

The Public Safety Impact of Women's Sentencing

Stephanie Kennedy – Policy Director, Council on Criminal Justice

Research Questions

- What do we know about **sentencing** by sex?
- What do we know about **time served** by sex?
- What do we know about **recidivism** by sex?

What Do We Know About Sentencing by Sex?

Women are arrested at lower rates than men

- Women have lower arrest rates, though they now account for more than a quarter of adult arrests
- Women are more likely than men to engage in property and drug crimes versus violent crime

Women are more likely to receive probation, shorter sentences than men

- In federal system, women are more likely than men to be sentenced to probation
- Sentence length in state prison varies widely (*more in a moment*)
- Bontrager et al. (2013) meta-analysis on studies published 1960-2006
 - 1980s: 83% of studies showed women received shorter sentences
 - 1990s: 100% of studies showed women more likely to receive a sentencing departure and less likely to be sentenced to prison
 - 2000s: Only 60% of studies showed women more likely to have a sentencing departure; 40% showed women receiving shorter sentences
- Note: Few studies in the 1980-90s controlled for criminal history or offense severity

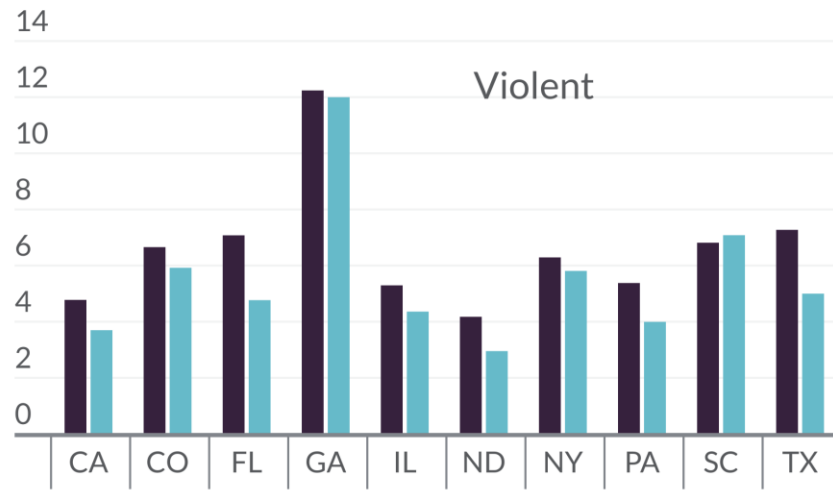
Women are less likely to be sentenced to prison than men, except for violent crime

- 2006 study: Random sample of 7,700 people convicted in TX in 1991 (12% female)
 - **Property and drug crimes:** Women less likely to be sentenced to prison and those who were received shorter sentences
 - Men 2-3x times more likely to receive prison sentence versus deferred adjudication or probation
 - Men's sentences were 2-3 years longer
 - **Violent crime:** Women and men equally likely to be sentenced to prison, but women received substantially shorter sentences
 - Men's sentences were 4.5 years longer

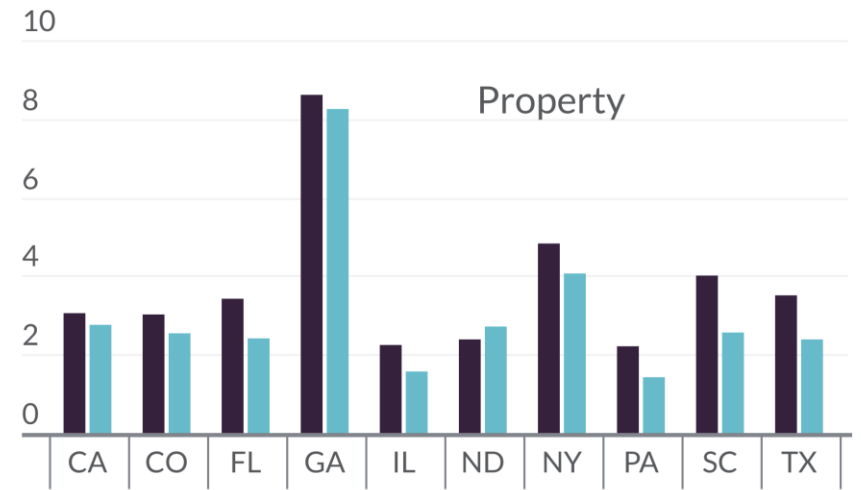
Criminal history has a significant impact on sentence lengths

- 2008 analysis of 22,000 federal narcotics cases
 - Women's sentences were 17% shorter on average, controlling for extralegal, legal, and case-processing factors
 - **Criminal history was key**
 - Lower Criminal History (1-3): Women received shorter sentences than men
 - Moderate Criminal History (4): No difference
 - Higher Criminal History (5-6): Women received longer sentences than men

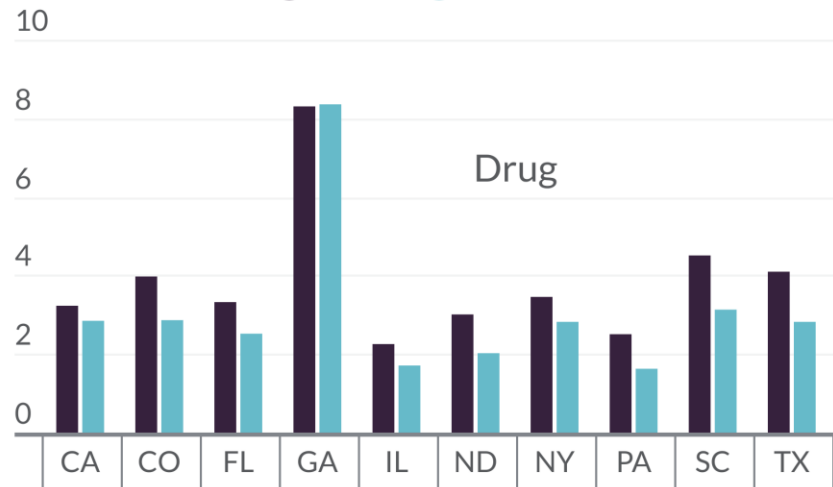
In 2020, sentence lengths varied more by state than by sex



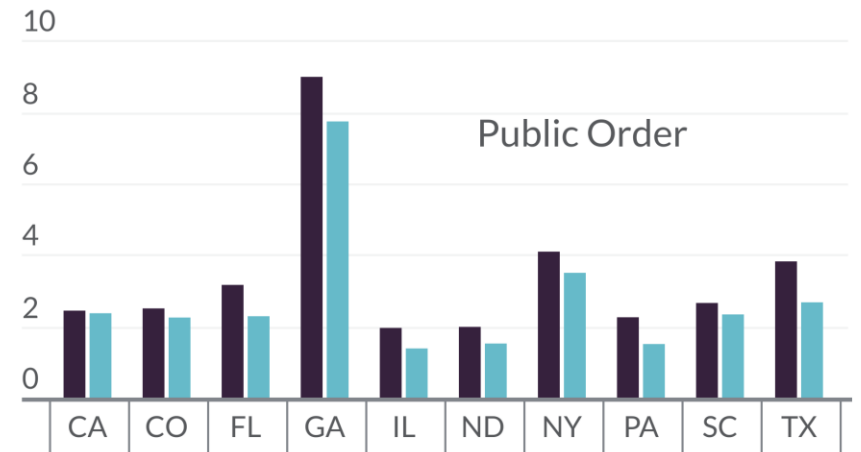
● Men ● Women



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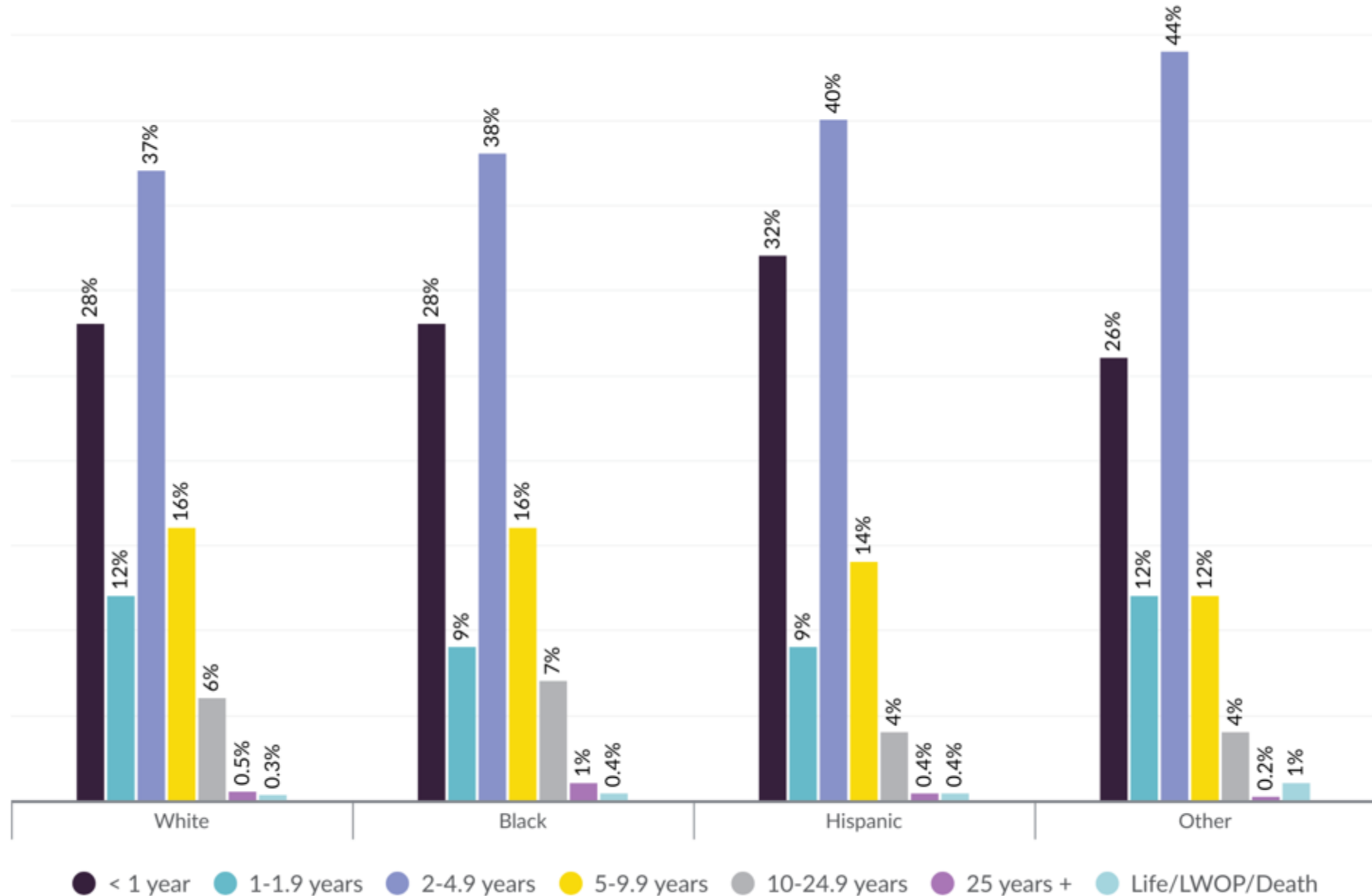
● Men ● Women

Source: National Corrections Reporting Program Restricted Files

Most women have sentences < 5 years

Women more likely than men to be sentenced to < 1 year

Black women more likely to have longer sentences



Source: National Corrections Reporting Program

What Do We Know About Time Served by Sex?

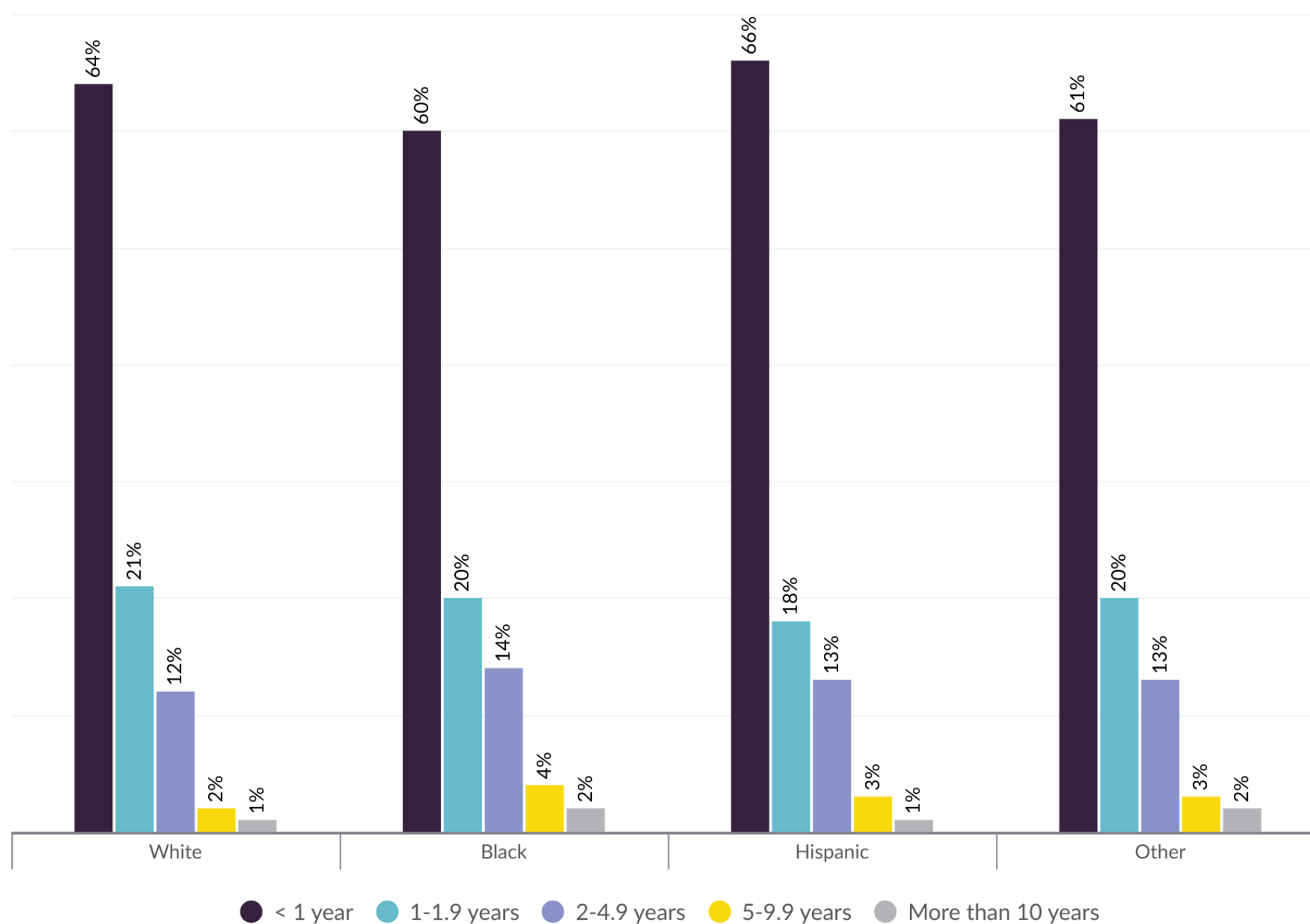
Women serve shorter sentences than men

- Women serve shorter jail sentences than men
 - 2022: women averaged 19 days, men 36 days
- Women serve 11% shorter federal prison sentences than men

80-85% of women serve < 2 years

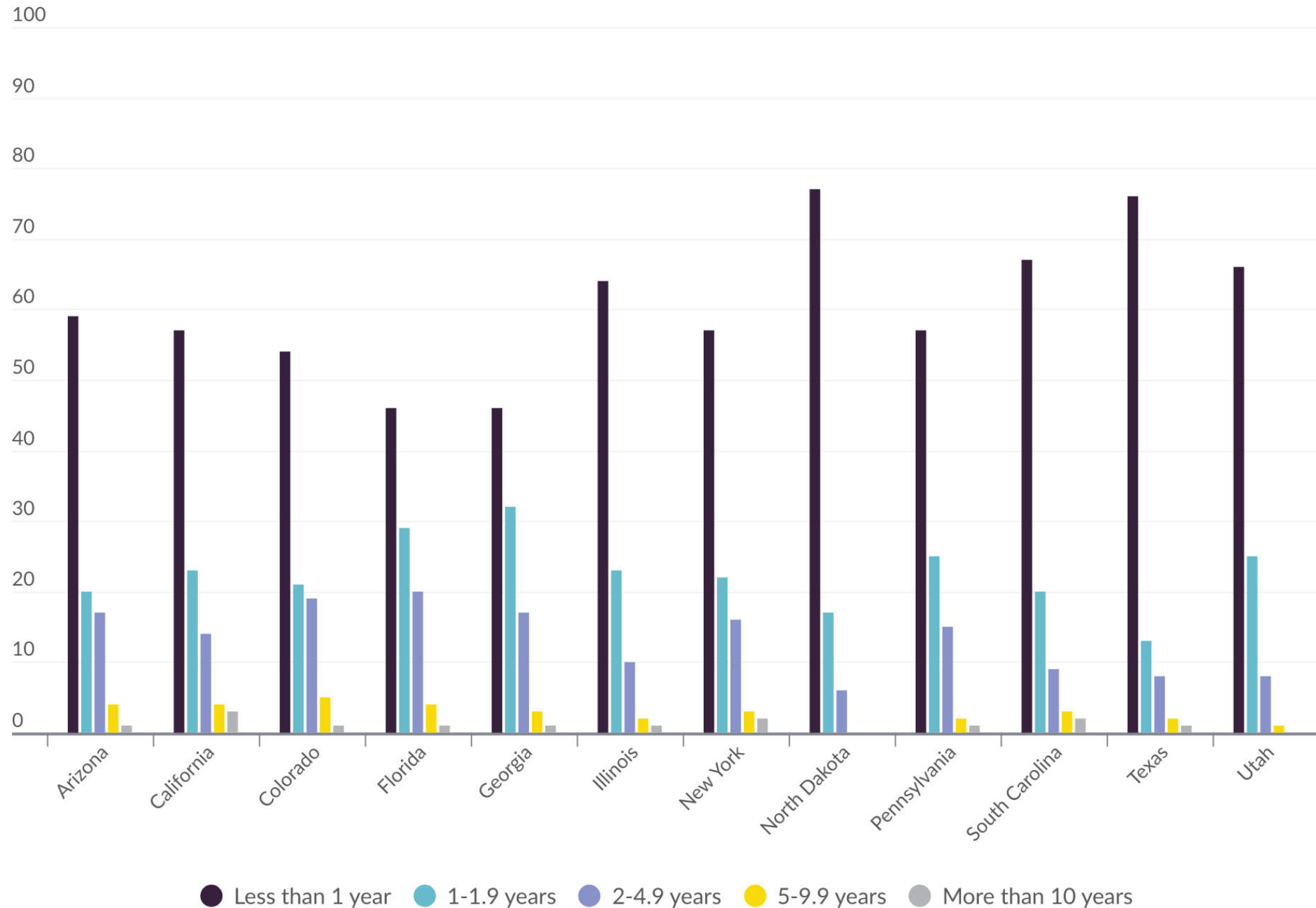
White & Hispanic women slightly more likely to serve to < 1 year

Black women more likely to spend longer in prison



Source: National Corrections Reporting Program

46-77% of women serve < 1 year in prison



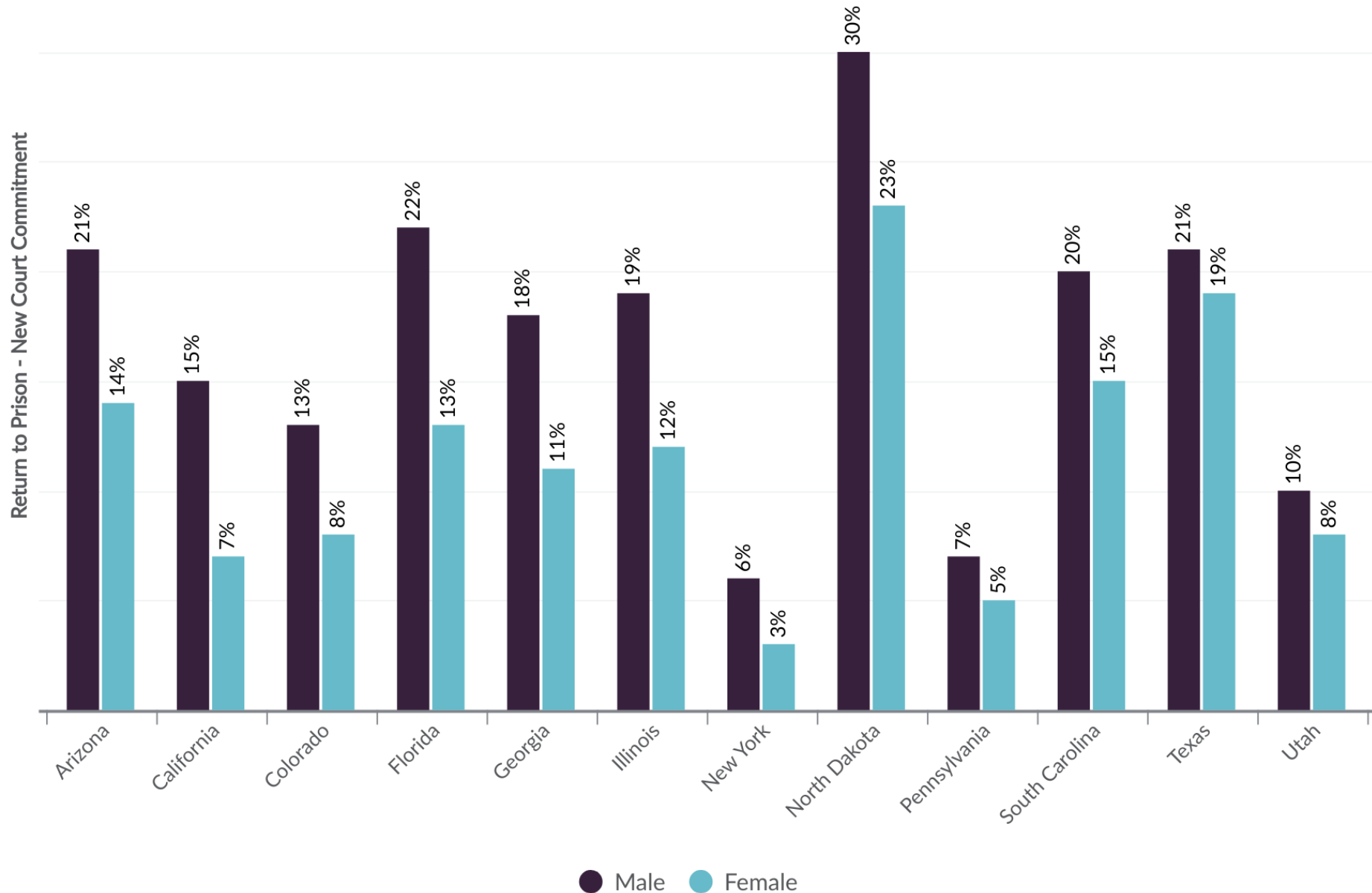
Source: National Corrections Reporting Program

What Do We Know About Recidivism by Sex?

Women recidivate at lower rates than men

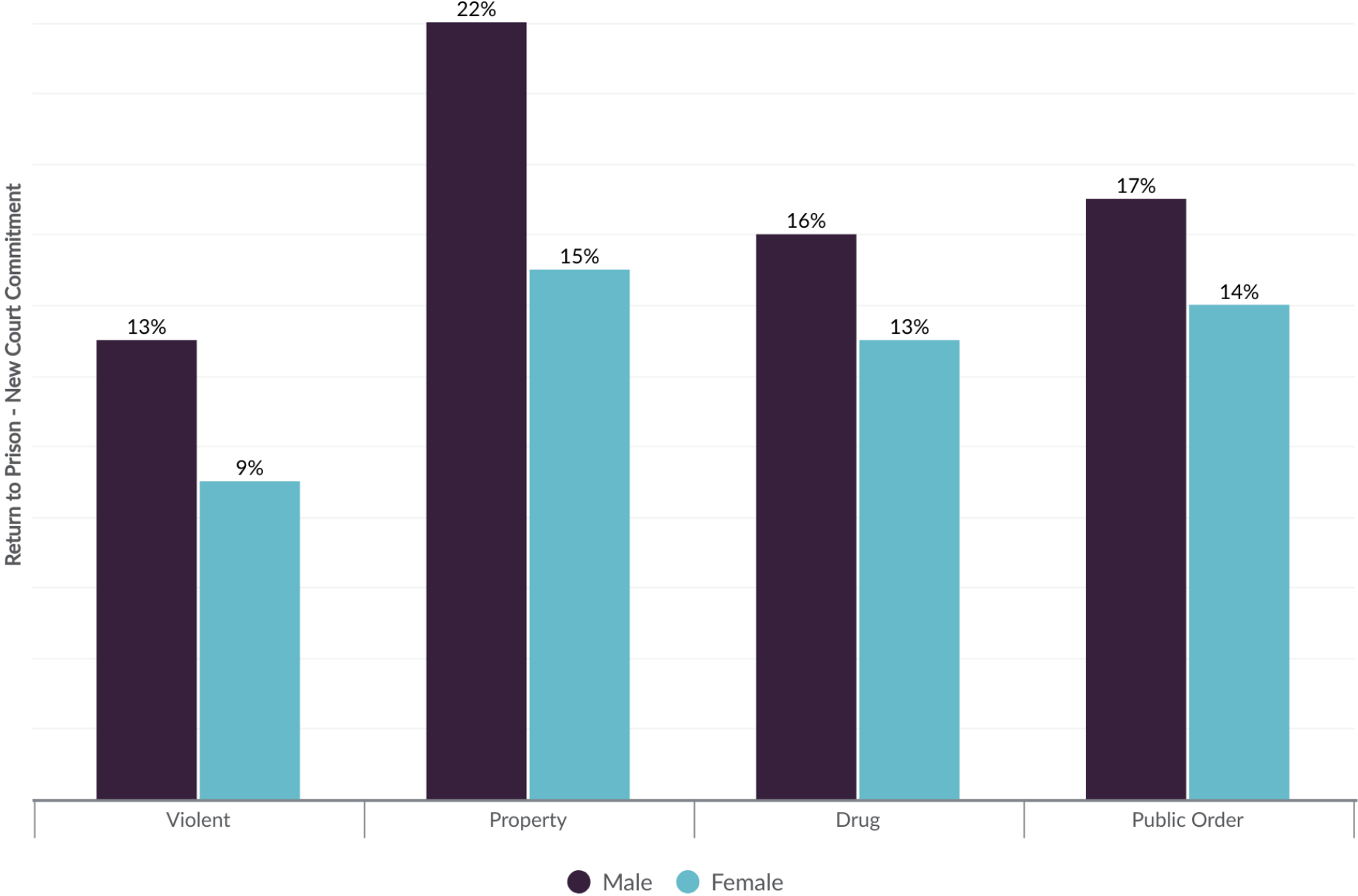
- Women have lower recidivism rates than men
 - 35% of women, 45% of men were rearrested in 12 months
 - This gap narrowed in subsequent years (2012 release cohort)

There is broad state variation in 3-year return to prison by sex



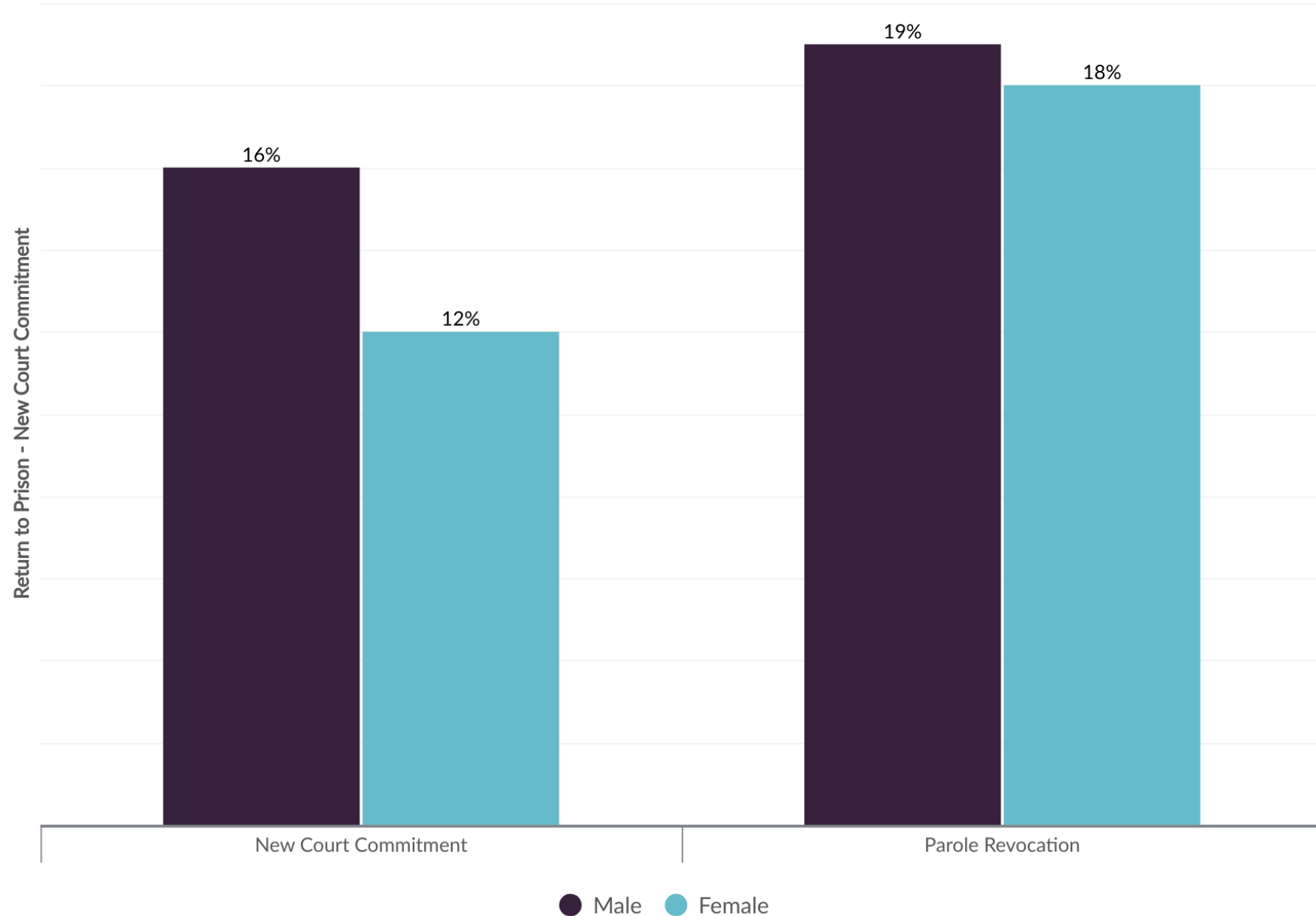
Source: National Corrections Reporting Program

Women are less likely to return to prison regardless of offense type



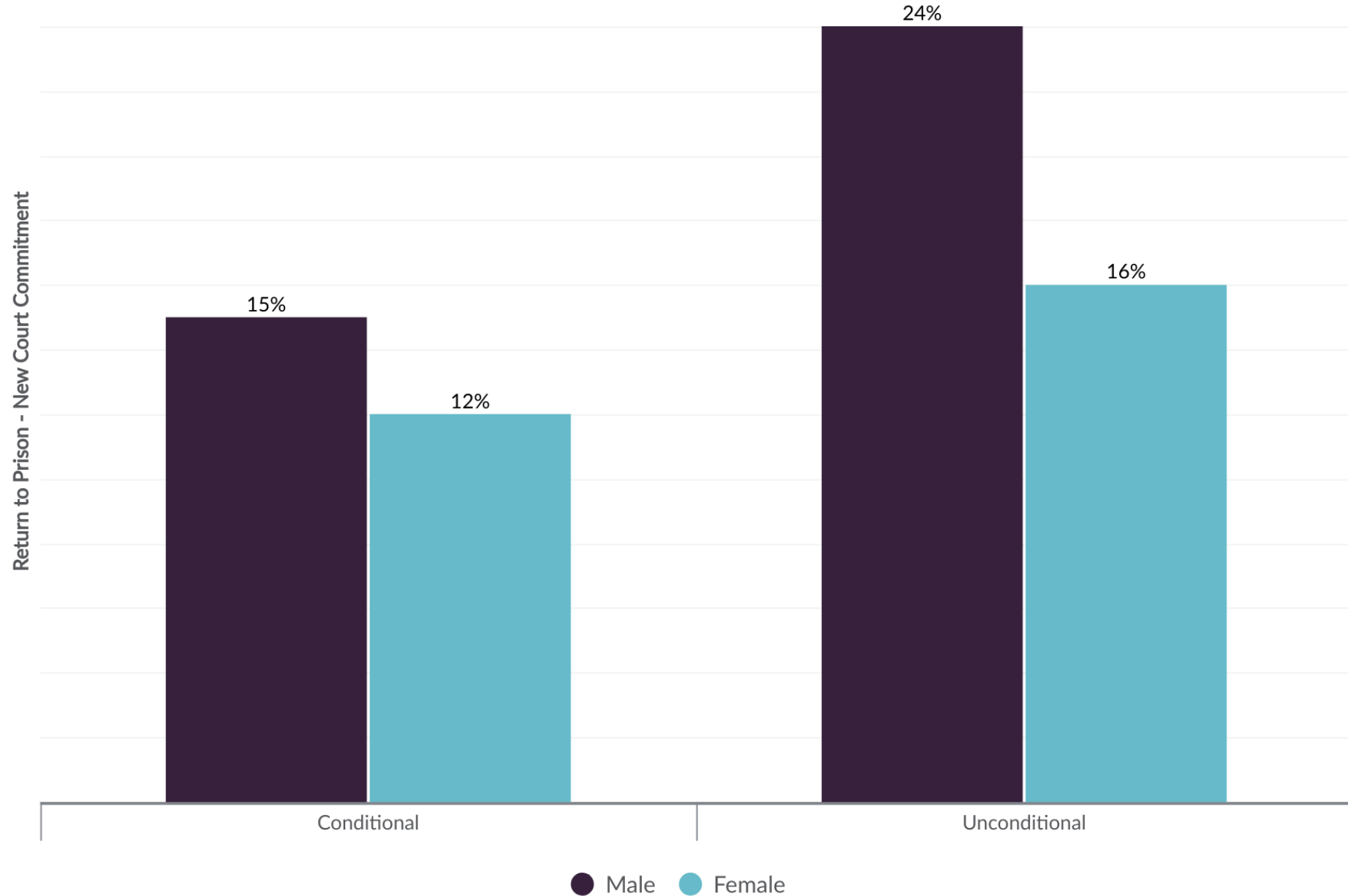
Source: National Corrections Reporting Program

Women are less likely to return to prison on a new court commitment



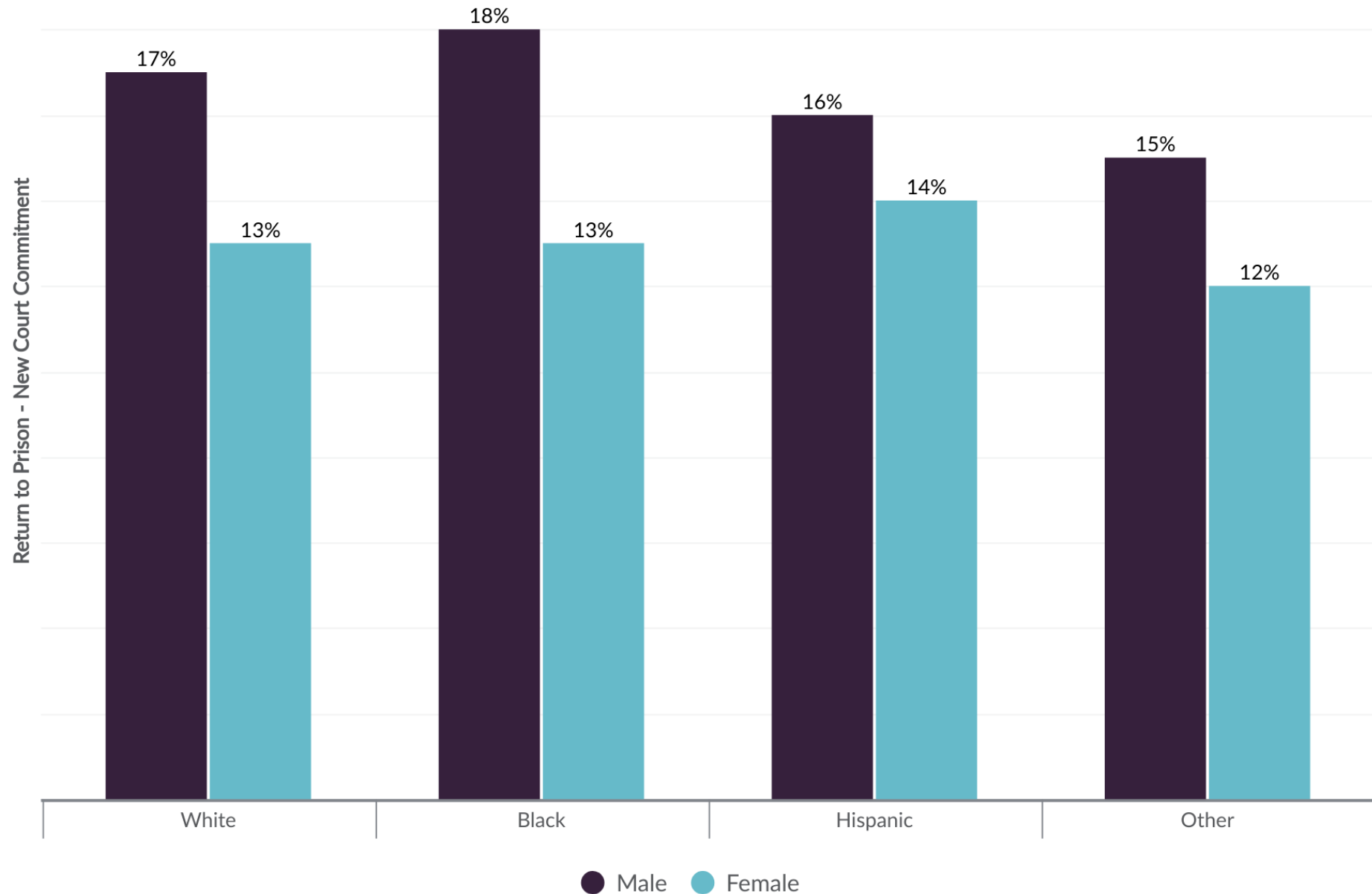
Source: National Corrections Reporting Program

Women are less likely to return to prison regardless of release type



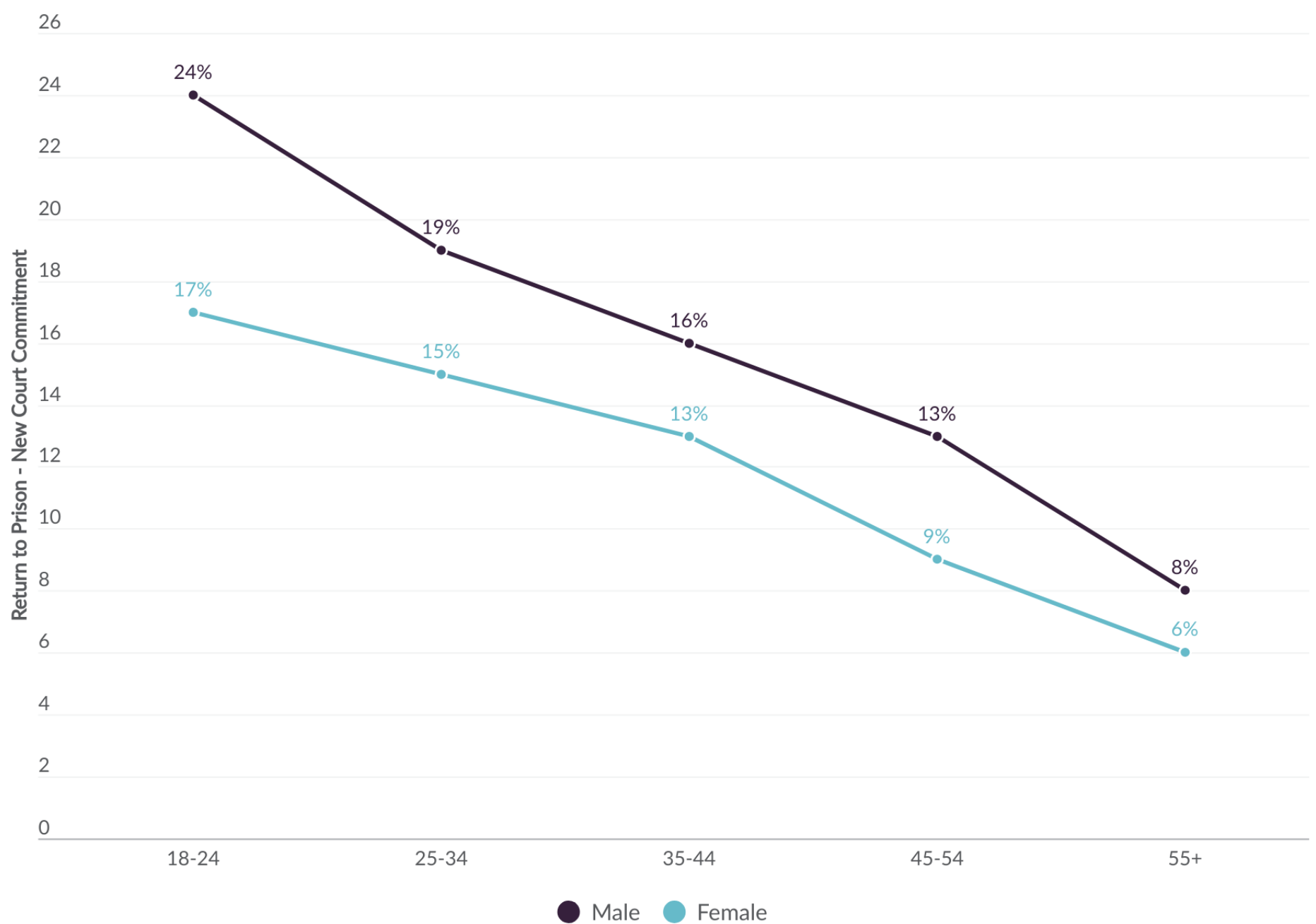
Source: National Corrections Reporting Program

Women in all race groups are less likely to return to prison



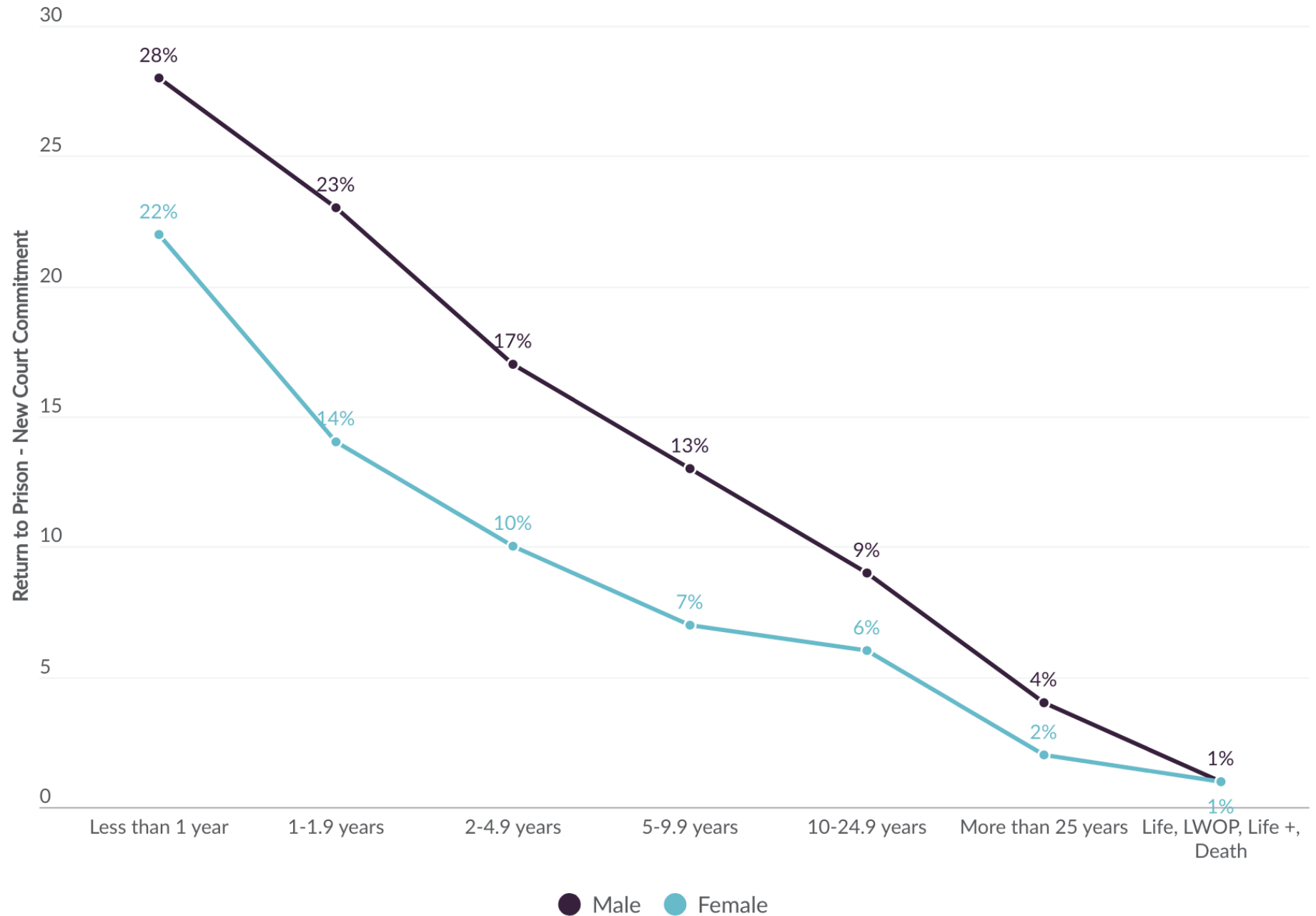
Source: National Corrections Reporting Program

The youngest women return to prison at roughly the same rate as middle-aged men



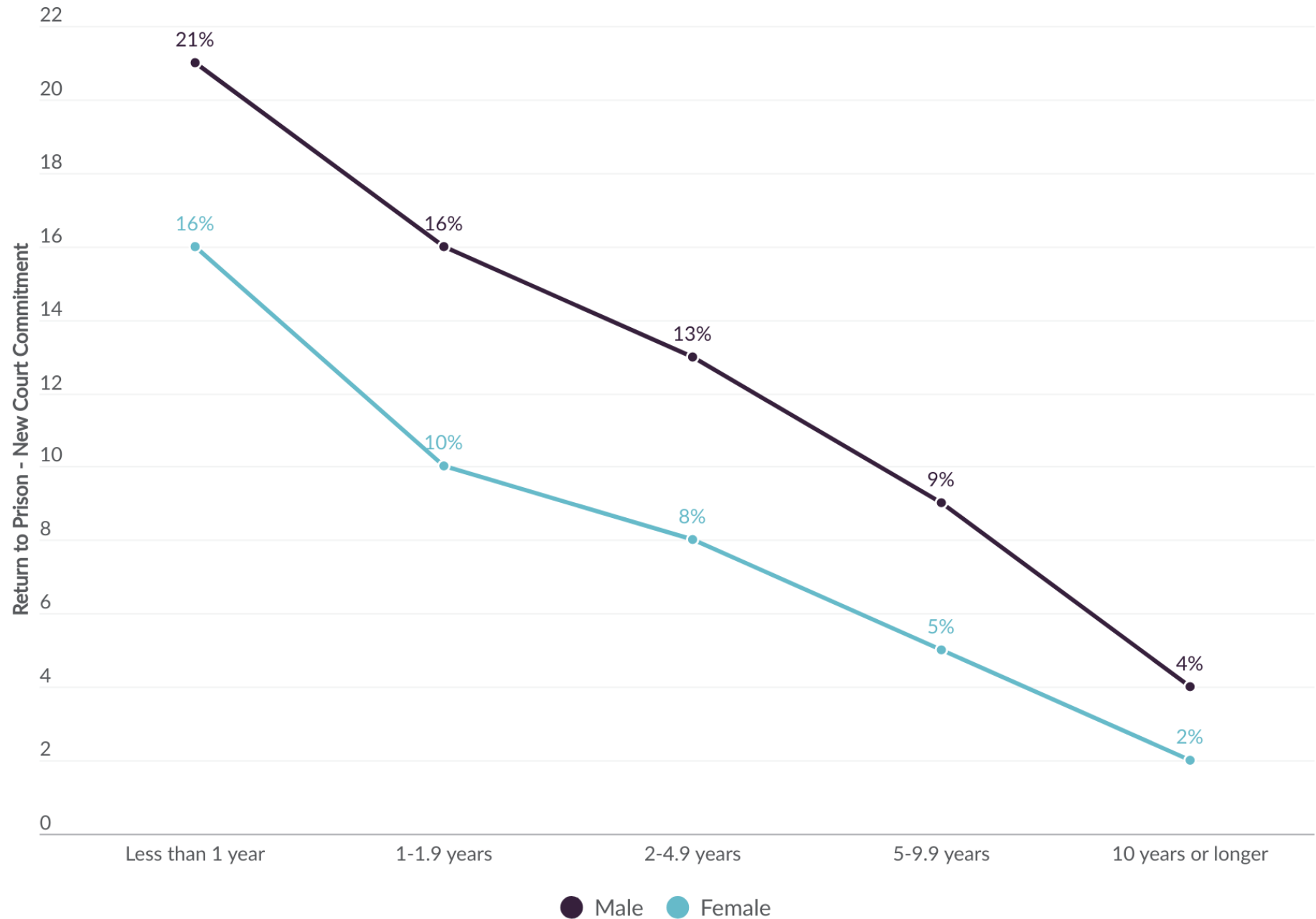
Source: National Corrections Reporting Program

Women sentenced to < 1 year return to prison at roughly the same rate as men sentenced to 1-2 years



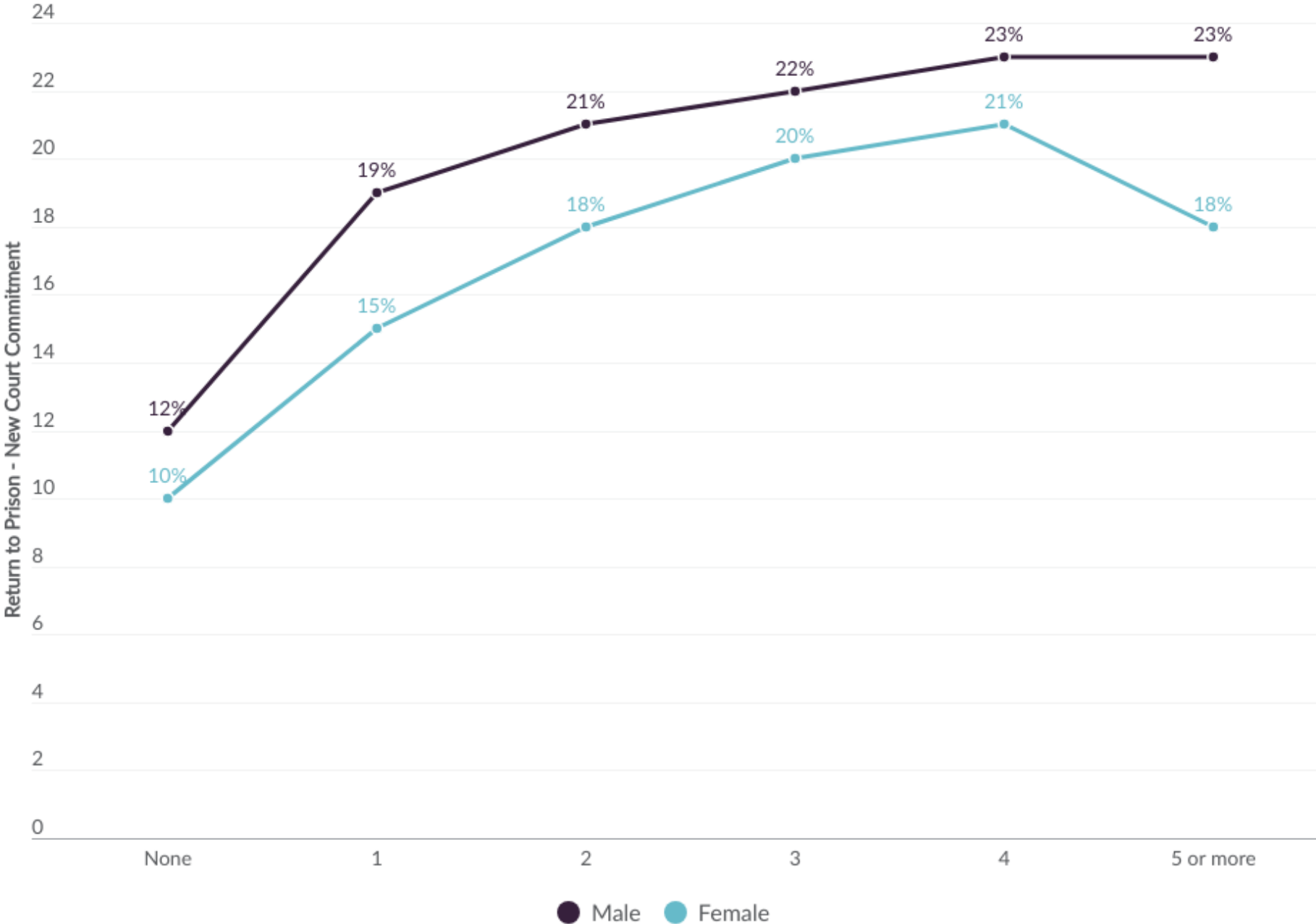
Source: National Corrections Reporting Program

Women who serve 1-2 years return at roughly the same rate as men who served 5-10 years



Source: National Corrections Reporting Program

Women with 4 prior admissions return at roughly the same rate as men with 2 prior admissions



Source: National Corrections Reporting Program

Key Takeaways

- Women are more likely to receive probation, shorter sentences than men
- Women are less likely to be sentenced to prison than men, except for violent crime
- Women serve shorter sentences than men
- Women recidivate at lower rates than men
 - The highest-risk women have the same return to prison rates as medium-risk men on all metrics
 - Women appear to desist from crime at younger ages than men

Sources

This presentation includes original analyses of the National Corrections Reporting Program by Avinash Bhati at Maxarth LLC and Aislinn Wallace, PhD candidate at Georgia State University.