

Treatment of men and women by the criminal justice system essay

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Executive SummaryThe treatment of men and women in the criminal justice system has some similarities and differences. Considering a case study in the criminal justice system in England, males tend to be more severely punished compared to their female counterparts. This is depicted through the types of crimes committed and time taken in criminal careers. In addition, the level of the court that carries out the sentences, likelihood of imprisonment on committing a crime such as domestic homicide, the type of sentencing and use of provocation defense can be considered. Females are equally disadvantaged when it comes to the correctional system because most of the measures favor men. These include matters related to mother-child contact, programming within the criminal justice system standard management strategies, bail amount, transition to the community and policies on sentencing. However, there are some instances that depict female as well as male offenders being treated equally.

The cases brought out to argue this include the status liberation of women, the mafia women in Italy and the increased female offenders in the United States. Putting in mind the fact that most criminal justice systems deal with male offenders, it then follows that “feminine criminal” are not usually adequately addressed in the system. While the criminal justice system tends to treat women and men differently it is evident from several theorists and authors that the differences usually favor the feminine. It has been noted that official statistics tend to overstate the difference because studies to confirm this sort of exaggeration indicate that women equally tend to commit specific types of crimes more than men. 1.

0 Introduction The criminal justice is a system of practices as well as institutions vested with the mandate of mitigating and deterring crime upholding social control, and sanctioning persons and bodies as well as institutions that violate laws (Samaha, 2005). This is done by the implementation of criminal penalties as well as embracing rehabilitation efforts. It is worth noting that a network of tribunals as well as courts that deal with criminal law as well as its enforcement form a major part of the criminal justice.

It is worth noting that the treatment of men and women in the criminal justice system has some similarities and differences over the years and as such, this paper will objectively discuss the treatment of men and women over the years with respect to the criminal justice system. 2. 0

Literature review Samaha (2005) defines the criminal justice system as a system of practices as well as institutions vested with the mandate of mitigating and deterring crime, upholding social control, and sanctioning persons, bodies as well as institutions that violate laws.

This gives an insight into the treatment of the males and females within this system. Hedderman & Hough bring to light the fact that male offender tend to go through more severe punishment compared to their female counterparts. However, Covington & Bloom (2003), counter this by stating that the females are equally disadvantaged due to some measures in the correctional system.

On the other hand, authors such as Adler & Adler(1975), Simon & Landis (1991) and Fiandaca (2007) have a different opinion in the sense that they

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vividly explain that the male and female offenders are treated equally by the criminal justice system. It is worth mentioning that Joannou & Purvis (1998) point out some important facts such as female offenders being forced to fit in a male dominated area.

3.0 Differences in the treatment

3.1 Males are more severely punished

(a) Case Study of the Criminal Justice System in England

With regard to a paper that was published in the 1991 Criminal Justice Act under section 95, the criminal statistics clearly depicts that most of the people who are caught then convicted are mostly male and as such they tend to be more severely punished compared to their female counterparts. It is significant that in Wales as well as England, for every one female convicted, there were five males convicted (Hedderman & Hough, 1994).

(b) The types of crimes committed

It bears noting that males equally face more punishment compared to females due to the males committing more offences than the females. Moreover, females tend to partake in crimes that entail theft and handling of stolen property, but the high profile and more detrimental crimes are committed by the males.

Consequently, the males are more severely punished considering the statistics noted in 1992 (Hedderman & Hough, 1994) as shown in the table.

Table. 1

Offences	Males	Females
Violence	1310	2
Sexual	1	2
Burglary	132	1
Robbery	1	2
Theft and handling	437	1
Fraud and Forgery	57	31
Criminal Damage	31	115
Drugs	115	93
Other Non-monitoring	93	3

Number in (000) = 100%

428.7100.7

Source: Author

In addition, as per an analysis of the index sample of an offender that had been convicted of a serious crime, it was evident that in case a female was a first time offender, the probability of such an individual being subjected to a sentence that would warrant an

immediate imprisonment was half that of a male first time offender.(c)

Time taken in criminal careers Males are more likely to face conviction

compared to the males, this is because it has been noted that the males

engaged in criminal careers tend to take at least three and a half years

compared to females who take a relatively shorter period of less than a year.

This has resulted in the jurisdiction being more interested in the male

offenders being convicted as compared to the females due to the time that

the females take engaging in criminal activities thus if found the judges tend

to be more lenient.(d) Remands It has been noted with great concern that

the number of female offenders who are remanded in custody is far much

higher in females than in males. Based on the notion that women tend to fall

in the low risk categories, whereas the males fall in the high risk categories,

the end result is unequal treatment. However, studies indicate that in case a

male and female were found to have committed a similar low profile crime

the probability that the male offender would be put on remand was higher

than that of the female offender. On the same note, the prison statistics

suggest that 30% of females who were in remand were sent to prison while

for the males, the figure was 40%. Similarly, the feminine offenders on bail

had a lesser likelihood of receiving a sentence that was custodial and the

figure of such offenders stands at 5% while the male figure is at 10%

(Hedderman & Hough, 1994). With such data, it is clear that the women are

treated in a more different manner compared to the males.

(e) The court that carries out the sentence bears noting that the major

reason put forward for the females receiving less severe punishment

compared to male offenders lies in the court bestowed with the mandate of listening to the offence. This is because the females are less likely to be dealt with at the Crown Court. For instance, in the year 1992, it was only 14% of female being tried for an indictable offence and were about 17 years or more, were taken to the crown Court for trial. Conversely, 24% of male offenders were taken to the Crown Court for the same offence (Hedderman & Hough, 1994). A research done by " Home Office" indicated that in cases that were comparable, the defendants who were unfortunate enough to be sentenced at the Crown Court, were three times more likely to be given a custodian sentence measure up to those who had their cases being heard at the Magistrate Court. Moreover, such cases were more likely to be given a longer sentence.

It is equally notable that the sentencing at the crown court, more often than not favored the females especially when all the socio-demographic factors as well as legal factors were put into consideration (1994).(f)

HomicideConsidering domestic homicide, males a more likely to face imprisonment compared to their female counterparts. Considering an analysis carried out on cases related to domestic homicide, between the year 1984 and 1992, those indicted and were acquitted of all the charges varied among the male and female offenders. Only 4% of males were acquitted compared to 23% acquitted female reprobates. In addition, when it comes to man slaughter, it is documented that 80% of women were found guilty of this crime, while only 61% of males were guilty of the same (Hedderman & Hough, 1994).

However, over two thirds of these males convicted are given a prison sentence, while barely half of the women receive a prison sentence.(g)

Sentencing Disregarding drug related offences, there is a major and significant difference in the sentencing of female and male offenders. Case in point is that fact that when it comes to prison sentences, females are usually given a much shorter sentence compared to males. In 1992, the indictable offence sentence on the females was about 17.7 months in the Crown Court, as per the case study, if the female in question was more than 21 years of age.

On the other hand, the males were given a sentence of 21.1 months (Hedderman & Hough, 1994). These equally give a clear distinction between the male and female sentences employed by the criminal justice system.(h)

Use of provocation defense The provocation defense is usually less easy for women to deploy compared to the males. Recent surveys indicate that about 36% of females who are convicted especially of manslaughter employ this type of defense.

Conversely, approximately 32% of males make use of this defense. When the percentage of offenders is compared to that of the individuals who utilize provocation defense to that of manslaughter offenders, it has been found that the provocation defense was accepted only in 20% of cases that involved the males while 29% was accepted in the cases that involved the feminine offenders (Hedderman & Hough, 1994). 4.0 Female

gendered experience due to some measures that favor men 4.1 Mother-Child Contact As per the Bureau of Justice Statistics, 59% of the females in

the federal prisons and 65% of women in the state prisons had young children. In to the bargain is the fact that the number of children with an imprisoned mother doubled between the years 1991 and 1999. On the same note, in 1995 a study that carried out among Californian female prisoners indicated that 80% of the responses were from mothers. In addition, a majority of them were single mothers with about two children (Covington & Bloom, 2003).

It is notable that separation from children is one of the most detrimental aspects of imprisonment for females with children. This at times results in permanent extinction of the parent-child relationship that existed before the mother went to prison. On the other hand the males are rarely affected by such separation.(a) Management StrategiesThe standard procedures put in place such as restraints, isolation and searches have been proven to have adverse effects on females more than the males, resulting in mental illness and trauma.

In addition, reports indicate that female inmates are more likely to experience instances of sexual or physical abuse compared to male inmates. As per a survey that was carried out in 1994 within the United States jails, about 22% of the females were suffering from post-traumatic stress disorder (PTSD) and that 80% of females had undergone some form of abuse (Covington & Bloom, 2003). Some surprising findings indicated that women were punished more severely compared to the male inmates. This equally puts the female inmates at a disadvantage.(b) Bail amountThe main reason for impose of the bail within the law related to crime was for the provision of

public protection. However, a survey carried out in the United States' female jail inmates pointed out that many feminine offenders are unskilled, poor and undereducated. In the sense that about two-thirds of females were unemployed when they were arrested, while less than a third of the male offenders were unemployed.

On the same note, the employed females were on the lower end of the economic ladder. Thus, women were generally disadvantaged due to their low socio-economic status. Compared to the men, very few women had wealthy business partners that could post bail for them.

Further studies indicate that most women serving jail term were nonviolent offenders that were unable to bail themselves out. In the case where bail is set equally for both male and female offenders, it is more difficult for the women to bail themselves or get bailed out of jail compared to the males.

(c) Transition to the Community Females returning home from jail or prison are more often required to comply with the conditions of parole or probation, access proper health care, achieve financial stability and reunite with their families. However, most of them end up either homeless or in unhealthy environments. Compared to their male counterparts, women end up falling back into their criminal vested lifestyle especially if they do not have strong support within their community to help them pull through.

(d) Policies on Sentencing It is notable that the harsh mandatory minimum sentencing statutes put in place for drug offenses have risen considerably and as such the number of women in both federal and state prisons has equally increased. Considering the fact that in the past, female offenders were

simply given community sanctions, currently they are being given jail sentence. Additionally, between the year 1995 and 1996, there was an increase in the number of women who were arrested in connection with drugs compared to males who only increased by 95% (Covington & Bloom, 2003).

Moreover, the gender-neutral sentencing laws do not recognize the difference between minors and majors in drug organizations. Furthermore, females are more likely to have partaken in criminal activities so as to get money in order to purchase drugs before ending up in jail. As a result of the passage of mandatory minimums with the intention of reducing economic and racial disparities it is the women who have been mainly disadvantaged.

(e) Programming within the criminal justice system Historically, minimal service have been conducted for women and as such both the courts as well as the United states Congress have made it mandatory for the male and female offenders be availed with equal access to services in terms of quantity and quality.

In addition, litigation which basically involves "parity cases" has resulted to an increase in the giving of lower quality services to female offenders. Most of the policies, services and programs, which focus on the numerous men within the criminal justice system time and again, fail to identify alternatives that are culturally and gender-responsive. It however, come with a relief that for over twenty years, a lot of knowledge relating to services specifically for women has been obtained but this information is yet to be made practical in the programs serving women within the criminal justice system. Women

offenders being forced to use the laid down male programs, has made them to be at a disadvantage compared to their male counterparts. 5. 0

Females on the same treatment as males5. 1 Status liberation of womenConsidering a theorist like Freda Adler (1975) who implies that women have over the years developed to be more male-like due to the progressive changes as a result of the liberation of women in terms of status has equally led women to become more prone to crime. In addition, the same theorist document that there has been an increase in the rate and number of female arrests especially where major crimes are involved especially from the 1960s to date (Adler & Adler, 1975).

In addition, Federal Bureau of Investigation (FBI) crime reports equally indicate the same. This shows that in some few and rare instances the criminal activities that are at the same level as those committed by males results in the feminine involved to actually receive the same amount of punishment that the male in the same offence receive. Similarly, the book “The crimes women commit, the punishments they receive” which is a review of the criminal justice system as it shifts its response to crimes that have been committed by women, brings to a close the fact that owing to liberation movements by women, the personnel in the criminal justice no longer treat women as compassionately as before (Simon & Landis, 1991).(a) The mafia women in ItalyThe case of the Mafia women in relation to the criminal justice system, cannot go unmentioned when it come to females being given the same criminal treatment as the males. This is bent on the fact that the number of women related to mafia crimes has risen steadily in Italy. The women found either guilty or in any way associated with the Mafia crimes

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are currently given a sentence that is not any different from a male convict of the same crime.

This came as a result of enlightenment of the criminal justice system after several years of ignorance. It is notable that the role of women within the mafia was misinterpreted and ignored thus the males took advantage of this to employ the women in many operations that were illegal (Fiandaca, 2007).

(b) Increased female offenders in the United States According to the National Institute of Justice (1998) and The Bureau of Justice Statistics (1999-2001), it is worth noting that as the years go by, the number of female that come under the criminal justice supervision has augmented tremendously. For instance, in the United States, the national figures documented since 1980 and 2001 has risen to almost eightfold from 12, 300 to 93, 031, doubling the rate of male increase. In addition, there were just about 600, 000 female in 1990, and by the year 2000, this number was about 1, 000, 000 (Covington & Bloom, 2003). 6. 0 Conclusion

From the research carried using the case study of the England criminal justice system , it is evident that the criminal justice system is less severe systematically to the female offenders compared to the male offenders. However, putting in mind the fact that most criminal justice systems deal with male offenders, it then follows that “ feminine criminal” are not usually adequately addressed in the system.

Case in point is highlighted by an investigation that was carried out by the HM Inspectorate of Probation in England, revealed that the community penalties which were specifically put down for specific female offences were

very limited in terms of range (Hedderman & Hough, 1994). Another important area worth concentration on is the prison, most of which were created with the men in mind and thus female offenders have been forcefully fit in a male dominated area. This is because prisons rarely have the needs of women put in mind. To this day, there are very few female prisons such as the Holloway female prison which are mainly as a result of feminist movements (Joannou & Purvis, 1998). While the criminal justice system tends to treat women and men differently it is evident from several theorists and authors that the differences usually favor the feminine. As the statistics from the case study indicate, it is less likely that women would commit crimes, but some of the official statistics tend to overstate the difference because studies to confirm this sort of exaggeration indicate that women equally tend to commit specific types of crimes more than men (Hedderman, Hough, & Great Britain. Home Office.

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