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## 20 years on the path – the criminal careers of Polish juvenile girls<sup>1</sup>

### 20 lat na ścieżce – kariery kryminalne polskich nieletnich dziewcząt

**Abstract:** The ongoing research conducted at the Department of Criminology at the Institute of Law Studies of the Polish Academy of Sciences into juvenile delinquency has resulted in a database of individuals who appeared before family and juvenile court for a punishable offence before 2000. The database enabled the continuation of research into the fate of juvenile girls, offering unique insight into the lives of those individuals who continued to break the law in adulthood. The analysis of juvenile girls' offending was based on studies of court files at the time. Since then, the convictions of the juveniles in question has been verified three times: in 2011, in 2016 (for the period 2011–2015), and in 2018 (for the years 2016 and 2017). For the research covering the period 2017–2019, 836 qualifying juvenile girls remained. Of this group, 167 had been convicted of a criminal offence as adults, which is one in five study subjects. For the sake of the study, the research team decided to do an in-depth analysis of the group of women who committed at least three offences in adulthood, for which they had had at least two convictions. Such an established framework yielded 64 records (7.7% of the total juveniles in the research).

**Keywords:** juvenile delinquency, juvenile girls, criminal career, life-course criminology, gender, developmental criminology.

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**Abstrakt:** Rezultatem badań nad przestępczością nieletnich, prowadzonych w Zakładzie Kryminologii Instytutu Nauk Prawnych PAN jest baza danych osób, które odpowiadały przed sądem dla nieletnich w roku 2000. Istnienie owej bazy daje unikalną możliwość kontynuacji badań dalszych losów nieletnich dziewcząt, wglądu w życie tych, które popełniały przestępstwa jako osoby dorosłe. Analiza przestępczości nieletnich dziewcząt została oparta na materiale zebranych w aktach sądowych i dotyczyła spraw, które trafiły do sądu dla nieletnich w roku 2000. Od tej pory ewentualne skazania kobiet z tej grupy zostały sprawdzone trzykrotnie: w latach 2011, 2016 (dla okresu 2011–2015) oraz w roku 2018 (dla okresu 2016–2017). Na 836 dziewcząt z pierwotnej bazy, 167 (czyli co piąta) było skazanych w dorosłości za popełnienie przestępstwa. Na potrzeby badań zespół badawczy zdecydował o pogłębionej analizie akt karnych kobiet, które jako dorosłe popełniły co najmniej trzy czyny, z które zostały skazane co najmniej dwukrotnie. Dotyczyło to 64 kobiet (7,7% wszystkich z pierwotnie badanej grupy).

**słowa kluczowe:** przestępczość nieletnich, nieletnie dziewczęta, kariera kryminalna, kryminologia drogi życiowej, pleć, kryminologia rozwojowa

The problem of criminal careers has become a constant presence in global criminology, and it has recently made a comeback in the Polish literature (Muskąła 2016; Szczepanik 2015). Still, because crime is often considered to be a male domain, criminological analyses of various phenomena will often overlook female offending. The same is true about criminal careers of women (Carlsson and Sarnecki 2015: 117). Female criminals are considerably outnumbered by their male counterparts, and those whose deviant behaviours resemble a 'criminal career' are even less numerous. That notwithstanding, such women do exist, even if they are few and far between.

The literature emphasises that just as women's offending differs from that of men, so does persistent women's offending differ from chronic offending by men. Most of all, chronic offending is much more common among men than women (Broidy et al. 2015: 122). Not only do men tend to pursue longer criminal careers, but they also commit more serious offences while they last (Broidy et al. 2015: 136). Likewise, the criminal activity of women is less varied than that of men (although it does nevertheless display variability) (Cauffman et al. 2015: 250). Researchers also draw attention to different risk factors in the case of male and female offending. Recent years have seen more emphasis placed on etiological factors contributing to juvenile delinquency which have more to do with the offenders' gender. The first two are the experience of sexual abuse and mental health issues. Both of these factors significantly increase the risk of deviant behaviour occurring for both boys and girls, though in the latter case they have a much greater significance and impact on their fate. The third difference concerns the fact that in the case of girls there are more risk factors they are likely to encounter and the impact of those risk factors is likely to be greater (Carlsson, Sarnecki, 2015). These factors

mean that at-risk delinquent girls should be on the receiving end of slightly different educational measures and corrective schemes than boys (Garcia and Lane, 2013). Moreover, women who persist in their criminal careers tend to be exposed to more violence in their lives, have more mental health problems, and experience more adversarial interpersonal relationships compared to those who desist (Coffman et al. 2015: 261).

## **Subject, purpose, and methodology of the study**

The aim of this paper is to analyse patterns of Polish female criminal careers and to attempt to answer the question of whether, in the case of women, we can talk about criminal careers at all? Is it at all possible, based on quantitative data, to indicate female patterns of onset in criminal activity? Can we say anything about the desistance? Or does long-lasting female criminality perhaps resist any patterns?

In the paper I will also analyse the social standing of women who have committed several crimes and were convicted of them. What was their family structure like? Have they got any children? Are they raising them alone or with a partner? How well are they educated? Do they work? What kind of problems must they face? Is it possible to confirm the hypothesis that criminal activity goes with a certain ‘antisocial tendency’: other deviant behaviours, such as alcohol abuse or drug dependency?

The paper also examines the structure of the criminality of female recidivists. This is followed by a consideration of the problem of whether the life of female recidivists is strongly determined by various external factors or whether, at least in some cases, it is possible to escape one’s destiny?

The ongoing research conducted at the Department of Criminology at the Institute of Law Studies of the Polish Academy of Sciences into juvenile delinquency resulted in a database of individuals who had appeared before family and juvenile court for a punishable offence before 2000. The database enabled continued research into the fate of young people, including juvenile girls, and offered unique insight into the lives of those individuals who continued to break the law in adulthood. With respect to girls, the database contained the details of 873 cases. The analysis of juvenile girls’ offending were based on studies of court files at the time (Woźniakowska-Fajst 2010). Since then, the convictions of the juveniles in question have been verified three times: in 2011 (for the period 2000–2010; Woźniakowska-Fajst 2012), in 2016 (for the period 2011–2015; Woźniakowska-Fajst 2017), and in 2018 (for the years 2016 and 2017). During the last study, the database was reorganised so that the full life story was available for every subject. As a result, only individuals whose complete set of data was available remained in the database (i.e. the questionnaire from their youth, responses to questions about convictions

from 2011 and 2016, correct PESEL number and correct full name allowing access to the National Criminal Registry in order to look up further convictions). In the end, after the database was ordered, 836 juvenile girls remained who qualified for the research covering the period 2017–2019. Of this group, 167 women had been convicted of a criminal offence as adults, which is on in five juvenile female in the study. Naturally, this is not to say that all these women can be classified as chronic offenders. However, for the sake of the research a clear definition of higher criminal activity was necessary, which is why a decision was made by the research team to conduct an in-depth analysis of the group of women who had committed at least three offences in adulthood, for which they had received at least two convictions. This framework yielded 64 records (7.7% of the total juveniles in the research). Additionally, the research team decided to obtain court files pertaining to the last criminal case involving each of the chronic offenders, which proved possible in 52 cases. As researchers, we were particularly interested in the family and social background of each subject: education, occupation, marital status (and actual family situation), and number of children. It should also be noted that the oldest women from the group from 2017 were already 34 years of age when their convictions were last checked. Hence, the group itself is quite unique in that only a few longitudinal studies into women offenders have followed their careers further than early adulthood (Block et al. 2010: 75).

## Onset and persistence of offending

The first phase of the catamnestic research in 2010 confirmed the model of a criminal career as described by Terrie Moffitt, who argued that chronic offenders display antisocial behaviour very early on (in childhood) and continue it throughout their whole lives. Those offenders who commit criminal offences exclusively during adolescence come into conflict with law much later, although their behaviours escalate notably during adolescence and become less and less frequent after the age of 18 years (Newburn, 2017, p. 912). A lifetime propensity for criminal activity is characteristic of people who have engaged in criminal offences since early childhood (Newburn 2017: 912). In the group of former juveniles in the study of convictions for the period 2000–2010, 105 women (12.7% of the study group) had been convicted of a criminal offence after reaching the age of criminal responsibility<sup>2</sup> (i.e. within 6–10 years). In 2017, that number had risen to 167 women, which constituted 20% of the group. More than half of the women had only been convicted once (51.5%), while 22.5% had had two convictions. All in all, for three-fourths of the women in the study, a conviction in adulthood seemed to be an incidental

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<sup>2</sup> In Poland, full criminal responsibility is assumed when a person turns 17 years old.

occurrence. Meanwhile, the two ‘record breakers’ in the 18-year follow-up study had received 18 and 17 convictions.

Table 1. Number of convictions among the female subjects, 2000–2017

Number of convictions	Number of offenders	Percentage
1	86	51.5
2	37	22.2
3	13	7.8
4	12	7.2
5	6	3.6
6	4	2.4
7	3	1.8
8	1	0.6
10	2	1.2
13	1	0.6
17	1	0.6
18	1	0.6
<b>Total:</b>	<b>167</b>	<b>100</b>

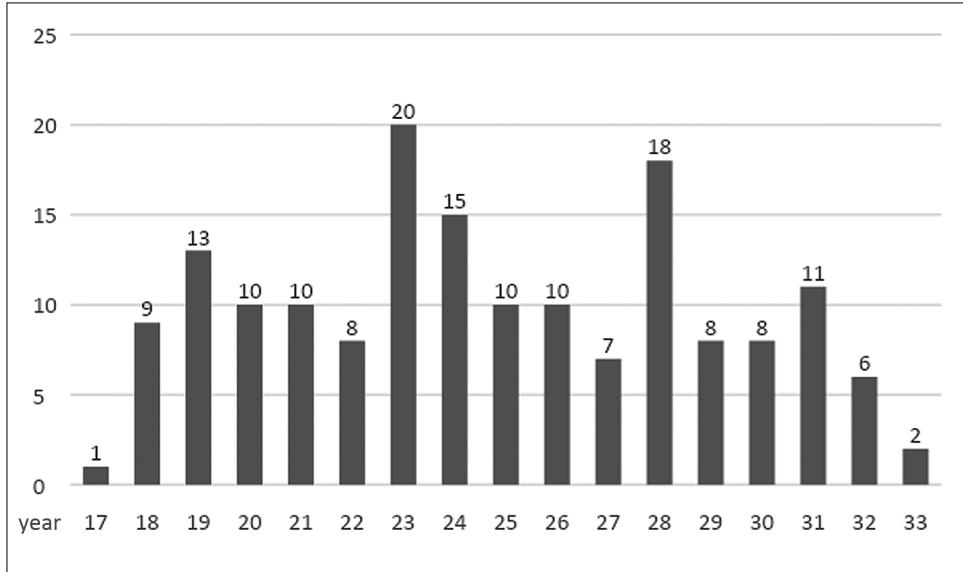
Source: Own research

As mentioned above, the most important theories attempting to explain the age–crime curve have been developed with reference to boys and men. Nevertheless, there seems to be a consensus among scientists that the age of peak criminal activity is 17–18 years, which is followed by a visible drop in convictions in subsequent years (MacLeod et al., 2012: 51).

In the case of the group described in this article, all the subjects were tried as juveniles, while only 20% were convicted in adulthood. The vast majority, then, did not return to a life of crime, or more specifically, had not been convicted of a criminal offence. We need to constantly remind ourselves that the analysis of criminal records and court files is always incomplete and renders our knowledge limited to cases that were brought before institutions of justice. It is then wholly conceivable that there are women among the study group who did indeed commit offences in adulthood, but were never brought to justice. The explanation might be twofold: their activities either flew under the police radar or, for various reasons, they were not convicted. Nevertheless, with only the 167 women who had been convicted in adulthood, and assuming that the model of desistance is similar for women and men, we should end up with a graph illustrating that the older a woman is, the less

likely she is to turn to crime. Instead, upon analysing the age of women when first convicted in adulthood, the graph fails to be parabolic. More curious still, it does not seem to illustrate any regularity at all.

Figure 1. Age at first conviction in adulthood among the female subjects



Source: Own research

Only 43 women (26%) committed their first adult offence before the age of 21, i.e. when they were still juveniles.<sup>3</sup> In a noteworthy observation, Polish statistics (for the years 1990–2017) consistently demonstrate that the majority of male offenders per capita in a given age group are juveniles. In the case of women, the results are different: for most years, the majority of offenders are indeed women aged 17–20, but in eight years (1993, 1994, 1996, 2002, 2003, and 2010–2012) the majority of convicted women per capita were females aged 21–24 (Siemaszko et al. 2015: 97–98; Ministerstwo Sprawiedliwości, 2019: 72–73). In the case of our study, 53 women (32%) committed their first adult offence at the age of 21–24,

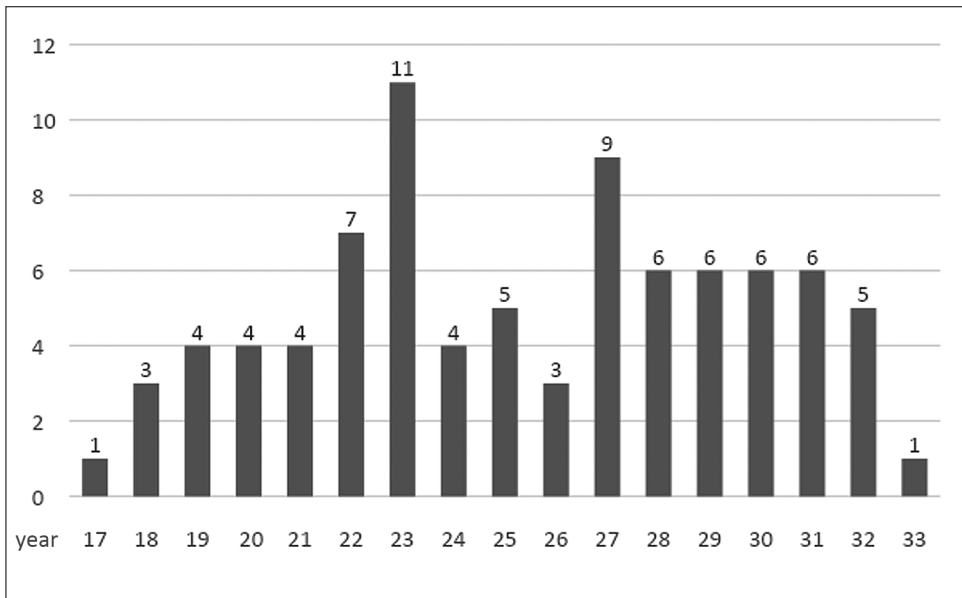
<sup>3</sup> In Polish criminal law, the concept of a ‘juvenile’ is used with reference to a person who, at the time the offence was committed, was under the age of 21 years and at the time of the trial before the court of first instance was under the age of 24 years (Arts. 115 § 10 of the Penal Code). Such individuals should be treated slightly more leniently during sentencing. Due to the incomplete formation of the psyche of young offenders and the high susceptibility to environmental influences, Art. 54 § 1 of the Penal Code introduces a general directive providing that when punishing an adolescent, the court is guided primarily by educational considerations. For the same reasons, if it is justified by such educational considerations, the court may apply extraordinary leniency to a juvenile (Art. 60 § 1 of the Penal Code).

becoming the most numerous group. There is a visible decrease in first convictions of women in the 25–28 age group, but it is by no means dramatic (45 women [27%]). It is not until later that a marked downward trend can be observed: there were only 33 women (20%) with first convictions in the 29–32 age group, and only two women aged 33. Interestingly, the statistical analysis conducted by John F. MacLeod, Peter G. Grove, and David P. Farrington of convictions in England and Wales in 1997 demonstrates a near-parabolic age–crime curve with one curious exception. According to the curve, the peak age for first convictions is 17–18, but a slight elevation at the age of 25 (MacLeod et al. 2012: 51) marks a visible departure. At least this analysis seems to be in line with the results of Polish research, although the British sample was a cohort of male offenders. Similarly, Swedish researchers suggest that women turn to crime at a later age than men (Andershed 2012), and there are studies that show some women who embark on criminal careers as adults, which is not a common occurrence among men (Block et al. 2010: 78).

The above analysis emphatically demonstrates how deceptive research into recidivism can be, if it analyses the phenomenon, say, five years after the introduction of an educational measure (the criterion adopted by the Supreme Audit Office (NIK) in its report on Youth Educational Centres (Najwyższa Izba Kontroli 2017). It transpires that there may well be a fair number of people who continue living crime-free for some time past their youth, or who violate the law and manage to get away with it.

Even in the case of women with no real criminal careers who were convicted a single time in adulthood, it would be hard to confirm the hypothesis linking the adult conviction strongly with juvenile delinquency. I would rather put forward the hypothesis that individuals who commit criminal offences in both their youth and adulthood are characterised by a certain societal ineptitude, which either means that in crisis situations they are prone to looking for an ‘easy way out’ or that their lifestyle remains chaotic and conducive to deviant behaviour, hence the random cases of isolated convictions for drink driving or drug possession. The research does not lend credence to the concept that reoffending occurs soon after youth and then ceases (MacLeod et al. 2012: 51). Of the 85 women with a single adult conviction, only 12 (14%) committed a criminal offence as juveniles and then desisted. With the exception of a slightly larger group aged 23 or 27 at first conviction, the age distribution at first conviction remains quite stable. One in five women was convicted for the first time only after the age of 30, i.e. more than a decade after committing an offence in their youth.

Figure 2. Age at first conviction in adulthood for the female subjects with only one conviction



Source: Own research

Based on the fact that at the time of the last questionnaire on adult convictions (2017) the oldest women were 34 years of age, it is impossible to determine whether offending was a closed chapter in their lives. In the same vein, several convictions does not constitute a career, since there will be people with two convictions in the same year, as well as those whose two convictions were set 9 years apart. Out of the 36 women who had two convictions, 16 (44%) were convicted either in the same year (6) or in two consecutive years (10). The next 14 (39%) women committed criminal offences 2 to 5 years apart, while the remaining 6 were convicted 6 to 9 years apart. It seems that with regard to women convicted twice it would be difficult to construe any criminal career at all. Either their criminal activity was very intensive but short-lived, or the convictions were so far apart that claims of any continuity of criminal activity would be unjustified.<sup>4</sup> Table 2 shows the length of time which passed between the first and last conviction for all women who were convicted two or more times.

<sup>4</sup> In the case of long breaks between convictions, it cannot be ruled out that the women broke the law but were never formally brought to justice.



Table 2. Period between first and last conviction (in years)

Period between first and last conviction	Number of offenders	Percentage	Accumulated percentage
Less than one 1 year	5	6.2	6.2
1 year	16	19.8	25.9
2 years	5	6.2	32.1
3 years	9	11.1	43.2
4 years	4	4.9	48.1
5 years	11	13.6	61.7
6 years	7	8.6	70.4
7 years	4	4.9	75.3
8 years	5	6.2	81.5
9 years	5	6.2	87.7
10 years	3	3.7	91.4
11 years	4	4.9	96.3
12 years	1	1.2	97.5
13 years	1	1.2	98.8
14 years	1	1.2	100.0
<b>Total:</b>	<b>81</b>	<b>100</b>	

Source: Own research

If we only concentrate on studying persistent offenders whose brushes with the law begin very early and who then experience criminal episodes (I'm using the term 'episode' deliberately, to differentiate from a 'career' which implies an element of certain continuity), then the observation that there are women who go years without a conviction is not particularly groundbreaking. David P. Farrington made a similar observation when describing a group of offenders who exhibited extensive criminal behaviour at the age of 19, but then went conviction-free until legal proceedings were initiated against them after a break of 7–10 years (Farrington 1992: 529). It would be interesting to know what set of circumstances led these individuals to reoffend after such a long break.

## Antisocial attitudes and criminal careers

Literature on criminal careers reiterates now and again that multiple offending in and of itself is insufficient to speak of a ‘career’. Rather, it is more to do with a certain ‘antisocial tendency’, i.e. the concurrence of criminal behaviours and other deviant behaviours, such as alcohol abuse, drug dependency, disturbing the peace, joblessness, or violations of the law (MacLeod et al. 2012: 99).

In the course of research into criminal careers, the factors that play the most important role are not those that are responsible for persistence (since they are already fairly well-researched and described), but the factors that are responsible for desistance and helpful in prevention of recidivism. Most studies agree the two factors which most contribute to terminating a criminal career are starting a family (in most cases understood by researchers as getting married) or taking up paid work (Sampson and Laub 1995).<sup>5</sup> It was also possible to analyse these two factors in the study described in this paper, if only with regard to persistent offenders: the 52 women who had committed at least three offences in their adult lives, had a minimum of two convictions, and whose court files pertaining to their last criminal case were accessible for analysis. While it is not possible to determine—on the basis of the collected research material—whether women who desisted from criminal activity in adulthood or who had only one conviction worked and had families, it is clear that most recidivists remained unemployed and had unstable family lives.

In the research group in question, at the time their last offence was committed, over two-thirds of the women (36) were unemployed, and only 4 had declared their main activity was running the household and caring for children. The remaining women worked (apart from one woman on disability benefit), but only half (7) had permanent jobs, whereas 8 worked casually. It should come as no surprise, since the persistent offenders in question had very low professional qualifications: two-thirds had only graduated from junior high schools and most had a primary-school or partial primary-school education, i.e. eight years of primary school.<sup>6</sup> The remaining recidivists whose educational background we managed to obtain had a vocational education (8) or secondary-school education (10). Even as juveniles, the persistent offenders had bleak educational prospects: 29% had flouted compulsory schooling, one-third of the women were often truant, and 9 of them had to repeat a year in primary school.

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<sup>5</sup> As a side note, it might be worth quoting Raymond Paternoster and his affiliates, who observed that ‘Good jobs and warm marriages do not change offenders themselves in any substantial way; however, they simply reduce the opportunities for criminal activity’ (Paternoster et al. 2016: 1204).

<sup>6</sup> The low number of junior high school graduates (7), which in Poland was a compulsory stage of education in the period 2000–2019, is related to the fact that in 2000 an educational reform began in Poland. The eight-year primary school was replaced by a six-year system and a compulsory, three-year junior high school. The research subjects were girls whose cases were brought to a family court in 2000. Most of the subjects were in the eighth grade of primary school under the old educational system.

In adulthood, the recidivists undertook simple jobs, which were doubtless poorly paid. The data on current or recent employment revealed that only one of the women ran her own business and one offered office service. Most of the women were manual workers, with the majority (21) doing unskilled jobs and 10 working as skilled workers. Seventeen women had no occupation and the data indicated that they had never worked. In the case of persistent offenders, joblessness seems to run in the family. The data collected for the group<sup>7</sup> when they were still juveniles revealed that 56.5% of their mothers were unemployed, as were one-fourth of their fathers.

Undoubtedly, their occupational status, persistent unemployment, or having to work in simple, low-paid jobs contributed to the poor financial status of the female recidivists. The personal income<sup>8</sup> declared by the women was low, fluctuating between 200 PLN and 5,000 PLN monthly,<sup>9</sup> although the highest sums—5,000 and 4,000—were only declared by one subject each. The median personal income among the women in the study stood at 712 PLN<sup>10</sup>.

As for marriage acting as a stabilising factor in the lives of women and encouraging desistance from crime, the reality proves to be more complex. First of all, it is important to note that despite the important role the Catholic Church still plays in people's lives, fewer and fewer people get married every year, more people choose to live in informal relationships, and more and more children are born to cohabiting parents<sup>11</sup> (CBOS 2017; G US, 2016). Moreover, nationwide studies show that cohabitation is more common among people with less social capital, although the last decade has seen a shift in attitudes, with informal relationships becoming increasingly more prevalent across all social classes (Schmidt 2015: 248–90). I mention this because writing about formal marital status and drawing any conclusions from this does not make much sense these days. Perhaps in the case of the female recidivists in our study, it would have been more advisable to analyse their actual family circumstances, rather than formal marital status. Indeed, out of 52 recidivists, only 7 were married, 2 women were divorced, and there were 2 widows. Formally, only one in four women had ever been married. On closer inspection of the actual situation,<sup>12</sup> it turned out that at the time of the last conviction over half of the women were in relationships, most of them informal.

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<sup>7</sup> From among the recidivists whose criminal records were analysed, there was no information on the mother's employment in 6 cases.

<sup>8</sup> The data were extracted only with reference to 31 recidivists.

<sup>9</sup> The information on income appears in court files while the woman is being interrogated as a suspect. It is entered by a police officer based only on the declaration of the person being questioned. This is the interviewee's own income, not including their partner's income. Also, starting in 2016, every woman with children has been entitled to a family benefit for the second and each subsequent child in the amount of 500 PLN per month.

<sup>10</sup> In 2017, the minimum remuneration for an employment contract stood at 1,449.48 PLN net per month, and the average salary was just over 3,000 PLN.

<sup>11</sup> In 2019, one in four children in Poland was born to unmarried parents.

<sup>12</sup> The data were collected with reference to 41 recidivists.

A departure from a traditional family model could be observed a generation earlier, in the families our subjects grew up in as teenagers. Only 40% had had both biological parents around, one-quarter of the girls (27%) were raised by a single mother, while one in ten (11.5%) grew up in a reconstructed family with a stepfather. Similarly, almost one in ten girls (9.6%) had been taken in by a foster family or an institution.<sup>13</sup>

Most (83%) of the recidivists in the study were mothers; only 9 were childless. In most cases, the women had only one (25%) or two (31%) children. Seven of the women had 3 children, 5 had 4 children, and 2 women had 5 children. In the course of the research, we also collected data on how many dependent minors remained in the women's households. It transpired that one in five female recidivists was not raising one or more of her own children. Considering that the subjects were of an age where their children could not have yet reached maturity, the only explanation was that the children were being raised by other people. This was mostly true for women with several children. Out of the 7 mothers with 3 children, only 3 were raising all of them. Out of the 5 mothers with 4 children identified in the study, only 2 women had all of their children in their care. Only 1 of the 2 mothers with 5 children was raising all of them.

As can be inferred from the data presented above, the women who had the most convictions were all in quite vulnerable positions. Most of them were not raising their own children, they were often the sole breadwinners, and they had low incomes. Moreover, the case of persistent offenders corroborates the observation that criminal careers are accompanied by other deviant behaviours. Out of the 52 recidivists whose court files had been analysed, more than half were addicted to alcohol, and one in five struggled with drug abuse. This is yet another element on a list of factors which affect the social functioning of these women and their ability to carry out their maternal duties. In several cases the court files reported that the subjects struggled with both alcohol and substance dependency. Thirty of the persistent offenders who—according to the court files—suffered from substance abuse had experienced quite a lot of drama involving alcohol and drugs early in their lives. Twelve girls were reported to be abusing alcohol extensively; 6 of them were taking drugs, with 3 girls already addicted as teenagers. By and large, the parents failed to provide a nurturing environment: two-thirds of the mothers were incompetent as parents or had a negative opinion, the latter shared also by 70% of the fathers.

All of the above-described factors, such as poor financial situations, joblessness, or low-paid work, no professional qualifications, or addictions which afflicted almost all of the persistent offenders identified in the study, were the biggest obstacles on the road to desistance (Nugent and Schinkel 2016: 569).

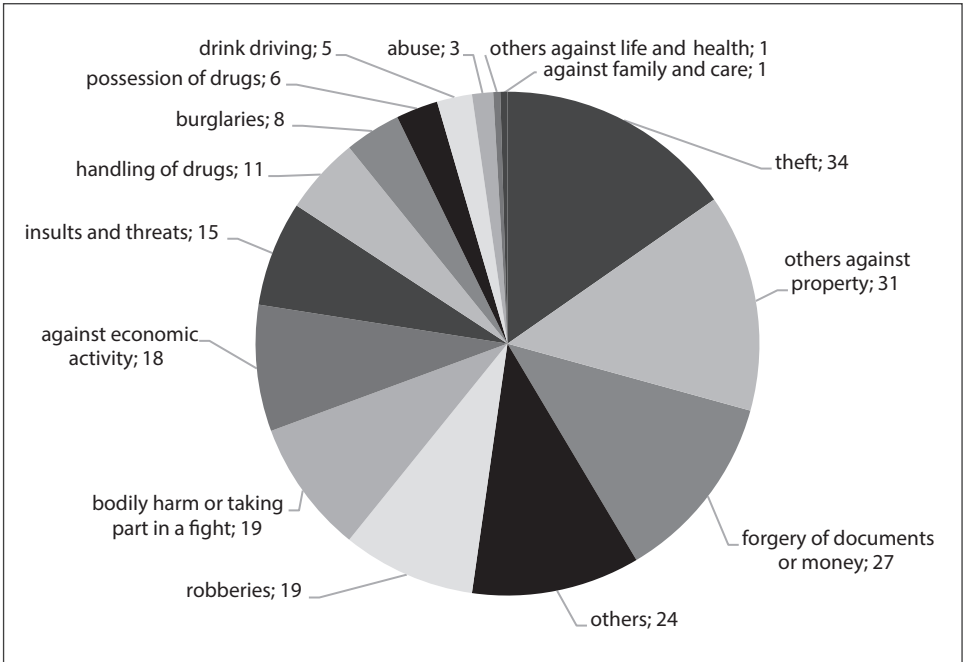
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<sup>13</sup> No data were available on 6 girls.

### Types of crimes by recidivist women in adulthood

A look at the breakdown of crimes committed by recidivist women<sup>14</sup> reveals a predominance of crimes against property, particularly theft (34<sup>15</sup>), forging of documents and money (27), and crimes against economic activity (18). Other crimes against property were also common (31). Special attention should be paid to assaults and robberies: they are classified as crimes against property according to criminal law, but are perceived as violent crimes from a criminological perspective. There were 19 women who were found guilty of those. Similarly, 19 women answered for bodily harm or taking part in a fight, and 15 for insults (including insulting a public official) or threats. There were also crimes related to possession (11 offenders) or selling drugs (6 offenders). The remaining crimes occurred less

Figure 3. Types of crimes committed by recidivist women



Source: Own research

<sup>14</sup> For this analysis, the data for all 64 women who were defined as persistent offenders were taken into consideration (those who had committed at least three offences in adulthood and were convicted at least twice). One woman in this group died in 2013 at the age of 28.

<sup>15</sup> This number means that out of 64 recidivists, 34 were convicted of theft. The numbers in brackets do not add up to 100 due to the fact that all women in this group committed offences repeatedly and of different types.

frequently: burglaries (8), drink driving (5), mental and physical abuse of relatives and dependants (3), crimes against family and care (1), and other crimes against life and health (1). Additionally, 24 women were found guilty of crimes other than those listed above.<sup>16</sup>

## Are there different categories of recidivism?

A particular advantage of longitudinal studies is that they offer the opportunity to verify the collected data over and over again, and to examine whether a hypothesis proposed earlier is still valid several years later. In an article from 2017 (Woźniakowska-Fajst 2017) in which I studied the recidivism of girls after a five-year follow-up period, I surmised that there were three types of recidivism. It should be recalled that in 2016, when the article was written, the girls had had two follow-ups, in 2011 and 2016. During the first phase of the catamnestic research in 2011, 105 women had been convicted of criminal offences after reaching the age of criminal responsibility (i.e. within 6–10 years<sup>17</sup>). By 2015 that number had risen to 153 women. In the group of women who had been convicted at the fifteen-year follow-up period, a subgroup emerged which I dubbed ‘late recidivists’ concerning women who had got in trouble with the law as juveniles, then desisted<sup>18</sup> in subsequent years (from 6 to 10 years<sup>19</sup>) only to be convicted between 2011 and 2015. Thus, I observed that the recidivists were by no means a homogenous group. To my mind, they fell into the following categories: ‘early recidivists’, who had been convicted before 2010 and who remained conviction-free afterwards, the previously-mentioned ‘late recidivists’, and ‘permanent recidivists’, who consistently racked up convictions throughout the follow-up period. Having accounted for corrections of the database implemented in 2019, the database ultimately yielded 68 ‘early

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<sup>16</sup> In the course of further research, which entailed determining how many of the recidivist women were currently serving a prison sentence, it turned out that in 2018 one of them was convicted of murder. In the summer of 2019, she was the only one from this group who was in prison.

<sup>17</sup> The period depended on the age of the juveniles in 2000. Based on the data from National Criminal Registry, it was only possible to analyse offending history once the age of criminal responsibility was reached.

<sup>18</sup> At this point, it should be clearly emphasised that a lack of conviction does not mean that the women did not commit any criminal offences. Only convictions for committing a crime are recorded in the National Criminal Registry. Consequently, this system will not provide us with data on offences (and some of the juvenile girls did appear before court in connection with offences), discontinuation of proceedings, and cases in which the punishable offence was never brought before any institution of justice.

<sup>19</sup> The individual fitted our working definition of a ‘recidivist’, however we failed to obtain her court files detailing the last criminal case against her, which effectively eliminated the woman from in-depth research.

recidivists', 38 'permanent recidivists', and 48 'late recidivists', totalling 155 women who had been convicted by 2015 (inclusive). There is no distinct difference between the groups. In addition, 12 more women with first adult convictions from 2016 or 2017 appeared in the follow-up period in 2017.

That the group of 'early recidivists' had not shrunk was a welcome observation. None of them were convicted in the two following follow-up studies after 2010. Out of the 48 'late recidivists', only 7 women were convicted after 2015 (5 in 2016 and 2 in 2017). As for the group of 38 'permanent recidivists', 2016 saw the convictions of 7 women, while there were none convicted in 2017.

On the one hand, it is clear that the women convicted after 2015 appear before courts more rarely. It may be (or may not be) that this is a harbinger of their desistance. On the other hand, the 12 women convicted for the first time after 2016 and 2017 are a cause for concern. There does not seem to be a common thread linking the women in this group. Since most of them were only convicted once, their adult profile has not been researched. Only one woman was convicted 4 times for 5 offences<sup>20</sup> between 2016 and 2017. All of them had one case before family court in their youth, in 2000. Most of them were at school at the time; one had to repeat a year. Half of the girls lived with their biological families with both parents, 2 were raised by single mothers, and 2 were with foster families. Most of them had siblings. In most cases their housing conditions were deemed to be good or average.

As adult women, they were first convicted after turning 30. Ten women had had a single conviction (the remaining 2 had 2 and 5 convictions). Half of the women had committed crimes against property, 1 was guilty of assault and robbery, 2 had caused bodily harm, 2 had been convicted of insults and threats, and 1 had committed a crime against economic activity, and another 1 was guilty of drink driving. Two women had broken the law abroad. None of the offenders were sentenced to imprisonment. I'd wager that as far as this particular group of women is concerned, their criminal activity was a single occurrence in the majority of cases and most will continue their lives conviction-free.

## Determinism indeed?

The second half of the 19th century saw the birth of criminology and its positivist approach, which was based on a deterministic concept of man and offenders. It is predicated on the premise that human behaviours have causes, often beyond the individual's influence or control. It questioned why some people commit crimes, while others don't. Spurred by scientific zeal, the proponents of the approach looked for biologically-motivated causes (such as brain trauma or genetic characteristics)

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<sup>20</sup> Only one for theft, the remaining ones for 'other crimes against property'.

or socially-determined causes (e.g. a difficult situation at home or poverty). The trend of critical criminology which emerged in the 1960s included further factors which contributed to offending, such as social inequalities or conflicts between social groups, and it labelled offenders as deviants, leading to their exclusion from society. In other words, the positivist and critical trends propose that certain individuals are, as it were, 'burdened'—with independent circumstances at play they have no choice but to commit offences; alternatively, committing an offence seems like the only rational choice given the circumstances (Błachut et al. 1999: 44–51)—some are simply unlucky enough to have been born in such disadvantageous conditions and into such dysfunctional families that their fate seems to have been sealed from the start.

Yet, just as the classic victimology concept of victim precipitation can quickly lead to victim blaming—which distorts the original idea and harms the victim—so can the criminological idea of the deterministic concept of man prompt fatalism and a belief that there is little point fighting for the life and needs of a person whose circumstances predetermine them towards deviant behaviour and persisting in it. If we look at the qualitative data and analyse individual cases, there is plenty of evidence that in some situations it is not easy to go against the grain and find enough strength to live a stable life away from crime, although, hopefully these women are not doomed.

The last follow-up (from 2017) showed that in the original group of juvenile girls there were 5 women who had at least 10 convictions in adulthood. It may be interesting to take a closer look at their stories, a lot of them alike and offering an insight into similarly deprived childhoods and teenage years leading to troubled adulthoods, where desisting does not come easy. What these 5 women with the highest number of convictions have in common is a much more frequent involvement with the criminal justice system in their youth. In the year 2000 alone, 4 of them had 4 cases each, and 1 had 3 cases. Furthermore, before 2000, each of the girls had appeared before family and juvenile courts. The second common denominator was falling in with the wrong crowd and abusing alcohol at the age of 15–16, including attempting to steal a crate of vodka, breaking into a property to have a drunken party, and committing vandalism while drunk. Sadly, as regards this group of recidivists, too little information was gathered on the family situation and the socio-educational situation to be able to draw any conclusions. What is known is that the housing and financial situation of two of the girls were dire—the places they lived in did not even have toilets.

Another common element shared by the most prolific offenders was joblessness. The last time data was collected, only one of them worked. One woman from the group had never had a job, while the remaining ones took on simple physical tasks regardless of their educational background: 2 women had not continued their education beyond primary school, 1 had a vocational-school education, and 2 women had graduated from secondary schools.



As far as their adult family life is concerned, all the women were officially single (1 was a divorcee and 4 had never been married), but 2 had partners. All 5 women had children (3 had 2 children and 2 had 4), and for the most part they were raising them themselves (1 mother was only raising 3 of her 4 children).

Despite the abundance of offences and the number of convictions, none of the persistent offenders had ever engaged in serious crime, instead committing almost exclusively offences against property. Two women had committed robbery, which in both cases remained isolated incidents. One woman was charged with insulting a public official and another with drink driving. All of the offences combined comprised mainly thefts (4 women) and burglaries (2 women). There had also been cases of document forgery and crimes against economic activity.

Notwithstanding the fact that courts generally refrained from passing immediate custodial sentences with regard to the women in the study (only 32 women had served one in adulthood), all 5 of the women in question had been given the very sentence multiple times (from several to a dozen or so times: both suspended, and unsuspended custodial sentences). Each of them had served sentences a few times. The shortest combined prison time stood at 2.5 years, while the longest amounted to more than 6 years.

In 2017, when we followed up on the women's convictions for the last time, their lives had turned out differently. One of the women had been convicted the previous year, but the remaining ones had had a several-year break in their criminal pursuits. In two cases, it was unfortunately due to imprisonment of the subjects, however, in the other cases, there simply were no convictions over a period of 3 to 5 years. It is certainly impossible to say whether this spells desistance or just a break in the criminal career.

Of all the women who took part in the study, D. W., the most prolific of the offenders—with 18 convictions for 21 offences—was most extensively covered, data-wise. Her name came up twice during the primary research, when we analysed court files from family and juvenile courts for the year 2000, as she had appeared in court twice for punishable offences. At the age of 15 and under the influence of alcohol, she broke into a bookshop with a female accomplice her age and stole hair accessories. The court refused to open the case, on account of the juvenile D. W. having been issued an educational measure in the form of placement at an educational centre,<sup>21</sup> where she'd been for two months already. Several

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<sup>21</sup> In 2000, there were very many minors who committed criminal offences, so many that the educational centres and correctional facilities had fewer places than the number of children for whom such measures were imposed. Therefore, it was not uncommon at the time to wait for months until a place became available, while the children remained at home. The problem was also that isolation measures are imposed on children, not only because of the gravity of their offences, but also due to the conviction of the court that the family environment was so bad and destructive for these minors that for the sake of the child they should be taken away (Górecki and Konarska-Wrzosek 2019: thesis 47). The prolonged stay of a minor in their family generally exacerbated the process of their moral corruption.

months after that, she offended again by breaking into a flat and having a drunken party on its premises. She was accompanied by two male friends, a female friend, and a sister, all aged 13–21. The victim was an acquaintance of the female friend. At the time of the offence, D. W. was already a resident of Youth Educational Centre (she was on leave to visit family), hence the case was dropped. With the second case pending, the court had collected information on the minor's upbringing and found that D. W., who had previously dropped out of school, had resumed her education at a vocational school, while at the centre. It transpired from further records that in the end she left school with only a primary-school education. Very scarce information from the background check indicated considerable challenges with both the minor herself and the functioning of her family. D. W. had a minor learning disability. The course of the two cases related to punishable offences revealed a teenager who was dependent on alcohol, smoked, and was involved with the wrong crowd. She skipped school, ran away from home, and was a regular at a children's shelter.<sup>22</sup> Her family consisted of a stay-at-home mother, a stepfather, and a younger brother all sharing the space of a single room with an open kitchen and no bathroom.

Her older sister— with whom D. W. broke into a flat to drink— was 21 at the time, did not attend any school, did not work, and had a drinking problem. The upbringing environment of the juvenile girl was so morally corrupt that the probation officer in charge of the check recommended that D. W. go on leave from the Youth Educational Centre less frequently, since contact with her family contributed further to her problems.

In 2001, D. W. reached the age of criminal responsibility and was convicted of theft a year later. She received a 6-month custodial sentence,<sup>23</sup> but clearly failed to carry it out in accordance with the court's recommendations, as it was replaced with an alternative punishment of 5 months imprisonment. The subsequent convictions were solely for theft (including a burglary). Also, she'd been imprisoned 5 times. The last conviction dated back to 2014. The sentence was imprisonment, which had already been postponed twice,<sup>24</sup> possibly as a result of the woman's family circumstances. According to the background check of 2017, D. W. was a divorced mother of two, with no steady income (registered as unemployed) and a history of simple, manual work. Financially, she relied on the '500+' child benefit and child support, amounting to 2,000 PLN. In 2017, she was raising two sons: a 6-year-old back in her care since the previous year, after having been taken away, and a baby boy under 12 months of age. The fathers of the children and the woman's mother

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<sup>22</sup> Children's shelters are facilities that reach out to children who have run away from homes or educational facilities and who end up roaming the streets.

<sup>23</sup> This punishment involves doing community service.

<sup>24</sup> Art. 151 of the Executive Penal Code provides that the sentence of imprisonment may be postponed if the consequences of its implementation would be too severe for the convicted person or their family. A case in point might be the responsibility of childcare.

supported her in the parental duties. D. W. maintained constant contact with her family, where the mother and the older sister had been previously convicted and imprisoned. On the other hand, D. W. declared that she had turned over a new leaf, severing ties with former friends, no longer drinking or using. She also emphasised that no criminal proceedings were being conducted against her (although the probation officer pointed out that in 2016 she had been punished for a minor theft).<sup>25</sup> It would seem that in this case at least there was a glimmer of a brighter future, albeit fickle.

## Conclusions

In conclusion, we should hypothesise that (at least in Poland) when describing women who have been convicted more than once, it is not a case of criminal careers. I would suggest considering their acts more as criminal episodes rather than careers. In nearly half of the cases, these acts were concentrated in a rather short period of time (up to 4 years) and were periodically abandoned during their whole adulthood.

As regards all of the surveyed women who were convicted in adulthood, we can never know the reasons why at some point in their lives they decided to commit a crime. However, we know these decisions (or perhaps just an unfortunate set of circumstances?) had nothing to do with ‘mistakes of youth’, youthful immaturity, or a lack of deeper reflection on the consequences that are so characteristic of young people. The first conviction in adulthood (and this is both for women convicted only once as well as for those who were convicted several times) did not necessarily fall in the period of early adulthood. This likely has more to do with the beginning of adult social roles, the need to look after themselves and their child(ren). After all, the majority of criminal acts were crimes against property. One should remember that the overwhelming majority of female recidivists were raising children and that only half of them were in relationships.

The hypothesis that recidivism and other deviant behaviours coexist has been confirmed: half of the recidivists are addicts, most often alcoholics. In the case of 12 girls, these addictions have persisted since they were juveniles. In the case of five female chronic offenders (convicted 10 times or more), we can say that their fate was somehow determined. Their childhoods were difficult, the onset of criminal behaviours was early, in adulthood they did simple manual work or did not work at all, struggling with the need to support their children. They all were sentenced to prison and actually served their sentences.

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<sup>25</sup> In 2016, theft of items worth up to 25% of the minimum salary, i.e. 462,50 PLN, was treated as an offence, not a crime.

Determinism is yet different from fatalism in that it assumes different life scenarios stemming from the same starting point. While fatalism argues that ‘nothing in the future depends on any human actions, because everything has been pre-determined by causes even before our decisions have been made’ (Kotarbiński 1976: 23), determinism insists that even if an individual is burdened by various factors it does not mean they have no control over their life and cannot find a way out or change the course of their life. This altogether optimistic belief leaves room for the hope that the fate of women embroiled in the life of offending and deviation since adolescence is not set in stone. Even those women who have broken the law numerous times, have been in and out of prison, have no education to speak of, and struggle to find even simple employment can find it in themselves to turn their lives around.

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