

GENDER, SEXUALITY, & CRIME IN THE U.S.

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Introduction

It has only been since feminism entered the academy on a larger scale in the 1960s and 1970s that criminologists have acknowledged the value in understanding the gendered aspects of crime. Though there has been a call for exploring crime in a more intersectional way (Burgess-Proctor 2006), to date, only a few studies have done so. In this fact sheet, we present the current knowledge on gender, sexuality and crime, using Daly's (1998) framework for a research agenda on gender and crime, expanding it to include sexuality. Daly (1998) called for an understanding of crime as a gendered experience; to that, we add that it is also a sexualized experience. We use this framework to organize this knowledge into four categories: (1) the gendered (and sexualized) ratio of crime; (2) the nature of gendered (and sexualized) crime; (3) gendered (and sexualized) pathways into criminality; and (4) gendered (and sexualized) lives, as contexts for offending.

Current Data on Gender, Sexuality and Crime

The authors computed all rates shown in Table 1. For both Gender and Sexuality data, we used Wave IV of the National Longitudinal Study of Adolescent to Adult Health ("Add Health"). For a full description of methodology on the latter, see Conover-Williams (2014). It is important to know that the gender data are based on arrests, and the sexuality data are based on self-reported offending. The gender/sexuality gap shows a measure in the difference in offending between groups. While a gap of 50% would show equal rates of offending, a number over 50% signifies higher offending by male/sexual majority respondents, and a number under 50% should be read as higher offending by female/sexual minority respondents.

Gender/Sexuality Ratio of Crime

Table 1. Rates (per 100,000) and Gaps of Offending by Gender and Sexuality, for Variety of Offenses

Offenses	Gender Rates		Gender Gap*	Sexuality Rates		Sexuality Gap*
	Male	Female		Sexual Majority	Sexual Minority	
<i>Selling Drugs</i>	4686.83	1016.70	82.17%	2452.44	4287.69	36.39%
<i>Fighting</i>	895.14	217.79	80.43%	481.32	691.56	41.04%
<i>Stealing < \$50</i>	1065.64	617.28	63.32%	595.92	2213.00	21.22%
<i>Vandalism</i>	768.90	253.99	75.17%	435.48	829.88	34.42%
<i>Trading Sex for \$</i>	981.84	256.85	79.26%	435.48	968.19	31.02%

*Gap = male rate / (male + female) x 100,000 & sexual majority rate / (majority + minority) x 100,000

In the case of gender, male respondents report higher rates of offending for all five offenses, with a lower gap for stealing items worth less than \$50. With sexuality, sexual minority individuals offend more across most offenses (see more explanation about this in Conover-Williams 2014, and in *Teaching Sexuality and Crime*). In both cases, differing rates of offending are due to socialization and the structural position of women (see Steffensmeier and Allan 1996) and queer people (see Conover-Williams 2014), rather than essential differences.

Gendered/Sexualized Crime

Not only do women and sexual minorities offend differently, quantitatively; they also offend differently, qualitatively. Women tend to be involved in minor, less violent offenses. In both the cases of women and members of LGBTQ communities, offending may be related to survival tactics (e.g. running away, selling drugs, shoplifting or participating in sex work; see Chesney-Lind 1989 for a review on criminalizing survival). It is unknown how transgender and gender non-conforming individuals compare to their cisgender counterparts.

Table 2. Top Five Offenses, by Gender and Sexuality

By Gender		By Sexuality	
All Males	All Females	Sexual Majority	Sexual Minority
Selling Drugs	Check fraud	Fencing	Selling Drugs (tie)
Fencing	Fencing	Selling Drugs	Check Fraud (tie)
Stealing > \$50	Stealing > \$50	Check Fraud	Stealing > \$50
Check fraud	Selling Drugs	Stealing > \$50	Fencing
Fighting	Stealing < \$50	Stealing < \$50	Stealing < \$50

Trends Over Time

Though there has been discourse about women becoming more violent over time, there is no actual evidence to support this (Schwartz, Steffensmeier and Feldmeyer 2009). There has been little to no change in women’s involvement in violent crime groups over the past several decades (Schwartz, Conover- Williams and Clemons 2015). Sexuality and crime has not been tracked for long enough to know if there have been changes over time in actual offending, but there have been patterns in the criminalization of LGBTQ people over time (e.g. sodomy and anti cross-dressing laws; for a review, see Mogul, Ritchie and Whitlock 2011).

Current Theorizations of Gender, Sexuality and Crime

Gendered/Sexualized Pathways

Feminist criminologists have found that pathways into criminality vary by gender. Belknap, Holsinger and Little (2012) called the study of women’s pathways to offending the “most significant and potentially useful criminological research in recent years” (32). Women may have different levels of exposure to factors that may increase their risk of offending (such as victimization)(for a review, see Kruttschnitt 2013), and are often introduced to their criminality by male partners and/or family members (Chesney-Lind and Pasko 2013).

There are important connections between victimization and offending, which means some women and members of the LGBTQ communities are especially at risk. Girls and women experience more than five times the amount of intimate partner violence than men, with African American women experiencing higher rates than white women (Catalano, Smith, Snyder and Rand 2009). Sexual minority individuals experience higher levels of victimization than their majority counterparts (for a review see Katz-Wise and Hyde 2012), and transgender individuals report high levels of victimization compared to the general U.S. population (Grant, et al. 2011). For girls and women, childhood trauma, caregiver victimization and intimate partner violence are all connected to pathways to offending (DeHart and Moran 2015; Gilfus 1992; Brennan et al. 2009; Siegel and Williams 2003). Among incarcerated youth, sexual minority girls have reported higher rates of victimization than their sexual majority peers (Belknap, Holsinger and Little 2012).

Gendered/Sexualized Lives

The offending (rates, and types of offending) of women is due to (1) their socialization, and (2) their structural position in U.S. society. Women are socialized to be caretakers, and are not perceived to have the skills or ability to be ideal crime partners (Steffensmeier and Allan 1996). Institutionalized sexism in the underworld prevents women from gaining the criminal capital; they are relegated to secondary roles, and blocked access from the most lucrative and violent offenses (Steffensmeier and Terry 1996). Similar research on members of LGBTQ communities has not yet been done, though queer criminology is a growing area of research (see Peterson and Panfil 2014).

Both women and members of LGBTQ communities also face issues with criminalization. In both cases, the criminalization of gender norms and survival behaviors disproportionately impact women and LGBTQ people. Survival strategies (e.g. shoplifting, selling drugs, sex work) may lead to criminal justice interactions for individuals living away from their homes. LGBTQ youth experience high levels of homelessness, and many girls/women that run away to escape domestic victimization are funneled into street crime (Gilfus 1992).

Additional Information on Gender, Sexuality and Crime

Measuring Gender, Sexuality and Crime

Gender and Crime

- **Data Sources:** All official crime data sources include measures of sex, including the FBI's Uniform Crime Report (UCR), the National Incident-Based Reporting System (NIBRS) and the National Crime Victimization Survey (NCVS). It is safe to assume most data on crime now includes some measure of sex. Most data sources, however, only measure gender as a woman-man binary. This excludes transgender and gender non-conforming victims and offenders.
- **Challenges:** Official data sources tend to capture more serious crimes, which is more likely to capture the behaviors of men than women.

Sexuality and Crime

- **Data Sources:** Very few data sources exist for measuring sexuality and criminality. One such database is The National Longitudinal Study of Adolescent to Adult Health ("Add Health"). The data are restricted, but can be secured through the Interuniversity Consortium for Political and Social Research (ICPSR).
- **Challenges:** Because of societal heteronormativity, there is no ideal way of measuring one's sexual identity. Some section of the population will hide their sexual identity, or they may not yet be ready to identify with a sexual minority identity.

Teaching Gender, Sexuality and Crime

Teaching Gender and Crime - Adapted from Dr. Jennifer Schwartz, Washington State University

One activity we use to discuss gender and crime is to ask the students to jot down their answers to a few questions. Students are asked to come up with a scenario where they and a partner (any acquaintance of their choice) are going to commit a crime together. They are given several minutes to decide (1) the crime they are going to commit, (2) the partner they chose, and (3) why they chose that partner. Students are then asked to raise their hands if they chose a man crime partner, then a woman crime partner. Almost always, both men and women chose a man co-offender. Several people are called upon to tell the class why they chose that partner. They often use reasons like "strength" or because that person has a particular skillset or access. We use this to discuss Steffensmeier and Terry's (1986) article on institutional sexism in the underworld.

Teaching Sexuality and Crime

Studying sexuality and crime, because it is a methodological challenge, is a great topic of discussion in undergraduate and graduate methods classes. Possible topics include:

- **Operationalization:** How does one measure sexual minority status? Attraction? Behavior? Identity? What are the benefits of each (see: Savin-Williams 2006)?
- **Quantitative Research:** Using Conover-Williams 2014, you can discuss how on the surface it appears that sexual minority respondents offend more, but when you add control variables (risk and protective factors), the effect of being a sexual minority decreases and/or disappears, based on the offense.

Key Organizations

- [National Clearinghouse for the Defense of Battered Women](#) (Philadelphia)
- [All Of Us Or None](#) (San Francisco): Works for rights of formerly/currently incarcerated people/families.
- [The Audre Lorde Project](#) (Brooklyn): Community organizing center for LGBTQ People of Color.
- [Critical Resistance](#) (Oakland, CA): Movement to abolish prison and redefine community safety.
- [FIERCE](#) (New York City): LGBTQ youth of color fighting police harassment and violence.
- [Sylvia Rivera Law Project](#) (New York City): Provides legal services for trans* individuals in NYC.
- [Pink and Black](#) (Various U.S. Chapters): LGBTQ prisoners and allies working for prison abolition.
- [Rape, Abuse and Incest National Network \(RAINN\)](#): The US's largest anti-sexual violence organization.
- [National Domestic Violence Hotline](#): Established as part of the Violence Against Women Act (VAWA).

Social Change Related to Gender, Sexuality and Crime

Addressing victimization and marginalization

- Acknowledge and address victimization and trauma in criminal justice policy and programming
- Greater support for women in domestic violence, and who offend in response to victimization
- Better policy and support for incarcerated women with children

Support in Social Institutions

- Systemically addressing school climate, beyond homophobia, to changing heteronormativity
- Policy and practice changes to address the school-to-prison pipeline
- LGBTQ-specific training and support for caretakers and other individuals working in the foster system
- Help for girls and LGBTQ people who runaway or are kicked out of their homes
- Broader definitions of family, to include “chosen family” as a protective factor from offending

Broader definitions of justice

Generally, the use of restorative and transformative justice practices, as alternatives to punishment (retributive justice) can improve the experiences of women and LGBTQ individuals in the criminal justice system. These approaches are more likely to take into account the structural position of women and LGBTQ people.

- **Restorative Justice:** A theory of justice that seeks to foster and rebuild relationships to repair harm. The victim, offender and community are all stakeholders in the justice process (see Braithwaite 1989).
- **Transformative Justice:** A theory of justice that uses a system approach, acknowledging both the root causes and consequences of crime, to address the social reasons crimes happen (see Lederach 2003).

Citations and Suggested Readings

General

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