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Youth Justice 2009 9: 270

DOI: 10.1177/1473225409345104

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Between Two Stools? Responding to Young Women who Offend

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Abstract

This article traces the emergence of the ‘problem’ of violent and disorderly young female offenders in Scotland, against a broader background context of the politicization of youth crime and major changes in youth justice policy post-Devolution. It draws attention to the limited empirical evidence about this group, and challenges perceptions about the nature and scale of violent offending by young women. Young women offenders fall between two stools. Policy responses to youth offending focus primarily on young men (ignoring gender) and policies in relation to women offenders fail to differentiate between older and younger women (ignoring age). Perhaps even more so than adult female offenders, young female offenders are an invisible minority whose offending pathways and distinctive needs have gone largely undocumented and unaddressed.

Keywords: girls, Scotland, violence, young women, youth justice

Introduction

In recent years growing attention has been paid, both in the academic literature and criminal justice policy and practice, to the gender specific needs of female offenders (Bloom et al., 2003; McIvor, 2004; Rumgay, 2004). With some notable US exceptions (Chesney-Lind and Pasko, 2004; Schaffner, 2006), there has been a tendency in such discussions to present women who offend as a homogenous group, meaning that the age-specific needs and deeds of girls and young women (aged under 21) are often overlooked (Batchelor and Burman, 2004; Gelsthorpe and Sharpe, 2006). A lack of empirical evidence about young women who offend makes it difficult to keep anecdotal evidence in perspective and balanced by facts. This article explores what we know empirically about young women who offend in Scotland and the criminal justice response to them. In particular, it considers recent policy initiatives targeted at young offenders and (adult) female offenders, arguing that young women are overlooked and as a result their genuine problems are marginalized and ignored.

The Problem of Violent, Drunk and Disorderly Young Women

Stories about the growing ‘problem’ of mean, violent, drunk and disorderly girls have been a recurring feature of the British media since the mid-1990s (see, for example, Carroll, 1998; Thompson, 2001; Grant, 2003; MacAskill, 2004; Ross, 2008). Typical accounts suggest that ‘girl violence is on the increase in an alarming way’ (Lambert, 2001), fuelled by a ‘ladette’ binge-drinking culture (Clout, 2008) in which ‘young women are aping and mimicking the traditional behaviour [of] young men’ (Geoghegan, 2008). This so-called ‘masculinization’ is often portrayed as ‘the dark side of girl power’ (Prentice, 2000), an unfortunate by-product of young women seeking equality with young men (Batchelor, 2007a; Chesney-Lind and Irwin, 2008).

In May 2004, Scotland’s most senior police officer was reported as having expressed disquiet about the rising number of crimes committed by drunken and violent young women, claiming ‘it’s a worrying problem that we need to look into’ (John Vine, Chief Constable of Tayside Police, and President of the Association of Chief Police Officers Scotland, quoted in MacAskill, 2004). Likewise, the Lord Advocate Elish Angiolini made headlines in April 2008 when she appeared before the Scottish Parliament’s Equal Opportunities Committee and stated that she and others in the Crown Office and Procurator Fiscal Service (COPFS) were worried by the rise they were seeing in violent crime by young women. Drawing on anecdotal evidence, Angiolini told MSPs of an increase in ‘appalling acts of murderous torture’ by women against women, and increasing numbers of young girls in groups using knives. ‘This can be gang-related,’ she claimed, ‘or it can just be that there is someone in a group who is quite persecuted by the gang leader or their cohorts. That is the kind of machismo behaviour that hitherto we would only see from a male offender’ (Angiolini, quoted in Naysmith, 2008). Like Vine, Angiolini linked this rise in violence to ‘the increasing consumption of alcohol by young women, binge drinking’ (Angiolini, quoted in BBC Online 2008).

Thus, in a country where concerns about crime are already firmly embedded within a discourse of youth (Burman et al., 2006; McAra, 2006), young women depicted as drunk and disorderly, out of control and looking for fights, have increasingly been identified as a new source of the ‘youth problem’ (Batchelor, 2005). Indeed, it could be argued, as Angela McRobbie has suggested, that ‘young women ... have *replaced* youth as a metaphor for social change. They have become a touchstone, and sometimes a problem, for the whole society...one of the stakes on which the future depends’ (McRobbie, 2000: 200–201, emphasis added). Whilst the rhetoric surrounding violent and disorderly behaviour by young women echoes concerns about troublesome young men, it carries an added dimension of gravity precisely because of the gender of the offender (Batchelor, 2001). According to traditional gender roles, women are deemed ‘essentially’ gentle, submissive, and passive. Women who transgress these roles by committing acts of violence are therefore considered ‘doubly deviant’ (Heidensohn, 1985), having violated not only the law, but also the accepted norms of femininity. The involvement of girls and *young* women in violence is particularly disquieting because they are perceived to be outside the traditional arena of family control (Hunt et al., 2000).

For young men, being on the streets is seen as a ‘natural,’ legitimized social activity governed by rules of masculinity (Campbell, 1986; Kennedy and Baron, 1993). Young women have traditionally been more home centred, inhabiting a ‘bedroom culture’ which rendered them less publicly visible than young men (McRobbie and Garber, 1976). This is due in part to the closer supervision afforded to them by their carers, but also is a result of gendered conventions

governing the use of public space (Furlong and Cartmel, 2007). However, the picture of home-based, passive females appears to be changing (Sweeting and West, 2003). Women's entry into the labour market means that they now marry later, delay childbirth, enjoy increased affluence and populate public space more than they once did. As a result, young women have become central to the growth of a thriving night time economy (Chatterton and Hollands, 2003; Hobbs et al., 2007; O'Brien et al., 2008), specifically targeted by the pubs and clubs industry through the marketing of new alcohol products, drinks promotions, and the redevelopment of traditional working-class pubs into female-friendly café bars, dance bars and themed pubs (Measham and Brain, 2005).

The Politicization of Youth Crime in Scotland

Concerns about offending by young women must be read within the context of an increasing politicization of youth crime in Scotland from the mid-1990s onwards, a politicization which in many ways mirrored developments in England and Wales. In Scotland, both the political attention given to – and the work taken forward to address – youth crime accelerated and expanded greatly following Devolution. Devolution brought the establishment of a new political forum and legislature, and marked a re-shaping of Scottish political parties' electoral identities away from 'the constitutional question' which, until 1999, had dominated the political landscape. Political attention turned to matters of devolved governance and public policy, amongst which crime and justice rapidly rose as prominent issues. The 'problem of youth crime' was one of the key issues under consideration at the first Cabinet meeting of the Scottish Executive in 1999, at which the government announced its commitment to review youth justice. Since then, many aspects of criminal justice policy and practice have been subject to scrutiny in the form of consultation and review, in an intense period of policy and legislative change (see, for example, Croall, 2006; McIvor and McNeill, 2007). A number of 'get tough' initiatives were spearheaded by Scotland's First Minister, leading to the introduction of a raft of new interventions and initiatives targeting offending youth. Prominent amongst these were the government announcement of measures designed to tackle 'persistent young offenders'¹ and the setting of national targets to reduce youth crime (Scottish Executive, 2002a).

There is now little doubt that Devolution introduced 'turbulence' into the Scottish youth justice system (Bottoms and Dignan, 2003) and turbulence remains one of its defining characteristics, 10 years on. For almost 30 years, Scotland stood in marked contrast to other jurisdictions in its commitment to a distinctive Kilbrandon-informed penal-welfarist ethos in youth justice, although it is fair to say that throughout this period institutional responses to youth offending have segued between welfare and public interest concerns, with the latter perhaps most evident in the retention by the Crown of the right to prosecute children who commit more serious offences in the adult criminal justice system (see Asquith and Docherty, 1999).² Since the mid-1990s, however, Scotland's adherence to penal-welfarism has been steadily eroded, replaced with a more punitive criminal justice agenda which places greater emphasis on individual responsibility, due process and punishment (McAra, 2004, 2008). There are clear signs, for example, in the introduction of youth courts for 16 and 17 year-olds, the adoption of the anti-social behaviour agenda³ and the use of electronic 'tagging' for under 16 year-olds, that Scottish youth justice policy is shifting further away from a concern with the social and personal needs of young offenders to a keener focus on the nature, extent and frequency of their

offences and an attendant emphasis on risk assessment (Burman et al., 2007) and surveillance (Nellis et al., 2009). Yet, and importantly, this heightened profile and activity given to youth crime and anti-social behaviour has occurred at a time when there has been an overall drop in youth crime rates in Scotland, as in other UK jurisdictions.

Of note here is the lack of attention given to gender. In the main, policy activity has focused on boys and young men and there has been relatively little attention paid to the provision of services for young women. Arguably this is because young women form a clear minority in both the youth and the adult criminal justice systems, as the following section demonstrates.

Age, Gender and Offending in Scotland

High profile public announcements about young women who offend, such as that made by Chief Constable Vine about the need to tackle the growing problem of violent and disorderly females in Scotland, and the statement made by the Lord Advocate on the increase in girls' involvement in 'appalling acts of murderous torture,' are not discernibly informed by any research evidence on either the nature or scale of young female offending in Scotland, violent or otherwise.

The fact that boys and young men are responsible for the large part of detected youth crime in Scotland is well documented (Burman, 2004, 2009). In 2007/08, boys made up 75 per cent of children (aged 8–15 years) referred to the Children's Hearing System on offence grounds (SCRA, 2008). A 'snapshot' review of offender files carried out by the Scottish Criminal Records Office in 2001 revealed that there were three times as many recorded male offenders as female offenders in the eight to 21 age band (Audit Scotland, 2001). Drawing on police data on recorded crime from 2002, DTZ Pieda Consulting (2005) estimated that 87 per cent of offences carried out by young people in Scotland were attributable to young men, with just 13 per cent attributable to young women. As illustrated in Table 1, the estimates for violence were 90 per cent and 10 per cent respectively. Unfortunately official Scottish crime data are not

Table 1. Proportion of youth crime committed by specific age-groups and gender, Scotland, 2005

<i>Crime category</i>	<i>15 years and under %</i>	<i>16–17 years %</i>	<i>18–21 years %</i>	<i>Males %</i>	<i>Females %</i>
Non-sexual crimes of violence	24	20	56	90	10
Crimes of indecency	60	14	27	85	14
Crimes of dishonesty	34	17	49	85	15
Fire-raising, vandalism, etc	65	12	23	90	10
Other crimes	24	16	60	90	10
Miscellaneous offences ¹	48	14	38	82	18
Motor vehicle offences	10	16	75	95	5
All crimes and offences	36	15	49	87	13

Source: Adapted from DTZ Pieda Consulting (2005), Table 4.3

¹ Includes simple assault, breach of the peace, drunkenness (Scottish Government, 2008b). In Scotland, unlike England and Wales, national statistics are published on minor infractions known as 'offences' as well as more serious 'crimes'. A distinction is made between simple assault, an offence, and assault, which falls under the category of non-sexual crimes of violence. The latter is recorded as serious if the victim sustains an injury resulting in detention in hospital as an in-patient, or any of the following injuries: fractures, concussion, internal injuries, crushing, severe cuts or lacerations or severe general shock (Scottish Government, 2008b).

routinely disaggregated by both gender and age. Hence it is not currently possible to ascertain the proportion of male to female offenders for different age groups.

Against this backdrop, it is important to acknowledge that, while there are fewer female offenders than male offenders for all age groups, the gender gap is smaller for younger age groups (Asquith and Samuel, 1994). In their analysis of the criminal convictions data, Samuel and Tisdall (1996) identified a similar relationship between age and incidence of offending for both male and female offenders, even though the numerical difference between the two groups was significant. The age-related nature of female offending is also demonstrated by self-report studies, which suggest that the gender gap in offending widens after adolescence (Moffitt et al., 2001). The *Edinburgh Study of Youth Transitions and Crime* is a longitudinal study of a single cohort of around 4000 young people (aged 12–15 years) who started secondary school in Edinburgh in 1988. This research found that delinquency rose more quickly among girls than among boys between the ages of 12 and 14, and then fell more quickly among girls at age 15 (Smith and McAra, 2004). According to Smith and McAra (2004: 13), this is because girls mature earlier than boys and therefore 'reach and pass through the turbulent period associated with offending at a younger age'.

According to criminal proceedings data, conviction rates in Scotland declined from the mid-1990s and then were relatively stable from the millennium onwards (Scottish Government, 2008a). The number of young women (aged under 21) with a charge proven has also remained relatively stable during the past 10 years (at around 3400 offenders), but there have been some notable changes in trends for specific crime and offence categories. Between 1997 and 2006/07, the number of young women with a charge proven for crimes of dishonesty and indecency decreased by 77 per cent and 46 per cent respectively. Non-sexual crimes of violence, however, increased by almost 64 per cent during the same period. Table 2 displays the different crime types which fall under the category of non-sexual crimes of violence. As can be seen, the figures for serious assault rose by 138 per cent.

Viewed in isolation, these percentage shifts appear to validate some of the concerns raised in the Scottish media by Vine and Angiolini. However, as with all official crime statistics, care must be taken to place these data in context. Because young women make up a small proportion of the offender population in Scotland, their distinctive offending pattern can be masked by general trends. Violent crime accounts for just two per cent of the total crimes and offences committed by young women in Scotland (Scottish Government, 2008a). Put another way, the

Table 2. Number of females aged under 21 with a charge proven for non-sexual crimes of violence, Scotland, 1997–2006/07

<i>Main crime</i>	1997	1998	1999	2000	2001	2002	2003	2004/05	2005/06	2006/07
Homicide	–	1	3	1	1	4	2	–	1	2
Serious assault	16	17	25	24	17	27	60	32	31	38
Robbery	19	28	30	31	22	31	20	27	12	19
Other	2	5	6	5	5	5	6	4	4	10
Total	42	51	64	61	45	67	88	63	48	69

Source: Adapted from (Scottish Government, 2008a), Table 6(b)

Note: This table does not include data for 'handling an offensive weapon', which were moved from the 'non-sexual crimes of violence' category to 'other crimes' in 2001. These figures increased by 142 per cent over the same 10 year period.

overwhelming majority of young female offending is non-violent. This feature is even more striking if we consider the actual number of offences committed by young women compared to young men. In 2006/07, 69 young women had a charge for a non-sexual crime of violence proven against them in Scotland, compared with 719 crimes of violence committed by young men (Scottish Government, 2008a). What these data tell us is that while the number of young women convicted of a violent crime shows signs of increasing, violence in Scotland is still overwhelmingly a male activity.

Because the actual number of young women involved in violent offending is low, very small numerical increases or decreases can make a great deal of difference in terms of reported percentage rises and falls (Batchelor, 2001, 2005; Burman, 2004). Looking at the figures in Table 2, for example, we can see that the 64 per cent increase in young violent females referred to above relates to an increase of only 27 offenders. If we compare the 2006/07 data with that of the previous year (i.e. 2005/06), the increase only amounts to 14 per cent (that is, six additional offenders).

It is also important to acknowledge that official statistics on female offending say as much about sentencing patterns and policy changes as they do about offending behaviour (see, for example, Acocha and Dedel, 1998; Steffensmeier and Allan, 1998). As Steffensmeier et al. (2005) demonstrate, recent rises in girls' violence as counted in US police arrest data are not borne out in longitudinal data on youth violence (see also Sharpe and Gelsthorpe, this volume). It remains unclear, therefore, as to whether the increases in female offending reported above can be attributed to *actual* rates of violent crime or changing *responses* to young women's violence and disorderliness. As discussed previously, public and professional concern about young women's offending in general, and violent offending in particular, has continued apace since the mid-1990s, gathering momentum in recent years. There are dangers inherent in the use of anecdotal or inaccurate information about crime to fuel media stories, gain political mileage, inform operational strategy and/or drive policy. A risk here is that it may all too easily have the effect of increasing formally processed female youth crime, and increasing formally labelled young female offenders. In other words, it is possible that what we are witnessing is not an increase in violent offending *per se*, but the increased reporting, recording and prosecuting of young women accused of violent offences (Burman, 2004; Batchelor, 2005). A key problem is that, currently in Scotland, there are some significant gaps in the available administrative data; in particular, there is a lack of data which are disaggregated by both gender and age.

Adult Female Offenders and the Pains of Imprisonment

Women in prison have been identified as a 'particular problem' in Scottish penal discourse from the late-1980s onwards (Loucks, 1998; 2004; Loucks et al., 2006). Initially, this was due to concern about a perceived increase in the number of women, and particularly young women, appearing before the courts (Burman, 2004; Loucks et al., 2006) and a questioning of the appropriateness of sentencing and the availability of appropriate interventions for female offenders (see, for example, Dobash and Gutteridge, 1986). But then in the 1990s, following a series of seven tragic suicides at HMPYOI Cornton Vale,⁴ mostly involving young women on remand, the Scottish government commissioned a review of the use of custody and alternative community disposals for female offenders. As well as making a number of recommendations for penal policy and practice, the review team's report, *A Safer Way*, emphasized the predominantly

minor nature of female offending and drew attention to the social and psychological characteristics of women in prison in Scotland (i.e. problematic family relationships, lack of education and employment, histories of abuse and violence, low self-esteem, mental health difficulties, substance misuse and self-harm) (Social Work Services and Prisons Inspectorates for Scotland, 1998: 13). Importantly, the review also drew attention to the socio-economic conditions which shape much female offending, and listed the ways in which poverty and inequality constrain opportunity, access to health, social and welfare services, and the emotional effects of such deprivation upon women and their families (Social Work Services and Prisons Inspectorates for Scotland, 1998: 14).

A key objective of *A Safer Way* was a reduction in the imprisonment of women – at the remand stage, the sentencing stage and following default on the payment of a fine. It recommended that the average daily population of HMPYOI Cornton Vale should be reduced from 170 (in 1998) to no more than 100 prisoners; however, the number of custodial sentences imposed on female offenders actually increased from 950 in 1998 to 1048 in 1999, and the average daily female prison population increased to 212 in 1999, at that time the highest figure ever recorded (Scottish Executive, 2000a). During the same period, there was a 21 per cent increase in custodial sentences for females under 21 years (compared to a one per cent decrease among young men under 21 years), and a 12 per cent increase in the use of custody for women aged 21–30 (compared with a five per cent rise amongst men of the same age group) (Scottish Executive, 2000b). The number of young women under 21 directly sentenced to prison increased by 17 per cent over the previous year, marking the 1999 figure as the highest of the decade (whereas the number of young males directly sentenced to prison was at its lowest since 1991).

A Safer Way was also the catalyst for the setting up of an Inter-Agency Forum (IAF) on Women Offenders (1998–2000), which produced a number of recommendations aimed at keeping women out of prison, where possible, and improving the conditions for those who were, by necessity, detained. Amongst these was the creation of ‘Time Out’ centres to provide a wide range of residential and non-residential support services for women, enabling them to get ‘time out’ of their normal (chaotic) environment without resorting to ‘time in’ custody, where many of them were being placed (Loucks et al., 2006: 1). A Ministerial Group on Women Offenders (MGWO) with a remit to build on the work done by the IAF, was charged with implementing a package of measures designed to reduce significantly the number of women held in custody. The MGWO produced a second policy review, *A Better Way*, by which time another two women had committed suicide in Cornton Vale (Scottish Executive, 2002a). *A Better Way* reiterated many of the concerns of *A Safer Way*, once more questioning the appropriateness of prison for the majority of female offenders, and concluding that the existing system for dealing with women who offend was not working effectively. It identified three key problem areas contributing to the high numbers: the number of short sentences, the number of women in prison for fine default, and the number of women on remand. By 2002, female sentenced receptions into prison continued to rise, as did the average daily female prison population, which showed an increase of 17 per cent over the previous year (Scottish Executive, 2002b). *A Better Way* advocated that greater emphasis be placed upon alleviating the social circumstances that lead some women to offend, intervening early to ensure that women’s needs can be met without recourse to imprisonment, promoting the use of the full range of community disposals, and shifting the penal culture away from punishment and towards rehabilitation and ‘treatment’ (2002a: 38).

Table 3. Number of females under 21 with a charge proven by main penalty, Scotland, 1997–2006/07

Main penalty	1997/ 98	1998/ 99	1999/ 2000	2000/ 01	2001/ 02	2002/ 03	2003/ 04	2004/ 05	2005/ 06	2006/ 07
Custody	174	247	325	299	307	258	250	224	152	259
Community sentence	459	547	548	544	515	562	518	569	594	672
Financial penalty	1883	1669	1538	1369	1330	1446	1563	1499	1512	1581
Other sentence	924	940	872	750	758	752	732	744	816	906

Source: Adapted from (Scottish Government (2008a), 2006/07, Table 12

Ten years on from *A Safer Way*, the average daily population of HMPYOI Cornton Vale has risen to 388 (February 2008) and young women are being sentenced to custody with increasing regularity. Between 1998/99 and 2007/08 the female prison population (all ages) in Scotland increased by 87 per cent, whereas the male prison population increased by 20 per cent. The prison population of female sentenced young offenders (that is, under 21 year olds) grew by 33 per cent during the same period (Scottish Prison Service, 2008). On 30 June 2007, 46 (13%) of the 344 women in custody in Scotland were aged under 21, and 11 were under 18. The number of young women receiving custodial sentences in the courts increased by 49 per cent between 1997/98 and 2006/07 (Scottish Government, 2008a) (Table 3).

Both *A Safer Way* and *A Better Way* drew on the research literature on women's offending, as well as 'localized expertise' provided by a range of statutory and voluntary agencies working directly with female offenders. Notably, neither of these reports sought to gain women's own views regarding their offending behaviour, nor the types of service provision (including sentencing options) which may best support them to desist from offending (Imlah, 2008). In both documents, there is an emphasis on identifying a 'typical' female offender, which effectively homogenizes a diverse group, masking a variety of individualized (social, personal, economic, and psychological) needs (Imlah, 2008). Young women are not distinguished in any noticeable way from their older counterparts, which is surprising given the marked increase in imprisonment of this group in particular, and the fact that the population of HMPYOI Cornton Vale is relatively youthful in comparison with other female prisons in the UK (approximately two-thirds of inmates are under 30 years old, and approximately one-fifth under 21 years).

The Forgotten Few?

As the previous sections have demonstrated, youth justice and women's imprisonment have been key areas of focus for criminal justice policy and practice in Scotland in recent years. In youth justice, this increased attention has led to a range of new provisions, primarily targeted at young male 'persistent offenders'. Gender-specific provision has increased for adult female offenders in Scotland, particularly since the establishment of the innovative 218 Centre,⁵ but programmes and initiatives designed specifically for *young* women remain scarce (Batchelor and Burman, 2004). Within HMPYOI Cornton Vale, a limited range of interventions to address offending behaviour are available including alcohol awareness, parenting, drugs and addictions, and programmes which address anxiety and sleep problems. Yet none of these are specifically

designed for young women. It is perhaps important to note that, at present, there is no one in the Scottish Prison Service with responsibility for the management and care of young women under 21 years (Scottish Government, 2009). Perhaps even more than adult female offenders, young female offenders are an invisible minority whose offending pathways and distinctive needs have gone largely undocumented and unaddressed.

The centrality of relationships is a key theme in the research literature on women's pathways into offending, and several studies have highlighted the role of violent victimization at the hands of an intimate partner as a precursor to female offending (see, for example, Baskin and Sommers, 1998; Belknap and Holsinger, 2006). Yet, for many girls and young women in the criminal justice system, being abused, abandoned, rejected and let down by a parent is as salient (Batchelor, 2007b). Many of the young women who come to the attention of criminal justice authorities have witnessed and/or experienced a significant amount of violence within the family home, and some will have had to fight off sexual harassment and sexual assault from adults known to them. Young women's pathways into offending are also often characterized by parental absence (through drink, drugs, divorce, death, homelessness or imprisonment), often at a critical stage of their emotional development, leading to a profound sense of isolation and abandonment (Chesney-Lind and Pasko, 2004; Batchelor, 2007b). Lack of emotional as well as financial support can lead to a level of forced independence at an early age, and to young women assuming parental or domestic responsibilities, attempting to care for siblings as well as their own parents (Schaffner, 2006). A common offending pathway discussed in the literature is when young women run away from home to escape abuse or neglect, only to inadvertently enter into more dangerous and abusive situations on the streets (Gilfus 1992). As Chesney-Lind and Pasko (2004: 5) observe, childhood victimization 'sets the stage for [young women's] entry into youth homelessness, unemployment, survival sex (and sometimes prostitution), and, ultimately, to other more serious criminal acts'.

Young women also differ from their adult counterparts in terms of the relative significance of the peer group as a source of identity and status. Spending time with friends is a prime social activity for most young people and young people often congregate in groups for a sense of belonging, as well as sociability (Seaman et al., 2006). Young women commonly describe their friendships as 'the most important thing' (Griffiths, 1995; Hey, 1997; Burman et al., 2003) and peers take on even greater significance for young women with backgrounds of family disharmony and abuse. This means that such young women are more susceptible to bullying and negative peer pressure than their adult counterparts, particularly in an institutional setting (Howard League, 1997). Powerful peer group cultures are a common feature of residential care (Wade et al., 1998; Renold and Barter, 2003) and young women in such settings report that they often 'go along with' risky behaviours in order to 'fit in' with a new peer group and establish respect or status (Batchelor, 2007b). This reiterates the point that offending amongst girls and young women is often linked to other risk-seeking behaviours 'associated with a search for identity in the transition from adolescence to adulthood' (McIvor, 1998: 47). Offending by adult women, in contrast, tends to be 'more utilitarian in nature or precipitated by other problems and stresses' (McIvor, 1998: 47).

The significance of age-and-gender is also relevant when considering young women's needs. A recent Youth Justice Board study of female health needs in young offender institutions in England and Wales highlights the extreme vulnerability of this group, who suffer the consequences of multiple forms of abuse, neglect and social exclusion, with over 40 per cent having

been previously looked after and 90 per cent having left school before the age of 17 (Douglas and Plugge, 2006). It also demonstrates that young women in custody score considerably less favourably on health status measures than working-class women in general and adult women prisoners in particular. Most significantly, they have higher rates of self-harm (especially cutting) and lower levels of self-esteem, as well as high prevalence rates of co-existing mental health and substance misuse disorders. Eating disorders appear to be escalating amongst this population (Hutson and Myers, 2006), and concern is commonly expressed amongst practitioners about such young women's risky sexual lives and/or experience of sexual exploitation (Douglas and Plugge, 2006). On the other hand, younger female prisoners are often much more optimistic about the future than their adult counterparts (Howard League, 1997) and their offending tends to be less entrenched. Young women also appear to be particularly receptive to education during custody, although the level and type of courses available to them is generally inadequate and/or inappropriate (Office of Standards in Education, 2004). It is now commonly accepted that the prison system impacts differently on women and men and that this warrants a distinct response towards women/female offenders (Carlen, 2002; McIvor, 2004); however, greater attention needs to be paid to emerging evidence that prison impacts differently on younger versus older women (Howard League, 1997; Batchelor, 2007b) and that, whilst young women undoubtedly share many characteristics with older women prisoners, they also have distinctive needs because of their younger age and stage of emotional development. Until relatively recently, these important differences have tended to be overlooked. In criminological understandings of female offending, girls' voices and experiences are largely extrapolated from those of adult women, much like women's experiences have been extrapolated from those of men.

As we have argued elsewhere (Batchelor and Burman, 2004) effective working with young women in the criminal justice system is hampered by a set of interrelated problems: their low numbers and invisibility in a system dominated by, and designed primarily for, young men, and the increasing recognition that young women have distinctive characteristics and needs which are difficult to meet effectively within a criminal justice framework. Any effort to respond appropriately to the offending behaviour of young women needs to take account of this distinctiveness, yet currently in Scotland there are very few programmes or projects designed specifically for young female offenders which take age and gender into serious consideration. Young women have not been a priority for service and programme provision. In comparison with young men, the 'problem' they pose is small, and resources tend to be targeted at the former.

What is more, given the multiple deprivations that so many women take with them into prison, it is perhaps unsurprising that policies, services and programmes which have been developed for women have tended to focus on their status as 'victim,' within a broader context of limiting social and structural conditions. This has tended to result in the medicalization and pathologization of female offenders within policy discourse, reinforcing an image of the female offender as hapless and dependent (Social Work Services and Prisons Inspectorate for Scotland, 1998). Yet young women do not always fit the stereotype of passive/dependent victims (Batchelor, 2005). A recurrent theme in the research literature is that young women are routinely perceived as manipulative, malevolent and therefore difficult to work with (see, for example, Alder, 1998; Chesney-Lind and Shelden, 1998; Worrall, 1999; 2000). Interestingly, such characterisations are not as evident in the research literature relating to adult female offenders. It is perhaps precisely because young women do not fit the stereotype of 'dependent victim' that they are seen as intractable, awkward and difficult. Indeed, recent contributions

to the literature have emphasized the need to acknowledge young women's agency (Batchelor, 2005) and approach their risk-seeking behaviour as an active (albeit misguided) attempt to exercise control (Batchelor, 2007a).

Falling between Two Stools

Young female offenders in Scotland currently fall between two stools. On the one hand, youth justice policy and practice in Scotland (like many other jurisdictions) is primarily oriented towards young men, and there is a dearth of community-based gender-appropriate interventions which recognize differences in offence patterning between young men and young women, their differing pathways to offending behaviour, and take into account the distinctive gendered needs of young women. Whilst policy officials and politicians in Scotland claim to be pursuing preventative rather than retributive goals in relation to youth justice, and within this discourse maintain a recognition of the importance of effective and early intervention strategies to prevent young people from offending, in relation to responses to young women who offend this is far from the reality. Whereas political figures (and policy statements) exhort practitioners to be evidence-based in their interventions with offenders, adherence to research-based evidence is not always applied to policy itself. Indeed a recurrent theme in the development of youth justice in Scotland concerns the introduction of policies and practices which owe more to political ideology and electoral success than systematic and rigorous evidence (Asquith and Docherty, 1999: 244).

On the other hand, whilst there has been a great deal of policy attention paid to women in prison in Scotland, scant attention has been paid to the particular needs, characteristics and complexities of incarcerated *young* women. They are indeed the forgotten few. The neglect of many young women's social, health and welfare needs plays a crucial role in driving the increased use of incarceration for this group. Numbers of young female prisoners in Scotland continue to increase, despite a government commitment to reduce imprisonment for females. Most have committed relatively minor offences, and most pose little risk to the communities in which they live. Indeed, as is evident from the high rate of self-harm amongst this group, many young women in prison are more of a danger to themselves than to others.

A recent HM Inspectorate Report (Scottish Government, 2009) on young offenders in adult establishments drew solemn attention to the treatment of young women, and the conditions under which they are currently held in HMPYOI Cornton Vale. The Report highlighted stark differences in the conditions of imprisonment experienced by young males aged under 21 held in all-male establishments as opposed to those experienced by young females in Cornton Vale. Almost all of the comments of the young male offenders about their experience were positive; whereas those from young females were almost all negative. Little wonder. According to the Report, the facilities and opportunities available to young women compared unfavourably to those for young men on every conceivable count: from the availability of work, through the recreational and dining facilities, to the quality of the food and access to toilet facilities, to arrangements for maintaining family contact (Scottish Government, 2009: 28–30) The normal day for young women in Cornton Vale is described as 'completely futile' (Scottish Government, 2009: 4), they spend long periods of inactivity either locked in their cells or within their individual units; unlike male young offenders they do not have a timetable of in-house regime activity other than to attend work (and not everyone has a job) or education. Given

these conditions, there is little doubt that prison exacerbates the social, emotional and health problems which led many young women there in the first place.

Whilst policy makers and the prison authorities may remain blind to the distinctive needs and vulnerabilities of young women offenders, some practitioners in Scotland do not. Efforts at developing age- and gender-specific interventions in the community are being spearheaded by social workers. Recently, in recognition of the growing number of young women drawn into the criminal justice system, a practitioner-led 'Champions' Group' was set up to share expertise, improve the knowledge base and share best practice in relation to 'vulnerable girls and young women involved in offending'.⁶ Although it is still too early to tell what sort of influence this group may ultimately have in the development of age and gender appropriate responses for dealing with young women offenders, the fact that such a group has been established is heartening. The real-life context of young women's offending demands a consideration of the key determinants of both gender *and* age. The key lies in ensuring that any initiatives developed are flexible enough to address the specific experiences and concerns of young women, and take into account the social realities from which young female offenders come and to which they will return. There needs to be a much stronger recognition in Scotland that younger women in the courts and in prison have particular age and gender-specific needs, which need to be properly acknowledged and meaningfully addressed within the programmes and services available to them whilst they are in custody and, crucially, in terms of their resettlement.

Notes

- 1 The current Scottish definition of a 'persistent offender' is a young person with five or more offence referrals to the Children's Reporter in a six-month period.
- 2 In Scotland, children who offend are normally referred to the Children's Hearing System. Children's Hearings are lay tribunals which deal with both children in need and children who offend. They are staffed by unpaid volunteers who make decisions as to whether children are in need of compulsory measures of supervision. Children can be referred from birth until age 15 on care and protection grounds and from age 8 to 15 on offence grounds (eight being the age of criminal responsibility). They can be retained in the system until age 18 through the extension of existing supervision requirements. Most offenders aged 16–17 are dealt with in the adult system, but a Sheriff can remit such cases to a hearing for advice and/or disposal. In practice, however, only very small numbers are ever remitted (McAra, 1998). As recommended by Kilbrandon, the Crown reserves the right to prosecute under 16 year-olds in the adult criminal courts in exceptionally serious cases (e.g. homicide or rape) and also following the commission of certain specified motor vehicle offences (McAra, 2004).
- 3 Through the introduction of the Anti-Social Behaviour etc (Scotland) Act 2004, under which anti-social behaviour orders were introduced for 12 to 15 year-olds.
- 4 Women in prison in Scotland are normally held in HMPYOI Cornton Vale near Stirling in central Scotland. Cornton Vale provides custodial facilities for remanded and convicted females (including young (male and female) offenders) in all sentence ranges and supervision levels. There are small units for females inside male prisons in Inverness, Dumfries and Aberdeen. Since 2002, due to the increasing numbers of females in custody, Darroch Hall at Greenock men's prison was allocated for short-term convicted adult female prisoners from Cornton Vale.
- 5 218 Centre was established in Glasgow in 2003. It provides residential and community based resources in a safe environment to women aged 18 years or over who have involvement in the criminal justice system, who are assessed as particularly vulnerable to custody or re-offending and who may have a substance misuse problem. The Centre is run by Turning Point, a voluntary sector organization which provides support for those with complex social needs, particularly in relation to drug and alcohol issues.

- 6 This was initiated by the Criminal Justice Social Work Development Centre (CJSWDC) based at Edinburgh University. The Centre hosts a number of task-centred Champions' Groups made up of representatives from Scottish local authorities, voluntary and statutory organizations, and other criminal and youth justice professionals.

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