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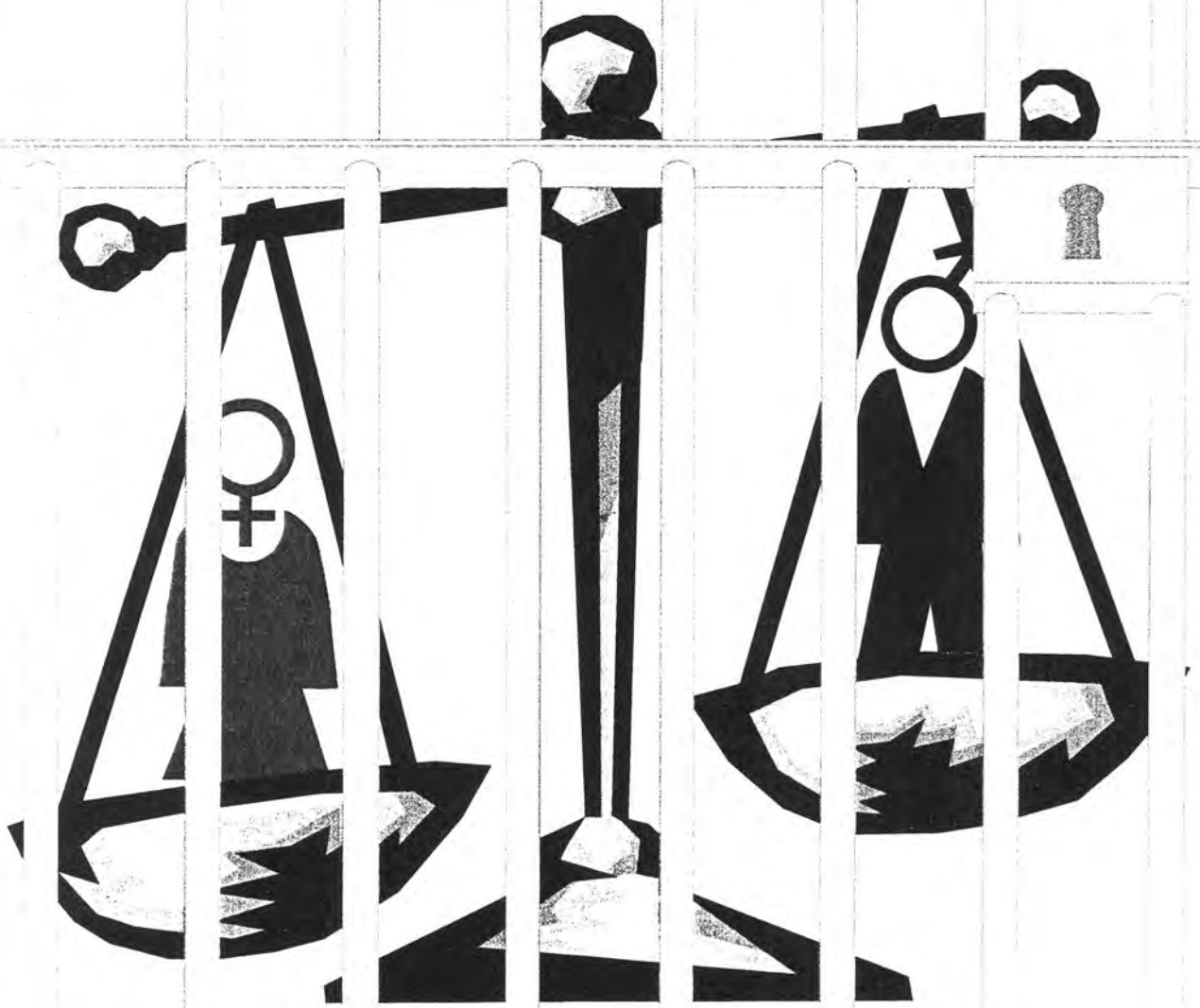
Gender, Crime, and Incarceration in Oklahoma

A Publication of the
Oklahoma Sentencing Commission



Prepared by the
Oklahoma Criminal Justice Resource Center
Oklahoma Statistical Analysis Center

GENDER, CRIME, AND INCARCERATION IN OKLAHOMA

A Publication of the
Oklahoma Sentencing Commission, 2000

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GENDER, CRIME, AND INCARCERATION IN OKLAHOMA

Executive Summary

In 1998, Oklahoma's incarceration rate of 622 offenders per 100,000 population was the third highest in the nation. Among females, the incarceration rate of 122, led the nation. This report presents arrest and conviction data allowing comparisons to be made between males and females. The data indicate the following:

- there was about a 14 percent growth rate in arrests for females between 1996 and 1998, while this was almost 11 percent for males;
- both males and females experienced growth rates in new DOC admissions, at 14 and 26 percent, respectively;
- there is an increase between the percentage of females with felony arrests and the percentage of female felony convictions, while the opposite occurs among males;
- the largest difference between female felony arrest rates and female felony convictions were among African Americans in which there is an increase between the percentage with felony arrests and the percentage of felony convictions, while the opposite pattern was found for Caucasians;
- drug offenses are the most prevalent offense for incarcerated men and women, accounting for 32 and 45 percent, respectively;
- among drug offenses, possession was the highest specific offense;
- for women, fraud and larceny offenses follow drug offenses, while for men larceny and DUI offenses follow drug offenses; and
- there is a consistent finding of increases between the percentage of females being arrested for drug offenses and the percentage convicted for drug offenses, while the opposite is true for males.

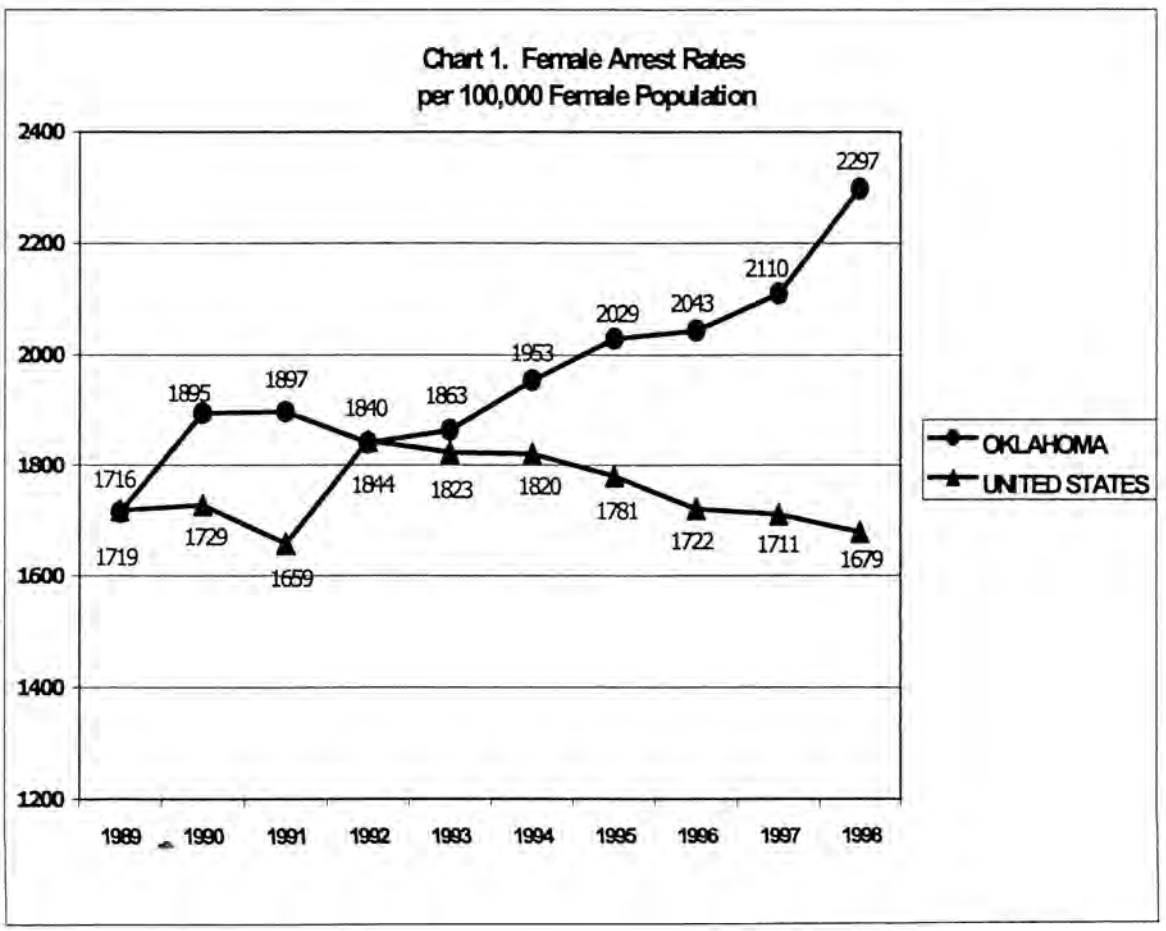
More research into gender differences among offenders in Oklahoma is certainly warranted. This report provides some findings that need to be re-assessed over time in order to determine if this pattern continues. Additional knowledge and information on this topic will help assure uniform and consistent sentencing, as well as successful prevention and intervention strategies.

Introduction

One area of frequent mention in the debate over correctional and sentencing policies is whether sentencing practices have different impacts on men and women. This is especially true in Oklahoma where women's incarceration rates are the highest among the states and have been since at least 1993. This report will look at some possible reasons for this phenomenon, while presenting some general information on the sentencing practices effecting women. In the process, some arrest and sentencing data will be utilized to provide some gender comparisons.

Overall, Oklahoma's incarceration rate for 1998 was the third highest in the nation at 622 per 100,000. In comparison, the national rate for state prisoners was 461 per 100,000 (Beck and Mumola 1999). Furthermore, Oklahoma's 1997 female incarceration rate was 121 per 100,000 females, while the national rate for state prison was 49. Consequently, Oklahoma's rate is nearly 2½ times that of the national rate (Gilliard and Beck 1998). This is an increase from 1991 when Oklahoma's female incarceration rate was 39.15 per 100,000 females, which was two times that of the national rate of 18.91 (Sandhu, Al-Mosleh, and Chown 1994; Snell and Morton 1992).

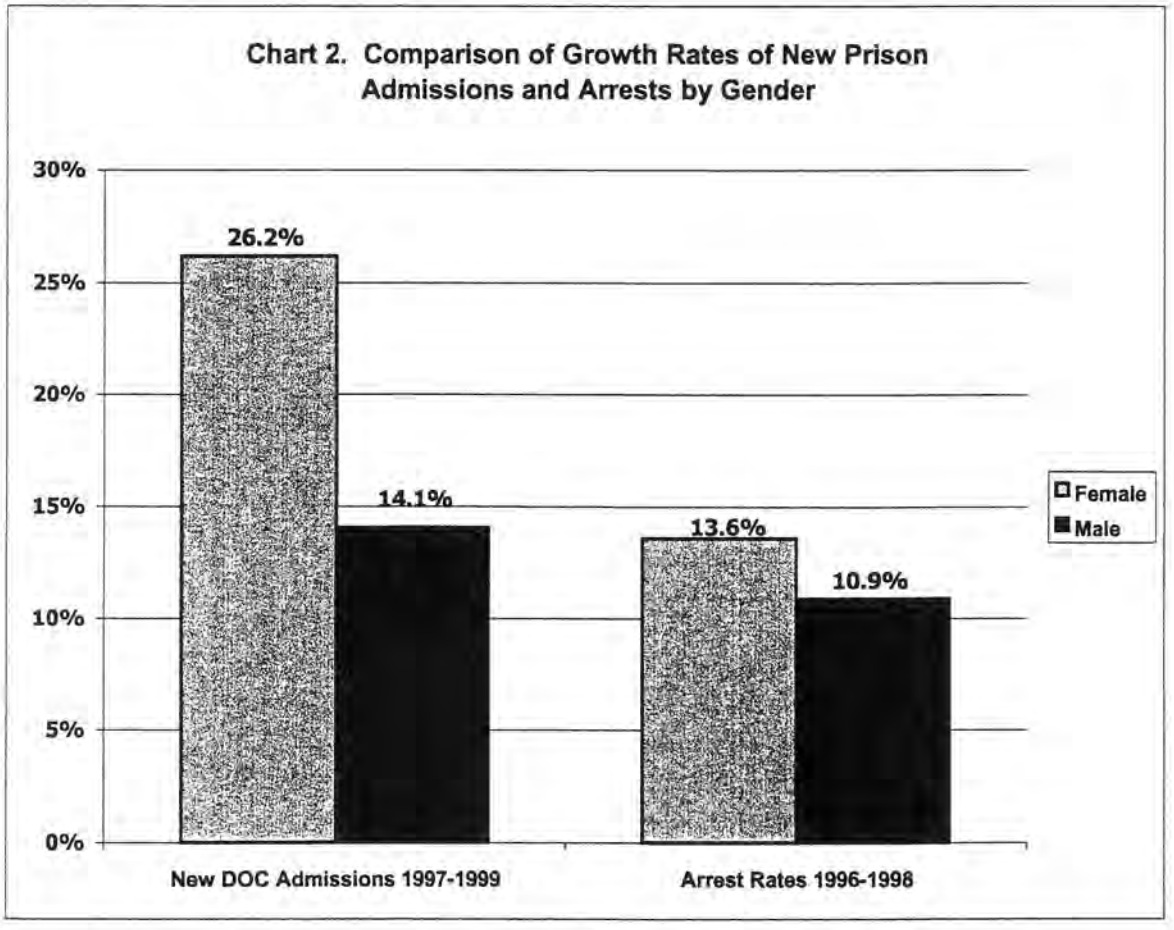
Additional historical data displayed in Chart 1 indicates that the female arrest rate,



using the Uniform Crime Report (UCR) from the Oklahoma State Bureau of Investigation (OSBI), for Oklahoma has met or exceeded the national rate, using the UCR from the Federal Bureau of Investigation, at least since 1989. This is particularly noticeable since 1994 when the national rate began to decrease, while the Oklahoma rate increased.

In fact, as illustrated in Chart 2 the growth rate in arrests for females between 1996 and 1998, according to the UCR for Oklahoma, was 13.6 percent. In comparison, there was an increase for males, although not as significant as that of females, at almost 11 percent. What is particularly interesting is the comparison between these increases in arrest rates and the increases in new Department of Corrections (DOC) admissions (incarceration rates) during the same time period. The data show that both males and females experienced growth rates in new DOC admissions, however the growth rate for females (26.2%) is nearly twice that of males (14.1%). The incarceration of women represents 14.5% of all new incarcerations from 1997 to 1999 in Oklahoma, while this percentage was 11.5% in 1989. From Chart 2, it is

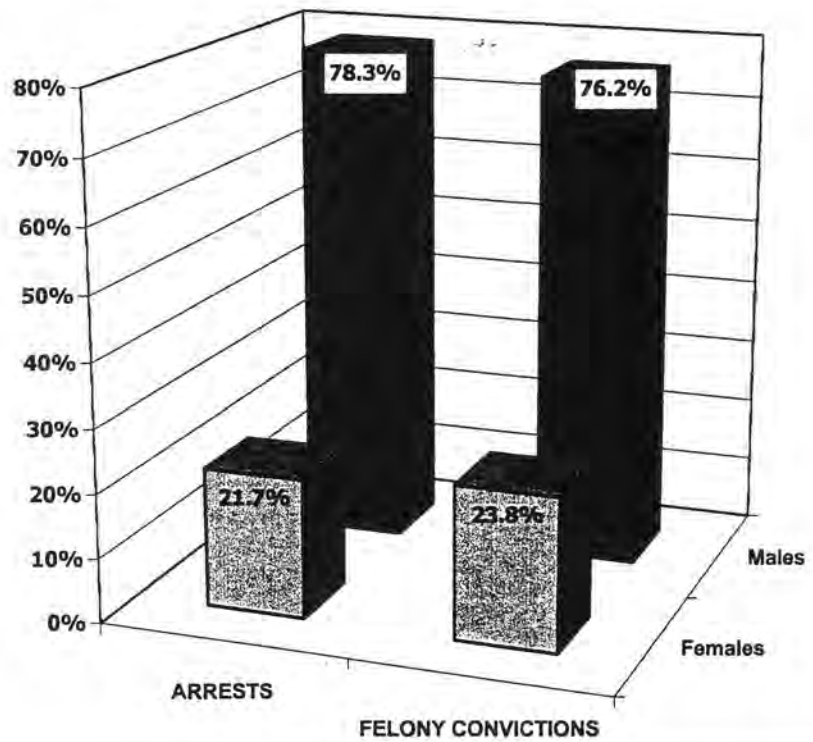
Chart 2. Comparison of Growth Rates of New Prison Admissions and Arrests by Gender



also important to notice that the increases for new DOC admissions were much larger than the increases for arrests. This tends to suggest that changes in arrest rates cannot explain the large increase in the incarceration rate among females.

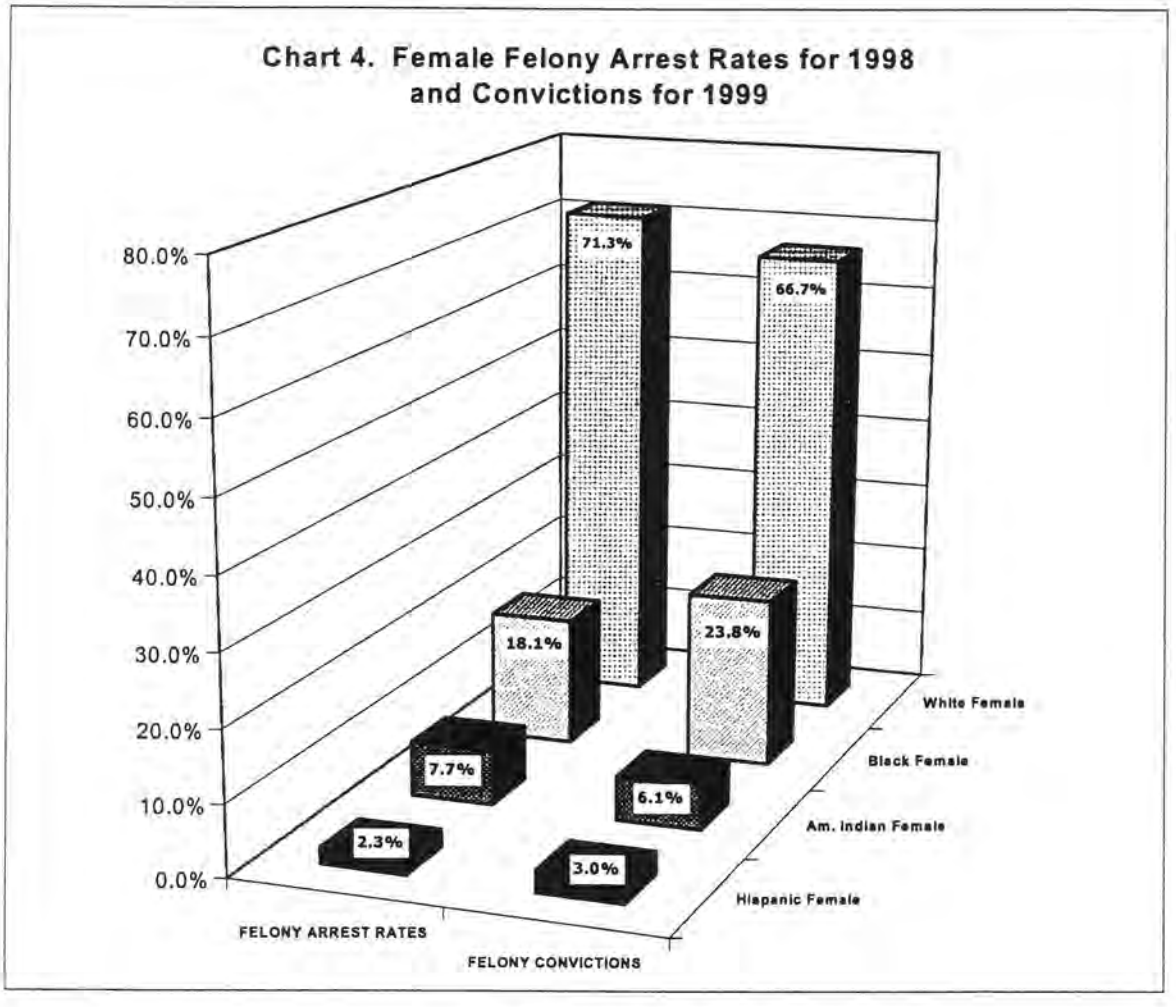
In addition to examining the gender differences on incarceration and arrest rates for the last three years, Chart 3 illustrates comparisons between arrests and convictions. The arrest information is from the OSBI, while the conviction data is from the Oklahoma Criminal Justice Resource Center felony conviction database. The data indicates there is an increase between the percentage of females with felony arrests and the percentage of female felony convictions. Conversely, there is a decrease between the percentage of males with felony arrests and the percentage of male felony convictions. Moreover, this pattern was the same, although slightly more dramatic, using 1997 arrests and 1998 convictions.

Chart 3. 1998 Arrest and 1999 Convictions by Gender



In light of this finding among women, Chart 4 was developed, which provides a more in-depth analysis of 1998 female arrests and 1999 convictions broken out by race or ethnicity. This demonstrates that the largest difference between felony arrest rates and felony convictions were among African American women. Caucasian women closely followed this. However, for African Americans there is an increase between the percentage of females with felony arrests and the percentage of female felony convictions. This is in contrast with the finding for Caucasians in which there is a decrease between the percentage of females with felony arrests and the percentage of female felony convictions. There are only slight differences between the percent arrested and percent with felony convictions for Hispanic and American Indian women. Furthermore, these findings corresponded with the 1997 arrests and 1998 convictions data, although the increase between felony arrests

and felony convictions for African Americans was more significant at almost 10 percent, instead of 5.7 percent.



Analysis

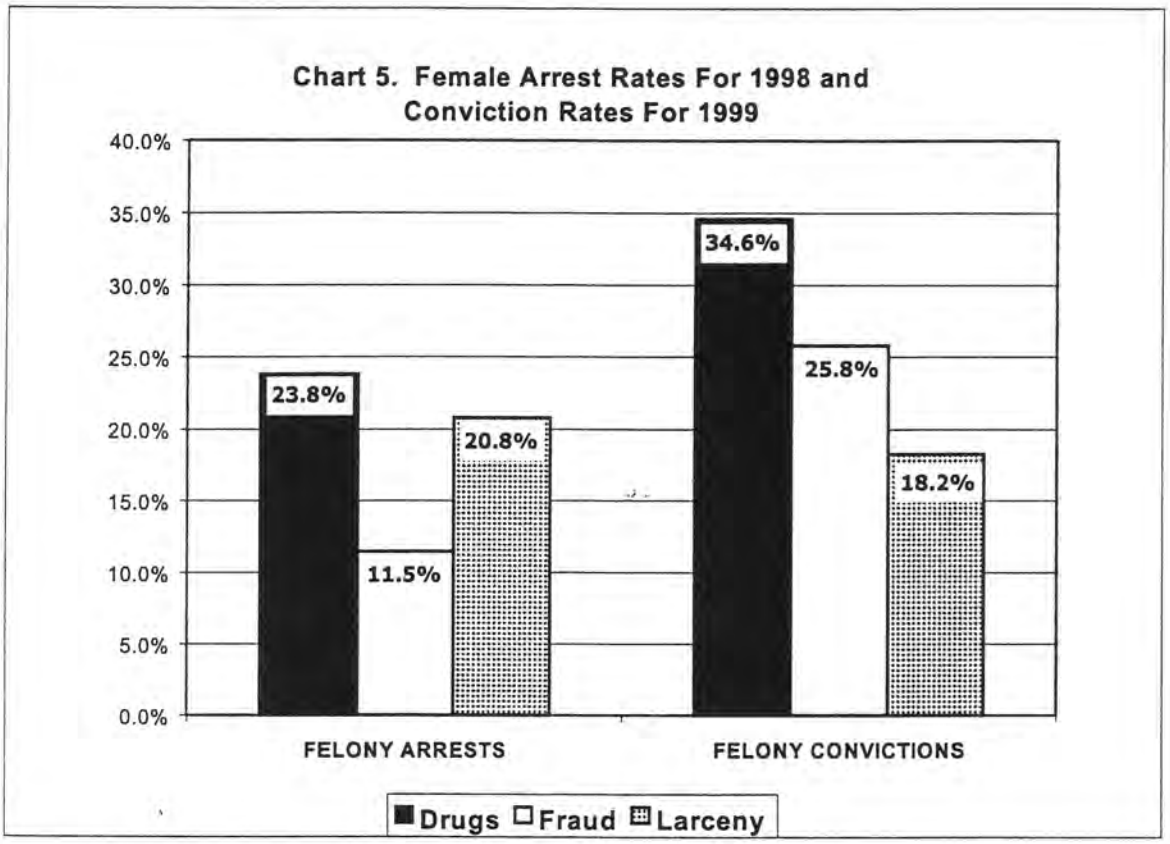
At this point, the report moves beyond arrest and conviction comparisons to focus on the types of offenses that result in felony convictions by gender. Table 1, illustrates the dispersion of crimes for which women and men are being incarcerated, as well as the median sentence length. Crimes have been categorized for convenience. Drug offenses are clearly the most prevalent offense for incarcerated men and women. Drug offenses alone account for 45.3 percent of all women's convictions, while for men, these same offenses account for 32 percent of convictions. The next highest category of offenses for women is fraud at 16.5 percent, while for men it is larceny at 12 percent. The third highest category of offenses for women incarcerated is larceny, which in combination with drug and fraud offenses accounts for 76 percent of all women's convictions. These same categories account for 50 percent of men's convictions. For purposes of this study, drug, fraud, and larceny offenses will be analyzed as they represent the majority of both the male and female offenses.

TABLE 1. Total Number of Incarcerations
By Offense Category, Median Sentence Length, and Gender
1997-1999

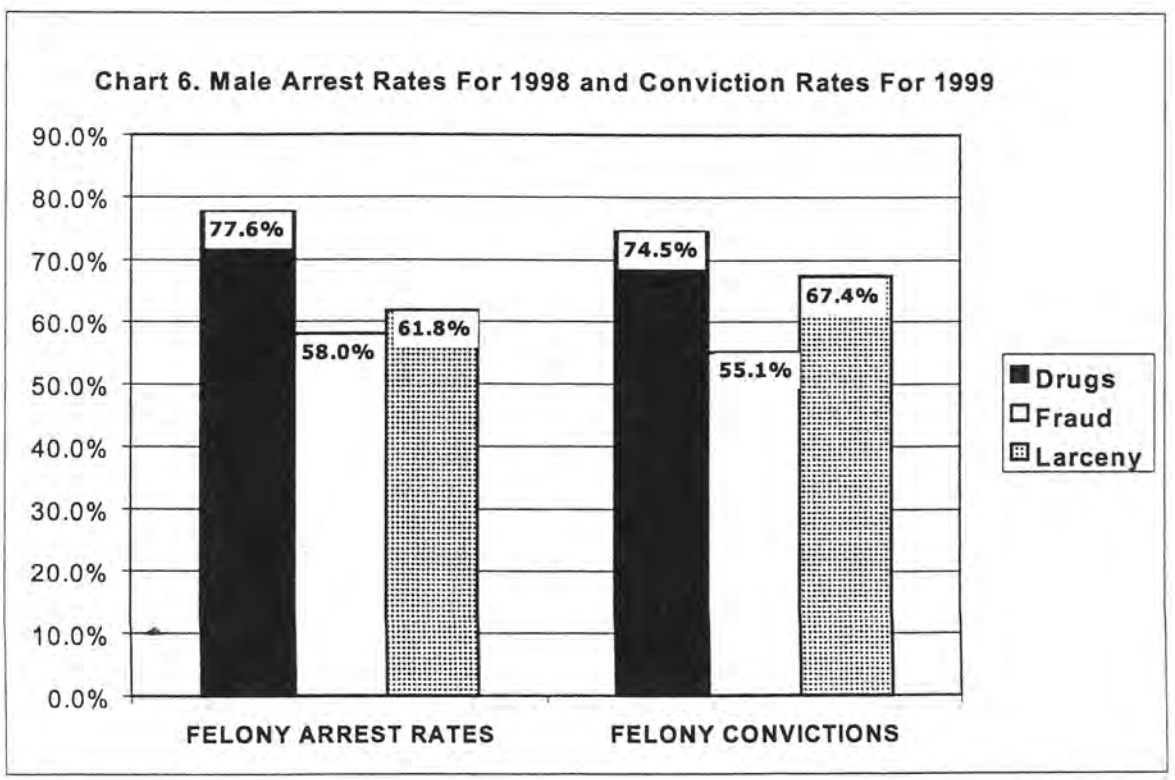
	Incarcerations		Median Sentence Lengths (in months)	
Offense Category	**Male**	**Female**	**Male**	**Female**
Arson	85/0.7%	8/0.4%	60	150
Assault	850/6.8%	101/4.8%	60	60
Burglary I	194/1.6%	8/0.4%	84	36
Burglary II	1,057/8.5%	57/2.7%	48	48
Child Abuse	487/3.9%	31/1.5%	180	60
Drugs	3,991/32.0%	958/45.3%	60	48
DUI	1,277/10.2%	87/4.1%	60	48
Fraud	731/5.9%	348/16.5%	60	48
Larceny	1,495/12.0%	292/13.8%	48	48
Murder/Manslaughter	460/3.7%	55/2.6%	360	360
Rape	424/3.4%	3/0.1%	240	60
Robbery	516/4.1%	40/1.9%	144	120
Sex	96/0.8%	3/0.1%	78	36
Weapon	397/3.2%	31/1.5%	60	48
Other Violent	129/1.0%	39/1.8%	240	288
Other Nonviolent	301/2.4%	53/2.5%	60	48
TOTALS	12,490	2,114	-----	-----

Source: Oklahoma Criminal Justice Resource Center
N=14604

Before examining the specific offenses within the broader categories of drug, fraud, and larceny offenses, Chart 5 displays the female arrest rates for 1998 and the conviction rates of 1999 for these three categories. This reveals that there are increases between the percentage of females arrested and the percentage convicted for drug and fraud offenses. The larger of these two increases identified is for fraud offenses, although the increase for drug offenses is still high at over 10 percent. For larceny offenses, the percentage arrested and convicted are about equal, with a slight decline between arrest and conviction. It is important to point out that the pattern found in Chart 5 for larceny and drugs was also discovered using 1997 arrest and 1998 conviction data. However, the pattern for fraud using those years was one in which the percentage arrested and convicted were about equal. Thus, there is a consistent finding of increases between the percentage of females being arrested and the percentage convicted for drug offenses.



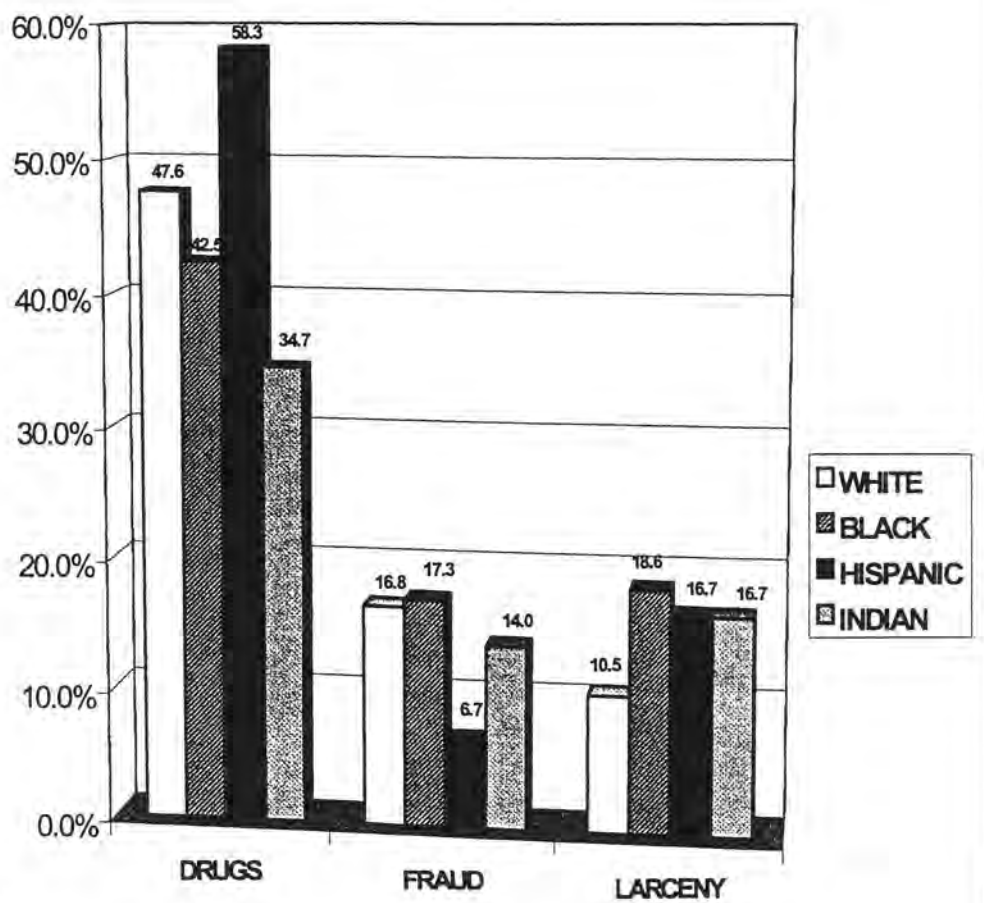
This finding for women, as identified in chart 5, is in stark contrast to what the data indicates is occurring among men. Chart 6 presents the male arrest rates for 1998 and the conviction rates of 1999 for drug, fraud, and larceny offenses.



This documents that there are increases between the percentage of males arrested and the percentage convicted only for larceny offenses. For drug and fraud offenses, the percentage arrested and convicted are about equal, with a slight decrease between arrest and conviction. Furthermore, the pattern found in Chart 6 for the males was also identified using 1997 arrest and 1998 conviction data. Thus, for all of these offenses the pattern found for men, even for multiple years, is exactly the opposite of the finding for women.

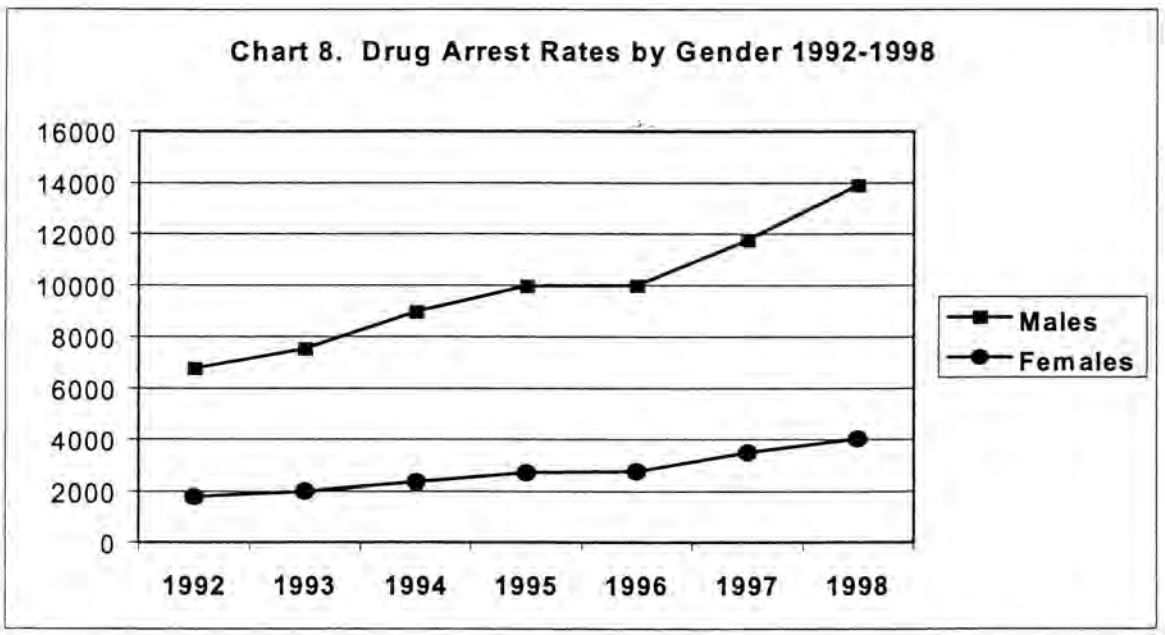
With that in mind, Chart 7 was produced in order to illustrate the top three categories of female convictions broken-out by race or ethnicity. Drug offenses made up the largest percentage of all the offenses committed by Hispanics at 58 percent. This was followed by larceny (17%) and fraud (7%). This pattern was also found among African Americans and American Indians, while for Caucasians drug offenses were followed by fraud and larceny, respectively. Overall, drug offenses accounted for the highest percentage of offenses for each ethnic group. Additional information on the specific types of drug offenses is provided in the next section.

Chart 7. Top Three Categories of Female Convictions by Race 1997-1999



Drug Offenses

Between 1985 and 1994, female arrest rates nationwide for drug offenses increased 100 percent (Chesney-Lind 1997). For men, the increase was 53.7 percent. In Oklahoma, during the same time period, women's arrest rates for drug offenses increased 67.7 percent, while men's arrest rates only increased 26.7 percent. In addition, from 1994 to 1998 as illustrated in Chart 8, the women's arrest rates for drugs have increased another 71 percent, while the men's arrest rates increased by 55 percent.



Overall, Table 2 documents that from 1985 to 1998, female drug arrests (186.7%) have increased by nearly twice as much as that for men (96.4%), while the state increased by 111 percent from 8,486 drug offenses in 1985 to 17,923 in 1998. When broken down by race, we find that the increase is lower for African American males and females, but much higher for Hispanic males and females. Hispanic females have by far the highest increase, nearly 5 times more than their male counterparts. In all ethnicity categories, males have the lowest increase, however, for African American, American Indian, and Hispanic males the increase is higher than that of the state average for males. Conversely, the increase for Caucasian males is slightly less than the state average for males.

In terms of population changes that may have occurred, data on Oklahoma's population for a similar time period indicates that the increase in minority population was not significant. African American population went from being 6.9 percent in 1988 to 7.4 percent in 1997. American Indians increased from 5.5 percent to 7.6 percent in the same time period, and Hispanics went from 2.2 percent to 3.6 percent. The Caucasian population decreased slightly, from 86.6 percent in 1988 to 80.2 percent in 1997. From this information, it appears that there was not a large

influx of minorities into Oklahoma to account for the drastic increases in drug arrests.

Table 2. Increase in Oklahoma Drug Arrest Rates by Gender and Race 1985-1998

	Male	Female
Statewide	96.4%	186.7%
Caucasian	94.4%	192.5%
African American	99.1%	151.7%
American Indian	114.2%	230.9%
Hispanic	178.6%	860.0%

Source: Uniform Crime Report for Oklahoma 1985-1998, OSBI

As mentioned previously, drug incarcerations account for 45 percent of women's convictions, 32 percent of men's convictions, and almost 34 percent of all convictions from 1997-1999 in Oklahoma. In comparison to an earlier time period, 1988-1992, this is an increase from when drug offenses were reported to account for 34.6% of female incarcerations (Sandhu, Al-Mosleh, and Chown 1994). The distribution of specific drug offenses between 1997 and 1999 are illustrated in Table 3. This shows that females are more likely to be convicted of possession, with over half (52.7%) of the women found in this category. The next most common offense for women is distribution, with 34.1 percent of drug offense incarcerations. Among men, it is almost an even split between possession and distribution. This tends to indicate that females are less likely than males to be convicted of distribution, manufacturing, or trafficking.

Table 3. Distribution of Drug Convictions by Gender 1997-1999

Offense	Male	Female
Possession	45.1%	52.7%
Distribution	42.1%	34.1%
Manufacturing	1.1%	0.4%
Trafficking	8.2%	7.0%
Other*	3.5%	5.8%

*Includes Larceny/Burglary of CDS, Endeavor and Conspire, and Cultivation

In order to provide more detailed information with regard to the drug types among females convicted of possession, Table 4 was created. It shows the distribution of drug types for males and females incarcerated for Possession of a Controlled Dangerous Substance (CDS) between July 1, 1998 and June 30, 1999. Methamphetamine represents the highest percentage of convictions to prison among the different types of drugs for males and is also one of the dominant drugs for females. This is more than likely indicative of the concentrated efforts among law enforcement and criminal justice agencies to address the "meth" problem in Oklahoma.

Table 4. Drug Types for Possession of CDS Convictions to Prison In FY 1999

Drug Type	Male	Female
Amphetamine-Methamphetamine	38.2%	40.5%
Cocaine	34.7%	41.0%
Marijuana	17.5%	8.7%
Crack	6.6%	6.9%
Prescription	0.7%	2.3%
Other or not reported	2.3%	0.6%

More specifically, among women cocaine and amphetamine-methamphetamine were the dominant drugs, with 40.5 percent and 41 percent respectively. Among men, amphetamine/methamphetamine was slightly more common (38.2%) than cocaine (34.7%) and marijuana represented a higher percentage among men than women. A similar pattern has been found with data, at the arrestee level, from the Oklahoma City Arrestee Drug Abuse Monitoring Program (ADAM) and the National ADAM project, both funded by the National Institute of Justice. Females test positive for Cocaine (crack and power) and Methamphetamine at rates higher than males, while the opposite is the case for Marijuana (Damphousse 1999).

Fraud Offenses

Among fraud offenses, female inmates decreased from 17 percent in 1986 to 10.2 percent in 1991 nationwide (Gilliard and Beck 1998). By July 1998, the incarceration rates of females for fraud was even less at 10 percent (Greenfeld and Snell 1999). However, women defendants convicted of fraud increased 44 percent from 1990 to 1996 (Greenfeld and Snell 1999). Thus, while women are less likely to be incarcerated for fraud, their conviction rates have increased.

In Oklahoma, fraud is the 2nd most common offense among incarcerated women. Fraud offenses represent 16.5 percent of all female incarcerations. Table 5 illustrates the incarceration rates for various types of fraud offenses among men and women in Oklahoma from 1997-1999. Forgery, including uttering forged

instruments, forgery of notes, bills, drafts, and checks, is the most common offense, representing 43.7 percent of all fraud convictions for women, and representing 39.3 percent for men convicted of fraud. Among women, writing bogus checks comes in second with 16.4 percent of fraud incarcerations, and then embezzlement (11.0%), credit card offenses (6.1%) and finally obtaining public assistance by fraud (4.3%).

Table 5. Incarceration Rates for Fraud Offenses by Gender 1997-1999

Fraud Offense	Male	Female
Utter forged instruments	29.7%	31.9%
Bogus checks	14.4%	16.4%
Forgery of notes, bills, drafts, checks	9.6%	11.8%
Embezzlement	7.3%	11.0%
Credit card offenses	4.1%	6.1%
Obtain public assistance/food stamps by fraud	0.1%	4.3%
Other fraud offenses	34.8%	18.5%

The most common fraud offense among women is forgery. However, there are two offenses represented. The first, and most common, is uttering forged instruments (31.9%), and the second is forgery II: notes, bills, drafts, and checks (11.8%), together representing 43.7 percent of fraud offenses. A study performed by English (1993) in Colorado found that women convicted of forgery had largely been employed in retail sales. This enabled them not only to have the opportunity for stealing bank checks and credit cards, but it also provided them with the needed knowledge of how long they had to use these stolen items before being reported.

Bogus check offenses represent 16.4 percent of women incarcerations and include three distinctions. The least serious offense is a second and subsequent offense for writing a bogus check under $50. The next level involves a bogus check over $50 but less than $500. The top level is writing 2 or more bogus checks worth more than $500. Of those women convicted of writing bogus checks, 19.8 percent involved writing a bogus check under $50, 64.7 percent wrote a bogus check over the amount of $50 but less than $500, and 15.5 percent wrote 2 or more bogus checks (Table 6). In comparison to men, women going to prison for bogus checks are more likely than men to have written a check less than $50, about as likely as men to have written a check between $50 and $500, and less likely to have written 2 or more bogus checks.

Table 6. Incarceration Rates for Bogus Check Offenses by Gender 1997-1999

Bogus Check Type	Male	Female
Under $50	12.1%	19.8%
Over $50 but less than $500	65.5%	64.7%
2 or more	22.4%	15.5%

Embezzlement offenses are the third most likely fraud offense among women (11%). Table 7 indicates the types of embezzlements being committed by gender. The most common type of embezzlement for incarcerated women is embezzlement by employee.

Table 7. Embezzlement Offenses by Gender 1997-1999

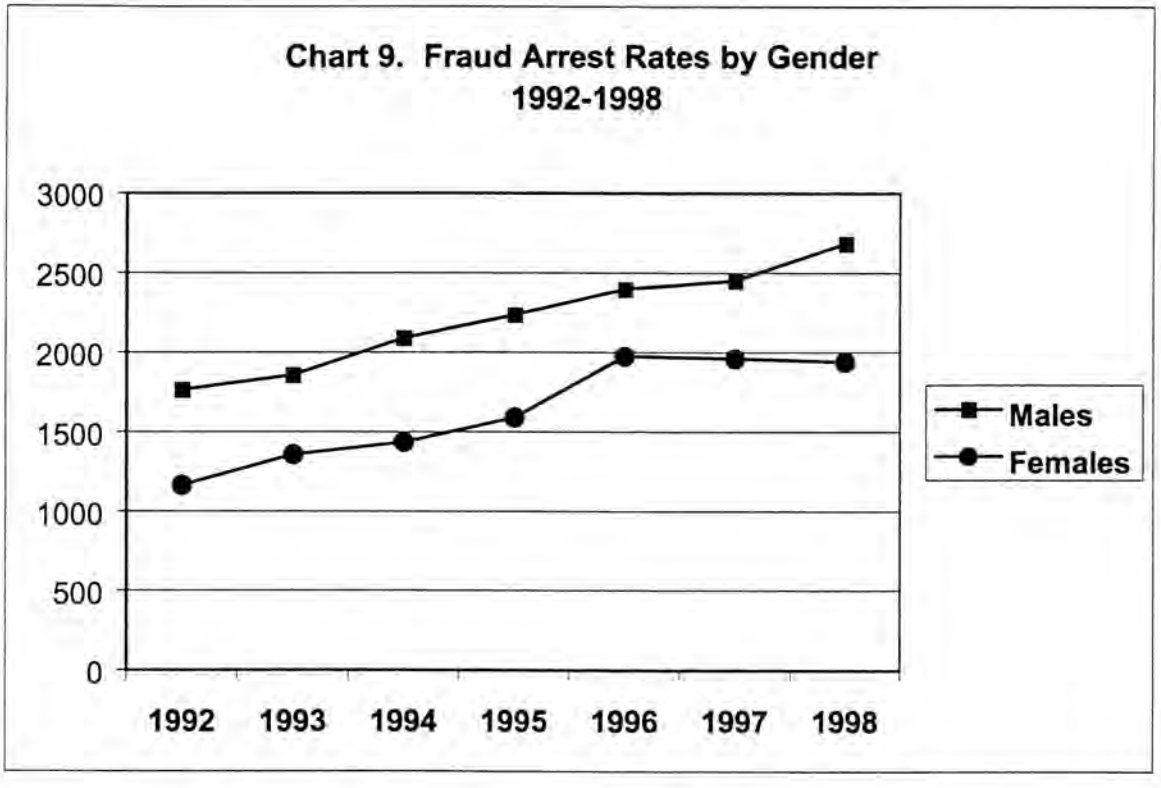
Embezzlement Offense	Male	Female
By employee	24.1%	44.8%
By bailee	46.3%	20.7%
By trustee	9.3%	3.4%
Failure to return rented property	13.0%	6.9%
By contractor	3.7%	3.4%
Unknown type	3.6%	20.8

Chesney-Lind (1997) reports that while embezzlement arrests for women have increased by 40.8 percent nationwide in the past decade, this is not indicative of more women getting upper level professional positions. Instead, studies indicate that most of the cases against women are those in which the woman is in a low-level position, such as clerical, and is under more scrutiny from above, than those in higher positions (Chesney-Lind 1997; English 1993). Additionally, women's motivations for embezzlement may be different than those for men. Women's motivation may be more focused on family concerns rather than personal gain. Any current data required to investigate whether this is true in Oklahoma is lacking, however, a study of Oklahoma female inmates in 1994 did indicate that the typical woman inmate had experience in clerical, sales, and other service occupations prior to incarceration (Fletcher, Rolison, Moon 1994).

Arrest rates in Oklahoma for fraud between 1992 to 1998 among men and women, as illustrated in Chart 9, do not indicate a major increase of women committing fraud. While men's fraud arrests have consistently risen, women's arrests have actually leveled out since 1996. Overall, from 1992 to 1998, women's arrest rates

for fraud increased a total of 66.9 percent. However, the largest increase (93.6%) occurred between 1992 and 1996. Since then, it has only slightly increased by 1.7 percent. Conversely, in 1997, women going to prison for fraud offenses represented 31.0 percent of all incarcerated women, while by 1999, that number had increased to 38.5 percent. This represents a 24 percent increase in two years. Thus, while arrest rates have remained constant since 1996, incarceration rates among women for fraud convictions continue to increase. Similar to the results previously described for drugs, an increase of arrests does not seem to explain the increased incarceration level for fraud among women.

Chart 9. Fraud Arrest Rates by Gender 1992-1998



Larceny Offenses

Women's conviction rates in state courts for larceny increased 39 percent from 1990 to 1996 (Greenfeld and Snell 1999). In 1996, larceny convictions accounted for 17.9 percent of all felony convictions among women (Greenfeld and Snell 1999). In Oklahoma, larceny offenses represented 13.8 percent of felony convictions for fiscal year 1999. Table 8 indicates that among female inmates from 1997-1999, 14 percent were sent to prison for larceny offenses. The most common larceny conviction for women is concealing stolen property, representing 35.8 percent of all female larceny convictions (more than male incarceration rates).

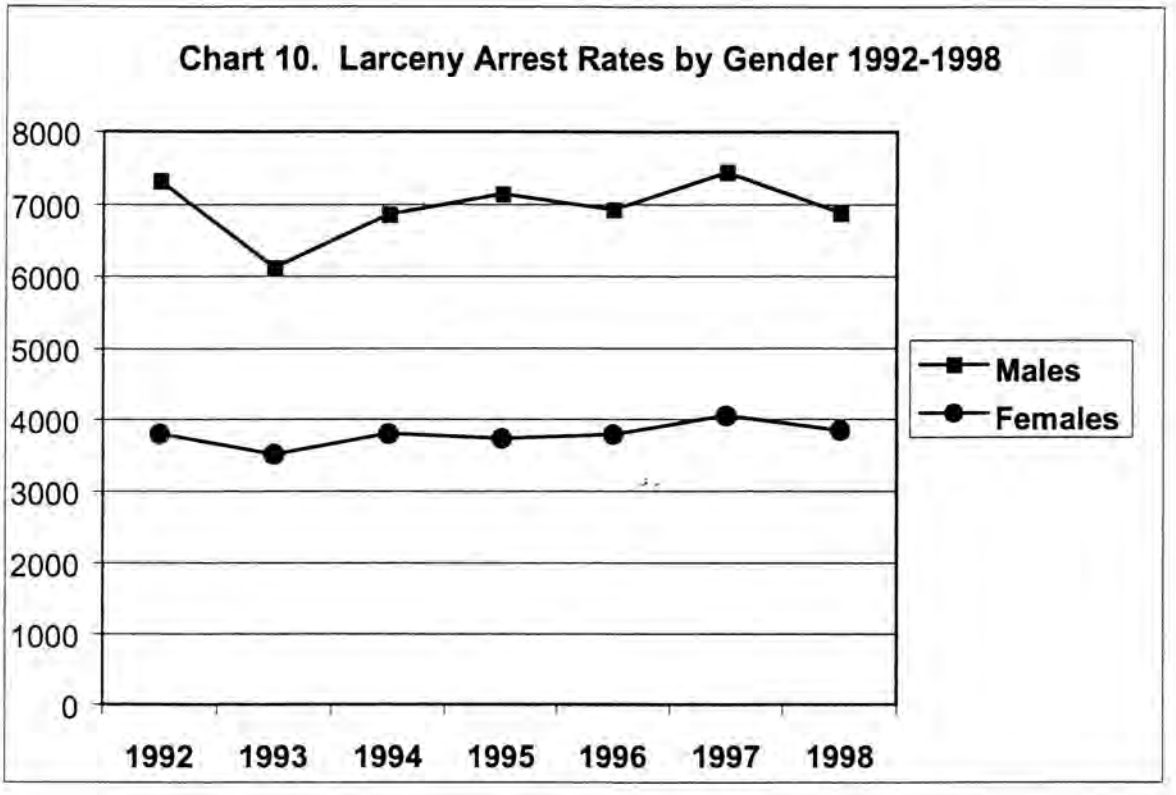
Table 8. Incarceration Rates for Larceny Offenses by Gender 1997-1999

Larceny Offense	Male	Female
Concealing Stolen Property	32.6%	35.8%
Larceny of Merchandise from a Retailer	10.3%	32.9%
Grand Larcenies	17.9%	15.6%
Other	39.2%	15.7%

Almost as many larceny convictions for women are found in larceny of merchandise from a retailer (32.9%). This is three times higher than the rate of males. The remaining 31.3 percent of larceny convictions for women is evenly dispersed among grand larcenies and "other" larcenies. Chesney-Lind and Shelden (1992) found that while women are more likely to be arrested and convicted of shoplifting than men, self-report surveys indicate that there are few gender differences in the prevalence of shoplifting.

In other words, while shoplifting happens just as frequently among men and women, women are getting caught more often. One explanation has been found in the way women and men shoplift. Men generally know what they want, therefore the time between entering the store and leaving it is short. Among women, however, they tend to linger more in stores. Also, store detectives are more likely to watch women than they are to watch men (Chesney-Lind and Shelden 1992; Chesney-Lind 1997; English 1993).

Incarcerations rates for women convicted of larceny offenses have decreased slightly from 1997. In 1997, larceny represented 15.5 percent of all convictions among women, and in 1999, larceny represented 14.2 percent. This corresponds with the arrest data indicating that for women, larceny arrest rates have also decreased slightly (Chart 10). The same is true among men; however, their decrease is more significant. Men's arrests for larceny offenses went from 12.1 percent in 1997 to 9.2 percent in 1999.



Conclusion

This report provides an examination of the arrest and incarceration rate trends, as well as current felony conviction offenses with comparisons between men and women. Drug offenses are the most common offense found among those incarcerated, with possession as the leading offense. For women, fraud and larceny offenses follow, respectively, although at a much less frequency. On the other hand, for men larceny and DUI offenses follow possession offenses.

While maintaining fairly constant levels of arrests, incarceration rates for women continue to rise. Furthermore, this increase is at a faster rate than that for men. This tends to suggest that the female incarceration in Oklahoma, which is the highest in the nation, may not change any time soon. However, there are many issues and questions that have been raised in this report that are beyond the scope of this study. Consequently, there is a need for further research and examinations into how and why there are gender differences among offenders in Oklahoma. This knowledge and additional information will help assure uniform and consistent sentencing, as well as successful prevention and intervention strategies.

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