

# Courts treat intoxicated women twice as harshly as men facing same assault charges

October 19 2018

---

Women are twice as likely as men to receive harsher sentences for assault offences when alcohol is a contributory factor, according to new research from the University of Liverpool.

Dr. Carly Lightowlers, from the University's Department of Sociology, Social Policy and Criminology, studied data collected as part of the Crown Court Sentencing Survey (CCSS). The CCSS examined 30,861 cases heard between the second quarter of 2012 and the end of 2014 – subsequent to the adoption of revised [sentencing guidelines](#) for [assault](#) in 2011.

Dr. Lightowlers found that while being 'under the influence' increased, or aggravated, [sentencing](#) outcomes across the genders – in line with guidelines – the rise in sentence severity for female offenders was significantly higher than for male offenders, even when any other mitigating or aggravating factors were taken into account.

This applied both to the likelihood of a prison sentence being applied, and the length of that sentence.

Dr. Lightowlers said: "While the chances of a female offender going to prison, or attracting a more severe sentence, was still lower than for her male counterpart, the increase in probability where [intoxication](#) featured in an offence for females was more than twice that applied to male defendants.

"These findings likely reflect widely held norms and beliefs about both gender and intoxication, which shape views about how 'deserving' an individual is of punishment, and thus raise concerns about how intoxication and gender equality shape sentencing practice.

"At the very least, they suggest intoxication remains a contested sentencing factor, as its influence does not uniformly aggravate male and female offending."

Using an example of an offence of actual bodily harm, the study found the probability of a custodial sentence was lower for women than for men – both when sober and intoxicated.

However, when intoxication was cited as an aggravating factor it didn't have the same impact for male and female defendants. The aggravation – the increase in probability of a custodial [sentence](#)—applied by the judge was 13.4 percent, over twice that applied to male defendants at 5.7 percent.

Dr. Lightowlers suggests the findings could be a result of the perception that alcohol consumption and violence go against traditional notions of womanhood, and that these are reinforced when sentences are handed down.

In the study, *Drunk and Doubly Deviant? The Role of Gender and Intoxication in Sentencing Assault Offences*, published by the *British Journal of Criminology*, Dr. Lightowlers refers to the 2007 Corston report which broadly recognised that responses to female offending ought to be "gender-specific, respond sensitively to the needs of women, and divert them away from custody."

But she says this is contradicted by gender-neutral sentencing guidelines which focus more on equality of outcome, rather than ensuring just and

fair punishment for [women](#) in policy and practice.

Following the termination of CCSS – "a shame" that "represents a loss of transparency" – Dr. Lightowlers urges the Sentencing Council to consider monitoring how intoxication is used as an aggravating factor and develop guidance on how it ought to be applied for both male and female defendants.

**More information:** Carly Lightowlers. Drunk and Doubly Deviant? The Role of Gender and Intoxication in Sentencing Assault Offences, *The British Journal of Criminology* (2018). [DOI: 10.1093/bjc/azy041](https://doi.org/10.1093/bjc/azy041)

Provided by University of Liverpool

Citation: Courts treat intoxicated women twice as harshly as men facing same assault charges (2018, October 19) retrieved 29 April 2024 from <https://phys.org/news/2018-10-courts-intoxicated-women-harshly-men.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.