

Female Offender Dynamics in Gang-Related Crime

Questions Presented

1. What is the state of the research on female-on-female violence, particularly in the context of gang-violence or other organized crime, and how might this affect culpability?
2. What aspects of a case do we want to consider when determining a female offender's culpability?

Short Answer/Research Points

1. Although there is limited research on female-on-female violence in the context of gang-violence and other organized crime, there is a good amount of literature on general female criminality, the role of women in gangs, and the impact of victimization on female criminal behavior. The limited role that women often play in gang violence may affect their culpability. Gangs are largely male-dominated and take on a patriarchal structure. That said, because women are believed to be less suspicious by law enforcement, they are often coerced to do the "dirty work" of the organization and therefore take on more risks and are more likely to be detected. Gender-neutral sentencing laws have significantly increased the numbers of women in state and federal prisons and fail to recognize the distinction between major and minor players in gangs.

In addition, a female offender's "pathway to crime" and history of victimization are important considerations in understanding her motivation for violence and for determining culpability. Women who have experienced trauma and abuse as a child or teenager are more likely to become incarcerated than women who have not experienced such abuse. Women may use violence as a direct response to her experience of violence or abuse, or they may be forced to participate in crime by an abusive partner or fellow gang member.

Furthermore, regarding female on female violence specifically, it is important to note that female gang members often see other female members as competition. There is a distinction in many gangs between female members who are "sexed in" (usually the lowest ranking members who play more nominal roles) and females who are "jumped in" (who receive more "masculine duties"). As a result, a woman's sexual status within the gang may lead to tension and violence between female members—women may choose to fight women who are known to be "promiscuous" in the gang community in order to protect their own status. Female members may also feel pressure by gang members to take part in criminal activities in order to demonstrate their commitment to the group, gain status, and preserve their reputation.



2. In light of this research, when determining a female offender’s culpability, particularly in the context of gang-violence and organized crime, consider the following factors:
 - a. Her “status” in the gang.
 - b. Her role in the specific operation—females are more often playing ancillary, non-violent roles when committing gang crimes.
 - c. Take past trauma, abuse, and victimization into account, all of which can create pathways to crime. The direct and indirect effects of cumulative trauma and victimization should inform prosecution and sentencing decisions.
 - d. Use of coercion within the gang—often females will commit criminal acts out of fear of physical, sexual, and/or psychological abuse if they refuse.
 - e. Whether the offending conduct was an act of self-defense.

Social Science Research (organized by date)

SHARED HOPE INT’L, INST. FOR JUSTICE AND ADVOCACY, RESPONDING TO SEX TRAFFICKING: VICTIM-OFFENDER INTERSECTIONALITY (2020), https://sharedhope.org/wp-content/uploads/2020/01/SH_Responding-to-Sex-Trafficking-Victim-Offender-Intersectionality2020_FINAL.pdf.

- Sex trafficking victim-offender intersectionality (ST-VOI)— the phenomenon of trafficking victims committing criminal acts.
- This field guidance seeks to 1) improve identification of sex trafficking victim-offenders throughout the criminal justice process; 2) enhance understanding of victim-offenders’ conduct through a sex trafficking- and trauma-informed lens; and 3) identify alternative responses to victim-offenders that take into account the impact of victimization on potential involvement in sex trafficking conduct
- Guidance provides the following recommendations:
 - o Provide broad-based training for criminal justice stakeholders on identifying and responding to sex trafficking victim-offender intersectionality (ST-VOI).
 - o Consider impact of, and potential alternatives to, coercive tactics to gain victim cooperation and testimony.
 - o Within the criminal justice system, develop strong partnerships with service providers that can help break the cycle of exploitation and address the vulnerabilities of trafficking victims before they potentially lead to later offending.
 - o Research how to provide trauma-informed services to sex trafficking victims without risk to non-offending victims.
 - o Research what causes ST-VOI and how ST-VOI impacts a victim-offender, and what resilience and protective factors could help prevent ST-VOI and coercion to commit other offenses.
 - o Engage in ongoing dialogue with a diverse range of stakeholders on how to balance competing priorities of victim-centered justice, victims’ rights, and public safety concerns.
 - o Seek and incorporate survivor engagement in development of responses, protocols, research strategies.





- Explore legal and practical alternatives to implementing a traditional criminal justice response to ST-VOI cases.
- Open avenues for sex trafficking victim-offenders, convicted of crimes related to their trafficking victimization, to seek relief from the long-term consequences of those convictions.
- Many sex trafficking victims experienced violence and trauma prior to their sex trafficking victimization. At the time of their sex trafficking victimization, these individuals may already have an “altered state of equilibrium” that may lead to an “unconventional crisis reaction,” which often involves a victim engaging in behaviors that may violate the law or lead to criminal justice system contact.
 - One study showed that trauma was a significant predictor in verbal and physical aggression.
 - Chronic trauma may evolve into a “dysfunctional routine,” creating a link between experiences of trauma as a victim and later experiences of trauma as perpetrators. Trauma may actually “urge individuals to engage in greater risk-taking behavior or in seeking out dangerous and sensational situations as part of compulsive re-exposure to trauma and as an attempt to heal unresolved traumatization through re-enactments of their early experiences.”
- In the sex trafficking context, people who have experienced trafficking often feel “trauma bonds” with their trafficker—they may view the trafficker as the only person who has cared for them. This type of relationship may lead the trafficking victim to engage in criminal behavior out of loyalty or emotional coercion from their trafficker.

UNITED NATIONS OFFICE ON DRUGS AND CRIME, UNITED NATIONS, GENDER AND ORGANIZED CRIME (2019),

https://www.unodc.org/documents/e4j/FINAL_Module_15_Gender_and_Organized_Crime_25_Apr_2019.pdf.

- Article describes how many women convicted for their participation in organized crime have long histories of emotional, physical, and sexual abuse, and have suffered harassment and discrimination.
- Criminal organizations such as gangs often maintain patriarchal structures and are built on traditional masculine values. However, women are believed to be less suspicious in the eyes of authorities and therefore often end up doing the “dirty work” of the organization (*e.g.* moving drugs, transporting arms, gathering intelligence on rival gangs) and taking many of the risks. At the same time, they lack “insider knowledge” within the gang, which prevents them from negotiating reduced sentences in jurisdictions that accept mitigation in exchange for cooperation. This phenomenon contributes to the rising female incarceration rates across the world.
- According to available data on crime, female involvement in trafficking in persons is higher than for other types of crime.

Adam M. Watkins and Chris Melde, *Gangs, Gender, and Involvement in Crime, Victimization, and Exposure to Violence*, 57 J. CRIM. JUST. 11–25 (2018),

<https://www.sciencedirect.com/science/article/pii/S0047235218300254>.

- Study uses data from a national sample of adolescents to address whether the effect of gang membership on criminal offending, victimization, and exposure to violence is moderated by gender. Found that gang membership has a comparable effect on crime and victimization for both genders—this is at odds with the general view that females are typically less active or entrenched in the gang





and its activities. Not unlike males, females may feel certain pressures by fellow male and female members to take part in criminal activities as a way to demonstrate group commitment, gain status, preserve one's reputation, or personify an image as someone not to be messed with or exploited.

- Females may be motivated to use violence to build respect within the gang or to at least rank higher socially than "sluts," "hos," or "hoodrats."
- These group dynamics are gendered and may result in an increase in violent behaviors among female members.
- Research suggests that females are becoming a sizable share of self-reported gang members, and the nature and frequency of self-report delinquency among female members suggests they have more than simply marginal involvement in gangs. The evidence suggests less "male dominance" in the gang than what has traditionally been reported, but the membership experience between males and females are still different.
- The frequency and nature of violence among gang members is moderated by gender— "violence is not normative for women in gangs as it is for men."

David Dagan, *Women Aren't Always Sentenced By The Book. And Maybe They Shouldn't Be.*, FIVETHIRTYEIGHT (Mar. 30, 2018), <https://fivethirtyeight.com/features/women-arent-always-sentenced-by-the-book-maybe-men-shouldnt-be-either/>.

- Article describes women's criminal involvement as different than men's—"they may be minor players in drug rings and are sometimes pushed into crime by a violent partner and often carry trauma from physical and sexual abuse."
- "More than 56 percent of the women in federal prison are there for drug offenses, compared with about 47 percent of men. In drug cases involving multiple people, each defendant can be held responsible for the full weight of the drugs involved, even if he or she were far down on the organizational chart. That approach is hard on women, who are often low-level players in such operations, experts said."

Melissa E. Dichter & Sue Osthoff, *Women's Experiences of Abuse as a Risk Factor for Incarceration: A Research Update*, VAWNET (July 2015),

<https://vawnet.org/material/womens-experiences-abuse-risk-factor-incarceration-research-update>.

- Women who have experienced abuse in childhood or adulthood, including child maltreatment, sexual molestation or assault, or intimate partner violence, are more likely to become incarcerated than women who have not experienced abuse.
- One direct pathway from abuse to incarceration is when a woman uses violence in direct response to her experience of violence or abuse, to protect herself or others, or to otherwise fight back.
- Another direct pathway is coercion by an abusive partner to participate in crime or to take the blame for crime one hasn't committed.
- When women are accused of or charged with crimes, possible experience of abuse, coercion, and system manipulation must be taken into account in arrest, charging, prosecuting, defense strategy, sentencing, and probation and parole decisions; those decisions must also be informed by an understanding and recognition of the direct and indirect effects of victimization and cumulative trauma. The criminal legal system needs to evaluate each case to identify false accusation, abusive coercion, justified self-defense; it needs to properly investigate and to hear evidence about experiences of victimization.

Rose Broad, 'A Vile And Violent Thing': Female Traffickers and the Criminal Justice Response, 55 BRIT. J. CRIMINOLOGY 1058–75 (2015), <https://academic.oup.com/bjc/article/55/6/1058/451150>.

- This paper analyzes data regarding offenders convicted for trafficking offences in the United Kingdom. The paper identifies three themes relating to women's involvement in trafficking activity:





- First, women perform lower level roles in trafficking that render them more susceptible to detection.
- Second, previous experiences of victimization have often provided pathways into offending for these women.
- Third, convicted female traffickers are frequently involved in intimate relationships with male traffickers.
- Argues that a more responsive approach to female traffickers would acknowledge the role of previous victimization, show greater understanding of the power dynamics between co-defendants, and would need to be supported by policy conversant of the intersections between economic and sexual exploitation, gender inequality, and global inequalities.
- Paper notes that female involvement is sometimes explained by prosecutors as a response to previous victimization, but this pathway is not necessarily taken into account in the prosecution process.
 - The decision to prosecute will be made on the basis of whether it is in the public interest and depending on what the individual has done.
- Intimate partners often greatly influence women's offending—these women are often victims of domestic abuse in their relationships and there may be consequences if they do not participate.

Emilio C. Ulloa & Danita Wynes, *Inter-Partner Violence in the Context of Gangs: A Review*, 17 *AGGRESSION & VIOLENT BEHAV.* 397–404 (2012),

https://www.academia.edu/21656703/Inter_partner_violence_in_the_context_of_gangs_A_review.

- Literature review on the topic of female gang involvement, with analyses specific to relationship abuse, IPV, and sexual victimization.
- In a large number of male dominated gangs, women are often considered inferior and are expected to maintain a subservient role within the gang, *e.g.*, to have traditional feminine roles by cooking, cleaning, providing financial assistance, and maintaining monogamy. They are often not allowed to wear gang colors or speak up to the men even if they feel threatened. Women who refused to follow these rules are often punished with physical, sexual, emotional, or psychological abuse.
 - Young female gang members are consistently asked to engage in drug sales or illicit sex activities; otherwise they will be punished (with no similar punishment for men).





AEQUITAS

- Gangs often contain members who are already at a higher risk of dating and relationship violence—individuals with single parent homes, high levels of acceptance of violence, low levels of positive peer norms, parental drug use, and child sexual abuse.
- In response to years of victimization, many abused women find themselves attracted to dominant alpha males who can make them feel protected and can provide a sense of respect and status.
- The propensity towards aggression and abuse may be brought on by the witnessing of inter-parental violence in a gang member's early children and adolescence.
- Female gang members are at an increased risk for sexual victimization, often at the hands of their intimate partners or their fellow gang members.
 - This gender difference may be attributed to the clear dissection of responsibilities assigned to either gender; with the males typically engaging in the more risky, violent gang activities, such as drive-by shootings and rival gang wars, while females are limited to lower risk tasks such as drug dealing and fist fights.
- Females typically see female members as competition; they form alliances and enemies within the gang, often making public displays by confronting girls involved with their past partners, current boyfriends, or family members.
 - A girl's sexual status within the gang also can build tension between female members. Girls chose to fight or demean other girls known to be promiscuous in the gang community in order to protect their own status.
 - The most common cause of inter-gang violence is jealousy.
 - Unlike females, who typically experience conflict with females in their own gangs, male members tend to have a strong cohesion within the gang.
- Unlike the men, female members may have several rites to pass before being accepted. These typically include "walking the line" (brutal physical beating by current members) and "pulling a train" (having sex with multiple male members within the night).
 - Girls who are "sexed in" are the lowest ranking members; girls who are "jumped in" don't consider the girls who are "sexed in" as a whole—they treat them like they're substandard.
 - Support systems within the gangs fluctuate based on method of initiation.
 - Girls who were jumped in receive more "masculine" duties, such as participating in drive-bys, selling drugs, engaging in rival street fights, etc.
 - Girls who were sexed in tend to play a more nominal role, sometimes only see as sexual objects or entertainment for other members.
- Female gang members are not only expected to perform traditional domestic roles, but must also make money for her partner by selling drugs or engaging in other delinquent behavior,

Janet L. Lauritsen, Karen Heimer & James P. Lynch, *Trends in the Gender Gap in Violent Offending: New Evidence from the National Crime Victimization Survey*, 47 CRIMINOLOGY 361 (2009), http://users.soc.umn.edu/~uggen/Lauritsen_CRIM_09.pdf.

- Article addresses the key question of whether changing views of violence and the criminal justice system measurement of violence account for the narrowing of the gap between female and male arrest rates for violence over time, or whether differences in behavior have occurred among female and male offenders.





- One argument for the narrowing gender gap in arrests is that there is little change in actual behavior, but the strides toward decreasing inequality of women and men and general decreases in the public's tolerance for violence have led police to increasingly view women's violence as problematic.
- This could lead to increasing arrests for women's behavior that previously would not have resulted in arrest, or to a "charging up" of offenses that in the past would have resulted in charges for a less serious crime.
- The findings show that female rates of violent offending have declined over time—suggesting that the narrowing in the gender gap in nonlethal violent crime does not solely reflect changing police practices, but at least to some extent reflects relative changes in the behavior of female and male offenders.

Suzanne C. Swan et al., *A Review of Research on Women's Use of Violence with Male Intimate Partners*, 23(3) VIOLENCE & VICTIMS 301–314 (2008), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2968709/>.

- Studies have consistently found that the majority of domestically violent women also have experienced violence from their male partners. Victimization that domestically violent women have experienced from their male partners is an important contextual factor in understanding their motivations for violence.
- Motivations for violence include self-defense, fear, defense of children; the need to regain or maintain control of the relationship, and retribution.
- Characteristics of women who use violence include:
 - o Childhood trauma and abuse.
 - o Psychological conditions: depression, anxiety, substance abuse, posttraumatic stress disorder.

DANA D. DEHART, CTR. FOR CHILD & FAMILY STUDIES, *PATHWAYS TO PRISON: IMPACT OF VICTIMIZATION IN THE LIVES OF INCARCERATED WOMEN* (2004),

<https://www.prearesourcecenter.org/sites/default/files/library/pathwaystoprisonimpactofvictimizationinthelivesofincarceratedwomen.pdf>.

- Study examines victimization in the lives of incarcerated women.
- Women:
 - o Are often forced to commit crimes.
 - o Typically committed either defensive or retaliatory assaults.
 - o May be psychologically pressured or manipulated into committing crime.
- Pathways to crime include:
 - o Experiences of child corruption or abuse
 - Prostituted as children; forced to steal by caregivers; introduced to drugs by adults
 - o Physical and emotional abuse turned to alcohol or drugs to cope
 - o Adult relationship violence
- We must consider the cumulative impact of victimization and how that had led to the current violence.





Stephanie S. Covington & Barbara E. Bloom, *Gendered Justice: Women in the Criminal Justice System, in Gendered Justice: Addressing Female Offenders* (Barbara E. Bloom ed., 2003),

<https://www.stephaniecovington.com/assets/files/4.pdf>.

- Mandatory minimum sentencing statutes for drug offenses have significantly increased the numbers of women in state and federal prisons. Article argues that these gender-neutral sentencing laws fail to recognize the distinction between major players in drug organizations and minor or ancillary players.

Jody Miller & Scott H. Decker, *Young Women and Gang Violence: Gender, Street Offending, and Violent Victimization in Gangs*, 18 *JUST. Q.* 115 (2001),

https://www.researchgate.net/publication/224071344_Young_women_and_gang_violence_Gender_street_offending_and_violent_victimization_in_gangs.

- This article examines how gendered situational dynamics shape gang violence. It finds that young women use gender both to accomplish their criminal activities and to temper their involvement in gang crime.
- Young men are involved more extensively than women in the most serious forms of gang crime.
 - o Result of gender stratification as a key organizational element.
 - o Participation in violence is a stronger normative feature of male gang involvement than it is for young women—for the latter, violence is not celebrated or normative; it is directly a consequence of and a response to the abuse that characterizes their lives at home.
- Young women often draw on gender and gender stereotypes both to negotiate and to limit their involvement in gang violence, as well as to facilitate the success of gang members' crimes.

Darrell Steffensmeier & Emilie Allan, *Gender and Crime: Toward a Gendered Theory of Female Offending*, 22 *ANN. REV. OF SOC.* 459–87 (1996),

https://www.researchgate.net/publication/234838484_Gender_and_Crime_Toward_a_Gendered_Theory_of_Female_Offending.

- When females commit traditional male crimes like burglary, they are less likely to be solitary, more likely to serve as an accomplice, and less likely to receive an equal share of proceeds.
- Unlike males, females rarely kill or assault strangers or acquaintances— “for women to kill, they generally must see their situation as life-threatening, as affecting the physically or emotional well-being of themselves or their children.”

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