

Women and the criminal justice system



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The aim of this work is to define the role factors such as gender, class, familial structure and prior victimization have in the awarding of justice to the female offender. It was found that the criminal justice system has traditionally been more lenient to the female offender based on two factors: gender and class and family structure. However, the criminal justice system finds itself in a legal and moral bind when it comes to prior victimization of the offender, and in differentiating between true victimization leading to a violent crime and the misrepresentation of such a previous state by the defending attorney. These findings should give an overall understanding of the criminal justice system with regards to female offenders and should form a framework within which such inequalities and discrepancies can be discussed.

Introduction

To better understand the criminal offender, it is necessary to understand the role the backgrounds of the offenders play in their path towards crime. The

percentage of female offenders has increased in the recent past, and sociologists, criminal experts and the judiciary have grappled with the damning statistics. Various theories have been put forth to better understand the role race, class, family structure and victimization of the female offender have to play in the rise in crimes by the female gender. While a lot of work had gone into research into these themes individually, a deeper understanding of all these factors and the role they play in the treatment of women by the criminal justice system remains to be analyzed. This essay aims to explain these factors and the role the criminal justice system has to play in offering justice, and support to the female offender.

The criminal justice system and the female offender

“ According to sentencing statistics, nearly a third of women sentenced for indictable offences in 2000 received a community sentence compared with just under a quarter of men” . It can be seen that the criminal justice system has traditionally been lenient on the female offender. In delivering justice, the background of the defendant, the role factors outside the purview of the crime that have contributed to the psycho-social development of the defendant are considered. However, various social and developmental factors also contribute to the low rates of serious crimes by women . While men are not socially connected and do not traditionally worry about children, women are bound to their home and hearth and thus desist from violent crimes. This difference is important to the jury, who consider previous crimes and delinquent history when considering their judicial stance on the offender. Thus, women tend to have less severe judicial outcomes in the criminal justice system.

The role of race and the female offender

According to Koons-Witt and Schram: Two findings are notable in terms of offending differences among females: (a) race conditioned the relationship between offending group and victim(s) sex for robbery incidents and (b) race conditioned the relationship between offending group and the social distance between victim(s) and perpetrator(s) for aggravated assaults. The race of a person has a major role to play in the psycho-social development of the female offender. Racial characteristics such as social conditioning, parenting style, opportunities for education and social development and interaction with other races have always played a major role in the development of the offender. The criminal justice system has also traditionally, not only discriminated on the basis of gender, but also on the basis of race when awarding punishment for crimes, both non-lethal, and lethal. However, in the context of the female offender, unlike gender, race has not played a role in the severity of sentence for a crime, which remains a factor only for the male offender. The effect of race is conditioned by gender while the effect of gender is not conditioned by race. However, the harsher treatment of racial minorities by the criminal justice system is confined more to men, and the lenient treatment of women is found for minorities and whites alike .

Class and family structure and the female offender

Women from the lower and working class have been a priori been excluded from the middle class in their expectations and prior social programming. While the women from the socially backward classes have never been placed in the ‘ good girl’ category, dissimilar to their middle class counterparts, the criminal justice system considers the class of the women while deciding

punishment for a crime. Like race, social conditioning of women offenders depends largely on their social class and existing family structure. Social scientists have long associated class and life-expectations of women in work, at home and in the social context. Delinquency and crime are also associated closely with the class of the offender. The criminal justice system has always considered the class of the female defendant to award punishment.

Victimization and the female offender

Vieraitis, Kovandzic and Britto state: .. women's absolute status is significantly correlated with female homicide victimization rates by intimate partners.. . The role of victimization leading to crime by the female offender cannot be overemphasized. In many cases, the victim turns criminal and the psychological effects of the crime of the woman are an important parameter in understanding the development of the criminal mindset. In many violent crimes committed by women, the victim is mostly the intimate partner who has, in the past, been violent towards their partner. This progression of crime has a major role to play in the psychological and criminal development of the offender and makes it a tough case for the defending attorney and the criminal justice system. The fine delineation between preexisting conditions that lead to the crime and the absence thereof makes the awarding of justice difficult and at time, morally challenging.

Conclusion

The female offender is shaped by her gender, class, familial background and prior victimization. These factors have a major role to play in the psycho-social development of the offender. While the criminal justice system has

traditionally been lenient to the female offender, the rise in crime by women has brought to light these differences and how justice is served to these offenders. A larger meta-analysis of the problem would yield sociological and psychological constructs that may help streamline the justice system to recognize and eliminate errors in jurisprudence.