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Gender and Arrests for Larceny, Fraud, Forgery, and Embezzlement: Conventional or Occupational Property Crime Offenders?

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ABSTRACT

Purpose: Our goal is to address a major debate within criminology – among scholars and practitioners interested in white collar/corporate crime and the gender-crime relationship in particular – regarding the types of offenses and offenders represented within the Uniform Crime Report categories of larceny, fraud, forgery, and embezzlement (LFFE). In particular, we examine whether female versus male arrests are serious, employment-situated offenses or instead represent minor, conventional property crime.
Methods: We utilize detailed offense and incident information from the National Incident-Based Reporting System and New York Crime Reporting Program to disaggregate female and male LFFE arrests into occupational and non-occupational offenses, as well as establish the severity for each specific type of crime.
Results: We find most LFFE offending is non-occupational, especially for females whose arrests are disproportionately for shoplifting, bad checks, and welfare/benefit fraud as compared to male arrests for theft from motor vehicles, transportation fraud, and counterfeiting. For both males and females, most arrests involve small financial loss and misdemeanors or low-level felony charges.
Conclusions: Providing a current profile of female and male property crime, we conclude that arrestees within the summary categories of larceny, fraud, and forgery overwhelmingly represent minor, conventional property crime offenders.

Introduction

Extending back to at least the mid-1970s, a lively debate exists in the gender and crime writings about how to interpret patterns and trends in female (and male) arrests in the summary *Uniform Crime Report* (UCR) categories of larceny, fraud, forgery, and embezzlement (hereafter, LFFE). At issue is whether arrests of female in these general categories signal involvement in conventional property crime versus involvement in occupational or "white collar" crime. On the one hand, using select media cases of women's major frauds (e.g., Martha Stewart, Leona Helmsley) and interpreting UCR female arrests in the LFFE categories as typifying occupation-related crimes by executives, managers, and professionals, one position is that women's advancement in the labor market and upward mobility have considerably reduced or eliminated gender differences in "white collar" and occupational criminality (Adler, 1976; Dodge, 2009, 2015; Muraski, 2009). That this position continues to inform contemporary criminology is evidenced by recent textbook treatments that continue to portray many LFFE offenders as occupationally-situated (Siegel, 2010; Walsh, 2012) and in recent discourse within the empirical gender-crime literature emphasizing the rising female share of "white collar" crime as observed in UCR arrests (Dodge, 2015; Friedrichs, 2010; Mustard, 2011).

On the other hand, some scholars have cautioned that female LFFE arrests more likely represent minor, conventional property crime that is unlikely to be occupational in context. Rather, LFFE arrest statistics are viewed as poor markers of involvement in occupational or business crime and instead involve more mundane frauds (e.g., bad checks, credit card or benefit fraud) and embezzlements involving persons in low-ranking financial or service positions (Daly, 1989; Steffensmeier, 1980, 1989; Steffensmeier, Schwartz, and Roche, 2013; Steffensmeier et al., 2005). These scholars argue that the LFFE categories represented in UCR statistics are broad, covering a heterogeneous collection of criminal acts that make it difficult to determine the nature of the offense as occupational versus non-occupational and that more detailed analyses are needed to establish the types of offenses and offenders actually characterizing female (and male) LFFE arrestees.

Our overall goal in this paper, therefore, is to *dissect the offenses falling into the broad LFFE categories in order to examine whether female and male arrestees are best classified as serious occupational offenders or minor conventional criminals*. In doing so, our analysis explores specifically whether LFFE arrests involve garden-varieties of crime or are better construed as markers of occupational crime, whether arrestees

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are involved in minor or major property crime, and whether there are differences in offenses (conventional versus occupational, minor versus major) by gender. To accomplish this, we employ two unique databases – the National Incident Based Reporting System (NIBRS) and the New York Uniform Crime Reporting Program (NYUCR) – that provide rich offense (e.g., specific types of fraud and theft), incident (e.g., location, monetary value), and offender information that goes considerably beyond the data available in traditional UCR statistics, allowing us to dissect the LFFE categories into occupational versus non-occupational crimes. Where relevant we augment our analysis with information obtained from interviews with police and criminal justice officials who fall within the jurisdictions of our data (e.g., from NIBRS states and New York) about the kinds of offenders and offense conduct typically represented in LFFE arrest statistics.

In addition to clarifying the character of female (and male) offending within the summary LFFE categories, our analysis addresses debates regarding the suitability of UCR data for measuring "white collar" or financial crime more generally. In light of the visibility of the UCR (and similar databases) and the continued reference to LFFE arrests as indicators of "white collar" criminality, our study provides additional empirical knowledge regarding the verity of such claims and also offers a much fuller view than exists about the kinds of illegalities (or offenders) that are actually represented in arrests for larceny, fraud, forgery, and embezzlement. Relatedly, our study informs feminist crime researchers and criminologists about the availability and potential usefulness of alternative data sources for studying gender and crime issues (or crime more generally).

Competing perspectives on female lffe arrests in the UCR

Historically, beginning with the mid-1970s writings of Rita Simon and Freda Adler, the central issue surrounding the debate about female LFFE arrest statistics is between those scholars who assume these offenses are occupationally-related and use them to establish the frequency of "white-collar" crime and its distribution by gender, versus scholars who view their analyses as based on questionable assumptions and instead see these offenses as mainly representing conventional types of minor property crime.

Female LFFE-UCR Arrests Represent Occupational Offending

First published in 1976, Rita Simon's *The Contemporary Woman and Crime* has continuously been updated (with colleagues) and is now in its 3rd edition. In each of the editions, Simon's main interest has centered on explaining the rise in female property crime and the narrowing gender gap in arrests for larceny, fraud, forgery, and embezzlement. According to Simon and Landis (2005) and Freda Adler (1976):

> "As women become more liberated from hearth and home and become more involved in full-time jobs, they are more likely to engage in the types of crimes for which their occupations provide them with the greatest opportunities…Women's participation in financial and white-collar offenses (fraud, embezzlement, larceny, and forgery) should increase as their opportunities for employment in higher status occupations expand" (Adler, 1976: 1-2)."Women's propensity to commit property offenses is in large measure a function of their greater participation in the labor force and of their mobility from lower-to-higher status white-collar positions" (Simon & Landis, 2005: xvii)"As women's abilities, opportunities and aspirations have become less traditional, they not only are more likely to commit upper-level occupational and other "masculine" crimes (e.g., robbery) they also are less likely to commit traditional female crimes "like prostitution and shoplifting [that] are beneath their dignity and abilities" (Adler, 1976: 114)

Simon and Adler's position continues to have broad appeal among many commentators and criminologists who share the view that "women's increased workforce opportunities predicts increased rates of female property crime, especially for larceny/theft, embezzlement, fraud, and forgery" (Small, 2010; see also Albanese, 1993; Dodge, 2009, 2015; Haantz, 2002; Muraski, 2009; Mustard, 2011; Paonita, 2004). Mary Dodge – who has emerged as a recent strong proponent of the view that the gender gap in white-collar crime has diminished as women have more closely attained the same occupational ranks as men – concludes that, while there may have been some validity to earlier critiques of Simon and Adler, "the argument that larceny, fraud, forgery, and embezzlement arrests fail to fall within the definition of white-collar crime or occupational crime *no longer holds true* [our emphasis] as the schemes become more complex, the arrest rates [of females] rise, and monetary gains grow exponentially" (2009: 15).

Female LFFE-UCR Arrests Represent Conventional Offending

Critics of Simon and Adler espouse a very different view of LFFE statistics, seeing them instead as poor markers of occupational offending and of upper-level "white-collar" crime in particular (e.g., Daly, 1989; Geis, 2007; Giordano, 2011; Giordano, Kerbel, & Dudley, 1981; Piquero, Exum, & Simpson, 2005; Pontell, 2009; Steffensmeier, 1980; Steffensmeier and Schwartz, 2014; Steffensmeier et al., 2005). Representative of this alternative position is assessment which, in response to Simon and Adler, agrees with the conclusion that the offending gap between males and females has narrowed over the past several decades for the crimes of larceny, fraud, forgery, and embezzlement (Steffensmeier, 1980; 1989; 1993), but contends that the usual female arrestee in these categories (except embezzlement) committed a non-occupational crime.

> "The typical arrestee within these UCR categories is neither a white-collar nor an occupational offender. Instead, she [he] is arrested for more mundane frauds (e.g., bad checks) and larcenies (e.g., shoplifting) that may reflect traditional rather than new role patterns. Thus, while in fact there may be more employee theft by women today than yesteryear because there are more women in the paid labor force that cannot be extrapolated or deduced from the UCR arrest statistics." (Steffensmeier, 1989: 348)

According to scholars holding this perspective, (a) while arrests for embezzlement typically qualify as occupational crimes, those arrested are frequently low- or mid-level employees and the amount stolen is fairly small (Author cite, 1980; see also Daly, 1989; Holtfreter, 2005), and (b) the ambiguity in FBI arrest data holds not only for women but also for men – larceny, fraud, and forgery arrests are poor indicators of involvement in occupational crime for both sexes and very poor indicators of elite or upper-level "white-collar" crime especially (Schwartz and Steffensmeier, 2007). Among other reasons, it is argued that business and occupational crimes are rarely "policed" by most local police departments who instead are concerned mainly with street and conventional crime, while the investigation of occupational and corporate crime is usually left to regulatory agencies (e.g., Securities and Exchange Commission) and professional associations (e.g., Association of Certified Fraud Examiners).

Instead of women's liberation or changing female work roles, critics suggest that a different set of opportunities could be related to increasingly higher levels of females arrested for LFFE offenses (Giordano et al., 1981; Schwartz and Steffensmeier, 2007). Self-service marketing, credit-based currency, and government-benefit programs provide increasing opportunities for minor thefts (e.g., shoplifting) and frauds (e.g., check fraud) that reflect traditional female roles, risk preferences, and skills (e.g., these crimes don't rely on physical confrontation or force). Likewise, these opportunities occur in an economic context that has forced the emancipation of many women, requiring them to support themselves and their families in traditionally female, low-paying jobs. Indeed, the scarce evidence that does exist suggests that marginality more so than liberation characterizes most female LFFE