

# GENDER DIFFERENCES IN MISDEMEANOR CHARGES & SENTENCES

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## INTRODUCTION & OBJECTIVE

Misdemeanors are minor criminal offenses categorized into classes based on severity, with Class A offenses, i.e. assault causing bodily injury, being most severe, Class B, i.e. intoxicated driving, being intermediate, Class C, i.e. theft under \$100, being least severe.

Punishments are typically jail time, fines, community service, or assignment to Community Supervision and Corrections Department (CSCD/probation).

In the legal system exists gender disparities in terms of crime proportions and sentence severity. Of nearly 7 million US arrests in 2019, 72.5% were male (US Department of Justice, 2019). On average, jail sentences for men are 63% longer than for women (University of Michigan Law School, 2012). There's a lack of data on gender disparities for misdemeanors specifically.

This research endeavor investigates whether there exists a difference between the proportion of crimes committed and the severity of legal sentences between genders for misdemeanors in Fort Bend County.

## METHODOLOGY

The dataset was collected from Fort Bend adult misdemeanor cases from November 2022 to April 2023 (6 months) through the Fort Bend County Public Case Records Access database. Only cases marked "disposed," (case closed and judgements & convictions final), were utilized.

Defendants were separated by males (239 cases) and females (65 cases). Defendant name, bail amount, misdemeanor class (value of 1 assigned to Class A, 2 to B, and 3 to C), dismissal (0 or 1), conviction (0 or 1), jail sentence length, fine amount, community service sentence length (hours), and CSCD/probation sentence length (months) were collected.

The average of values greater than 0 for each punishment category were collected so those not given a certain punishment (assigned a value of 0) did not affect results. The counts for each punishment category and the total convictions were used to calculate the proportions for each punishment.

## RESULTS

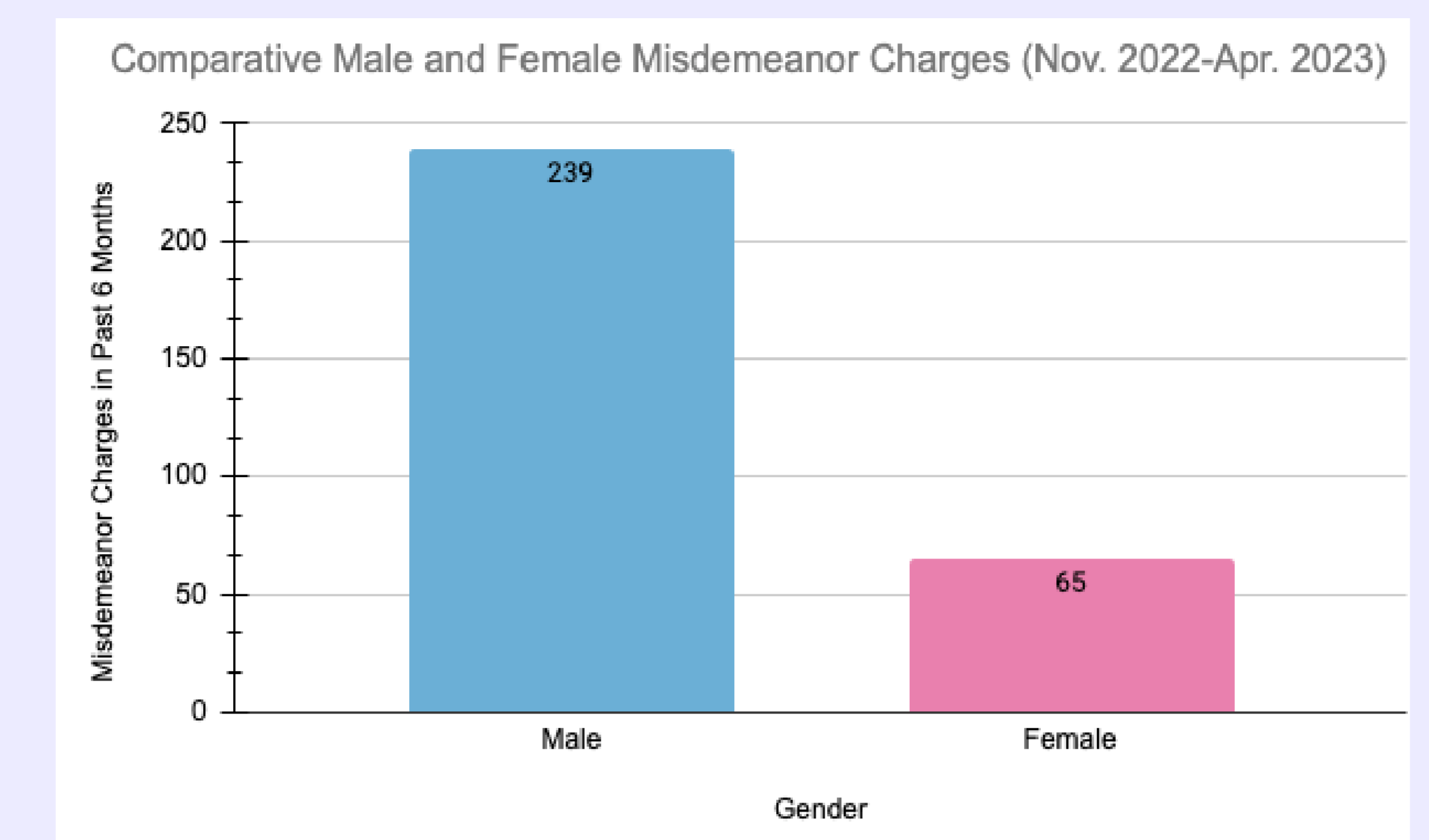


Figure 1.

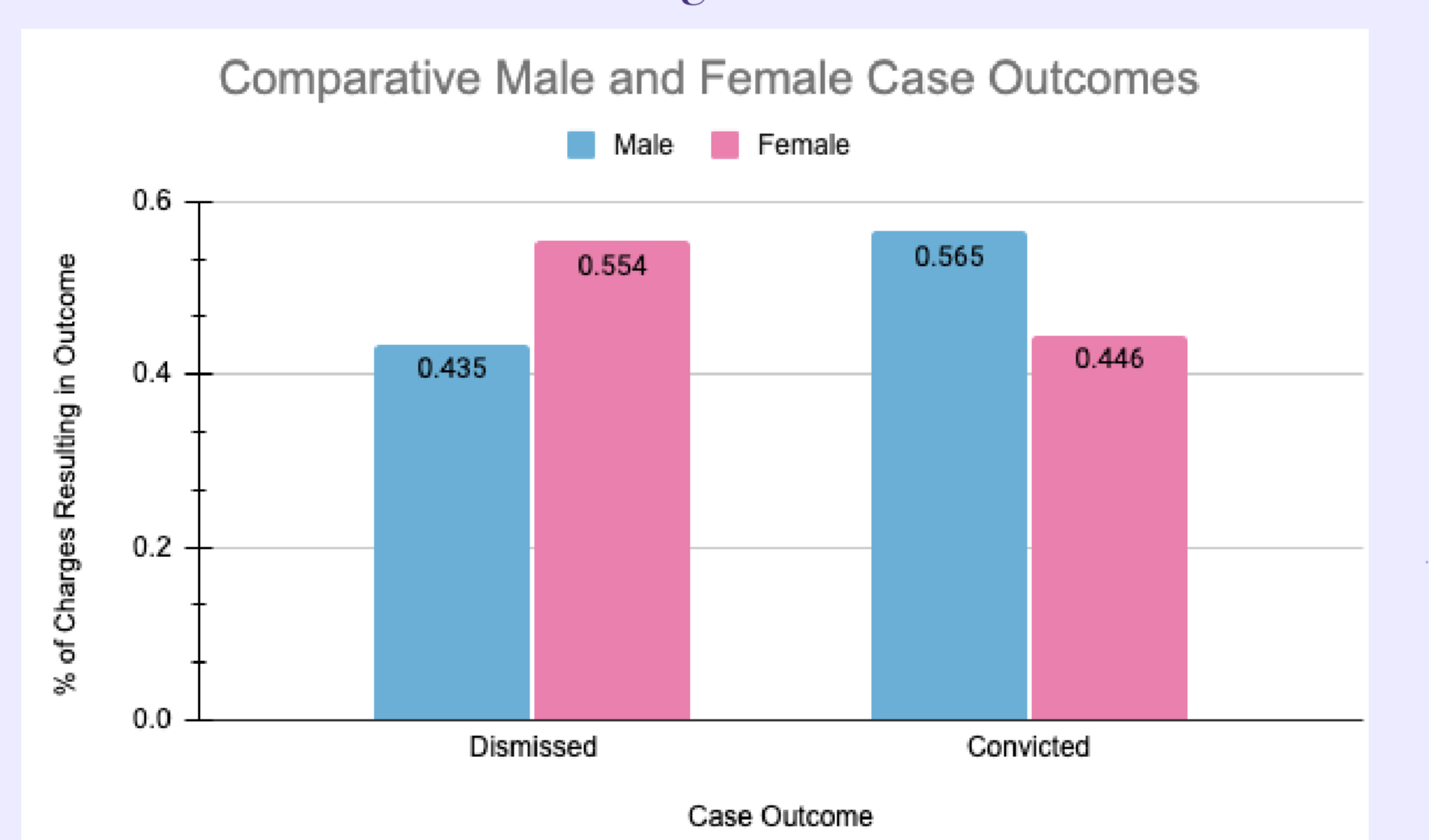


Figure 2.

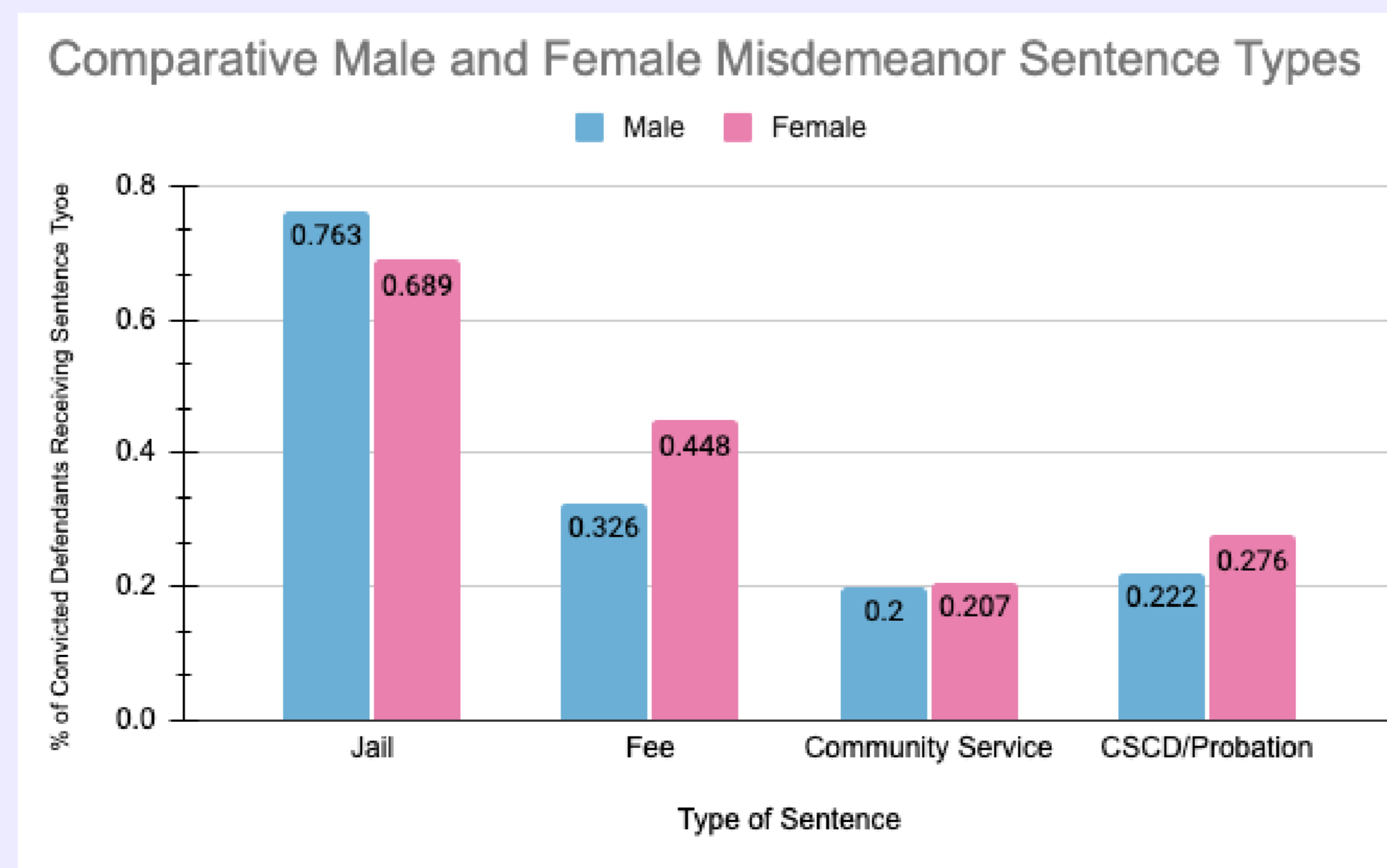


Figure 3.

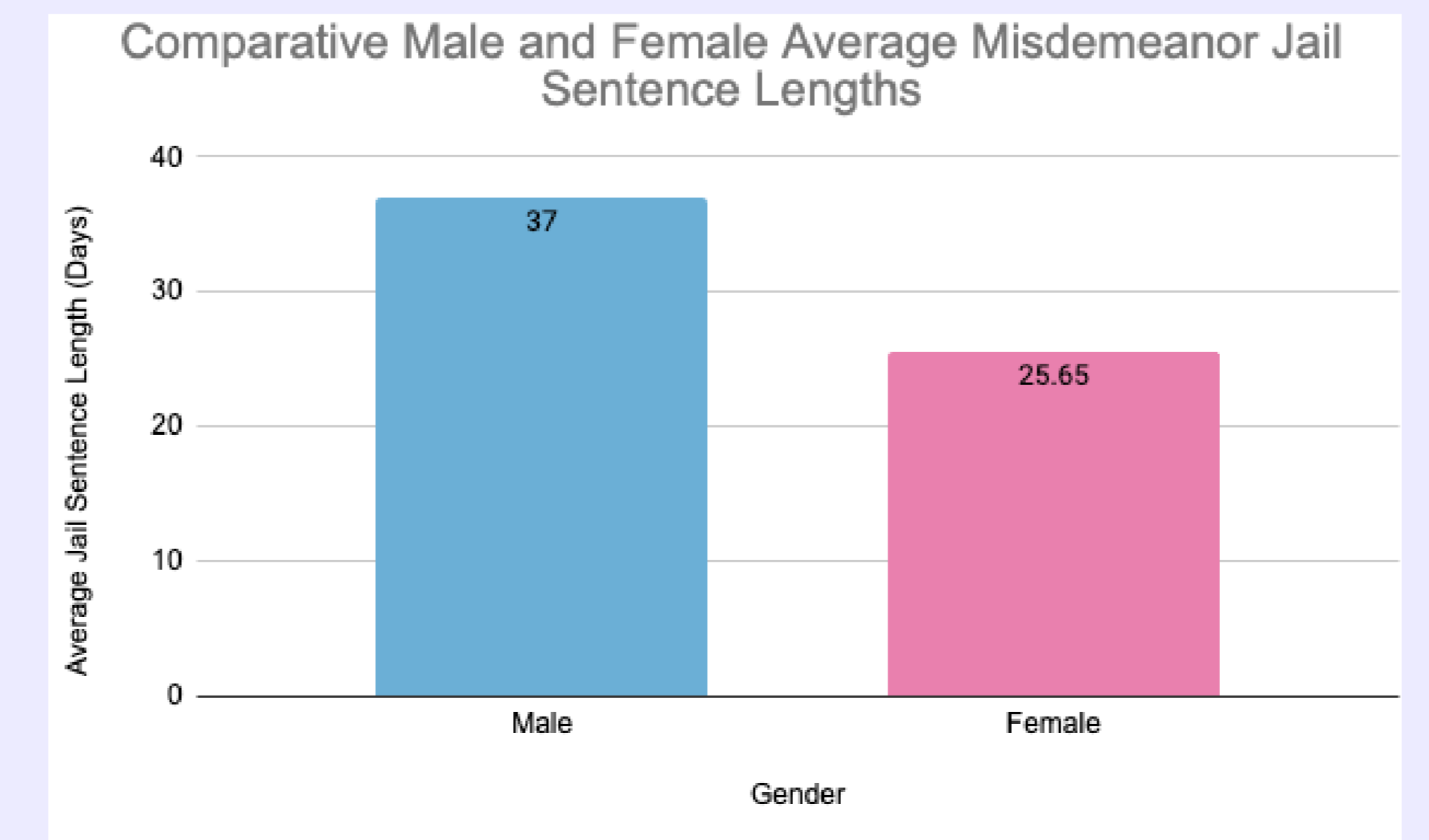


Figure 4.

## FINDINGS & CONCLUSION

As displayed in Figure 1, between November 2022 and April 2023, 239 males were charged with misdemeanors compared to only 65 women, meaning 78.6% of misdemeanor charges were against men.

Of those charged, 135 of 239 men (56.5%) were found guilty & convicted, compared to only 29 of 65 women (44.6%) (Figure 2).

In terms of punishment, Figure 3 summarizes that while convicted men were significantly more likely to be incarcerated (76.3% of males vs 68.9% of females), females were more likely to be sentenced to fines, community service, and probation. With jail time being arguably the most severe sentence (as Class C, the most minor misdemeanor, has no jail time punishment), the data indicates that females are more likely to be given lighter forms of punishment.

Though not graphically shown, the data showed that while women tended to pay higher fines (average of \$489.15 compared to males' \$404.57), the community service & probation sentences for both genders were not significantly different. However, in terms of jail, figure 4 confirms that male jail sentences averaged 37 days while females averaged 25.65. Thus, men served jail sentences 44.2% longer than women.

Overall, each data measurement clearly indicates that in Fort Bend, males are more likely to be accused of, convicted of, and receive harsher and longer sentences for misdemeanors.

## DISCUSSION & NEXT STEPS

This study should be considered in light of limitations. Firstly, legal sentences are not solely contingent on gender, and crime severity, criminal history, victim impact, and crime nature can play a role. Biases aside from gender, such as race and socioeconomic class, may also have an influence. Further studies may investigate differences in sentences and crime proportions for these biases as well.

Additionally, due to the magnitude of cases, only cases from a 6 month period were analyzed. To better understand true gender differences, future studies should encompass data from larger time periods to see if the trends withhold. Overall, implicit gender biases are a systemic issue for which there is no real solution, but introducing discourse may help legal figure become more conscious of whether biases impact their decisions.