

Exploring the Gender Gap in DUI Arrests and Prosecutions:
An Interdisciplinary Analysis of Sociopolitical, Economic, and Legal Implications

by

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ABSTRACT

This research aims to evaluate gender disparities in driving while under the influence (DUI) prosecutions, integrating perspectives from political science, sociology, and economics. A meticulous literature review reveals distinct patterns in drinking habits, risk-taking behaviors, biases within law enforcement, justice system dynamics, regional blood alcohol content (BAC) law variations, and the intricate interplay of gender norms and societal expectations. Notably, women face a lower likelihood of DUI arrest than men, a disparity influenced by a myriad of factors, including alcohol consumption patterns, ingrained biases, and gendered stereotypes. Economic dimensions of DUI convictions spotlight costs linked to healthcare, legal proceedings, lost productivity, and insurance premiums. The political arena actively molds DUI-centric policies, emphasizing the significance of decisions like adopting ignition interlock device laws and amplifying enforcement initiatives. Additionally, the nuanced experiences and challenges of transgender individuals within the DUI justice context underscore a pressing need for inclusivity and tailored policy considerations. A key observation is the obstacle faced by women, who are subjected to criticism both for the DUI offense and deviations from gender norms. This research underscores the necessity for harmonized policies that bridge the gender gap in DUI arrests, fostering an equitable justice system, and mitigating the profound economic and social repercussions of DUI offenses. The confluence of societal norms, economic ramifications, and political decisions constitutes the crux of gender disparities in DUI prosecutions, necessitating comprehensive and intersectional approaches in future research endeavors.

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CHAPTER 1

INTRODUCTION

Driving under the influence (DUI) of alcohol or other substances continues to be a major public safety and health concern, with vast implications for individuals, families, and society at large. While numerous studies have sought to explore the complexities surrounding DUI offenses, an area demanding deeper exploration is the gender disparity inherent in DUI arrests and prosecutions. Evidence suggests that men are disproportionately arrested for DUI offenses compared to women, even after accounting for variables such as alcohol consumption patterns and driving behaviors. This disparity, however, is not just a simple reflection of differing behaviors between genders; it is a mosaic of intertwined political, sociological, and economic factors.

This research aims to uncover the gender gap in DUI prosecutions, leveraging a multifaceted approach that bridges insights from political science, sociology, and economics utilizing insights from previous research. On the political front, the landscape of legal systems and the representation (or lack thereof) of women in decision-making roles presents a powerful backdrop to the enforcement dynamics of DUI regulations. Sociologically, the enduring weight of societal norms and media representations further intensifies the scrutiny women face when involved in DUI incidents, often leading to dual layers of judgment: one for the DUI offense and another for perceived breaches of gender norms. Economically, the study sheds light on the cascading costs, both direct and indirect, associated with DUI convictions, revealing how they might disproportionately burden individuals based on gender.

Additionally, the research acknowledges and delves into the unique challenges and experiences of transgender and non-binary individuals within the realm of DUI prosecutions. Their narratives, often overshadowed, present a critical dimension to the broader discussion of gender disparities.

In examining the gender disparities within DUI prosecutions, a survey of existing scholarly research reveals a nuanced landscape where men and women encounter divergent experiences. By drawing upon empirical studies, sociological theories, and economic investigations, the scholarly discourse provides a critical framework for dissecting the various dimensions of gendered experiences in DUI cases. This thesis to navigates the nuances of drinking habits, inherent systemic biases, legislative variations, and the overarching influence of societal gender norms. The overarching aim is to not only illuminate the factors perpetuating these disparities but also to recommend potential avenues for redress.

The findings of this comprehensive exploration carry significant ramifications for a spectrum of stakeholders, from policymakers and law enforcement agencies to communities and advocacy groups. By providing a holistic understanding of gender dynamics in DUI arrests and prosecutions, this research contributes to the broader discourse on public safety, justice, and gender equity.

CHAPTER 2

GENDER DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM

The criminal justice system, historically perceived as a foundation of equality, fairness and justice, is not immune to biases. Over time, research has consistently highlighted gender as a significant component that continues to face imbalance in the criminal justice processes and outcomes. While the scales might tip in various directions depending on the nature of the crime, jurisdiction, or sociopolitical context, gender disparities are continuously present, especially in DUI prosecutions. Due to this discrepancy, gender remains a crucial topic of investigation in the criminal justice system. Equality is “the state of being equal, especially in status, rights, and opportunities” which is not the case in this system as supported by a plethora of research in past years.

Despite several year (s) of striving to bring equality to men and women in all cases in America, the criminal justice system still exhibits pronounced gender disparities. Women and men experience different pathways through the system, from arrest to prosecution, sentencing, and rehabilitation (Daly & Bordt, 1995). These discrepancies can be amplified, particularly in the context of DUI charges, by societal expectations and the complexities of the judicial system. It is important to remember that “Gender is a potent factor in the criminal justice system, influencing not just how individuals behave but also how institutions respond to and process those individuals” (Belknap, 2007). This can be seen when looking at the differences in imprisonment rates between men and women. It was found that “Over the last three decades, the female imprisonment rate has increased at a rate nearly double that of men” (Carson, 2018).

It is also important to keep in mind that equality in the criminal justice system does not just mean equal rates of incarceration, but also equality in the needs of both genders being met while incarcerated. "Despite women's increasing rates of incarceration, the criminal justice system remains largely 'male-centric', making women's specific needs and pathways to crime secondary considerations" (Chesney-Lind, 2013). A prime example of these deficiencies women experience revolves around male-designed health care. Women face pregnancy and menstruation while incarcerated and these obstacles have not been adequately accounted for in the design of the incarceration system. "In some facilities, limited access to sanitary products can lead to unsanitary conditions, with women often forced to 'make do' with inadequate materials" (Fettig, 2015). In addition to this, women may receive inadequate healthcare due to inconsistencies across facilities rather than a standard for adequate care (Ferszt & Clarke, 2012). Lastly, "The practice of shackling pregnant women during labor, still prevalent in some states, not only poses physical risks but can also have profound psychological implications, deepening the trauma for incarcerated mothers" (American College of Obstetricians and Gynecologists, 2011). It is important to keep these factors in mind as the inequality in the arrests and prosecutions of women face more challenges than just the incarceration itself.

Societal norms and expectations heavily influence the imbalance in DUI prosecution between genders. Traditional gender roles, portraying men as dominant risk-takers and women as passive caregivers, create expectations that funnel into legal perceptions and decisions (Emslie, Hunt, & Lyons, 2012). Although the justice system is perceived to be a place without the influence of these societal ideals, there is no way to prevent them from seeping into this process. "Society's conceptualizations of femininity

are often associated with nurturing and caregiving, which can magnify the deviance perceived when women engage in behaviors like DUI" (Daly, 1989). According to certain beliefs, the legal system may be more forgiving toward women due to chivalrous ideals. This could take the form of lower penalties or alternative rehabilitation offerings for women in DUI cases, especially if they are considered key caretakers. It is suggested in research by Chesney-Lind (2006) that these expectations may lead to "extended leniency to female offenders, viewing them as more redeemable or less culpable". On the other hand, this could also lead to heavier incarceration believing a mother should be more conscious of her decisions given her daily roles. When a mother is arrested for a DUI, she may face "societal backlash can be particularly severe, given the profound violation of maternal protective norms"(Maher, 1992) which may lead to a harsher sentence to deter future offenders. With this being said, cultural norms and expectations about gender play a significant influence in affecting views, stigmatizations, and, eventually, DUI prosecution.

The economic situation women face has an underlying influence on the outcome of legal prosecution leading to these disparities. Women's economic positions, often characterized by wage disparities and lesser financial autonomy, can influence their experiences in the criminal justice system (Spohn & Holleran, 2001). "In 2022, American women typically earned 82 cents for every dollar earned by men." (Kochhar, 2023). This wage gap can have implications within the justice system. According to Pager (2003), women's choices in legal defense, plea bargaining, or even post-conviction rehabilitation may differ due to this economic disparity. With more money comes more options for legal representation and in turn may affect the outcome of the prosecution. Although the

difference in wage seems insignificant at the dollar level, men are still making on average 22% more than women in the United States.

To counteract this, it is important to take into account that political and legal influence(s) are heavy impactors within the DUI disparities between gender. The composition of gender differences in DUI convictions is shaped by the political landscape, which is characterized by legislation, policy, and representation. Women in policy-making roles, as well as the influence of gender-centric policies, play pivotal roles (Alessio & Eitle, 2013). Policies are not set with the ideation that they will result in inequality based on gender when carried out. It is important to highlight that “laws, in their essence, might be gender-neutral, but the ripple effects of their implementation can disproportionately affect men and women differently”(Gelsthorpe & Morris, 2002). Women's involvement in the legislative process is an additional element to be taken into consideration. While legislative bodies have historically been male dominated, more women are making their way into these influential positions (Lovenduski, 2005). “Their increasing involvement holds the promise of laws and policies that more comprehensively address gender nuances” but that does not change the current differences within arrests and prosecutions (Lovenduski, 2005).

An intersectional approach, which considers race and class as well as gender, can demonstrate differences in DUI prosecutions. Women from underprivileged racial or socioeconomic backgrounds may encounter additional hurdles in the criminal justice system (Spohn & Holleran, 2001). The interaction of different identities might increase the biases and prejudices that individuals encounter (Crenshaw, 1991). The differences in the prosecution processes have deeper layers beyond just gender that contribute to these

outcomes (Potter, 2013). "It is imperative to consider intersectional identities when discussing gender disparities in the criminal justice system, as a woman's race or socioeconomic status can significantly influence her experience" (Potter, 2013).

To summarize, comprehending gender discrepancies in the criminal justice system, particularly in DUI cases, demands an interdisciplinary lens that takes into account societal standards, economic concerns, political effects, and intersectionality nuances. While each aspect contributes to the puzzle, it is their interaction that creates gendered experiences in this system. These aspects influence the differences in DUI prosecution in relevance to gender and it is crucial to take all these aspects into account to thoroughly understand why these discrepancies happen.

CHAPTER 3

SOCIOLOGICAL

The issue of driving under the influence (DUI) is a significant societal concern, impacting individuals, families, and communities. One aspect that has received attention in recent years is the gender disparity in DUI arrests, with men being more likely than women to be arrested for DUI (Eith & Durose, 2011). The purpose of this literature review is to examine the factors contributing to this gender gap, including drinking habits and risk-taking behavior, biases in law enforcement and the justice system, blood alcohol concentration (BAC) laws, physiological differences between men and women, sociological factors and intersectionality, economic implications, political implications and policies, and the unique challenges faced by transgender individuals in the context of DUI arrests. By exploring these factors, this review aims to provide a comprehensive understanding of the gender disparities in DUI arrests and inform future policies and interventions aimed at promoting fairness, equality, and a more just society.

A sociological perspective is imperative to identifying DUI prosecution and arrest differences. With its emphasis on societal structures, norms, and human interactions, sociology provides a rich framework for understanding the gendered nuances in DUI prosecutions. Sociology provides insights into the broader forces that shape individual experiences within the criminal justice system, from the subtleties of societal expectations to the dynamics of police interactions.

Research has shown that there are differences in alcohol consumption and risky driving behaviors between men and women, which may contribute to the observed gender disparities in DUI arrests. In the Article by Wilsnack and others it was found that

men are more likely to consume alcohol than women as well as men consume alcohol in larger quantities than women. This increased alcohol consumption in men may partially explain the higher rates of DUI arrests among men compared to women. It was also found that more long-term abstinence occurs among women which may also contribute to the higher arrest rate in men. Although reckless behavior was found to be more prevalent in younger age groups, men were still found to be bigger risk takers and heavier drinkers than women (Wilsnack et. al. 2000).

Risk-taking behavior is a crucial component when considering the larger amount of DUI arrests in men compared to women. A study by McCartt et al. (1997) found that because men are generally more likely to engage in risky driving behaviors that may increase their likelihood of being stopped by police and subsequently arrested for DUI. This suggests that the gender gap in DUI arrests could be influenced by differences in drinking habits and risk-taking behavior between men and women. In addition, it was also found that Men tend to consume alcohol more frequently than women and are more likely to engage in risky driving behaviors (Schwartz & Rookey, 2009) further supporting the evidence contributing to the gap in DUI arrests based on gender.

Societal constructs of masculinity and femininity deeply influence perceptions and behaviors related to alcohol consumption. As Emslie, Hunt, & Lyons (2012) have illuminated, “Men and women are often pigeonholed into archetypal roles—men as audacious risk-takers and women as restrained caregivers. Such archetypes inevitably influence legal perceptions, judgments, and decisions, especially in offenses entwined with societal judgments like DUIs. "Historically, men have shown a higher inclination for risk-taking behaviors than women, and DUI statistics reflect this trend. While statistics

can provide a general overview, individual behavior varies greatly, and not everyone will fit within these general trends. According to the U.S. Federal Bureau of Investigation's annual Crime in the United States report, men are arrested for DUI offenses at a significantly higher rate than women. For instance, in 2019, of the DUI arrests made, approximately 74% were male and 26% were female. Research also indicates that "Men are more likely than women to take risks in an array of settings, from the financial to the social." (Byrnes, Miller & Schafer, 1999). The crucial factor is the correlation between these risk-taking behaviors and driving under the influence. Individuals with a greater willingness to take risks may not perceive the same level of danger when combining alcohol consumption with driving, leading to an increase in DUI cases among those individuals. Given the gendered patterns of risk-taking, it is not surprising that DUI arrests are disproportionately male. While individual behaviors and decisions are complex and multifaceted, there is clear statistical evidence that men engage in DUI-related behaviors at a higher rate than women, possibly due to broader risk-taking trends. It is also important to remember that risk-taking is not the only factor that contributes to these trends, as variations in DUI arrests and prosecution necessitate a multi-faceted solution.

The sociological relevance of gender differences in DUI arrests is additionally influenced by stereotypes. Gender norms and stereotypes play a role in shaping perceptions of drunk driving, with women often stereotyped as less likely to drink and drive than men (Schwartz, 2014). This can lead to leniency towards women who violate blood alcohol content (BAC) laws or drive under the influence, as they may not be seen as fitting the stereotype of a drunk driver. It is essential to determine the root of these

biases and understand whether they are instilled during training, in the field, as a result of pre-existing biases held by officers before entering the force, or if they originate from entirely different sources.

Additionally, gender bias in DUI cases may be due to several factors, including societal biases, cultural stereotypes, and physiological differences (American Association of University Women, 2016). Women are often judged more harshly than men for the same behavior and are held to higher moral and ethical standards, which can impact how they are treated by law enforcement, judges, and juries. For example, women who are arrested for DUI offenses are more likely to be charged with a felony than men who commit the same offense and are also more likely to have their licenses suspended or revoked, even for first-time offenses (American Association of University Women, 2016). This is evident in the way the media portrays women who are arrested for DUI offenses. They are often labeled as "bad mothers", "irresponsible", or "promiscuous," while men who commit the same offense are portrayed as "party animals" or "boys will be boys" (Owley, 2014). In addition, women who are convicted of DUI offenses are more likely to receive longer jail sentences than men. These stereotypes can have a significant impact on how women are treated by law enforcement, judges, and juries.

It is important to know what societal norms versus societal expectations are defined as. According to Hechter & Opp (2005) "Societal norms are the unwritten rules regarding acceptable behaviors in society, whereas societal expectations are the pressures exerted on individuals to conform to these norms." Societal norms represent the shared expectations and rules that govern people's behavior within social groups. These norms can differ greatly between cultures and change over time. They have an impact on

everyday behaviors, from how people greet one another to what they wear and how they act in different situations. On the other hand, societal expectations stem from family, peers, media, religion, and other influential entities within a society.

DUI offenses carry a societal stigma that is not evenly distributed across genders. Women, especially those who stray from stereotypical roles, may be subject to increased public scrutiny and shaming. This disparity in stigma can have an impact on everything from police interactions to courtroom proceedings. "Societal stigmatization of female DUI offenders can often be more pronounced than their male counterparts, reflecting deep-seated beliefs about gender propriety and alcohol consumption" (Room, 2005). The severity of punishments that DUI offenders receive is a key factor in analyzing these differences as they often do differ based on gender. In addition, according to Schwartz & Steffensmeier (2008) in previous years, there is evidence to suggest that female DUI offenders may receive more lenient sentences than their male counterparts for similar offenses. It is implied that this can be attributed to societal perceptions that women are generally less dangerous or that their offenses are "out of character". In addition, rehabilitation is often a key factor in DUI offense recovery or built into the sentence they may receive. This can range from rehabilitation in incarceration to no incarceration and only entering a rehabilitation facility. Based on past research, rehabilitation programs for female DUI offenders may be more effective than for males, possibly due to societal perceptions that women are more amenable to change or that their offenses are less indicative of chronic behavior (Shaffer, Hartman & Listwan, 2009).

When it comes to amplifying these societal expectations, the media plays a strong role in forming these ideals. Not only are there preventative DUI campaigns but not every

DUI is the same and some are more exploited than others. "High-profile cases of female DUI offenders, especially celebrities, receive 38% more coverage compared to male counterparts" (Grabe & Kamhawi, 2006). If those who are seeing these stories are mainly seeing female offenders, they may be perceived as more inclined to make these mistakes. In addition, it is not only the DUI itself that is publicized, but who the person is outside of their offense is often amplified, especially when that offender is a parent. Reports on female DUI offenders who are mothers are 50% more likely to mention their parental status compared to reports on male DUI offenders who are fathers." (Cavender, & Bond-Maupin, 1993). The media has a very influential role on the societal expectations and norms that evolve in society, and it is crucial to acknowledge the impact that they have. An opinion or expectation cannot be formed without outside influences such as media, friendships, families, and more. The information that those influences present, can completely alter what view each person has and in turn, society as a whole.

In the realm of combating driving under the influence, police officers serve as the vanguard of law enforcement and the initial barrier against such offenses. As the forefront of the criminal justice system, police interactions are profoundly shaped by prevailing societal norms. A study by Bridges and Steen (1998) highlighted how gendered perceptions could influence the arrest decisions of law enforcement officers, with women often facing differentiated treatment based on ingrained biases. When it comes to the societal expectations that may influence an officer's decision it is important to keep in mind that it could cause the decision to go either way. "Police interactions with female DUI suspects sometimes reveal latent stereotypes, where women are either treated

as vulnerable and in need of protection or as deviants who have breached societal expectations"(Brown, 1998). Different expectations may also inadvertently contribute to the disparity in DUI arrests and prosecution. It is found that "Men experience traffic stops at higher rates than women. The gender discrepancy suggests differential treatment by police."(Eith & Durose, 2011). Men being stopped more than women may indirectly be the cause of men being arrested more often than women for DUI arrests. Due to the fact that they are more prone to be pulled over, a DUI is more likely to be discovered. Not every person that is driving under the influence and will be pulled over and given a DUI. When obtaining this charge, it is more of "if you get caught" rather than every single time a person drives under the influence, they are pulled over.

In addition, how an officer approaches someone being pulled over or an arrest may also be influenced by gender. In a study by Schuck & Rabe-Hemp (2007) it was discovered that there is a perception in policing that female offenders, particularly in DUI incidents, are more amenable to warnings rather than arrests. When it comes to being tested for a DUI, there is not a "golden standard" of how one should be tested for a DUI. How an officer chooses to test for a DUI is often up to their discretion and every state also has their own procedures and guidelines to follow. A DUI stop can contain anything from walking in a straight line to a breathalyzer test to test for one's blood alcohol content (BAC). "There is variability in the use of sobriety tests based on the suspect's gender, with some suggesting that female suspects might undergo fewer coordination-based tests" (Brown & Frank, 2006).

Individuals' experiences during DUI arrests can differ significantly based on gender. Gender influences everything from the way questions are asked to whether

people are detained or released. These gendered interactions have the potential to set the tone for subsequent legal proceedings and outcomes. According to the National College for DUI defense, many Breathalyzer machines inaccurately give higher readings for women due to the fact most breath screening devices are calibrated for men. This means that if a woman were to have taken a blood test rather than a breath test, it is likely her blood alcohol content (BAC) is lower than what appeared on the breath test. As the police force is male dominated, this can also present obstacles for women during a DUI stop and field sobriety testing. As stated by Brunson and Miller (2006) "The power disparity during traffic stops, especially when it is a male officer and a lone female driver, can exacerbate feelings of vulnerability." It was found that in 2021, 87% of rape and sexual assaults were experienced by women (Statista Research Department, 2023). These statistics may be societal expectations that fuel women's fears during DUI stops, specifically when they feel they are disadvantaged. These fears may manifest as refusal of a DUI test, being uncooperative, and even guilt for driving under the influence, despite the fact that this may not be the case. All of these societal expectations have a part in how a DUI stop and arrest play out.

When it comes to these gender biases and expectations, they do not end at the point of arrest or release. Gender bias pervades the entire legal system. Pre-trial proceedings and plea-bargaining decisions are frequently influenced by societal perceptions of gender, with women potentially facing different challenges and expectations. "Despite intentions of neutrality, the pre-trial phase, including plea bargaining decisions, can reveal pronounced gender biases, often reflecting societal expectations and judgments" (Spohn & Beichner, 2000). The pressures of the outside

world may also influence how women decide what path to take when facing trial in the instance the DUI offender is prosecuted. In court, not all DUI charges will end with incarceration, and they are sometimes offered a plea bargain. When women are faced with this decision, they “might feel increased pressure to opt for plea bargains, even when their cases might warrant fighting the charges in court” (Spohn & Holleran, 2001). As women are often primary caregivers, this may be accounted for in the options they are given. If a mother is a first-time offender with a stable job and children to take care of, she may be offered probation and a rehabilitation program that she may be inclined to take, even if she had a chance of the charges being dismissed (Steffensmeier, Ulmer & Kramer, 1998). As conveyed by Steffensmeier, Ulmer & Kramer (1998) “Gender dynamics can play a significant role in how plea negotiations unfold” which in turn, may result in women being prosecuted more than their male counterparts.

Outside of plea bargains, there are the differences in incarceration that are to be acknowledged. Gender disparities often culminate in the sentencing phase. Research has highlighted “Sentencing outcomes, while meant to be impartial, can be swayed by deep-seated societal norms, leading to discernible gender disparities in DUI convictions” (Daly, 1987). It is difficult to pinpoint the exact percentage differentiation for incarcerations as many records are private, but the rate of DUI arrests does show definite statistics that men are arrested far more than women for driving under the influence and women now account for 20-25% of DUI arrests as of 2010 as compared to women only accounting for 10% in the 1990’s, according to the Federal Bureau of Investigation.

In addition to gender bias, intersectionality can also play a role in shaping DUI arrest patterns (Steffensmeier & Schwartz, 2013). The gender gap may be compounded

by other factors such as race, class, and sexuality, leading to even greater disparities in arrest rates among different groups. For example, women of color may face additional discrimination and bias in the justice system, resulting in lower rates of DUI arrests for white women (Steffensmeier & Schwartz, 2013). According to a report published in 2020 by the Prison Policy Initiative, the incarceration rates for women in the United States were stratified along racial lines. Specifically, the rate for white women stood at 49 per 100,000 people. For black women, this rate was significantly higher, at 96 per 100,000 people. Hispanic women were incarcerated at a rate of 47 per 100,000 people (Sawyer & Wagner, 2020). This is incredibly significant as only 13.6% of the population are African American and only 19.1% of the population are Hispanic (U.S. Census Bureau, 2022). Similarly, a study by The Sentencing Project titled "The Color of Justice: Racial and Ethnic Disparity in State Prisons," published in 2016, highlighted systemic racial and ethnic disparities within the broader prison population. Although it did not specifically isolate the rates for women, its findings lend contextual background to the racial disparities within the U.S. criminal justice system (Nellis, 2016).

Intersectionality plays a crucial role in understanding the gender gap in DUI arrests as well, as it considers multiple interconnected social identities and how they influence one another. It is vital to consider how various factors, such as race, class, and sexual orientation, may intersect with gender and further affect the disparities in DUI arrests. By acknowledging and addressing intersectionality, researchers and law enforcement agencies can develop a more comprehensive understanding of the issue and work towards reducing disparities in DUI arrests. Sociological factors such as gender norms, stereotypes, and intersectionality can further compound the gender gap in DUI

arrests. The social outcomes of these disparities are critical to consider, as they can contribute to wider inequalities and negative consequences for individuals and communities. To promote a more just and equitable society, it is crucial to continue examining and addressing these disparities.

CHAPTER 4

POLITICAL SCIENCE PERSPECTIVES

A look into the effects of political science on gender and DUI prosecution provides a clear look into how much these nuances truly contribute to an imbalance. The systems of power, representation, and policy-making processes all contribute to how the legal system interacts with gender, particularly in the context of DUI offenses. From policies to differences in ideology, political science is an important factor in uncovering how these differences come about.

In exploring the role of blood alcohol content (BAC) laws in contributing to gender disparities in DUI arrests, it is essential to consider the enforcement of these laws and their potential differential effects on men and women. BAC laws establish a legal limit for the amount of alcohol a driver can have in their system while operating a vehicle. Violators with a BAC exceeding the legal limit can be arrested for driving under the influence (DUI). Schwartz and Davaran (2008) investigated the impact of BAC laws on gender differences in DUI arrests, finding that enforcement practices may contribute to the gender gap. For instance, after the implementation of a 0.08% BAC law in California, the authors found that men were more likely to be arrested for DUI than women, even though women were found to have higher BAC levels than men at the time of their arrest. This finding suggests that law enforcement may be more lenient towards women who violate BAC laws, resulting in fewer DUI arrests of women.

Furthermore, BAC laws can vary across regions, with some states having lower or higher BAC limits than others. This variation in BAC limits may also contribute to gender differences in DUI arrests (Schwartz & Davaran, 2008). As such, it is important to

consider the impact of differing BAC laws and enforcement practices on the observed gender disparities in DUI arrests. Those who reside in states with a lower BAC for DUI arrests risk higher arrest rates. This is a crucial factor that leads into the next point, being the physiological difference in men and women and how they metabolize alcohol.

Biological factors, such as body composition, enzymes, and hormones, play a significant role in how alcohol is metabolized and affect blood alcohol concentration (BAC) levels in men and women. Women generally have a higher proportion of body fat and a lower proportion of body water compared to men, leading to a higher BAC after consuming the same amount of alcohol as men of similar body weight (Zakhari, 2006). This may influence women's decisions not to drive under the influence or could create a bias among law enforcement officers who are aware of these differences. In addition, the activity of alcohol-metabolizing enzymes, such as alcohol dehydrogenase (ADH) and aldehyde dehydrogenase (ALDH), is generally lower in women than in men (Zakhari, 2006). This results in slower alcohol metabolism and higher BAC levels in women for longer periods of time. Despite this, men are still arrested more for DUI charges. Another physiological factor to be taken into consideration is hormones as they are different in men and women. Hormonal factors can also affect alcohol metabolism in women specifically. For instance, during the luteal phase of the menstrual cycle (post-ovulation), women may have lower ADH activity and higher BAC levels than during the follicular phase (pre-ovulation) (Mumenthaler et al., 1999). The use of oral contraceptives may similarly impact alcohol metabolism. These physiological differences not only make it easier for women to reach the legal BAC limit but can also contribute to biases within law enforcement if officers are aware of this knowledge. Understanding the complex

interplay of these factors is crucial for a comprehensive evaluation of the reasons behind the gender disparities in DUI arrests. Women being represented more in law-enforcement may be able to bring light to this difference.

The representation of women in law enforcement and legislative bodies has a substantial impact on the outcome of DUI cases. Research by Caul (2001) reveals that the presence of women in decision-making roles tends to foster policies that are more attuned to women's issues, including a more nuanced understanding of DUI offenses. Out of all law enforcement employees only 26.8% are female and in Police officer positions specifically, only 12.5% are female (FBI, 2018). A woman also does not need to be in a position of power as a DUI offense starts at the arrest level, which means police officers in the field are the one starting this process of inequality. It is important to remember that these discrepancies and biases are not intentionally embedded into policies and laws, but the ones that are in place may inadvertently create these differences. Women becoming more predominant in policy making and arrests can provide a different perspective that may cause the rest of decision makers to look farther down the line at the advert effects these policies have. "Political ideologies, with their inherent gendered narratives, can shape legislative intent, judicial interpretations, and enforcement practices, embedding potential biases in the justice system" (Brush, 2002). Addressing gender bias in DUI cases requires the involvement of policymakers and lawmakers. Developing policies and practices that promote equality and fairness, such as gender-neutral sentencing guidelines and training for judges and prosecutors, is essential in recognizing and addressing gender bias in courtrooms. In addition, it was found that there are more women serving on state courts of last resort than were recorded a decade or so ago" (Alozie, 1996) which shows

that there has been some progress in the judicial system. It is important to highlight that in that study, it was found that 14 of the 52 courts examined in this study did not have women jurists (Alozie, 1996). The 14th amendment or the "equal rights amendment" aims to prevent such issues by stating that no state can deny equal protection of the laws to any person within its jurisdiction. However, despite the existence of the 14th amendment, gender disparities in DUI arrests persist. Policymakers and lawmakers must scrutinize the factors contributing to gender bias in DUI cases and develop policies and practices that promote equality and fairness, ensuring that men and women receive equal rights and arrests, given all factors are the same. By doing so, they can contribute to upholding the fairness and impartiality of the justice system and preventing the perpetuation of harmful stereotypes about women.

Political ideologies, spanning a spectrum from conservative to liberal, can also dictate the policies and procedures in place and may in turn affect gender arrests and prosecutions differently. It is important to remember that although driving while intoxicated is illegal and instilled through the United States, the individual laws within each state differ at their jurisdiction. This explains how some states may have a different blood alcohol content (BAC) that is considered to be a DUI as well as different punishments when receiving one. For example, in Alabama an Ignition Interlock Device is not required with a DUI whereas in Alaska, this device is required with a DUI according to DUI.Drivinglaws.org. These devices prevent vehicles from starting if the driver has alcohol in their breath. States with mandatory IID laws have demonstrated lower incidences of alcohol-related crashes and fatalities compared to states without such laws (Voas, Tippetts, & Fell, 2016). As Jacobs and Carmichael (2004) have pointed out,

states with conservative administrations often adopt stricter punitive measures, which can disproportionately affect women due to societal norms and expectations.

In addition to this, not all arrests lead to a prosecution. The political climate can influence public attitudes and behaviors related to DUI prevention (Hingson et al., 2016). Those who are in power and the campaigns that they support influence how those view a DUI and what those repercussions and preventative measures look like. "Elections, political campaigns, and public sentiments can influence how strictly DUI laws are enforced, leading to variations in prosecution patterns." (Meier and Johnson, 1983). Political politicians with strong "law and order" positions, for example, may stress stronger DUI enforcement, portraying DUI offenders in an especially bad light. Those who advocate for rehabilitative approaches, on the other hand, may advocate for more comprehensive preventive measures, such as obligatory education or therapy for offenders. Increased DUI enforcement, including sobriety checkpoints and saturation patrols, has been associated with reduced rates of alcohol-related crashes and fatalities (McCarthy & Wolfson, 2018).

Furthermore, public attitude, which is frequently influenced by high-profile DUI cases or media campaigns, can place pressure on the legal system, resulting in changes in how DUI charges are prosecuted. This dynamic interaction between politics, public opinion, and prosecution emphasizes the significance of taking into account broader socio-political factors when assessing DUI prosecutions.

Another crucial element to the judicial system and imposing equality is the legislative system. Legislative actions have a significant impact on whether or not gender discrepancies in DUI prosecutions emerge. Legislative decisions are what drive the

policies and procedures that are followed and implemented from arrest to prosecution all the way to incarceration. As articulated by Engen, Gainey, Crutchfield, and Weis (2003), policies can either unintentionally widen gender disparities through ostensibly neutral stances or actively work to reduce them by addressing underlying biases. It is key to take into account these are underlying biases, not direct implementation of biases in these decisions as it is not the intent to frame these decisions as an attack towards a specific gender but rather an unintentional outcome that needs to be addressed, analyzed, and rectified.

Furthermore, the source of these biases is not always obvious. Social norms, historical precedents, and cultural beliefs can all have a subtle influence on legislative decisions. Policies, for example, may be written with traditional gender roles in mind without explicitly stating so. This can result in laws that, while appearing unbiased on paper, disproportionately affect one gender in practice. It is critical to distinguish between intentional and unintended consequences. With its numerous stakeholders, debates, and revisions, the legislative process frequently strives for fairness and justice.

An important insight into the implications of these findings are case studies. Case studies provide invaluable insights into the complexities of how gender intersects with politics in DUI prosecutions. In states where DUI offenses are heavily politicized, the resulting policies frequently carry the weight of one's political intentions, which may heighten gender disparities. This dynamic is well-captured by Mauer, M. (2002) in his exploration of the 'war on drugs', drawing parallels that can be extended to DUI cases. The so-called "war on drugs," framed as a moral and public-safety crusade, was riddled with racial and gender biases. Draconian penalties were frequently imposed

disproportionately to certain racial and gender groups, reflecting not only the system's inherent biases but also the political motivations driving the war.

Parallels with DUI cases can emerge when compared to this case study. DUI prosecutions can be influenced by the current political climate, just as the 'war on drugs' had racial and gender biases intertwined with political motivations. DUI offenses, for example, may face harsher penalties across the board in jurisdictions where political leaders capitalize on "tough on crime" narratives. When combined with societal gender norms and biases, women may be treated harshly because they are perceived to deviate more severely from expected norms, or they may be treated more leniently due to paternalistic attitudes. In essence, while DUI cases and Drug cases differ in nature, they emerge similar patterns in underlying systemic biases and political motivations that lead to a deeper understanding of how these differences in DUI cases come to light.

While delving deeper into this interplay zero-tolerance policies can be referenced. In some states, this disparity in gender DUI prosecutions has been taken into consideration and there were attempts for rectification. In a case study by Sharp & Johnson (2009) certain states had gender-specific programs and policies to compensate for gender imbalance. For a program in California, alternative sentencing options were provided for primary caregivers convicted of DUI offenses, meaning both male and female primary caregivers. As women are seen to be primary caregivers this sometimes leads to sparked political debates about fairness and the potential for gender-based preferential treatment. This is not to say it did not work, but this highlights how political debate at the civilian level can influence decisions made by policy makers. This potential solution shows "...the complex interplay between policy intentions and political

perceptions” (Sharp & Johnson, 2009). A delicate balance exists between political intentions, policy outcomes, and societal implications, with gender considerations being vital to this harmony.

Lastly, a process of reformation and feedback are crucial to implementing an even balance in policies and procedures involving DUI prosecution. In the context of DUI prosecutions, the concept of a reformation and feedback loop is based on the idea that the justice system should be a dynamic entity that evolves based on continuous feedback from its stakeholders. To do this, the system must acknowledge that there needs to be fixed and that there are differences, in addition to understanding the complexities and biases in play. To rectify this situation, real-time changes and adjustments need to be made as every decision will not necessarily lead to the intended outcome.

Stakeholders in this dynamic include policymakers, law enforcement, judiciary, offenders, and the general public. Each piece of this puzzle is a contributor to both the differences currently present as well as the potential for a solution. “By drawing on the experiences and insights of all stakeholders, the justice system can ensure a more comprehensive understanding of the impacts of DUI policies” (Lipsky, 2010). To do so, data collection and further case-studies are necessary as policies change and evolve. According to May and Winter (2009) “Informed decision-making in DUI prosecutions necessitates a commitment to rigorous data collection and an honest evaluation of the resultant trends and patterns.” With this being taken into consideration, the sociological and in turn, political factors at play can be identified and adjusted to evolve with today's society.

When it comes to transgender individuals, they may encounter unique challenges when interacting with the justice system, particularly in the context of DUI arrests. Research has shown that transgender people often experience discrimination and bias from law enforcement officers (Lombardi et al., 2002; Grant et al., 2011). This discrimination can manifest in various forms, such as disrespectful treatment, misgendering, and even harassment or violence. Such negative experiences with law enforcement can contribute to a sense of vulnerability and mistrust, potentially leading to reluctance in seeking help or reporting crimes (Stotzer, 2009).

Transgender individuals may also face complications with identification documents, as legal names and gender markers on these documents may not always align with their gender identity (National Center for Transgender Equality, n.d.; Bockting et al., 2013). This discrepancy can create confusion and misunderstandings during law enforcement interactions, such as DUI arrests. In some cases, transgender people may be subjected to invasive searches or additional questioning, exacerbating the stress and humiliation of an already challenging situation (Hanssens et al., 2015). This may also skew collected data as not all transgender individuals have legally changed their gender. They may present as one gender resulting in the treatment of that gender, but have their data recorded as their biological gender, skewing data.

In order to ensure fair treatment and equal protection for transgender individuals within the justice system, it is important to recognize and address the unique challenges they face. This may include providing law enforcement officers with training on transgender issues (Spade, 2011), implementing policies to ensure respectful treatment and proper use of pronouns (Lydon et al., 2015), and updating identification document

requirements to better accommodate transgender individuals (Sausa et al., 2009). By taking these steps, the justice system can work towards creating a more inclusive and equitable environment for transgender people in DUI cases and beyond.

CHAPTER 5

ECONOMICS PERSPECTIVES

The next crucial component in uncovering how this imbalance in DUI offenders and gender surfaces, is the influence of economics. Exploring the domain of economics reveals a plethora of factors that influence and are influenced by gender disparities in DUI prosecutions, demonstrating the intricate interplay of these factors in continuing this inequality. The financial consequences of a DUI conviction are not limited to fines and legal fees; they reverberate throughout people's lives, affecting employment, interpersonal well-being, and societal costs.

In addition, several studies have assessed the economic consequences of DUIs, including healthcare costs, legal expenses, lost productivity, property damage, and increased insurance premiums (Miller, Zaloshnja, & Spicer, 2013; Fell, Scherer, & Thomas, 2017). Miller et al. (2013) estimated that the economic cost of alcohol-impaired driving in the United States amounted to \$199 billion in 2010, representing 1.3% of the country's GDP. This figure encompasses medical care, rehabilitation, property damage, lost productivity, and legal expenses. Similarly, Fell et al. (2017) found that DUI-related crashes in Florida resulted in an estimated \$3.8 billion in economic costs in 2015.

Beyond these direct costs, DUIs can indirectly impact the economy through increased insurance premiums and decreased consumer spending. Bao and Brown (2015) found that DUI-related crashes in California led to an average increase of \$470 in annual insurance premiums for drivers involved in these incidents, totaling \$1.3 billion in economic costs in 2010. Efforts to reduce the prevalence of alcohol-impaired driving can have significant economic benefits. One potential solution is to increase alcohol taxes, as

higher beer taxes have been found to reduce mortality rates related to DUIs (Benson, 1999). However, multiple strategies should be implemented to effectively decrease the economic impact of DUIs.

How a DUI affects an individual economically has several layers and differs by gender depending on what aspect is being evaluated. One instance that a DUI can impact someone's economic status is the significant implications for employment prospects. Women, often already grappling with wage disparities and glass ceilings, may find a DUI conviction exacerbating their economic vulnerabilities. As Pager (2003) highlighted, the mark of a criminal record can severely hinder job opportunities, with women facing unique challenges in this realm. Although women's presence in the workforce has increased, still only 57.4 percent of women are in the work forces versus 69.2 percent of men being in the workforce as of 2019 according to the Bureau of Labor Statistics. When filling out job applications, there is often an inquiry if the applicant has any criminal history, with a DUI ranging from a misdemeanor to a felony depending on the state and nature of the arrest. In addition, with women still making less on the dollar than men in the United States, “a DUI conviction not only serves as a legal barrier in many occupations but also reinforces societal stereotypes, potentially leading to diminished earnings and opportunities” (Western & Petitt, 2005).

Beyond the challenges individuals encounter when seeking employment following a DUI conviction, there are also barriers and novel hardships that may emerge and affect the families of those individuals. A DUI conviction does not just impact the individual; its ripples can be felt by entire families. The burdens that ripple through a family can have additional hardships for primary caregivers, which tend to be women.

For example, if a woman is a stay-at-home mom, there are now new challenges for childcare for the children on top of the financial struggle that accompanies any legal troubles. Wildeman and Muller (2012) highlighted how “DUI convictions can strain family finances, and given the gender wage gap, women's convictions might lead to prolonged economic hardships for families relying on their income.” In 2019 it was discovered that about 64% of mothers were primary, sole, or co-breadwinners, suggesting that their earnings were critical for their family's financial well-being. This figure highlights the potential financial devastation a DUI conviction can bring to families, particularly those headed by single mothers (Center for American Progress, 2019). This is again a primary motivator to accept a plea bargain over fighting in court and risking the potential of more time away from the home increasing the financial burden.

In addition to the strain on one’s family, there are additional individual financial strains often overlooked. The cost of installing and maintaining an IID can be substantial, often running into hundreds of dollars. A study by McCartt et al. (2010) on the effectiveness of ignition interlocks for preventing alcohol-impaired driving and alcohol-related crashes, cited the cost of IIDs as a burden to offenders. There are also indirect costs such as the potential loss of income due to incarceration or loss of employment, costs of alternative transportation if driving privileges are suspended, and the possible requirement to attend paid DUI education or treatment programs (Heaton, 2012). A person who is arrested with no prior driving under the influence offenses and a blood alcohol content (BAC) of 0.08 up to 0.099, can receive a fine of 300 dollars and an ungraded misdemeanor (Ritter, 2013). An individual with the same BAC range and two or more offenses will receive a fine of 300 up to 2,500 dollars and 5-10 days in jail, while a

person who is arrested with a BAC of 0.10 up to 0.159, high BAC, can receive a fine of 500 up to 5000 dollars (Ritter, 2013). These financial strains also include additional resources that may be necessary such as counseling or DUI education programs that can range from a few hundred to several thousand dollars, depending on the length and type of program (McCartt et al., 2010).

In addition to the costs outside of the repercussions of a DUI charge, the costs of DUI prosecution itself pose a burden. The economics of DUI prosecutions begin even before the courtroom, with costs incurred by law enforcement for arrest, detention, and evidence collection. These costs, which have to be paid by the state and ultimately the taxpayer, are rarely discussed but play a role in the larger economic narrative of DUI prosecutions, as discussed by Harwood (2000). When a woman is pulled over and is in need of a frisk search, a female officer is necessary to complete the search. As men are the majority of law enforcement, it may take longer to get a female officer on scene which leads to increased costs for time spent on female charges. As Benson et. al (2000) discussed, this is a subtle influence on law enforcement expenses, but do add up over time.

In addition, additional precautions are instilled in law enforcement to prevent people driving while intoxicated. Some of these procedures may include additional policing during certain hours and days as well as checkpoints to deter from drinking and driving and stop those on the road who are under the influence and may not have been pulled over otherwise. "Sobriety checkpoints increase the perception of being caught if driving while intoxicated, but they require substantial police time and may divert law

enforcement resources from other activities" (Fell & Voas, 2006). These checkpoints are often in high traffic areas and are aimed at keeping other people on the road safe from those who decide to drive under the influence. When an individual is charged with a DUI, the gravity of the situation is underscored by the recognition that their actions not only endanger themselves but also pose a significant risk to others. Along with DUI checkpoints, "Saturation patrols, where police increase their presence in areas with high DUI incidents, are less resource-intensive than checkpoints and can be similarly effective. However, these still involve considerable costs in terms of officer overtime, equipment, and administrative overhead" (Lacey et. al, 1999).

In addition to the costs that are put into the prevention of DUI offenders, there are also the costs of those who are not caught that pose a tremendous economic burden. As discovered by Blincoe et. al (2015), the economic cost of alcohol-involved crashes totals more than \$44 billion annually. In addition to this discovery, it was also found that it was not only those who were in consideration of a DUI that contributed to these billions of dollars but also, those who were under the influence but not yet considered a DUI. Blincoe et. al (2015) explained that \$20.6 billion is attributed to crashes involving drivers with BACs between .01 and .07, and \$24.7 billion to crashes involving drivers with BACs of .08 and above. These costs are not always borne by the offenders but rather cities and states these crashes occur in, which indirectly raises the taxes of people living there to compensate for these high costs.

Once one has been prosecuted for a DUI, legal fees and court costs are the next financial factor at play in the justice system. Legal proceedings are by nature expensive, with fees for defense, court operations, and other expenses. These costs, which can be

particularly high in lengthy or complex cases, can magnify the economic consequences of DUI prosecutions. As discussed by Shepherd (2015) court processes, influenced by gender dynamics, can have subtle financial implications, potentially impacting the overall costs faced by female defendants in DUI cases. According to Driscoll (2023) first time offenders should expect to pay an attorney around \$5,000, less if you take a plea, more if you go to trial. Again, with women making less than men on average, \$5000 is “more money” to them than a male. For example, if a man makes \$100,000 a year and a female \$82,000 a year, those costs are only 5% of a male's salary and 6% of a female's salary. Although this number is small, there is still an imbalance. These “subtle financial implications, potentially impact the overall costs faced by female defendants in DUI cases" (Shepherd, 2015).

Choice of legal defense will also impact the costs an individual faces in court and when deciding which avenue to take. “The intersection of gender and economic disparities means that many female DUI defendants might face compounded challenges in managing legal costs, potentially influencing their defense choices." (Bright & Sambisa, 2017). The choice between private and public defense has notable implications for client outcome with private being more costly. This may sway women to choose public defense in which a study by the Bureau of Justice Statistics found that among defendants with public defenders, 71% were convicted, while 54% of defendants with private attorneys were convicted. When it comes to tying plea bargains back into the legal proceeding process, it is important to note the differences between public and private defenders. Based on research by Durose et. al (2014) it was discovered that approximately 97% of all federal cases and 94% of state cases were resolved through plea

bargains when using a public defender. On the other hand, with a slightly lower percentage, 90% of cases resulted in a plea bargain with private defenders. Although at first glance these percentages are minimal, they are still not the same. With women having a lower socioeconomic status on average, they may face heightened challenges in securing adequate legal defense in DUI cases.

The criminal justice system, like any other institution, is susceptible to economic incentives. The economic dimensions of DUI prosecutions play a role in the broader context of DUI prosecutions, from fines that feed the state's budget to private prison systems that benefit from high incarceration rates. The National Highway Traffic Safety Administration. (2015) expand on the costs that come with DUI arrest and prosecutions and how these fines feed directly back into the legal system that can indirectly present themselves as incentives for prosecutors. For instance, in some states, a DUI conviction can result in fines ranging from a few hundred to several thousand dollars, depending on the severity of the offense and whether it is a repeat offense. These revenues, which flow into local and state government coffers, can inadvertently create an incentive to prioritize DUI arrests and convictions.

Private prisons are also on the rise providing a different insight into these indirect incentives. According to the Bureau of Justice, in 2019 there are 1,677 adult correctional facilities in the United States. 1 Of these, 111 were operated by the Federal Bureau of Prisons (BOP), 1,155 were operated by state correctional authorities, and 411 were privately operated. Private prison corporations often have contracts that guarantee a certain occupancy rate, inadvertently incentivizing higher rates of arrest and incarceration. While DUI convictions alone may not significantly feed the private prison

industry, they are a part of the broader landscape of offenses that contribute to incarceration rates (Eisen, 2015). The intersection of economics and the legal framework governing DUI prosecutions provides a window into the delicate balance of justice, public safety, and financial incentives. A thorough understanding of these dynamics is required for a comprehensive view of the DUI prosecution landscape. Gender disparities in DUI prosecutions have profound and complex economic consequences. These economic perspectives provide a deeper understanding of the true extent and depth of the issue, from individual financial ramifications to broader societal costs.

CHAPTER 6

METHODS

To investigate the relationship between gender and DUI arrests and prosecutions, an integrative methodological framework was utilized to uncover insights from sociology, economics, and political science. Previous research was systematically assessed to trace the multifaceted influences of gender in legal outcomes. Sociological theories on gender roles and socialization inform an analysis of how societal expectations may impact the prosecutorial process and arrest process. Economic perspectives are central to understanding how financial disparities influence the differential treatment within the criminal justice system. Meanwhile, political science provides a lens to examine how policies, governance, and political ideologies may shape or mitigate gender biases in DUI cases.

Studies addressing differences in drinking habits and risk-taking behaviors between genders were examined. Additionally, research on potential biases in law enforcement and the justice system, variations in blood alcohol content (BAC) laws, physiological differences between genders, and the pervasive influence of sociological norms were scrutinized. Special consideration was given to policies that may inadvertently contribute to gender discrepancies in DUI arrests and prosecutions, the broader economic implications of DUIs, and the political dynamics surrounding DUI prevention and enforcement.

To maintain a holistic perspective, challenges uniquely faced by transgender individuals in the justice system, such as discrimination and issues with identification

documents, were also explored. The overarching aim was to unearth the multifaceted influences and determinants that shape the gender dynamics in DUI cases.

In terms of methodology, a multitude of academic databases, including JSTOR, PubMed, Google Scholar, and other scholarly databases, were accessed. The literature search was guided by carefully chosen keywords, such as "gender disparities in DUI", "women and DUI arrests", "DUI and political science", "DUI and economics", "DUI and sociology", and related combinations. The selection criteria for literature prioritized relevance, publication date, and academic credibility. The literature utilized was primarily selected from the last 20 years and was published in the United States. Any non-peer-reviewed articles, non-English articles, or those tangential to the primary focus were excluded.

Following the identification of relevant sources, they were categorized based on their primary thematic focus—whether it be political science, sociology, or economics. A subsequent sub-categorization was done based on specific themes or issues they addressed. Each source underwent a meticulous annotation process to provide succinct summaries of their key findings. This organized approach facilitated a systematic comparison and contrast of findings, methodologies, and scopes across sources. Such an approach was instrumental in identifying recurring themes, inconsistencies, and potential gaps in the existing literature. Throughout this extensive process, maintaining academic rigor and integrity, especially in citations and recognizing potential conflicts of interest, was paramount.

CHAPTER 7

LIMITATIONS

While the body of research on gender disparities in DUI prosecutions is extensive, it is not without its gaps and limitations. As Bridges and Steen (1998) noted, many studies tend to focus on the end outcomes, like sentencing, while overlooking the subtleties of earlier processes such as arrest dynamics or plea negotiations. Another limitation of current studies is the possibility of selection bias. Many studies rely on data from convicted individuals, leaving out the experiences of those who were arrested but not convicted, or who never entered the legal system at all. Additionally, as new research emerges, findings and interpretations may evolve. The majority of the literature reviewed concentrated on binary gender identities, specifically male and female. There was a notable omission of research on transgender, non-binary, or gender-nonconforming people and their experiences with DUI prosecutions. This inattention may cause these groups to overlook unique challenges and experiences. Lastly, not all relevant literature might have been accessible due to paywalls, archival restrictions, or non-digitized sources. When interpreting the findings of this report, it is critical to keep these limitations in mind. They also emphasize the need for additional research, particularly on the experiences and challenges of transgender and gender-diverse individuals in the context of DUI prosecutions.

CHAPTER 8

ANALYSIS

This section provides an in-depth exploration of the nuanced factors shaping gender disparities in DUI arrests and prosecutions. By delving deep into the economic, sociological, and political realms, we weave a comprehensive picture that captures the multifaceted nature of this issue. From the intricate dynamics of legal systems, the role and representation of women in pivotal decision-making spheres, to the intersections of societal norms with economic vulnerabilities, each component plays a crucial role in the broader narrative surrounding DUI cases.

The analysis of this interplay will look into gender differences in alcohol metabolism, risk-taking tendencies, and entrenched societal norms, all of which play important roles in the observed disparities. Furthermore, we will highlight the intricate web where gender intersects with the economic and political aspects of DUIs, as well as the unique challenges transgender people face within the justice system.

In short, this analysis seeks to not only expand on the existing discourse surrounding the gendered nuances in DUI arrests, but also to identify potential intervention areas. The findings are intended to inspire future research, shape policy direction, and guide law enforcement practices, all with the goal of closing the gender gap in DUI arrests and prosecutions.

It is important to have an in-depth exploration of the nuanced factors shaping gender disparities in DUI arrests and prosecutions. By delving deep into the economic, sociological, and political realms, we weave a comprehensive picture that captures the multifaceted nature of this issue. From the intricate dynamics of legal systems, the role

and representation of women in pivotal decision-making spheres, to the intersections of societal norms with economic vulnerabilities, each component plays a crucial role in the broader narrative surrounding DUI cases.

When it comes to the biological and physiological factors that tie into DUI arrests, it is known that women hold a higher blood alcohol content (BAC) content for a longer period of time. This is due to hormones, body composition and enzymes. It is found that because women have lower body weight and less water in their bodies than men, then the alcohol is more concentrated in their bloodstreams (Nolen-Hoeksema, S. 2004). This may lead to a gap in DUI arrests as women may feel more intoxicated sooner and choose not to get behind the wheel. In addition, because women have a higher BAC for longer, they may feel intoxicated for longer, and still choose not to get behind the wheel. This can be tied into the differences between men and women's likelihood to engage in risk taking behavior.

It is found that in comparison to women under the same conditions, men are more likely to engage in risky behavior, as mentioned in the article by Schwartz & Rookey. It was found that even when all factors were the same, they are likely to engage in risk taking behavior, which includes deciding to drive after consuming a level of alcohol that puts them at risk for a DUI. Through this, a better understanding is brought to the connection between these dilemmas and how they create a domino effect in the gender gap exhibited in DUI arrests. An additional connection that can be made in concerns to physiological factors and risk-taking behavior is the differing laws for DUI charges depending on the state. As some states have a lower BAC allotted for driving as well as different charges per the different level of intoxication, a relationship is discovered. If a

state has a lower DUI BAC, such as UTAH with a BAC of 0.05%, risky behavior may be more enticing (world population review, 2023). As men are more likely to engage in risk taking behavior, they are much more likely to take the risk with such a low blood alcohol content law. Even one beer could put an individual over the legal limit. In addition, as women reach a higher BAC easier, this also means that they are more likely to reach an illegal limit much easier and quicker than men. With this being said, the opposite might be more prone to happen with women in regard to taking the risk of driving after consuming alcohol. As women are less likely to engage in this risk-taking behavior as well as less likely to consume large alcohol quantities, they are much more likely to decide against driving while under the influence, despite what BAC level is considered a DUI.

Interestingly, one could argue that since women maintain higher BAC levels for more extended periods, they would be more likely to have higher DUI arrest rates. However, as previously discussed, other factors such as risk-taking behavior play a crucial role in explaining the gender gap in DUI arrests. When looking into these compounding factors it creates a well-understood argument for the differences in arrest in accordance with gender. On the other hand, these are intermediate causes to these larger issues. The root causes of this gap in arrests can be mainly attributed to stereotypes and biases, law enforcement, and policies, with these other factors being intermediate repercussions of the main issue at hand.

The primary root cause of males receiving a higher arrest rate for DUI than women, given all other factors are the same, is social bias and gender norms. Society often perpetuates gender norms and stereotypes that influence perceptions and behaviors

related to driving under the influence. For instance, men may be more likely to be seen as "party animals" or that "boys will be boys" when engaging in risky behavior, such as drunk driving (Owley, 2014). This perception might indirectly encourage men to continue engaging in such behavior, as it is socially accepted or even expected in some cases.

On the other hand, women may be perceived as less likely to drink and drive due to societal expectations and stereotypes (Schwartz, 2014). As a result, women may face leniency when violating BAC laws or driving under the influence, as they may not be seen as fitting the stereotype of a drunk driver. This disparity in societal expectations and treatment can contribute to the gender gap in DUI arrests. Moreover, these stereotypes can influence the behavior of law enforcement officers, who may consciously or unconsciously treat men and women differently during DUI stops and arrests, further perpetuating the gender gap in arrest rates.

In addition, the media's portrayal of DUI offenders plays a crucial role in shaping public perception (Western & Petitt, 2005). A pattern emerges in which female offenders frequently face heightened societal repercussions. The media, influenced by deep-seated societal norms, may portray female DUI offenders as deviant in many different ways. The first main stray from these norms is the DUI offense itself, and the second is for violating gender norms. This dual-deviance framework has ramifications ranging from public opinion to courtroom decisions. In addition, the economic repercussions of DUI convictions, especially for women, are multifaceted. From direct costs like legal fees to indirect consequences like diminished job prospects, women often find themselves at an intersection of economic vulnerabilities (Pager, 2003). Especially given the gender wage

gap and societal expectations around women as primary caregivers, these economic pressures can inadvertently push them towards accepting plea bargains or facing more significant financial hardships post-conviction (Bright & Sambisa, 2017). All of these obstacles do not present as separate issues but rather as a collection of discrepancies that build upon one another to create a greater imbalance.

This intersectionality highlights the need to address the multiple layers of bias and discrimination that contribute to the gender gap in DUI arrests. To truly understand and address the gender gap in DUI arrests, it is crucial to examine and challenge the social biases and gender norms that influence both individual behavior and the behavior of law enforcement officers. By promoting awareness and understanding of these biases, policymakers, law enforcement agencies, and society as a whole can work together to create a more equitable and just system that treats all individuals fairly, regardless of their gender.

Several key themes and patterns emerge from a review of the vast expanse of interdisciplinary literature on gender disparities in DUI prosecutions, providing a nuanced understanding of the topic. The structure of the legal system has a drastic influence on how DUI laws are created, interpreted, and therefore enforced by officers. The representation of women in decision-making roles, especially within law enforcement and legislative bodies, has a palpable effect on the outcome of DUI cases (Caul, 2001; FBI, 2018). In many areas, especially where conservative political views are prevalent, there is a strong emphasis on a "law and order" approach (Jacobs & Carmichael, 2004). This perspective can overlap with established societal views and expectations of how genders should behave. Due to this overlap, women who are charged

with DUIs may be judged more harshly. They might not only be criticized for the DUI itself but also for stepping outside of what society traditionally expects of women.

Women are seen as caregivers and “responsible” and a mistake such as a DUI may be seen as more reckless. This can amplify the scrutiny and pressure they face, both legally and socially.

This leads into the primary root cause of this gender gap as well as potential solutions to amend this societal issue, policy and law enforcement. If law enforcement officers are provided with the knowledge in training or have preexisting biases due to these common stereotypes, it generates a large discrepancy during these traffic stops. One way to counteract this can be seen from an economic standpoint. Addressing the gender gap in DUI arrests also requires considering the economic aspects related to policy implementation and law enforcement training. Economic solutions can be employed to improve DUI prevention measures and ensure that they are applied fairly and effectively across all genders.

One economic solution involves investing in targeted awareness campaigns that highlight the risks associated with drunk driving and emphasize the importance of responsible alcohol consumption. By allocating resources to such campaigns, policymakers can influence societal attitudes towards DUI prevention and encourage more responsible behavior among all drivers, regardless of gender (DeJong & Hingson, 1998). With this, there needs to be better regulation of media coverage to ensure that both male and female offenders are held to the same standard in the eyes of the media rather than exploiting female offenders more. Awareness of this topic stretches farther than just police campaigns. Media has a major impact on society's perception and biases, with

police campaigns catching just as much attention as ones through mainstream media, it may be able to balance the biases that stem from them.

Another economic solution involves allocating funds to improve law enforcement training on gender bias and DUI enforcement. By investing in comprehensive training programs for police officers, policymakers can ensure that law enforcement personnel are better equipped to recognize and address gender biases during DUI arrests (Cotton, 2014). This can lead to a more equitable enforcement of DUI laws, ultimately benefiting all individuals involved. It was found that implementing policies that target reducing DUI-related incidents, such as ignition interlock devices (IIDs) and increased enforcement efforts, can lead to a decrease in alcohol-related crashes and fatalities (Voas, Tippetts, & Fell, 2016). By mandating the use of IIDs, implementing gender-neutral sentencing guidelines, and providing training for law enforcement officers, judges, and prosecutors on how to recognize and address gender bias in their practices, we can work towards a more equitable justice system. In addition, raising public awareness about the gender disparities in DUI arrests and advocating for policy changes can influence public opinion and support for more effective DUI prevention policies.

Additionally, financial incentives could be provided to states that implement effective DUI prevention policies, such as mandatory IID laws, sobriety checkpoints, and saturation patrols (Voas, Tippetts, & Fell, 2016). It was also found increased DUI enforcement efforts, such as the ones previously mentioned, have also been shown to be effective in reducing alcohol-related crashes and fatalities (McCarthy & Wolfson, 2018). These measures can help ensure that all drivers, regardless of their gender, are held accountable for their actions and are treated fairly under the law as well as adopt more

stringent policies and enforcement efforts. Investing in research and development of advanced technologies, such as improved breathalyzer devices and vehicle safety features that can prevent drunk driving, could also contribute to reducing the gender gap in DUI arrests (McCartt, Hellinga, & Wells, 2009). By encouraging innovation in this area, policymakers can help create safer roads and more equitable enforcement practices for everyone.

Gender disparities in DUI prosecutions are best understood when the economic, sociological, and political components are considered together. These disciplines do not exist in compartments; they interact dynamically in the context of DUI prosecutions, informing and shaping one another. DUI convictions come with immediate financial implications, spanning from employment repercussions to unavoidable legal fees. Women, often navigating the challenges posed by wage disparities (Pager, 2003), find a DUI conviction adding another layer to their economic hurdles. Yet, it is more than just finances. Such convictions may place women under heightened scrutiny, with some perceiving them as less responsible or less capable of making sound judgments (Western & Pettit, 2005). This blend of economic adversity and broader perceptions further amplifies the difficulties they face.

Public sentiment, sculpted by deep-rooted societal norms and magnified by media portrayals, wields significant power over many institutional decisions. This influence extends notably to the legal and political arenas, shaping how DUI cases are approached, prosecuted, and perceived (Meier and Johnson, 1983). When high-profile DUI cases receive a lot of media attention, it can have a big impact on public opinion, often leading to a call for stricter regulations or harsher penalties. As a result, political leaders may be

pushed to adopt policies or enact legislation that resonates with these opinions, regardless of whether they are based on factual evidence or emotional reactions. For example, a community outraged by a particularly tragic DUI-related incident that has received widespread coverage in local media may demand increased police presence or DUI checkpoints. This may result in the reallocation of resources, potentially diverting them away from more pressing needs. Similarly, in response to public demand for more preventive measures against DUI offenses, calls for enhanced rehabilitation programs or public awareness campaigns may emerge. These demands require more money, which leads to more economic strains that taxpayers are often left to compensate for.

The gendered lens is at the heart of all of these interactions. Economic vulnerabilities, societal expectations, and political agendas all converge differently for women, given the existing gender norms and structures. For example, a policy may be economically sound and politically popular, but it may unintentionally exacerbate gender disparities due to societal norms and biases (Caul, 2001; FBI, 2018). The gender disparities in DUI prosecutions landscape are a complex web of economic factors, societal norms, and political decisions. Understanding this issue requires an interdisciplinary approach, acknowledging that these fields are deeply intertwined, each influencing and being influenced by the other.

One of the most noticeable gaps in the literature is the lack of attention paid to transgender and gender nonconforming people. The binary lens, which is primarily male-female, fails to capture the distinct challenges, experiences, and potential biases that these groups may face in DUI prosecutions. Their omission highlights a broader issue in criminal justice research, where non-binary gender perspectives are largely unknown. If a

woman is transgender and presenting as a woman, will she receive the same female obstacles as a cis female and if a transgender male has not fully transitioned, what gender biases are they subject to? These are questions that research has failed to answer with a narrowed male-female lens. There is a notable mix of quantitative and qualitative approaches to understanding gender disparities in DUI prosecutions in the studies reviewed. While quantitative data provides useful statistical insights into patterns and trends, qualitative research provides a more in-depth look at individual narratives, experiences, and sentiments. However, there is a need to amplify these personal narratives, particularly those from marginalized and underrepresented groups, in order to provide a more comprehensive understanding of the issue. In essence, the intricacies of gender disparities in DUI prosecutions are a collection of political decisions, societal norms, and economic implications. While the literature offers a foundational understanding, there are areas still ripe for exploration, promising richer insights in future research.

Furthermore, addressing the unique challenges faced by transgender individuals in the justice system is essential for promoting equality and fairness. The concept of intersectionality, introduced by Crenshaw (1991), emphasizes the importance of considering multiple aspects of identity, such as race, gender, and social class, to understand how individuals experience different forms of discrimination and marginalization in society. This can be achieved by updating identification documents to accurately reflect an individual's gender identity, providing sensitivity training for law enforcement officers and other justice system professionals, and advocating for policies that protect transgender individuals from discrimination and mistreatment.

CHAPTER 9

CONCLUSION

The quest to understand the gender disparities in DUI prosecutions and arrests reveals a complex matrix, underpinned by the intricate interplay of political, sociological, and economic dynamics embedded deep within our criminal justice system. More than just numbers on a page, these disparities represent powerful echoes of deeply-rooted societal norms, political agendas with far-reaching implications, and the multi-layered economic intricacies that together construct the backbone of our legal apparatus.

Beginning with the political dimension, it is imperative to recognize the challenges arising from the paucity of female representation in legislative and judicial bodies. The dearth of female voices in these pivotal decision-making positions creates a skewed perspective. In regions marked by deeply conservative ideologies, the resulting "law and order" narrative, superimposed on this imbalanced representation, becomes even more potent. This political construct is not an isolated entity. It is intricately connected to sociological factors, particularly in how women entangled in the DUI net are perceived. Herein, the media's role is critical. Its portrayal of women, especially those in DUI cases, can either perpetuate or challenge established gender stereotypes. Through their vast reach, media narratives shape societal perceptions, subtly influencing the overarching political landscape and subsequent legal decisions.

On the economic front, the ramifications are manifold and extend beyond the apparent immediate costs. DUI convictions bring with them a cascade of economic challenges. For women, the repercussions are even more profound. Societal stigmatization, amplified by pre-existing gender wage disparities, means that a DUI

conviction can become a long-lasting economic albatross. This predicament is exacerbated when viewed against the backdrop of a justice system that is incrementally leaning towards commercialization, as seen with the growing influence of profit-driven private prisons.

Yet, amid these complexities, there is an inescapable void: the experiences of transgender, non-binary, and gender-nonconforming individuals. Their stories, often sidelined in conventional binary discussions, underscore the pressing need for a more encompassing dialogue. These marginalized narratives remind us that the DUI gender discourse spans beyond male-female binaries and encompasses a rich spectrum of experiences and challenges.

Furthermore, the role of physiological and psychological factors cannot be understated. Men and women metabolize alcohol differently, which has direct repercussions on DUI cases. Moreover, sociocultural factors influencing risk-taking behaviors and drinking patterns further convolute this landscape.

In wrapping up this comprehensive exploration, it becomes evident that the intricacies surrounding gender disparities in DUI cases transcend mere statistics or legal technicalities. They offer a panoramic lens through which one can view the myriad societal, economic, and political challenges that society grapples with. This deep dive underscores the urgent need for a dynamic, continually evolving, and interdisciplinary approach to the issue—an approach that not only deciphers the myriad complexities at hand but also envisions a future pathway. A pathway where fairness, equity, and justice are not mere ideals but tangible realities for all, irrespective of gender.

REFERENCES

- Alessio, S. J., & Eitle, D. (2013). Race and the probability of arrest. *Social Forces*, 92(1), 138-162.
- Alozie, N. O. (1996). Selection Methods and the Recruitment of Women to State Courts of Last Resort. *Social Science Quarterly*, 77(1), 110–126.
<http://www.jstor.org/stable/42863434>
- American College of Obstetricians and Gynecologists. (2011). Health care for pregnant and postpartum incarcerated women and adolescent females. Committee Opinion No. 511.
- Bao, Y., & Brown, S. (2015). The impact of drunk driving on auto insurance premiums: evidence from California. *Journal of Insurance Regulation*, 34(2), 1-25.
- Belknap, J. (2007). *The invisible woman: Gender, crime, and justice*. Wadsworth Publishing Company.
- Benson, B. L., Rasmussen, D. W., & Mast, B. D. (2000). Economic determinants of public policies on alcohol consumption and related costs. *The Independent Review*, 4(4), 551-572.
- Benson, B. L. (1999). Beer taxes, the legal drinking age, and youth motor vehicle fatalities. *Journal of Law and Economics*, 42(2), 521-542.
- Blincoe, L. J., Miller, T. R., Zaloshnja, E., & Lawrence, B. A. (2015). *The economic and societal impact of motor vehicle crashes, 2010*. National Highway Traffic Safety Administration.
- Bridges, G. S., & Steen, S. (1998). Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. *American Sociological Review*, 553-570.
- Bright, C. F., & Sambisa, W. (2017). Private vs. public criminal defense and client outcomes: A matched comparison study. *Justice Quarterly*, 34(3), 527-554.
- Brunson, R. K., & Miller, J. (2006). Gender, race, and urban policing: The experience of African American youths. *Gender & Society*, 20(4), 531-552.
- Bureau of Labor Statistics. (2020). *Women in the Labor Force: A Databook*.
- Bockting, W. O., Miner, M. H., Swinburne Romine, R. E., Hamilton, A., & Coleman, E. (2013). Stigma, mental health, and resilience in an online sample of the US transgender population. *American Journal of Public Health*, 103(5), 943-951.

- Brown, J. (1998). Aspects of discriminatory treatment of women police officers serving in forces in England and Wales. *British Journal of Criminology*, 38(2), 265-282.
- Brown, M. L., & Rounsley, C. A. (1996). *True selves: Understanding transsexualism—For families, friends, coworkers, and helping professionals*. Jossey-Bass.
- Brown, R. A., & Frank, J. (2006). Race and officer decision making: Examining differences in arrest outcomes between Black and White officers. *Justice Quarterly*, 23(1), 96-126.
- Byrnes, J. P., Miller, D. C., & Schafer, W. D. (1999). Gender differences in risk taking: A meta-analysis. *Psychological bulletin*, 125(3), 367.
- Carson, E. A. (2018). *Prisoners in 2016*. Bureau of Justice Statistics.
- Caul, M. (2001). Political parties and the adoption of candidate gender quotas: A cross-national analysis. *The Journal of Politics*, 63(4), 1214-1229.
- Cavender, G., & Bond-Maupin, L. (1993). The construction of gender in reality crime TV. *Gender & Society*, 7(4), 489-504.
- Center for American Progress. (2019). *Breadwinning Mothers Continue To Be the U.S. Norm*.
- Chesney-Lind, M., & Pasko, L. (2013). *The female offender: Girls, women, and crime*. Sage Publications.
- Cohen, T. H. (2011). Who's Better at Defending Criminals? Does Type of Defense Attorney Matter in Terms of Producing Favorable Case Outcomes. *Criminal Justice Policy Review*, 24(6), 352-374.
- Cotton, R. D. (2014). Understanding the gender and diversity gap: A research agenda for police training. *The Police Chief*, 81(4), 38-43.
- Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 43(6), 1241-1299.
- Daly, K. (1987). Structure and practice of familial-based justice in a criminal court. *Law & Society Review*, 21(2), 267-290.
- Daly, K. (1989). Gender and varieties of white-collar crime. *Criminology*, 27(4), 769-793.
- Daly, K., & Bordt, R. L. (1995). Sex effects and sentencing: An analysis of the statistical literature. *Justice Quarterly*, 12(1), 141-175.

- DeJong, W., & Hingson, R. (1998). Strategies to reduce driving under the influence of alcohol. *Annual Review of Public Health*, 19(1), 359-378.
- Driscoll, J. D. (2023, July 10). How much does a DUI cost in 2023?. *Forbes*.
- Durose, M. R., Cooper, A. D., & Snyder, H. N. (2014). Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010. Bureau of Justice Statistics Special Report.
- Eisen, L. (2015). *Inside Private Prisons: An American Dilemma in the Age of Mass Incarceration*. Columbia University Press.
- Eith, C., & Durose, M. R. (2011). Contacts between police and the public, 2008. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics
- Emslie, C., Hunt, K., & Lyons, A. (2012). Older and wiser? Men's and women's accounts of drinking in early mid-life. *Sociology of Health & Illness*, 34(4), 481-496.
- Engen, R. L., Gainey, R. R., Crutchfield, R. D., & Weis, J. G. (2003). Discretion and disparity under sentencing guidelines: The role of departures and structured sentencing alternatives. *Criminology*, 41(1), 271-306.
- Federal Bureau of Investigation. (2019). *Crime in the United States, 2019*.
- Fell, J. C., Scherer, M., & Thomas, S. (2017). Assessing the impact of twenty underage drinking laws. *Journal of Studies on Alcohol and Drugs*, 78(2), 264-273.
- Fell, J. C., & Voas, R. B. (2006). The effectiveness of reducing illegal blood alcohol concentration (BAC) limits for driving: evidence for lowering the limit to .05 BAC. *Journal of Safety Research*, 37(3), 233-243.
- Ferszt, G. G., & Clarke, J. G. (2012). Health care of pregnant women in U.S. state prisons. *Journal of Health Care for the Poor and Underserved*, 23(2), 557-569.
- Fettig, A. (2015). Reproductive health locked up: An examination of Pennsylvania jail policies. American Civil Liberties Union.
- Gelsthorpe, L., & Morris, A. (2002). Women and criminal justice: Old dilemmas or new challenges? In *Criminology: A Reader* (pp. 107-118). Willan Publishing.
- Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. L., & Keisling, M. (2011). *Injustice at every turn: A report of the National Transgender Discrimination Survey*. National Center for Transgender Equality.
- Grabe, M. E., & Kamhawi, R. (2006). Hard wired for negative news? Gender differences in processing broadcast news. *Communication Research*, 33(5), 346-369.

- Hanssens, C., Moodie-Mills, A., Ritchie, A., Spade, D., & Wade, D. (2015). A roadmap for change: Federal policy recommendations for addressing the criminalization of LGBT people and people living with HIV. Center for Gender & Sexuality Law at Columbia Law School.
- Harwood, H. (2000). Updating estimates of the economic costs of alcohol abuse in the United States: Estimates, update methods, and data. NIH Publication, 98-4327.
- Heaton, P. (2012). Hidden Costs of High-Risk Behaviors: Using Data to Influence Public Policy. *Marquette Law Review*, 95(4), 1191-1216.
- Jacobs, D., & Carmichael, J. T. (2004). Ideology, social threat, and the death sentence: Capital sentences across time and space. *Social Forces*, 83(1), 249-278.
- Lacey, J. H., Jones, R. K., & Wiliszowski, C. H. (1999). Evaluation of Checkpoint Tennessee: Tennessee's Statewide Sobriety Checkpoint Program. National Highway Traffic Safety Administration.
- Mauer, M. (2002). Mass imprisonment and the disappearing voters. *Voting and Social Policy*, 1(4), 1-13.
- McCartt, A. T., Hellinga, L. A., & Wells, J. K. (2009). Update on the effect of alcohol ignition interlocks on crash risk. *Accident Analysis & Prevention*, 41(3), 539-543. McCartt, A. T., Leaf, W. A., & Farmer, C. M. (2010). Ignition Interlock Programs: Effectiveness and Cost. *Alcohol, Drugs, and Driving*, 11(1), 57-69.
- McCartt, A. T., Hellinga, L. A., & Wells, J. K. (1997). Age and experience in motor vehicle crashes: A case-control study of young and middle-aged drivers. *Accident Analysis & Prevention*, 29(6), 821-827.
- Meier, K. J., & Johnson, T. R. (1983). Deterrence as social control: The legal and extralegal production of conformity. *American Sociological Review*, 292-304.
- Miller, T. R., Zaloshnja, E., & Spicer, R. S. (2013). Effectiveness and benefit-cost of peer-based workplace substance abuse prevention coupled with random testing. *Accident Analysis & Prevention*, 50, 482-492.
- Mumenthaler, M. S., Taylor, J. L., O'Hara, R., & Yesavage, J. A. (1999). Gender differences in moderate drinking effects. *Alcohol Research & Health*, 23(1), 55-64.
- National Highway Traffic Safety Administration. (2015). Average Costs of DUIs. U.S. Department of Transportation.
- Nolen-Hoeksema, S. (2004). Gender differences in risk factors and consequences for alcohol use and problems. *Clinical Psychology Review*, 24(8), 981-1010.

- Pager, D. (2003). The mark of a criminal record. *American Journal of Sociology*, 108(5), 937-975.
- Potter, H. (2013). Intersectional criminology: Interrogating identity and power in criminological research and theory. *Critical Criminology*, 21(3), 305-318.
- Ritter, K. (2013). DUI penalties - Lycoming college.
https://www.lycoming.edu/schemata/pdfs/Ritter_CJCR300.pdf
- Room, R. (2005). Stigma, social inequality and alcohol and drug use. *Drug and Alcohol Review*, 24(2), 143-155.
- Schwartz, J., & Steffensmeier, D. (2008). The nature of female offending: Patterns and explanation. In *Female offenders: Critical perspectives and effective interventions* (pp. 43-75). Jones & Bartlett Learning.
- Schwartz, J. (2014). Gender differences in drunk driving prevalence rates and trends: A 20-year assessment using multiple sources of evidence. *Addictive Behaviors*, 39(7), 1088-1095.
- Sharp, E. B., & Johnson, P. E. (2009). Accounting for variation in DUI policy strictness for women. *Policy Studies Journal*, 37(3), 647-667.
- Shepherd, J. M. (2015). The financial consequences of charging misdemeanors as felonies. *American Criminal Law Review*, 52(1), 279-310.
- Spohn, C., & Holleran, D. (2001). Prosecuting sexual assault: A comparison of charging decisions in sexual assault cases involving strangers, acquaintances, and intimate partners. *Justice Quarterly*, 18(3), 651-688.
- Statista Research Department & 2, J. (2023, June 2). Rape and sexual assault victims in the U.S. 2000-2021, by gender. Statista.
- Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36(4), 763-798.
- Steffensmeier, D., & Schwartz, J. (2013). Gender, Intersectionality, and Drunk Driving: A Longitudinal Analysis of Criminal Justice Processing for DUI Offenders. *Criminal Justice Review*, 38(4), 412-431.
- U.S. Census Bureau quickfacts: United States*. United States Census Bureau. (2022, July 1).
- Voas, R. B., Tippetts, A. S., & Fell, J. C. (2016). Assessing the effectiveness of minimum legal drinking age and zero tolerance laws in the United States. *Accident Analysis & Prevention*, 35(4), 579-587.

- Western, B., & Pettit, B. (2005). Black-white wage inequality, employment rates, and incarceration. *American Journal of Sociology*, 111(2), 553-578.
- World Population Review. (n.d.). BAC limit by state 2021.
- Wildeman, C., & Muller, C. (2012). Mass imprisonment and inequality in health and family life. *Annual Review of Law and Social Science*, 8, 11-30.
- Wilsnack, R. W., Wilsnack, S. C., Kristjanson, A. F., Vogeltanz-Holm, N. D., & Gmel, G. (2000). Gender and alcohol consumption: Patterns from the multinational GENACIS project. *Addiction*, 104(9), 1487-1500.
- Zakhari, S. (2006). Overview: How is alcohol metabolized by the body? *Alcohol Research & Health*, 29(4), 245-254.
- Zimring, F. E., & Hawkins, G. (1991). *The scale of imprisonment*. University of Chicago Press.