

Youth Justice in America

Chapter 9

Female Offenders: Facing harsher or more lenient treatment?

Objective: To explore the increase of female offenders in the criminal justice system and whether these offenders face harsher or more lenient treatment.

Focus Questions: Should men and women be treated differently by the criminal justice system? Do women and men face the same issues when they are serving prison sentences?

Issues:

- Over the past two decades, there has been an increase of women committing crimes and committing more “male” crimes, such as armed robbery, murder, and drug-related crimes.
- This increase appears to fly in the face of popular perception of women as gentle, sweet and innocent.
- Many argue that this perception contributes to leniency on female offenders by the criminal justice system, citing fewer death penalty sentences imposed and shorter sentences of jail time.
- Some argue that it is paternalistic attitudes and sympathy by males that contribute to such leniency; women judges and jurors might be less sympathetic.

- However, others argue that women receive harsher sentences and punishment and receive less sympathy.
- Many mention that women serve a longer portion of their sentences than men, because women’s prisons are less crowded.
- States also have far fewer prison alternatives for nonviolent female offenders than for males.
- Women’s prisons tend to provide few job-training programs, and the programs offered provide limited vocational training. Their options are limited to homemaking or clerical work and so may be their rehabilitation.

-Also, many women are victims of physical or emotional abuse themselves.

What about children? -Many judges and researchers are beginning to focus their attention to the impact incarceration of female offenders have on their children.

-They argue that this issue specifically concerns women because of the mother-child bond and that in many cases, these offenders are single mothers.

-Often women lose all contact with their children, and most states have only one or two prisons for women; thus, they are shipped farther from their homes, making it difficult for children and families to visit.

-Judges are searching for solutions. Some, in the interest of the children, are sentencing female offenders to probation instead of prison, even if temporarily.

Exercises:

- Written: --Write an essay addressing the following questions. Should men and women be treated differently in terms of prison sentences or convictions? Why do you think there is an increase in female offenders? Do you think women or men are more sympathetic to female offenders? Why?
--Should children and their welfare play a role in courts' attitudes toward female offenders? If so, propose guidelines or suggestions for judges to follow when sentencing female offenders who have children. Does the age of the children matter? What about the offense? Explain.
- Oral: --Have a class discussion regarding this issue. Do your students feel strongly one way or the other? Any personal experiences with this issue?
--Hold a class debate. Have one side argue for total equality and have the other side argue for disparate treatment.

Resources: -Shelly Feuer Domash, *Violent Crimes by Women Increasing*, NY TIMES, Jun. 24, 1984 (discussing increase, specifically in drug-related crime).
-Michael deCourcy Hinds, *From Bench, Aid for Women in Prisons*, NY TIMES, Oct. 15, 1993 (detailing judges' reactions to female offenders and their children).
Updated DOJ Report of Female Offenders:
<http://www.ojp.usdoj.gov/reports/98Guides/wcjs98/execsumm.htm>.