

# Racial disparity in sentencing persuasive essay



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Racial discrimination in the justice system is a very important issue.

Racial disparity in sentencing has been evident in court trials for a very long time. Generally, the disparity is between Blacks and Hispanics and White Americans. Black and yellow race criminals are punished with more severe sentences compared with a White who commits the same crime. Race and color should vehemently not be a factor in delivering justice. The presence of discrimination in the justice system violates the ideals of equal treatment under which the law is premised.

For a very long time, all the jurors in a trial court were all whites. Today, the jurors are comprised of other races but race is still a critical factor in the outcome of a criminal case. What is alarming is that much research shown in the past suggest that race is not an issue with the judges' decisions, particularly on the difficulty of sentence they will receive (Kansal, 2005). This paper will examine why race discrimination happens in the justice system and from there draws conclusions concerning this issue. The recent population of prisoners serving their sentences was studied by different advocacy groups.

This paper is presenting the findings propelled by many research studies. This paper aims to inform students on the patterns of discrimination in the justice system by examining the interaction of direct and indirect evidences in racial disparity in sentencing in capital and non capital punishments. Walker, Spohn and DeLone's (2000) *The Color of Justice* opposes that not only are African Americans commit higher crime rates but they are also arrested more because the police discriminates them more. The authors

trace the disparity to the root of this – that is, African American crime is a result of a naturally occurring social inequality. Direct Racial Discrimination  
There has been an exceptional rise in the prison population over the past three decades by six times that lead to the incarceration of nearly two million Americans. This can be classified as follows.

One of every eight black males in the 25-34 age groups is sent to jail on any given day and 32% of black males born today might spend time in a state or federal prisons if the current trends persist (Mauer, 2004). This is a controversial issue because researches and studies confirmed that individual and systematic biases in the jurisdiction process occur. African Americans are two and a half times as possible to be arrested as whites. They are also over-represented in violent crimes.

African Americans are probably arrested five times in cases of robbery or murder (Walker et al. , 2000). This section looks at the evidence for racially discriminatory sentencing outcomes for minority defendants as a whole, without considering any of the factors such as type of crime, age and gender of the defendant. Since 1980, forty studies have been published to examine the data collected in order to find out whether racial and ethnic bias exists in the sentencing process. 2 of these studies analyzed state-level data and the remaining 8 analyzed data from the federal system.

Many of these studies report direct racial discrimination in sentencing outcomes have persisted even though sentence laws and sentencing structures were reformed (Spohn, 2000). The key findings of this study are that direct discrimination is more prominent in the federal level than at the

state level, at the federal level, Blacks are likely to be disadvantaged in terms of sentence length and Latinos are likely to be disadvantaged in terms of incarceration. In the state level, both races are more likely to be disadvantaged in terms of incarceration (Kansal, 2005). Interaction of race/ethnicity with other offender characteristics such as age, gender and employment Relevant studies suggest that some demographic groups within minority populations are given harsher sentences in comparison to a similar population of white offenders. For example, in Pennsylvania State Correctional System a study was made to suggest that “ blacks received harsher sentences than whites, younger offenders received harsher sentences than older offenders, and males received harsher sentences than females. Another finding is that white men aged 18-29 were 38 percent less likely to be sentenced to prison than black men of the same age group” (Steffensmeier, 1998, p.

763). Relevant studies also suggest that employment status interacts with race to produce more cruel sentencing patterns for certain subgroups of criminals. According to the study, unemployed blacks were 5. 2 times more likely to be incarcerated than employed whites. Another study in 1998 concludes that unemployed blacks and Latinos are more likely to be incarcerated (Chiricos and Bales, 1991).

Young and unemployed Blacks and Hispanics received harsher treatment such as incarceration because they are perceived as a treat to the society. Jurors might be confronting that thought instead of the crime (Chiricos and Bales, 1991). Interaction and Indirect Effects of Race/Ethnicity This section examines the interaction of race with factors such as guilty plea, prior <https://assignbuster.com/racial-disparity-in-sentencing-persuasive-essay/>

criminal history, pretrial status (jailed pending trial or freed on bond), and type of attorney (court-appointed or private). The key findings of the Sentence Project Research are Blacks usually pay a higher “ trial penalty” than whites in the same situation; Whites receive a bigger reduction in sentence time than blacks and Latinos for giving “ considerable assistance” to the prosecution; Blacks and Latinos with previous serious criminal record are severely sentenced more than comparably situated whites; Blacks are more probable to be jailed pending trial, and receive more ruthless sentences; Whites are more capable of hiring a private attorney than Latinos or blacks, so they receive a less severe sentence.

Evidence proposes that the pretrial condition of defendants indirectly affects sentencing (Kansal, 2005). The defendant should be given a fair trial even with a court-assigned attorney and the selection of jurors should be made fair, “ challenges without cause, without explanation, and without judicial scrutiny” (Walker, Spohn, and DeLone, 2000, p. 158). A black defendant without a due process attorney would often have a pre-trial imprisonment where thus receiving harsher sentences. In cases of more serious crimes such as drug crimes, blacks who are labeled crack dealers are usually incarcerated than amphetamine-related offenses usually committed by Whites (Spohn, et al, 2000).

. It is worth noting that although states are not required to have jurors from different races, they are not deterred from having them (Walker, Spohn, and DeLone, 176). Voter’s registration is used in selecting the jurors in a trial. Interaction of race of the offender with race of the victim; The key findings of these study is that African American defendants who victimize whites will  
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likely receive more severe sentences than African Americans who victimize blacks (especially acquaintances), and whites who victimize whites.

This is drawn from researches that show blacks who sexually assaulted white strangers received sentences that are almost one year longer than blacks who assaulted black strangers. Blacks who sexually assaulted white acquaintances received sentences that were almost seven months longer than blacks who assaulted black acquaintances. It can be hypothesized that less severe punishments for assaulting blacks indicates a “disrespectful treatment for minority victims of sexual assault” (Spohn, 2000). The outcomes of these studies indicate that blacks who sexually attack whites will receive the harshest punishment, while blacks who sexually attack other blacks, especially those with whom they are acquainted, will be given lighter sentences.

Researchers do not know why such odds happen whether there is a general perception that blacks who cross racial lines to sexually assault whites are a threat to social orders or it might be that the sentencing process systematically treats black victims less worthy of justice (Kansal, 2005).

**Interaction of Race/Ethnicity and Type of Crime** This part fuses the findings of current studies that aim to analyze the differential effect that race/ethnicity on sentencing with worsening degrees of crimes and drug use. The findings of the research are Latinos and blacks are more severely sentenced than comparably situated whites for lower-level crimes such as drug crimes and property crimes. Relevant studies generally present that a greater racial disparity exists in sentencing for less grave crimes (especially property crimes and drug offenses, as opposed to violent crimes). For

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example, in 1998 a study conducted in Florida found that while racial disparity subsisted, blacks were significantly 3.

times likely to be condemned “habitual offenders” for property crimes and drug offenses than for higher level crimes than whites (Crawford, 1998). In Kansas City a study in print in 2000 found that blacks got sentences that were 14.09 months longer for drug offense convictions and 6.57 months longer for property crime offenses, compared to their white counterparts (Walter, 2000).

Capital Punishment This part will analyze the findings of studies that relate to racial disparity in death penalty sentences. The key findings of this study are in majority of cases, the race of the victim does likely to have an effect on the sentence outcome, with white victim cases more often resulting in death sentences. State level jurisdiction issue majority of death sentences. The evidence suggests that, at the state level the race of the defendant plays a slight role on the outcome of the trial.

The evidence points to discrimination base on the race of the victim. Ninety nine percent of prisoners who have been sentenced to death have been decreed by the state. Although discrimination on state-level jurisdiction must have been subsiding racial disparity in the federal level continues. In some cases, especially in the federal system, the race of the defendant also affects sentencing results; minority defendants are more likely to be given a death sentence than white defendants (United States General Accounting Office, 2004). Death penalty cases in the federal and state level are perhaps the most noteworthy concerning the effect of race on sentencing outcome.

Before the suspension of death penalty in 1972 death penalty, studies indicated that the race of the defendant had a direct impact on the sentences handed down in capital punishment cases.

After reinstating death penalty in 1976, many reliable studies that scrutinize the period and suggested that the race of the defendant doesn't play a direct role in influencing the outcomes of death penalty cases anymore, at least at the state level. However, the federal system is still weighed down by race-of-defendant bias (Baldus, 2004). Conclusion Although racial bias in sentencing is inertly covert but current methodologically meticulous studies have shown evidences that racial bias continues to exist as a very real part of a trial process in the U. S criminal justice sentencing system. Generally, the effects of this bias are fairly hidden, and become note worthy for certain types of defendants, such as young, unemployed minority males, or for some types of offenses, such as drug and property crimes, or the race of the defendant and the race of the victim, as in sexual assaults and capital punishment cases. Many factors contributed to such discrimination such as the court-appointment of attorneys to defendants, the jurors condemning the verdict, and the U.

S General Attorney. Researches, painstakingly analyzed, by scholars, practitioners, advocacy groups and concerned citizens have confirmed that race has always played a role in sentencing outcomes over time. Many people have a strong interest in assessing the racial disparity and engaging in policy changes to address this primary concern. Diminishing racial disparity in the criminal justice system is nearly impossible because of the extant of final jurors in decision making and moreover, discrimination is a <https://assignbuster.com/racial-disparity-in-sentencing-persuasive-essay/>



naturally occurring social inequality. Although this is the case, simple beginnings combined with long-term labors to fight racial discrimination will make prejudice among jurors less common.

It is necessary to address the issue of racial disparity in order to produce equality and to uphold the ideals of justice. If the justice system is perceived as unfair and unjust, trust, confidence and public cooperation with the system will weaken.