

Gender dynamics shift in criminal involvement

The past 40 years have caused massive changes in the way women are sentenced

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In the past 40 years, incarceration rates among women have increased exponentially. While men are still the leading perpetrators of crimes in the United States, it appears that the way in which gender roles traditionally operate with regards to crime has shifted entirely.

One theory as to why incarceration rates among women have increased has to do with the recent dispelling of an age-old narrative of women being the victims of crime. Media for the longest time disseminated the idea that traditionally, white women were the primary targets of crime, rather than the perpetrators of the crime itself. This could have resulted in more sympathetic jurors, which is why this demographic is statistically apt to receive lighter sentences even today.

“As white women’s perceived vulnerability is magnified by media messages on danger, middle-class white women emerge metonymically in the discourse on fear of crime,” Director of Women’s and Gender studies at College of Charleston, Kristen De Welde wrote in a 2003 study focused on race, gender and class. “[Media portrayals] rectify the public [and] private split [between men and women] by encouraging women to remain ‘safe’ in their homes away from crime-ridden streets.”

People digest these stereotypes on a day-to-day basis. It is no surprise that juries, when deciding the fate of a white woman, are swayed to let them off with a lighter sentence.

“Overall, we found that female defendants receive more lenient sentence outcomes than their male counterparts,” Jill K. Doerner, Associate Professor of Sociology wrote at Rhode Island University in her 2012 study called “Gender and Sentencing in the Federal Courts: Are Women Treated More Leniently?”. “Even after controlling for legal characteristics, a substantial gap in sentencing outcomes remains.”

This phenomenon in the United States judicial system is not a recent development. This fixed view of a white woman’s

“innocence” has existed in this country for centuries. Various historians attribute disparities in the courts to narratives pushed during Reconstruction, following the Civil War.

“Particularly in the post-Civil War era, when slavery had been undone, white male politicians used the fear of rape of white women by black men to codify racial terror,” author and scholar Rebecca Edwards in her book “Angels of Machinery: Gender in American Party Politics From the Civil War to the Progressive Era” wrote. “White politicians have long focused their furor by claiming to be the defenders of white women, a last guard against their suffering.”

However, recent events in the country have marked a shift in this age-old narrative. While the perpetuation in the media of white women’s innocence in some ways has remained the same, more and more women are being held accountable for their crimes in courts of law.

Elizabeth Holmes of Silicon Valley has been the recent face of women in crime as she was found guilty on four charges of defrauding investors. Holmes, former CEO and biotechnology entrepreneur, now faces up to 20 years in prison as well as a fine of \$250,000 for each count because of claims to investors that her created blood testing was particularly innovative. While making these claims to investors and patients, Theranos-Holmes’ company was relying on third-party manufactured devices from traditional blood testing companies.

Additionally, Ghislaine Maxwell was convicted of five federal sex trafficking charges after a jury came to the speedy decision that Maxwell played a part in Jeffrey Epstein’s grooming and abuse of teenage girls. Maxwell has been charged with and faces up to 65 years in prison because of her involvement; the judge has not set a sentencing date for Maxwell. One thing does remain certain; however, Maxwell was found undoubtedly guilty very quickly.

“Testimony started Nov. 29,” AP News journalist Mallika Sen wrote Jan. 20, 2022. “We had a verdict Dec. 29. The whole trial was

initially set to last six weeks, but the witness list for both sides were dramatically truncated without explanation. The jury took five days to decide the case.”

Both of these women represent something much bigger than just themselves and their crimes; they are representative of the shift of women’s involvement in crime. These women, along with many women in America, are beginning to take up lives of crime that used to seemingly be reserved for men.

“Over the past quarter century, there has been a profound change in the involvement of women within the criminal justice system,” the Sentencing Project, a D.C. based research and advocacy center working for reducing the use of incarceration in the United States, wrote in 2021. “This is the result of more expansive law enforcement efforts and stiffer drug sentencing laws. The female incarcerated population stands over seven times higher than in 1980.”

Since 1980, incarceration rates among women have been increasing rapidly, although they are still not the same as incarceration rates among men in the United States. However, it seems that strides have been made to close this gap between sentencing among men and women.

“Though many more men are in prison than women, the rate of growth for female imprisonment has been twice as high as that of men since 1980,” wrote the Sentencing Project in 2021. “There are 1.2 million women under the supervision of the criminal justice system currently.”

Some attribute the rate of growth for female imprisonment to recent advancements in technology. New developments in DNA research and profiling technology have, for many court cases, reduced the subjectivity of the defendant’s case.

“I think part of the reason [why incarceration rates among women have increased] is because our technology has increased so vastly,” said upper school psychology teacher and science department chair Amy Henderson. “We just have so many more ways to process evidence and to find DNA than 40 years ago, we

would’ve just looked at the case and said ‘oh, a woman couldn’t have done this.’ Now, because of technology we know that it is possible.”

While technology can aid in reducing subjectivity of a jury, there still remains to be an uptake in crime among women. The one common thread among these women who have been engaging in crime is that they are struggling with mental illness.

“Mental health over the past five to 15 years has gone down and maybe it’s a way for women to cry for help,” forensic psychologist Antoinette McGarrahan of McGarrahan & Associates said. “I still do see a substantially larger amount of males, but after doing competency evaluations of the women I do see mental illness is much more common in [females] than males.”

Perhaps the shift this country has experienced has come with social changes that have occurred over the past 40 years. Looser gender roles in social settings and, more specifically, a change in socialization of children could be attributing to a change in the way women act today.

“[Incarceration] rates may be going up because there’s a shift in less stringent gender norms,” McGarrahan said. “From the late ‘90s to the present, people have stopped stereotyping boys and girls as much. There could be encouragement for women to express themselves more externally and, negatively, they are more likely to then commit crimes.”

More and more, women are being convicted of crimes in this country. Whether it is that more women are feeling the need to commit these crimes, sentencing has become stricter or juries have plainly become more apathetic, the sentencing gap is closing in.

“Women are allowed to be whatever they want to be now, ideally and obviously that gives them room in the world for crime,” junior Amelia Sinwell, president of ESD’s Progressive Student Union, said. “As opportunity for women in every single aspect of the world increases, that opportunity is going to extend to all sorts of places.”



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