labeled Factor 2 "Status Offenses" because the offenses that define that factor - driving without a license, truancy, sexual experience and the use and purchase of alcohol - are victimless and

TABLE 4

Varimax Rotated Factor Loadings

Offense	Factor 1		Factor 2		Factor 3		Factor 4 Property Offenses		Factor 5 Criminal Offenses		Factor 6 Car Offenses	
	Drug Offenses		Status Offenses		Violent Offenses							
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Use marijuana	.486	.570	.473	.472	.129	.005	.135	.199	.055	.136	-.009	-.056
Use psychedelics	.835	.832	.180	.166	.034	.053	.041	.139	.025	-.032	-.003	.004
Use heroin	.533	.456	.061	-.052	.118	.229	.026	-.022	.111	.067	.029	.161
Use barbituates	.810	.776	.110	.236	.105	.059	.083	.119	.052	.126	.084	.037
Use amphetamines	.829	.746	.165	.287	.036	-.051	.073	.120	.038	.190	.145	.026
Sell drugs	.719	.667	.107	.083	-.008	.081	.081	.104	.135	.082	.097	.132
Drive w/o license	.088	.086	.381	.379	.117	.070	.226	.125	.015	-.033	.219	.266
Drink alcohol	.057	.083	.698	.681	.064	.102	.255	.317	.013	-.030	.018	.106
Drink to drunkenness	.153	.215	.794	.718	.126	.129	.177	.230	.146	.037	.062	.152
Purchase alcohol	.200	.134	.612	.366	.067	.221	-.003	.054	.219	.076	.161	.349
Truant	.155	.223	.463	.457	.027	.005	.167	.210	.102	.042	.144	.048
Sexual experience	.148	.133	.422	.469	.174	.064	.283	.205	-.016	.013	.079	-.019
Fist fight	.612	.033	.169	.156	.383	.527	.367	.172	.057	.134	.043	.027
Gang fight	.110	.041	.119	.095	.647	.553	.175	.177	.247	.297	.138	.111
Carry weapon	.131	.142	.170	.091	.590	.611	.225	.190	.235	.126	.061	.019
Use weapon	.084	.062	.069	.000	.586	.602	.132	.035	.405	.495	.119	.159
Made anonymous phone call	.006	-.019	.111	.262	.150	.003	.582	.435	.043	.058	.043	.078
Damage property	.045	.072	.202	.169	.218	.133	.590	.491	.370	.212	.056	.074
Petty theft	.104	.108	.197	.223	.061	.133	.690	.700	.198	.061	.075	.052
Shoplift	.106	.206	.267	.229	.087	.191	.653	.675	.243	.063	-.004	.060
Kept/Used stolen goods	.151	.138	.278	.177	.220	.178	.530	.593	.226	.075	.090	-.006
Larceny	.166	.242	.129	.042	.127	.145	.257	.361	.692	.406	.156	.032
Break & enter	.047	.158	.077	-.038	.245	.305	.204	.109	.708	.739	.139	.128
Strongarm	.106	.055	.087	-.020	.300	.337	.157	.110	.584	.617	.186	.117
Drive recklessly	.071	.055	.427	.336	.057	.033	.201	.404	.052	.038	.390	.451
Strip car	.092	.027	.192	.052	.134	.034	.056	.028	.240	.100	.696	.896
Joyride	.134	.119	.153	.053	.109	.098	.032	.097	.182	.145	.749	.759
Runaway	.143	.216	.113	.216	.214	.069	.201	.167	.300	.301	.097	.056
Eigenvalues (before rotation)	8.231	7.290	2.925	2.742	2.067	1.208	1.670	2.053	1.147	1.038	1.030	2.218

generally entail behaviors that would not be illegal if the respondent had achieved a specified age.

For seven of the twenty-eight offenses included in the factor analyses, the solutions produced ambiguous results for one or both of the gender groups. An ambiguous result occurs where a given offense obtains comparable loadings on more than one factor. Thus, the loadings for running away from home are very small across all six factors for both boys and girls indicating that this offense is not associated with the others in any systematic way. Rather, the boy or girl who runs away from home is not particularly likely to be involved in one form of delinquent activity to the exclusion of the others. For the remaining six offenses where ambiguous results were encountered, the loadings were high enough to permit the assignment of the offense to an offense category (or a factor) but it was unclear from the loadings to which of two competing categories the offense should be assigned. Thus, marijuana use, which is assigned to the Drug Offense category on the basis of face validity, is also associated with Status Offenses for both boys and girls. This is substantively interesting since it implies that marijuana use among teen-agers is in the process of migrating from the drug subculture to that realm of illegal activity which many see as marking adolescent impatience with the denial of adult status. Since the commission of status offenses so often earns for the offender the approval of his or her peers, the emerging association of marijuana use with these suggests that the number of

youths involved in such use may continue to grow. Similarly, a moderate association was found between the use of a weapon against another person and the Criminal Offenses factor as well as a moderately strong association between this offense and the Violent Offenses factor. Thus, while the use of weapons primarily accompanies what can be viewed as the dominance rituals of adolescence, it is secondarily associated with the commission of the more instrumental property offenses for both boys and girls.

The remaining four offenses for which ambiguous loadings were found are particularly interesting for the purposes of this analysis since they exhaust those gender differences in the form of delinquent involvement found in these data. Among boys, the purchase of alcohol is clearly associated with the Status Offense factor - which encompasses those activities that entail the premature adolescent rehearsal of adult privileges. For females, however, the purchase of alcohol obtained weak loadings on both the Status Offenses factor and the Car Offenses factor. This suggests that in the division of labor that characterizes routine adolescent misbehavior, girls are less often delegated to obtain the alcoholic beverages that will be consumed in the course of that misbehavior. Furthermore, among those few girls who participate in the predominately male world of Car Offenses - a world where one would certainly expect to find the "double standard" intact - the purchase of alcohol may accompany that participation.

This apparent contradiction is probably not a contradiction, however, since such purchases probably more often entail service in a tavern than the purchase of package goods.

Similarly, larceny is clearly associated for boys with the factor which is labeled Criminal Offenses. But among girls, larceny obtained moderate and weak loadings respectively on the Criminal Offense factor and the Property Offenses factor. Thus, for girls, larceny is less clearly associated with the commission of those offenses against property and the person that elicit more profound public and law enforcement concern. This implies that the meaning for the individual offender attached to the theft of rather valuable items may be somewhat different for boys and girls. For boys, larceny may occur as a consequence of an offense such as breaking and entering or extortion - or the commission of larceny may indicate a disposition to commit these other offenses. For girls, however, larceny does not entail the commission of these as often, or, alternatively, less often disposes them to commit the more serious offenses - breaking and entering and extortion.

For the remaining two offenses - fist fighting and reckless driving - the loadings obtained from the factor solution for the female respondents provide a clear indication of the factor with which the offense is correlated. For the males, however, moderate loadings for reckless driving were obtained on both the Status Offenses factor and the Car Offenses factor. While face validity favored the assignment of this violation to the Car Offenses factor, the loadings imply that reckless

driving is disproportionately associated with male adolescent strivings for adulthood and autonomy as well. Similarly, fist fighting is moderately associated with the commission of those offenses assigned to the Violent Offenses factor for girls but the correlations for boys with the Violent Offenses factor and the Property Offenses factor are weak and ambiguous. Actually, reports of fist fighting among the male respondents are so pervasive (66%), that the association of the offense with any factor is somewhat surprising. In any case, while the findings provide some support for the interpretation that fist fighting may be associated with additional offenses among the males, such violations do not clearly specify the form that those additional offenses will take.

The results of the separate factor solutions obtained for the male and female respondents in this study are noteworthy in several respects. The extent of the similarities in the factor structures is remarkable; each solution provided six factors and, for most of the offenses, virtual congruence was found between boys and girls in the offenses correlated with each of these. For four of the twenty-eight offenses - fist fighting, reckless driving, larceny and the purchase of alcohol - there were small gender differences in the association of the offenses with the factors. These trivial differences do not imply significant differences in the ways in which boys and girls conduct their violative careers.

More striking than the differences we found are the differences we could have expected but did not find based on analyses of official profiles of male and female delinquency but did not find. A distinct constellation of what is commonly seen as particularly females offenses - shoplifting, sexual misconduct, running away from home and truancy - was not evident for either girls or boys. Running away was not associated with any specific form of violative behavior for either gender. Shoplifting is clearly correlated with other offenses which primarily involve property and which are characterized by a high probability that the offender can avoid any confrontation with the victim. If shoplifting among girls is motivated by a desire to obtain clothing and cosmetics to enhance their attractiveness, one might expect it to be associated with the other offense believed by many to also indicate anxiety about heterosocial attractiveness sexual misconduct. Truancy and sexual experience are associated with the Status Offenses factor for both boys and girls. But this association does not constitute the demonstration of a causal relationship between the offenses. Girls - and boys, as well - may be truant from school in order to pursue amorous adventures. Or the commission of both offenses may express frustration with the constraints of an adolescent status.

The image of the delinquency-involved girl derived from analyses of statistics provided by law enforcement agencies corresponds poorly with the image which emerges from studies, such as this one, based on self-report data. The preceding analysis indicates that there

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is virtual congruence in the form of male and female violative behavior. But research focusing on adjudicated offenders or those who have been arrested invariably demonstrates profound differences in the form of delinquent involvement of boys and girls.

Addressing this problem, Williams and Gold (1972) reasoned that the probability of adolescent contact with law enforcement agencies increases with the number of offenses a youngster commits and with the seriousness of those offenses; their findings are compatible with that hypothesis. They conclude that the ratio of male to female self-report involvement is smaller than comparable ratios based on official statistics because fewer girls are ever involved (and, of these, fewer are repeatedly involved) in those offenses which, because of their seriousness, carry a high probability of an official response. Theirs is an intriguing argument, for if female delinquent activity is characterized by less sustained involvement in less serious offenses and law enforcement activity is predominately oriented towards the detection of those who commit offenses that are particularly costly and disruptive to the community, the discrepancies in the findings obtained from the two modes of analysis would appear to be a function of the organization of police work and the distribution of male and female offenders along the seriousness continuum rather than differential responses to male and female offenders from the aspect of social control.

However, girls in Illinois, regardless of the seriousness of the offense, do not appear to be apprehended in proportion to their involvement in delinquent activity. Table 5 compares the number of male arrests per hundred females arrested for selected offenses³ in 1972 with the estimated self-reported delinquent involvement of males per hundred females based on the replies of the respondents in this study. Since the probability of apprehension increases with the repeated commission of an offense, the responses of those who indicated they had committed a given offense more than once or twice were weighted in the calculation of male and female self-reported involvement. With the exception of one offense running away from home - relative to females, white and black males were arrested disproportionate to their self-reported involvement for every offense where a comparison could be made.

Of greater interest than the overall pattern of female under-representation in arrest statistics are the variations in the extent of law enforcement bias for the different offenses. Columns 3 and 6 of Table 5 indicate for black and white boys and girls; the differences

³Juveniles were charged with numerous offenses in 1972 - i.e., rape, homicide, fraud, etc. - which are not included in this comparison because no data were collected in the survey for these offenses. Similarly, data collected for five offenses - truancy, anonymous phone calls, petty theft, selling drugs and gang fighting - were excluded because comparable official reports are not available. For three kinds of offenses - drugs, alcohol and theft - the self-reported data were pooled for two or more offenses to achieve comparability with official offense categories.

TABLE 9

Gender, Race, Juvenile Arrests and Self-Reported Delinquency in Illinois, 1972 (Rate of White and Black Male Arrests and Self-Reported Involvement to White and Black Female Arrests and Self-Reported Involvement for Selected Offenses).

Offense	White			Offense	Black		
	Male Arrests Per ^h 100 Females Arrested	Estimated Male Self-Report Per 100 Females (weighted)	Difference (cols 1-2)		Male Arrests Per ^h 100 Females Arrested	Estimated Male Self-Report Per 100 Females (weighted)	Difference (cols 1-2)
LOW BIAS				LOW BIAS			
Runaway	80	118	- 38	Runaway	68	125	-57
Drink/Buy alcohol ^a	269	106	163	Theft ^f	188	119	69
Drunkeness	297	108	189	Fist fight	249	144	105
Marijuana use ^b	317	97	220	Use weapon	333	149	184
Polydrug use ^c	292	71	221	Sexual misconduct ^g	400	165	235
Sexual misconduct ^g	399	113	286	Drunkeness	627	140	487
MODERATE BIAS				MODERATE BIAS			
Use weapon	1020	700	320	Strip car parts	762	214	548
Fist fight	651	322	329	Drive w/o license	885	241	644
Strip car parts	682	225	457	Marijuana use ^b	925	124	801
Theft ^f	816	132	684	Polydrug use ^c	1088	121	967
Drive w/o license	944	147	797	Drink/Buy alcohol ^a	1150	125	1025
Kept/Used stolen goods	1107	163	944	Damage property	1219	156	1063

TABLE 5 (cont.)

Gender, Race, Juvenile Arrests and Self-Reported Delinquency in Illinois, 1972 (Rate of White and Black Male Arrests and Self-Reported Involvement to White and Black Female Arrests and Self-Reported Involvement for Selected Offenses).

Offense	White			Offense	Black		
	Male Arrests Per ^h 100 Females Arrested	Estimated Male Self-Report Per 100 Females (weighted)	Difference (cols 1-2)		Male Arrests Per ^h 100 Females Arrested	Estimated Male Self-Report Per 100 Females (weighted)	Difference (cols 1-2)
HIGH BIAS				HIGH BIAS			
Joyride ^d	1194	170	1024	Kept/Used stolen goods	1317	130	1187
Damage property	1379	246	1133	Strongarm	1525	98	1427
Strongarm	2300	715	1585	Carry weapon	1610	145	1465
Break & enter	2192	567	1625	Joyride ^d	1718	112	1606
Carry weapon	2371	342	2029	Break & enter	2870	145	2725
Reckless driving	2378	170	2208	Reckless driving ^e	--	194	--

a) arrest rate computed for juveniles charged with violations of the Liquor Control Act which includes the use, possession and purchase of alcoholic beverages - self-report rate computed for respondents who admitted the use and/or purchase of alcohol.

b) arrest rate computed for juveniles charged with possession of cannabis - self-report rate computed for respondents who admitted the use of marijuana.

c) arrest rate computed for juveniles charged with possession of a Controlled Substance - self-report rate computed for respondents who admitted the use of barbituates, amphetamines, psychedelics and/or heroin.

d) arrest rate computed for juveniles charged with auto theft or criminal trespass of a motor vehicle - self-reported rate computed for respondents who admitted they "rode around in a car that was stolen for the ride".

e) no black female juveniles were arrested for this offense in 1972.

f) arrest rate computed for juveniles charged with theft in any amount - self-report rate computed for respondents who admitted shoplifting and/or the theft of \$20 or something worth at least \$20.

g) arrest rate excludes rape, deviate sexual assault, prostitution, pandering, solicitation and taking indecent liberties with a child - self-report rate based on respondents who admitted heavy petting and coitus; those with coital experience were weighted in the computation of the self-reported rate.

h) Source: Adapted from Crime In Illinois: 1972 (State of Illinois, Crime Study Section of the Illinois Law Enforcement Comm.) pp 76-109.

between arrest experience and self-reported delinquency experience.

The magnitude of the differences - the enforcement bias - indicates the extent to which white and black males, relative to white and black females, are "over-arrested" or, conversely, the extent to which white and black females, relative to males, are "under-arrested."

Six of the eighteen offenses in the table are victimless or "self-destructive" offenses (running away from home, sexual misconduct, marijuana use, polydrug use, drunkenness and the use/purchase of alcohol). These are a subset of the kind of offenses which are said to characterize the female violative repertoire by those who have analyzed official statistics. The remaining twelve violations in the table pertain to property offenses, offenses against other persons and car offenses. Such violations as these are the referents for delinquency researchers who characterize certain offenses as "expressive of masculinity."

If we trichotomize the table and consider first those six of the eighteen offenses where the level of enforcement bias appears to be smallest, an interesting finding emerges. Among white girls, the low bias offenses include running away from home, the use/purchase of alcohol, drunkenness, marijuana use, polydrug use and sexual misconduct. In other words, the low-bias category is comprised entirely of victimless or "self-destructive" offenses.

The self-reported delinquent involvement of black males per hundred females is larger than the comparable rate for whites for victimless

offenses. The somewhat greater prominence of the double-standard among black youth in the commission of these offenses does not result from either a consistent over-involvement among males or a consistent under-involvement among females, compared to the rest of the sample, in the six victimless offenses. However, for offenses involving property or violence, the rate for blacks is usually smaller than that for whites. This is because there is greater inter-gender convergence among blacks; the level of black female involvement in those offenses which "express masculinity" is higher than that of white females and more often approaches the level of black male involvement. The tendency for black girls to be more involved in violence and property offenses is accompanied by lower levels of enforcement bias against the arrest of black female offenders for some of these offenses. Black girls, compared to whites, are arrested in greater approximation to their self-reported involvement in fist fighting, theft, using or carrying a weapon and strongarm robbery. For two of these offenses - theft and strongarm robbery - the differences in the size of the enforcement bias are quite large, suggesting that black girls who steal are much more likely to be apprehended than their white counterparts. Alternatively, white and black girls who steal may be apprehended in equal proportion to their involvement but a formal arrest may be made more often where the offender is black.

Ranking the offenses for blacks according to the extent of enforcement bias and creating three categories - low, moderate and high bias -

as we did for whites reveals a similar but less conclusive concentration of victimless offenses in the lower bias categories. Three of the six victimless offenses - running away from home, sexual misconduct and drunkenness - are included in the six offenses where enforcement bias is lowest; the remaining three victimless offenses are in the moderate bias category. The over-representation of victimless or "self-destructive" offenses among the low bias offenses for both blacks and whites suggests that, given an apparent reluctance to enforce the law where the offender is female (or, alternatively, a remarkable ability to avoid detection), that reluctance is lowest where the offense is consistent with existing stereotypes about delinquent girls. The scattering of victimless offenses in both the low and moderate bias categories for blacks suggests that community responses to black female offenders are less monolithic. Compared to whites, there appears to be somewhat less concern for black girls who ~~commit~~ "conventional" female delinquent offenses; similarly, black girls are somewhat more likely to be arrested in proportion to their involvement in those offenses where the violation of gender role assumptions is greatest.

The pattern of enforcement bias indicated in this analysis is consistent with the image of the female delinquent that emerges from analyses of official statistics. The gender differentials in self-reported delinquent involvement are lowest for victimless, or "self-destructive," offenses and increase - particularly among whites - for property offenses and offenses against persons. The mechanisms

of social control in the community appear to function to exaggerate these differences. Adolescents who have formal contact with law enforcement agencies are a biased subset of all delinquency-involved youth, but the source of this bias exceeds that introduced when the seriousness of the offense is considered. Controlling for the offense in the present analysis, the data indicate that the reluctance to charge females increases where the offense increasingly implies a violation of gender stereotypes as well.

In discussing the differences between the self-reported delinquency experience of boys and girls in Illinois and their arrest experience, I have characterized these as "enforcement biases." Such differences do not necessarily indicate biases. A random pattern of small differences - in some instances indicating a tendency to "over-arrest" males and in others a comparable tendency to "over-arrest" females - would be expected given the imperfect relationship between offense and subsequent arrest. But the observed differences were neither small nor random; the data imply a large, consistent and patterned bias in the form and level of responses to juvenile offenders from the agents of social control in the community which is based on the gender of the offender. The conceivable sources of this bias extend to the several points in the enforcement process itself - detection, reporting, apprehension and arrest - the numerous individuals and institutions whose assistance to law enforcement agencies is often necessary for the offense to culminate in an arrest - victims, complaining witnesses, families, schools, etc. - and the organization of law enforcement work.

A large-scale conspiracy of indifference toward the female offender, particularly where the offense is costly to the property or well-being of the victim, could probably not be sustained without the possibly unwitting cooperation of individuals at every point in the enforcement process. Thus, families, schools and law enforcement agencies may share different expectations of conformity from boys and girls - expectations that more often protect girls from the suspicion that they could or would commit certain kinds of offenses. Similarly, victims and complaining witnesses may be more amenable to an extra-legal resolution where the offender is female. The widely shared perception of girls as less often and less seriously involved in crime undoubtedly facilitates an oversight of their actual involvement. Also, when confronted with a situation where a decision to invoke the juvenile justice system can be made, that decision may be deferred more often where the offender is a female to protect her and her family from the greater stigma attached to the arrest of a girl.

In the preceding analysis, estimates were made of the rate of male to female delinquent involvement among Illinois adolescents in specific offenses based on the replies of a state-wide sample of these to questionnaire items designed to assess the prevalence of experience in these offenses. The replies to the questions, which ask if the respondent had ever committed the offense, are obviously not equivalent to incidence data and, therefore, are not really optimal for comparison with arrest rates. However, there is no reason to suspect that the

rate of male to female self-reported involvement based on the prevalence data provides a biased estimate of the rate that would be obtained if incidence data were available.

In summary, the findings in the preceding analysis support the conclusion that the current level of involvement in delinquent activity among adolescent boys has remained fairly stable in the recent past while the level of involvement among adolescent girls has increased. The enlarged presence of girls in violative activity is evident across the entire range of offenses considered here, crimes against persons and property as well as status offenses.

Among white youngsters, the disparity between male and female delinquent involvement is relatively small for victimless offenses but for offenses where there is a victim, male involvement continues to dominate. However, for black adolescents, this distinction between victimless and other offenses is not meaningful; when compared to males within race, black females are somewhat less involved in victimless offenses than white females and considerably more involved in those offenses where there is a victim. In other words, among white adolescents, an approximate convergence of male and female involvement in trivial offenses is transformed into a striking preponderance of male involvement as the seriousness of the offense increases. In contrast, black girls are somewhat less involved in trivial offenses compared to black boys. But as the seriousness of the offense increases, their involvement does not diminish. With reference to black boys, the participation

of black girls across the range of offenses considered here is relatively constant. This suggests that there is an interaction effect between gender and the seriousness of the offense which limits the level of delinquent involvement among white girls in more serious offenses.

While the level of delinquent involvement among girls continues to be lower than that of boys, there are virtually no gender differences in the form of delinquent involvement. For both boys and girls, the offenses considered in this analysis provide comparable, coherent factors. For a few offenses, there were trivial differences across gender in the strength of the association between a given offense and its factor. Nevertheless, the findings clearly indicated an overwhelming tendency to inter-gender convergence in the constellations of offenses boys and girls commit.

There is no support in the data for a distinctive pattern of delinquent activity among girls. Running away from home - the offense which accounted for almost half of all juvenile female arrests in Illinois during 1972 - was not associated with other offenses among either boys or girls in any systematic way. Shoplifting was associated with property offenses for both boys and girls; truancy and sexual misconduct were associated with status offenses - principally alcohol violations - for both boys and girls. In every instance where an offense believed to provide a particularly "female" expression of delinquent behavior was considered, the violative context of that offense was similar for boys and girls.

The notion that female delinquent careers are distinctive - which is supported by a substantial body of literature - appears to result from a distinctive and biased response to the offender based on gender and the nature of the offense. If an adolescent girl commits a violation of the statutes that is consistent with those particularly "female" forms of delinquency, it appears more probable that she will come to the attention of law enforcement than if she commits an offense which could be characterized as "masculine." This does not imply that law enforcement agencies necessarily discriminate against female offenders - although in some instances they may (Chesney-Lind, 1973) - since they are generally underarrested regardless of the offense. But it does suggest that the universal tendency for adults in the community to overlook female violative involvement is mitigated where the offense is compatible with existing gender stereotypes.

The extent of the delinquent involvement of boys and girls appears to be conditioned by gender role socialization such that violative behavior is facilitated by a commitment to traditional roles (at the attitudinal level) among boys and by a commitment to non-traditional roles among girls. However, the impact of the variable considered in the above analysis is not only weak and contradictory in some cases, but it appears to disproportionately influence male delinquency. Thus, the data do not support the popular belief that the Women's Movement is causal of the increase in the level of female delinquent involvement.

Nevertheless, the changing content of the female gender role probably does account for the increase in female criminal involvement. Adler's (1975) data, while unsystematic, do suggest that girls and women are re-evaluating the kinds of occupations and activities that are possible for them and that the viability of full and part-time criminal careers is being positively assessed by some. Of course, this re-evaluation must be viewed as part of a major, long-term trend towards extra-familial roles for girls and women. Women are undoubtedly becoming sensitive to the role options available to them in both the conventional and the unconventional arenas. Among juveniles, the deterioration of the monolithic female role has consequences not only for their own views of appropriate action but also for the views that others have of them. Thus, it is expected that the traditional audience for delinquent activity, the male peer group, is enlarging its membership and its constituency to include girls as well.

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PRIVACY CERTIFICATIONTitle of ProjectName of Grantee

The Privacy Certification should contain the following information:

- I. A description of the Research/Statistical component of project (or if this information is contained in the grant proposal, a notation of where in the grant proposal the information is located). If questionnaires are to be utilized, attach copy.
- II. A justification for collection and/or maintenance of data in identifiable form and description of procedures to be followed to preserve anonymity of private persons as required by Sec. 22.23(b)(7).
- III. A description of physical and/or administrative procedures to be followed to insure the confidentiality of data (including procedures for notification of staff and sample staff notification agreement as required by Sec. 22.23(b)(2)).
- IV. A description of the procedures to be used for notification of subjects as required by Sec. 22.23(b)(4), or if such notification is to be waived, pursuant to Sec. 22.27(c) a justification therefore.

Where identifiable information is to be used for non-research or statistical purposes, a sample or description of the Consent Statement to be used, shall be attached.

- V. A sample of the Transfer Agreement to be used for transfer of data in identifiable form. Indicate the name and title of the individual with the authority to transfer data. Also describe any institutional limitations or restrictions applicable to such transfers.
- VI. A description of procedures to be followed for final disposition of data, and where a name index is to be maintained, a description of procedures to secure the index as required by Sec. 22.25(b). Indicate the name and title of the individual authorized to determine the final disposition of data.

The Certification should also contain an assurance such as the following:

Grantee certifies that:

- (1) the information contained above is correct and that the procedures noted above will be carried out;
- (2) the project will be conducted, consistent with all requirements of Sec. 524(a) of the Omnibus Crime Control Act of 1968, as amended, and Regulations promulgated thereunder contained in 28 CFR Part 22;

(3) LEAA will be notified of any material changes in any of the information supplied above.

Signature of person authorized to sign
for grantee

Signature and title of project director
or other official primarily responsible
for use and maintenance of confidential
data (if same as above, indicate)

Date

Information Transfer Agreement

Title of Project for which information was originally compiled, obtained, or used

Name of Individual or Organization to which information is being transferred

LEAA Grant or Contract Number

- Title of Project for which data will be used

The transfer agreement should contain the following information:

- I. A description of the Research/Statistical component of the project and a statement of how the project plan will be designed to preserve the anonymity of private persons to whom the information relates.
- II. An assurance that the recipient of data is familiar with the Department of Justice regulations, (28 CFR Part 22), and agrees to comply with them.
- III. An assurance that information identifiable to a private person that is transferred pursuant to this agreement will be used for research and statistical purposes only and will not be revealed except as allowed under §22.24(b), (e) of the regulations--project findings and reports prepared for dissemination will also not contain such information.
- IV. A description of the administrative and physical precautions that will be taken to assure security of information obtained.
- V. An assurance that the final disposition of the information transferred has been determined by the parties to this agreement and is in accord with §22.24(h). This should include a description of the procedures.

The recipient agrees that any violation of this agreement will constitute a violation of the Department of Justice regulations, and be punishable as such.

Signature of person authorized to transfer this data

Signature of person receiving data and assuming responsibility for its confidentiality and security

PRIVACY CERTIFICATION

Evaluation of National
Status Offender Program

Application No. 76-JN-99-0014

Social Science Research Institute
University of Southern California
University Park
Los Angeles, CA 90007

I. Description of Research/Statistical Component

A complete description of the goals and a statement of the specific research steps required by the project are presented in the publication, National Evaluation Design for the Deinstitutionalization of Status Offender Program, prepared by the Social Science Research Institute staff under Grant Numbers 76-NI-99-0092, and 76-JN-99-1004, published by the U.S. Government Printing Office through OJJDP. The specific data items relating to privacy considerations are described on pp. 13-17 of that document, with exhibits of data forms and instructions for their collection on pp. 54-124.

A major goal of this project is to determine the effect of the deinstitutionalization program on the subsequent delinquent behavior and social adjustment of a sample of program clients. The present proposal is designed to complete the collection and statistical analysis of data on self-reported and officially recorded offenses, and on social adjustment for program clients, and on officially recorded offenses for a comparison group of status offenders processed by juvenile justice agencies prior to the inception of the program at each of eight test sites.

II. Justification for Collection of Identifiable Data

The collection of individually identified sociodemographic, offense, and social adjustment data is essential in the achievement of project

aims. Statistical analysis at the individual level is necessary in order to assess the relationships among categories of status offenders (age, gender, ethnic membership, family status, etc.); type and frequency of status offenses; the characteristics of community based youth services utilized; and various program modalities and content. Collection of these and similar data items on individual subjects, with meticulous protection of anonymity, has been traditional in evaluation studies of delinquency prevention programs. Here, too, study procedures have been designed to preserve the confidentiality of the information.

III. Procedures for Insuring Confidentiality of Data

The statistical information identifiable to a private person will be used only for research purposes. The following procedures to protect the confidentiality of the data have been implemented. (1) Names of all subjects selected into the evaluation sample are given an identification number, with the name-number correspondence key held in locked and secured office space by the responsible site evaluation grantee at each program location. (2) Only those subjects for whom an interview consent form has been signed by a parent are administered the self-report delinquency and social adjustment questionnaires. (3) Interviewers are precluded from examining the responses to questions as marked by requiring subjects to place the completed forms in an envelope and sealing it. The interviewer then records the subject's ID number on the envelope, and mails it to the Social Science Research Institute for entry into a computer file. (4) Further use is made of names in conducting a search of police and court records to recover subject's official offense history, but all data abstraction from records is keyed only to identification numbers. (5) When all of the data on subjects are forwarded

to the Social Science Research Institute for computer processing, no name appears on any of the forms. Only the site evaluator has the capacity to link the name to the ID number. (6) At the completion of the data collection phase of the study, evaluation study grantees at each site will destroy the key linking name and ID number. (7) All data analysis requiring the linking of individual records in disparate computer files will utilize only the individual subject's ID number. (8) Data output for analysis and presentation in final reports will be in aggregate form only, further foreclosing the possibility of referencing any information to a specific individual. These provisions are in compliance with Section 22.24 (b). (3). Information identifiable to an individual is revealed only on a need-to-know basis for research purposes; physical precautions have been taken to assure security of the information; access to the information is limited to those employees needing it in connection with specified research objectives; and such employees have agreed to comply with all the stipulated regulations and restrictions.

IV. Procedures for Notification of Subjects

Pursuant to Section 22:27, in soliciting the signed consent forms subjects are informed that the information obtained will be used for research and statistical purposes only and that compliance with the request for information is voluntary and may be withdrawn at any time. In no case will sample size or other features of the data permit disclosure of the identity of any subject.

V. Final Disposition of Information

After the three-year required retention period all codes linking names to subject identification numbers will be removed from locked files

in secured offices and physically destroyed. This instruction has been communicated to data collectors at all program sites included in the evaluation study.

The undersigned recipient of information subject to the regulations relating to the confidentiality of identifiable research and statistical information agrees that any violation of this agreement will constitute a violation of the Department of Justice regulations, and will be punishable as such.

Solomon Kobrin
Senior Associate
Social Science Research Institute
Co-Principal Investigator

Malcolm W. Klein
Senior Associate
Social Science Research Institute
Co-Principal Investigator

Date

WEDNESDAY, DECEMBER 15, 1976



PART II:

DEPARTMENT OF
JUSTICE

Law Enforcement Assistance
Administration



CONFIDENTIALITY OF
IDENTIFIABLE RESEARCH
AND STATISTICAL
INFORMATION

Registered for

PART I—DEPARTMENT OF JUSTICE

Part 22—Confidentiality of Identifiable Research and Statistical Information

Regulations governing confidentiality of research and statistical information collected in LEAA-funded projects have been prepared to implement Section 524 (a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. In general terms the Act provides that research and statistical information identifiable to a private person may only be used for the purpose for which obtained. The Act also provides that:

• • • copies of information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

The concern over confidentiality of research and statistical data has become increasingly apparent during recent years.

The growing trend toward use of computerized techniques for tabulation and analysis of data has furthered the potential for interfacing, accessing and otherwise "using" data which might otherwise remain buried in volumes of "raw data."

In light of the foregoing the development and implementation of appropriate confidentiality procedures appears critical at this time. The major objective of the LEAA Regulations is to protect the privacy of subjects included in LEAA-funded research and statistical projects. Of equal importance, the regulations clarify the duty and responsibility of research investigators supported under LEAA grants and contracts.

The regulations, in draft form, were published in the Federal Register on September 24, 1975. Public hearings and meetings on the regulations were held on October 10, 1975, and January 8, 1976. These final regulations incorporate the many recommendations elicited during the review and commenting period.

Pursuant to the authority vested in the Law Enforcement Assistance Administration by sections 501 and 524(a) of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, and Pub. L. 94-503), a new Part 22 is added immediately after Part 21 of Chapter I of Title 28, Code of Federal Regulations to read as set forth below:

Sec.	Purpose.
22.1	Definitions.
22.2	Applicability.
22.21	Use of identifiable data.
22.22	Revelation of identifiable data.
22.23	Privacy certification.
22.24	Information transfer agreement.
22.25	Final disposition of identifiable materials.
22.26	Requests for transfer of information.
22.27	Notification.
22.28	Use of data identifiable to a private person for judicial or administrative purposes.
22.29	Sanctions.

AUTHORITY: ESEA 501, 524(a), Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701, et seq.), as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, and Pub. L. 94-503).

§ 22.1 Purpose.

The purpose of these regulations is to:

- Protect privacy of individuals by requiring that information identifiable to a private person obtained in a research or statistical program may only be used and/or revealed for the purpose for which obtained;

- Insure that copies of such information shall not, without the consent of the person to whom the information pertains, be admitted as evidence or used for any purpose in any judicial or administrative proceedings;

- Increase the credibility and reliability of federally-supported research and statistical findings by minimizing subject concern over subsequent uses of identifiable information;

- Provide needed guidance to persons engaged in research and statistical activities by clarifying the purposes for which identifiable information may be used or revealed; and

- Insure appropriate balance between individual privacy and essential needs of the research community for data to advance the state of knowledge in the area of criminal justice.

§ 22.2 Definitions.

(a) Person—means any individual, partnership, corporation, association, public or private organization or governmental entity, or combination thereof.

(b) Private person—means any person defined in § 22.2(a) other than an agency, or department of Federal, State, or local government, or any component or combination thereof. Included as a private person is an individual acting in his official capacity.

(c) Research or statistical project—means any program, project, or component thereof which is supported in whole or in part with funds appropriated under the Act and whose purpose is to develop, measure, evaluate, or otherwise advance the state of knowledge in a particular area. The term does not include "intelligence" or other information-gathering activities in which information pertaining to specific individuals is obtained for purposes directly related to enforcement of the criminal laws.

(d) Research or statistical information—means any information which is collected during the conduct of a research or statistical project and which is intended to be utilized for research or statistical purposes. The term includes information which is collected directly from the individual or obtained from any agency or individual having possession, knowledge, or control thereof.

(e) Information identifiable to a private person—means information which either—

- Is labelled by name or other personal identifiers, or

- Can, by virtue of sample size or other factors, be reasonably interpreted

as referring to a particular private person.

(f) Recipient of assistance—means any recipient of a grant, contract, inter-agency agreement, subgrant, or subcontract under the Act and any person, including subcontractors, employed by such recipient in connection with performances of the grant, contract, or inter-agency agreement.

(g) Officer or employee of the Federal Government—means any person employed as a regular or special employee of the U.S. (including experts, consultants, and advisory board members) as of July 1, 1973, or at any time thereafter.

(h) The act—means the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended.

(i) Applicant—means any person who applies for a grant, contract, or subgrant to be funded pursuant to the Act.

§ 22.20 Applicability.

(a) These regulations govern use and revelation of research and statistical information obtained, collected, or produced either directly by LEAA or under any interagency agreement, grant, contract, or subgrant awarded under the Act.

(b) The regulations do not apply to any records from which identifiable research or statistical information was originally obtained; or to any records which are designated under existing statutes as public; or to any information extracted from any records designated as public.

(c) The regulations do not apply to information gained regarding future criminal conduct.

§ 22.21 Use of identifiable data.

Research or statistical information identifiable to a private person may be used only for research or statistical purposes.

§ 22.22 Revelation of identifiable data.

(a) Except as noted in paragraph (b), of this section, research and statistical information relating to a private person may be revealed in identifiable form on a need-to-know basis only to—

- Officers, employees, and subcontractors of the recipient of assistance;

- Such individuals as needed to implement sections 303(a)(12), 402(c), 515(a), 519, and 521 of the Act; and

- Persons or organizations for research or statistical purposes. Information may only be transferred for such purposes upon a clear demonstration that the standards of § 22.26 have been met and that, except where information is transferred under paragraph (a)(1) and (2) of this section, such transfers shall be conditioned on compliance with a § 22.24 agreement.

(b) Information may be revealed in identifiable form where prior consent is obtained from an individual or where the individual has agreed to participate in a project with knowledge that the findings cannot, by virtue of sample size, or uniqueness of subject, be expected to totally conceal subject identity.

...certification.
...applicant for LEAA support
...or under a State plan
...Privacy Certificate as a
...approval of a grant applica-
...contract proposal which has a
...or statistical project component
...information identifiable to
...private person will be collected.

(b) The Privacy Certificate shall briefly describe the project and shall contain assurance by the applicant that:

(1) Data identifiable to a private person will not be used or revealed, except as authorized under §§ 22.21, 22.22.

(2) Access to data will be limited to those employees having a need therefore and that such persons shall be advised of and agree in writing to comply with these regulations.

(3) All subcontracts which require access to identifiable data will contain conditions meeting the requirements of § 22.24.

(4) To the extent required by § 22.27 any private persons from whom identifiable data are collected or obtained, either orally or by means of written questionnaire, shall be advised that the data will only be used or revealed for research or statistical purposes and that compliance with requests for information is not mandatory. Where the notification requirement is to be waived, pursuant to § 22.27(c), a justification must be included in the Privacy Certificate.

(5) Adequate precautions will be taken to insure administrative and physical security of identifiable data.

(6) A log will be maintained indicating that identifiable data have been transmitted to persons other than LEAA or grantee/contractor staff or subcontractors, that such data have been returned, or that alternative arrangements have been agreed upon for future maintenance of such data.

(7) Project plans will be designed to preserve anonymity of private persons to whom information relates, including, where appropriate, name-stripping, coding of data, or other similar procedures.

(8) Project findings and reports prepared for dissemination will not contain information which can reasonably be expected to be identifiable to a private person except as authorized under § 22.22.

(c) The applicant shall attach to the Privacy Certification a description of physical and/or administrative procedures to be followed to insure the security of the data to meet the requirements of § 22.23.

§ 22.24 Information transfer agreement.

Prior to the transfer of any identifiable information to persons other than LEAA or project staff, an agreement shall be entered into which shall provide, as a minimum, that the recipient of data agrees that:

(a) Information identifiable to a private person will be used only for research and statistical purposes.

(b) Information identifiable to a private person will not be revealed to any person for any purpose except where the information has already been included in research findings (and/or data bases) and is revealed on a need-to-know basis for research or statistical purposes, provided that such transfer is approved by the person providing information under the agreement, or authorized under § 22.21(c).

(c) Knowingly and willfully using or disseminating information contrary to the provisions of the agreement shall constitute a violation of these regulations, punishable in accordance with the Act.

(d) Adequate administrative and physical precautions will be taken to assure security of information obtained for such purpose.

(e) Access to information will be limited to those employees or subcontractors having a need therefore in connection with performance of the activity for which obtained, and that such persons shall be advised of, and agree to comply with, these regulations.

(f) Project plans will be designed to preserve anonymity of private persons to whom information relates, including, where appropriate, required name-stripping and/or coding of data or other similar procedures.

(g) Project findings and reports prepared for dissemination will not contain information which can reasonably be expected to be identifiable to a private person.

(h) Information identifiable to a private person (obtained in accordance with this agreement) will, unless otherwise agreed upon, be returned upon completion of the project for which obtained and no copies of that information retained.

§ 22.25 Final disposition of identifiable materials.

Upon completion of a research or statistical project the security of identifiable research or statistical information shall be protected by:

(a) Complete physical destruction of all copies of the materials or the identifiable portion of such materials after a three-year required recipient retention period or as soon as authorized by law, or

(b) Removal of identifiers from data and separate maintenance of a name-code index in a secure location.

The Privacy Certificate shall indicate the procedures to be followed and shall, in the case of paragraph (b) of this section, describe procedures to secure the name index.

§ 22.26 Requests for transfer of information.

(a) Requests for transfer of information identifiable to an individual shall be submitted to the person submitting the Privacy Certificate pursuant to § 22.23.

(b) Except where information is requested by LEAA, the request shall de-

scribe the general objectives of the project for which information is requested, and specifically justify the need for such information in identifiable form. The request shall also indicate, and provide justification for the conclusion that conduct of the project will not, either directly or indirectly, cause legal, economic, physical, or social harm to individuals whose identification is revealed in the transfer of information.

(c) Data may not be transferred pursuant to this section where a clear showing of the criteria set forth above is not made by the person requesting the data.

§ 22.27 Notification.

(a) Any person from whom information identifiable to a private person is to be obtained directly, either orally, by questionnaire, or other written documents, shall be advised:

(1) That the information will only be used or revealed for research or statistical purposes; and

(2) That compliance with the request for information is entirely voluntary and may be terminated at any time.

(b) Except as noted in paragraph (c) of this section, where information is to be obtained through observation of individual activity or performance, such individuals shall be advised:

(1) Of the particular types of information to be collected;

(2) That the data will only be utilized or revealed for research or statistical purposes; and

(3) That participation in the project in question is voluntary and may be terminated at any time.

(c) Notification, as described in paragraph (b) of this section, may be eliminated where information is obtained through field observation of individual activity or performance and in the judgment of the researcher such notification is impractical or may seriously impede the progress of the research.

(d) Where findings in a project cannot, by virtue of sample size, or uniqueness of subject, be expected to totally conceal subject identity, an individual shall be so advised.

§ 22.28 Use of data identifiable to a private person for judicial or administrative purposes.

(a) Copies of research or statistical information identifiable to a private person shall be immune from legal process and shall only be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding with the written consent of the individual to whom the data pertains.

(b) Where consent is obtained, such consent shall:

(1) Be obtained at the time that information is sought for use in judicial or administrative proceedings;

(2) Set out specific purposes in connection with which information will be used;

(3) Limit, where appropriate, the scope of the information subject to such consent.

RULES AND REGULATIONS

Sanctions.

where LEAA believes that a violation occurred of section 524(a), these regulations, or any grant or contract conditions entered into thereunder, it may take administrative actions leading to termination of a grant or contract, commence appropriate personnel and/or other procedures in cases involving Federal employees, and/or initiate appropriate legal actions leading to imposition of a fine of not to exceed \$10,000 against any person responsible for such violations.

Effective date: January 14, 1977.

RICHARD W. VELDE,

**Administrator, Law Enforcement
Assistance Administration.**

COMMENTARY

Section 22.2 Definitions. (a) Based on Administrative Procedures Act, 5 U.S.C. 551, APA definition.

(b) Under the proposed definition, all individuals are "private persons" (e.g., no distinction is made between an "individual" living in a "private" as opposed to "official" capacity). This is consistent with the approach followed in the APA definition of person, in which a private/public distinction is made with respect to organizations, but does not apply to "individuals." Note, therefore, that the regulations would limit use and revelation of data concerning on-duty activity of public officials, such as police officers, where such data was obtained for research or statistical purposes.

(c) No comment.

(d) No comment.

(e) Definition follows concept used by Bureau of the Census.

(f) Definition covers sub-contractors below the primary level. This is necessary to cover multi-level statistical projects.

(g) No comment.

(h) No comment.

(i) No comment.

Section 22.30 Applicability. (a) The procedural requirements of the regulations (e.g., privacy certificates, transfer agreements) are applicable to all projects which are awarded after the effective date of the regulations. The statutory provisions of section 524(a) of the Act, however, apply to all programs outstanding as of the effective date of the Act.

(b) The exemption in this paragraph insures that limitations of the regulations are not extended to cover the original files from which data was obtained (e.g., data in such records may continue to be used for any otherwise authorized purposes) or to records which are designated as public or data collected therefrom.

(c) The regulations do not apply to information relating to future criminal activity.

Section 22.31 Use of Identifiable Data. Under this provision, the limitation on use of identifiable information would be applicable regardless of whether data collection activity was paid out of LEAA or match funds. This position is justified in the fact that section 524(a) refers to information "furnished under the Act"—rather than to specific information which is obtained with LEAA funds.

Section 22.22 Revelation of Identifiable Data. This section would allow revelation of identifiable information to LEAA and SPA program, audit or evaluation staff, to the Comptroller General of the U.S., and to other persons for research and statistics purposes (on condition of compliance with 22.24 agreement). Note that identifiable information could be used or revealed for any research or statistical purpose regardless of whether or not it was related to the specific objectives in the original project. Data could also be revealed where consent had been provided by the individual or could, by virtue of sample size or unique characteristics of the subject, be inferred from voluntary participation in a project. This would cover, for example, the evaluation of specific organizations and subsequent release of evaluation results which were identifiable to the organization in question.

The "need-to-know" limitation would preclude release of information in identifiable form for longitudinal or other similar studies, when the objectives of such subsequent projects could be attained through use of names stripped and/or coded data.

The "need-to-know" limitation would also prohibit inclusion of identifiable data in publications or reports prepared for general dissemination.

Data could be revealed in symposia or other research-oriented meetings, however (if needed in identifiable form), provided that participants entered into 22.34 agreements. Note that since agreements do not require LEAA review or approval the procedure should not present undue administrative burdens. (Although it should have the effect of curtailing "casual" dissemination of data and reinforcing awareness of confidentiality criteria.)

Section 22.23 Privacy Certification. A Privacy Certification would be required to be submitted by potential grantees, contractors, or subgrantees in any case in which a proposed project included a research or statistical component.

Note that subcontractors are not required to comply with this requirement (but are bound by agreements, as defined under 22.24).

Section 22.24 Information Transfer Agreement. The agreement is intended to insure that transferred data remain subject to privacy protections of the regulations.

Specifically, the agreement would require that physical and administrative security of data be insured (including use of need-to-know limits on access by employees and sub-contractors) and that records of identifiable information obtained under the agreement be returned without copies retained (unless otherwise agreed to by the party providing the information under the agreement).

In the event that more restrictive rules would apply, such as 41 CFR Part 2, such limitations would be considered as part of the agreement.

Section 22.25 Final Disposition of Identifiable Materials. This section allows final protection of data to be accomplished through destruction of either the entire record or that portion which includes the identifiers or through substitution of code numbers and separate maintenance of a name-code index. LEAA will determine whether proposed procedures for securing the index are adequate.

Section 22.26 Request for Transfer of Information. This section sets forth the standards which must be met prior to approval of a request for information.

Strict criteria for review of the project for which data is requested have been included to insure that such transfers of data ostensibly for research purposes would not harm the individual providing original data.

Section 22.27 Notification. Subsections (a) and (b) have been set out separately to distinguish between (a) projects in which data is provided in response to specific questions and (b) projects in which information is obtained through observation of subject activity.

Subsection (c) permits waiver of the notification requirement where information is gathered through field observation and notification is considered impractical by the researcher. Note that 22.23 requires that such proposed waivers be justified in the Privacy Certification.

Subsection (d) requires that persons be advised in situations where identity cannot be concealed because of uniqueness of subject matter or because of sample size.

Section 22.28 Use of Data Identifiable to a Private Person for Judicial or Administrative Purposes. Section 22.23 sets out the immunity provisions as contained in the Act. It should be noted that such immunity is specifically limited to copies of information (see 524(a)).

Section 22.29 Sanctions. Sanctions are made available against "any person responsible for violations." This would include the grantee organization, as well as particular individuals (including grantee employees) committing violations. Actions against Federal employees are based on Title 18 U.S.C. 1905 (prohibiting disclosures of confidential information); sanctions for violation of the regulations are applicable to violations occurring subsequent to the effective date of the regulations.

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