

# Women and criminal justice critical thinking samples

[Law](#), [Criminal Justice](#)



While the hit Netflix television series “ Orange is the New Black” has succeeded in pulling back the curtain a bit on the situation facing woman in the criminal justice system; popular notions, assumptions and stereotypes of female offenders remain misleading at best or completely false at worst. More importantly, however, public policy continues to ignore the special status of women offenders despite the fact, as the show illustrates, of major differences in the types of crimes in which women commit crimes and the frequency in which they commit them.

Even though the traditional portrayal of women in the criminal justice system emphasizes their presence as victims of crime, especially in gender-based crimes such as in rape and domestic violence cases; a fuller interpretation will show that women represent a significant and growing segment of criminal actors (Bloom, p. 31). However, while the criminal justice system has responded to differences between juveniles and adults, for instance, there has been less movement by policymakers, law enforcement or the courts to make the system more responsive to the needs of women. The criminal justice system, in short, is gender-neutral, and the result has been to treat women offenders just as it treats male offenders.

Nowhere are the effects of the gender neutral system more evident than in than in a comparison of the types of crimes women commit and their treatment for those crimes. According the U. S. Bureau of Justice Statistics, the profile of a typical woman offender reveals that she is a poor, single mother of a young child that was most likely convicted for non-violent, drug-related crime. Moreover, women offenders convicted of a violent crime are more likely to be under the influence of alcohol or a controlled substance

when committing the crime, the crime was a simple violent offence and the victim was likely to have been a person who had previously committed an act of violence against the offender. In essence, your average female convict is a non-violent, addict with a dependent, who is more of a danger to herself than to anyone else.

Although the number of female offenders continues to rise and taking into account the profile of the typical woman convict, the criminal justice system's treatment of women offenders in a highly punitive and inflexible manner has far-reaching effects on the offender, her dependents and the community.

### **Stuck in jail**

The effects of gender neutral criminal justice policies are present from the beginning of the criminal process. The main purpose of bail for pre-trial release is to give a non-violent defendant with connections in the community, as normal a life as possible pending the resolution of the case while guaranteeing that they make all their court appointments. However, because a large number of female defendants are poor and without the financial support of a husband or partner, inflexible bail decisions make it more difficult for them to make bail and gain release (Covington, p. 5). As a result, extended stays in custody put them at risk of losing whatever employment or social benefits they have as well as increases the likelihood that their children will be taken away. It creates a desperate situation where their best solution may only be to continue the criminal activity that originally got them arrested. Most court rules give judges the discretion to waive bail and release a defendant to their own recognizance; however there

is no evidence showing that judges are doing this with more frequency for female defendants based on the fact that most offenders were arrested for non-violent crimes and have children depending on them.

### **Addicted with little chance for treatment**

While correctional trends are changing, the lack of wide-spread acceptance of alternatives to the traditional criminal court such as community and therapeutic courts has had a negative effect on women offenders. To be sure many of the crimes committed by women are better suited for resolution in a therapeutic court rather than through incarceration. Indeed, if the purposes of therapeutic courts are to provide treatment and assistance to defendants who: (1) are guilty of acts where incarceration would be ineffective in stopping the targeted behavior; (2) are addicted to drugs or (3) suffering from mental illness; then they instead of traditional criminal courts should be the primary tribunal where women cases are heard and resolved.

Therapeutic courts could provide women offenders with an incentive to better themselves and avoid re-incarceration. As it stands; however, there is no distinction in how referrals to therapeutic courts.

### **Gender blind sentencing**

In most jurisdictions, a person convicted of a drug crime is subject to a gender-neutral mandatory minimum sentence. While judges have the ability to go outside the sentencing ranges set forth in the policy, most rarely do because it requires a well-founded explanation as to why the mandatory minimums were not applied and it opens the judge's sentence to appeal. The practical effects of mandatory minimum sentencing for women offenders, the

majority of whom are convicted of drug-related crimes are many. First, mandatory minimums have increased the number of women convicts many of whom, as shown in the Netflix program, were not the main actors in the crime but rather bit players that got involved because of coercion, as well as social and cultural pressures. Second, mandatory minimum sentences often lead to the automatic imposition of long-term sentences on women offenders who have little or no prior record. As stated above, longer sentences affect a woman offender employment and childcare options. Finally, mandatory minimums often include strict and extensive after release supervision or probation that makes it likely that a women offender reoffend by way of missing a probation meeting and risk further incarceration.

## References

Bloom, B. E., Owen, B., & Covington, S. S. (2004). Women Offenders and the Gendered Effects of Public Policy. Retrieved on July 1, 2014, from

<http://cooley.libarts.wsu.edu/schwartzj/pdf/bloom.pdf>

Covington, S. S., & Bloom, B. E. (2003). Gendered Justice: Women in the Criminal Justice System. Retrieved on July 1, 2014, from [http://www.](http://www.stephaniecovington.com/assets/files/4.pdf)

[stephaniecovington.com/assets/files/4.pdf](http://www.stephaniecovington.com/assets/files/4.pdf)

Greenfeld, L. A., & Snell, T. L. (1999). Women Offenders. Retrieved on July 1, 2014, from <http://www.bjs.gov/content/pub/wo.pdf>

The Sentencing Project. (2007, May). Women in the Criminal Justice System: Briefing Sheets. Retrieved on July 1, 2014, from [http://www.](http://www.sentencingproject.org/doc/publications/womenincj_total.pdf)

[sentencingproject.org/doc/publications/womenincj\\_total.pdf](http://www.sentencingproject.org/doc/publications/womenincj_total.pdf)

Van Voorhis, P. (2012). On Behalf of Women Offenders: Women's Place in the

<https://assignbuster.com/women-and-criminal-justice-critical-thinking-samples/>

Science of Evidence-Based Practice. Retrieved on July 1, 2014, from  
<http://cjinvolvedwomen.org/sites/all/documents/Publication%20copy%20of%20Vollmer%20address.pdf>