

SHAPING THE FUTURE

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Sentencing the Canadian Female Sexual Offender

Mini Mamak, PhD, CPsych
Anthony M. Battaglia
Healthier M. Moulden
Gary A. Chaimowitz
University of Toronto

Background: Research examining female sexual offending is limited and the profile of this unique offender group is not well understood. Female Sexual Offending has largely been identified as a rare occurrence, typically perpetrated in the context of an unhealthy relationship with a paraphilic male counterpart. Given recent changes in law and minimum sentences for sexual offences-particularly in relation to child pornography and child luring offences, it remains unknown how this has impacted sentencing of female offenders charged with sexual offences.

Objectives: The goal of this study is to better understand female offenders convicted of sexual offences and their offence characteristics. Additionally, it seeks to identify patterns in judge's decision making, with respect to aggravating and mitigating factors that impact sentencing decisions.

Methods: Systematic review of 26 judge's sentencing decisions between 2000 and 2017 to investigate Canadian FSOs as they enter the justice system.

Results: Descriptive statistics highlight numerous striking FSO characteristics, including suffering from psychopathology (62%), being subjected to physical or sexual abuse as a child (50%), having a male co-offender (50%), and offending for months or years (62%). Victims were generally male (61%), had an average age of 10.8, and were known to the offender through a caregiving capacity (68%). Most FSOs were sentenced to 2 to 5 years in prison (31%), with victim age and breach of trust cited as the most common aggravating factors, and guilty plea and no criminal record cited as the most common mitigating factors.

Discussion: These statistics allow us to draw conclusions and develop a profile of FSOs as individuals with high rates of mental illness and childhood trauma, who co-offend as often as solo-offending, and offend over long periods of time. They are related to their victims through positions of power and are sentenced less harshly when they accept responsibility and desire for self-change. Aggravating factors relate to the vulnerability of the victim, abuse of power, and a lack of insight. Offenders were generally sentenced for 2 to 5 years, with ancillary orders intended to track and restrict further offending, rather than rehabilitation. The impact of this project is through gaining a better understanding of Canadian FSO population, we can take the first steps towards improving rehabilitation and prevention.

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Dr. Mamak received her doctoral degree in 1997 from OISE at the University of Toronto. She is an Assistant Professor in the Department of Psychiatry and Behavioural Neurosciences and the Senior Psychologist for the Forensic Psychiatry Program at St. Joseph's Healthcare Hamilton. Dr. Mamak is also a member of the Ontario Review Board and is on the Board of Advisory for the Canadian Critical Incident Association. Dr. Mamak has significant experience working with offender populations and has worked with both provincial and federal correctional centres. In addition, she routinely consults with local and national police agencies. She has particular interests in the area of aggression, risk prediction, female sexual offending, and violent offending. She is a co-developer of the Hamilton Anatomy of Risk Management and the Aggressive Incidents Scale.