

# **An Equal Opportunity? Therapeutic Jurisprudence and Women Offenders**

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# Background to the Study

- Defining Therapeutic Jurisprudence (TJ)
- The rise and rise of TJ
- Limitations of existing scholarship
- Drug courts: a manifestation of TJ

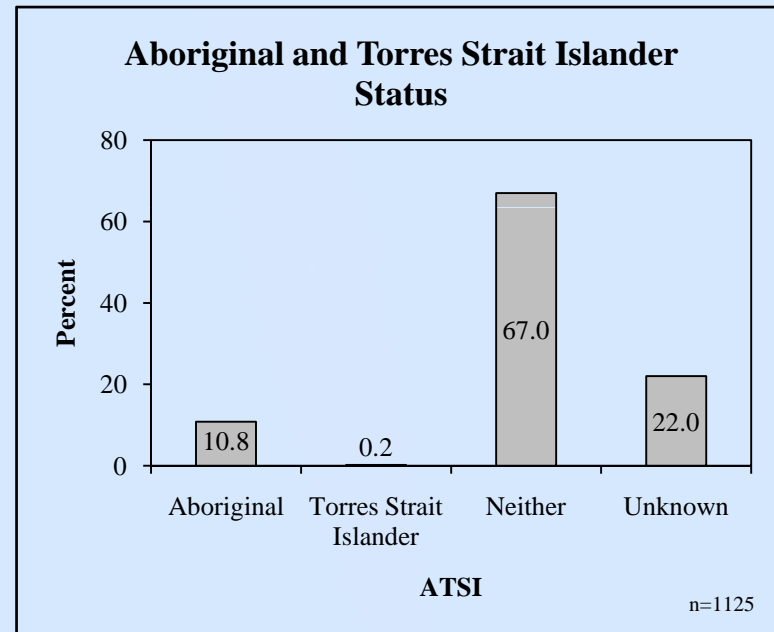
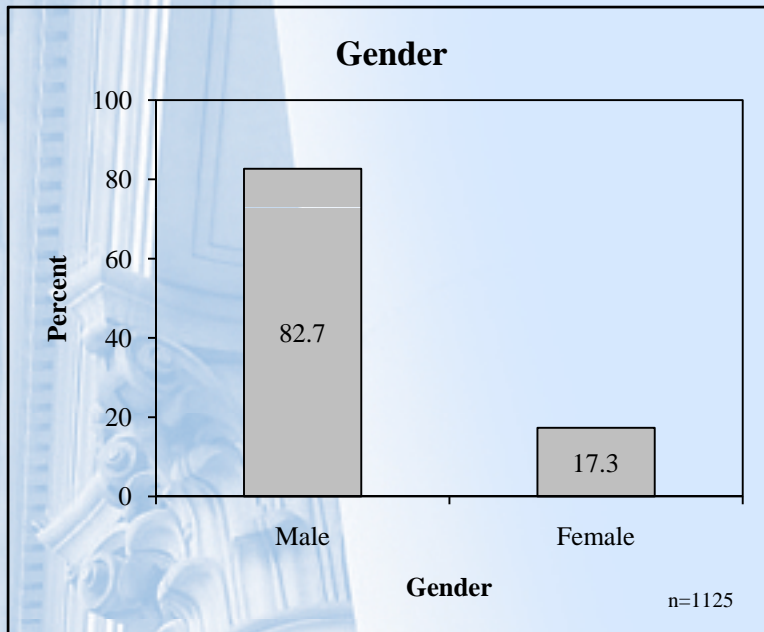


# Research Methodology and Method

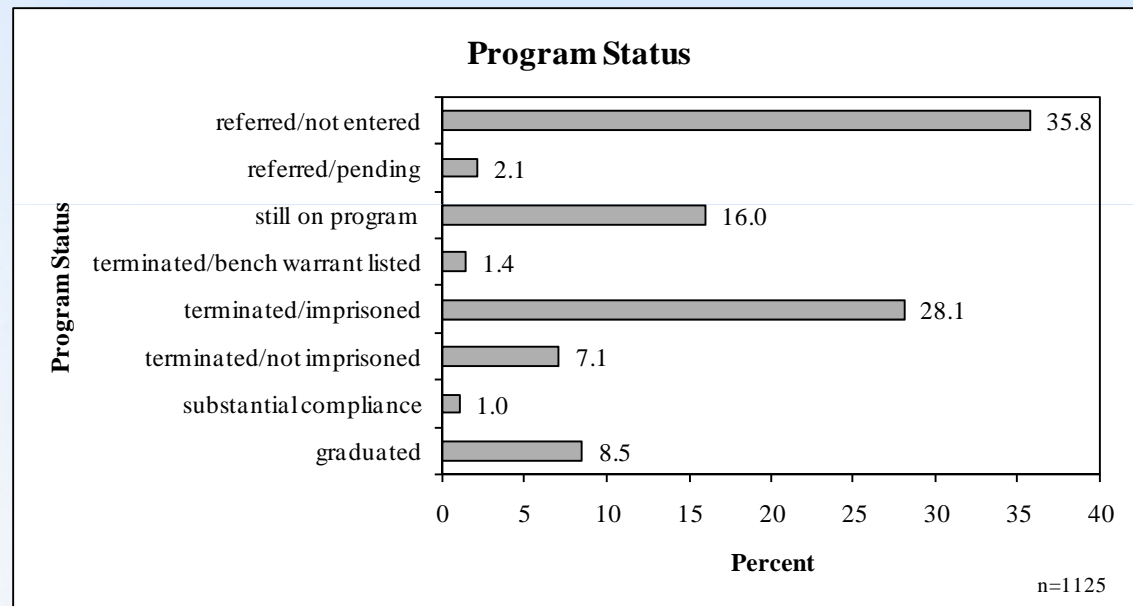
- Aims
- Conceptual framework
- Methodology and method
- Research questions
- Data collection and analysis



# NSW Drug Court Sample



# Program Status



# Reasons For Not Entering the Program

Reason	Gender				Total	
	Male		Female			
	Frequency (n=)	Per cent (%)	Frequency (n=)	Per cent (%)	Frequency (n=)	Per cent (%)
Ineligible: antecedents and inappropriateness	104	<b>30.2%</b>	5	<b>8.8%</b>	109	<b>27.2%</b>
Unwilling to participate	63	18.3%	12	21.0%	75	18.7%
Ineligible: residence out of catchment area	27	<b>7.9%</b>	9	<b>15.8%</b>	36	<b>9.0%</b>
Ineligible: nature of referred offence(s)	44	12.8%	9	15.8%	53	13.2%
Ineligible: health-related	8	2.3%	3	5.3%	11	2.7%
Ineligible: outstanding legal matters	46	13.4%	7	12.3%	53	13.2%
Ineligible: not facing custody	34	<b>9.9%</b>	10	<b>17.5%</b>	44	<b>11.0%</b>
Previous involvement with	8	2.3%	2	3.5%	10	2.5%
Ineligible: unspecified	10	2.9%	–	–	10	2.5%
Total	344	100%	57	100%	401	100%





# Sentencing

Final Sentence Type	Gender				Total	
	Male		Female			
	Frequency (n=)	Per cent (%)	Frequency (n=)	Per cent (%)	Frequency (n=)	Per cent (%)
Not determined	20	4.7%	1	1.0%	21	4.1%
Non-custodial	155	36.6%	26	27.7%	181	34.9%
Imprisonment	249	<b>58.7%</b>	67	<b>71.3%</b>	316	<b>61.0%</b>
Total	424	100%	94	100%	518	100%

Sentence Length	Gender				Total	
	Male		Female			
	Frequency (n=)	Per cent (%)	Frequency (n=)	Per cent (%)	Frequency (n=)	Per cent (%)
No difference	64	15.9%	22	23.7%	86	17.4%
Shorter sentence	78	19.4%	15	16.1%	93	18.8%
Longer sentence	260	<b>64.7%</b>	56	<b>60.2%</b>	316	<b>63.8%</b>
Total	402	100%	93	100%	495	100%



# Therapeutic Outcomes

“...the intimacy or the intimate knowledge that the court has of the individual I think serves the women quite well. It also means that at times when things are going well, that congratulations or the affirmation of that success is very sincere...”





# Anti-therapeutic Outcomes

“...there’s just so many layers to their issues...I don’t know that, well holistically, that we offer enough”.



# Conclusion

- Implications for Therapeutic Jurisprudence
- Limitations
- Recommendations for further research

