

Racial Disparities in Tennessee Federal Sentencing: 2015 to 2019

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Guiding Questions

1. Are there racial disparities between the incarcerated population and the general population in Tennessee?
2. Are people of color receiving longer sentences on average for the same crimes?
3. Are there disparities in the application of sentence enhancements and sentence mitigation measures?
4. Is a person's sentence affected by whether they plead or go to trial?



Background: Federal v. State Crime

- State crime:

- Murder
- Sexual assault
- Robbery/burglary
- Most violent crime

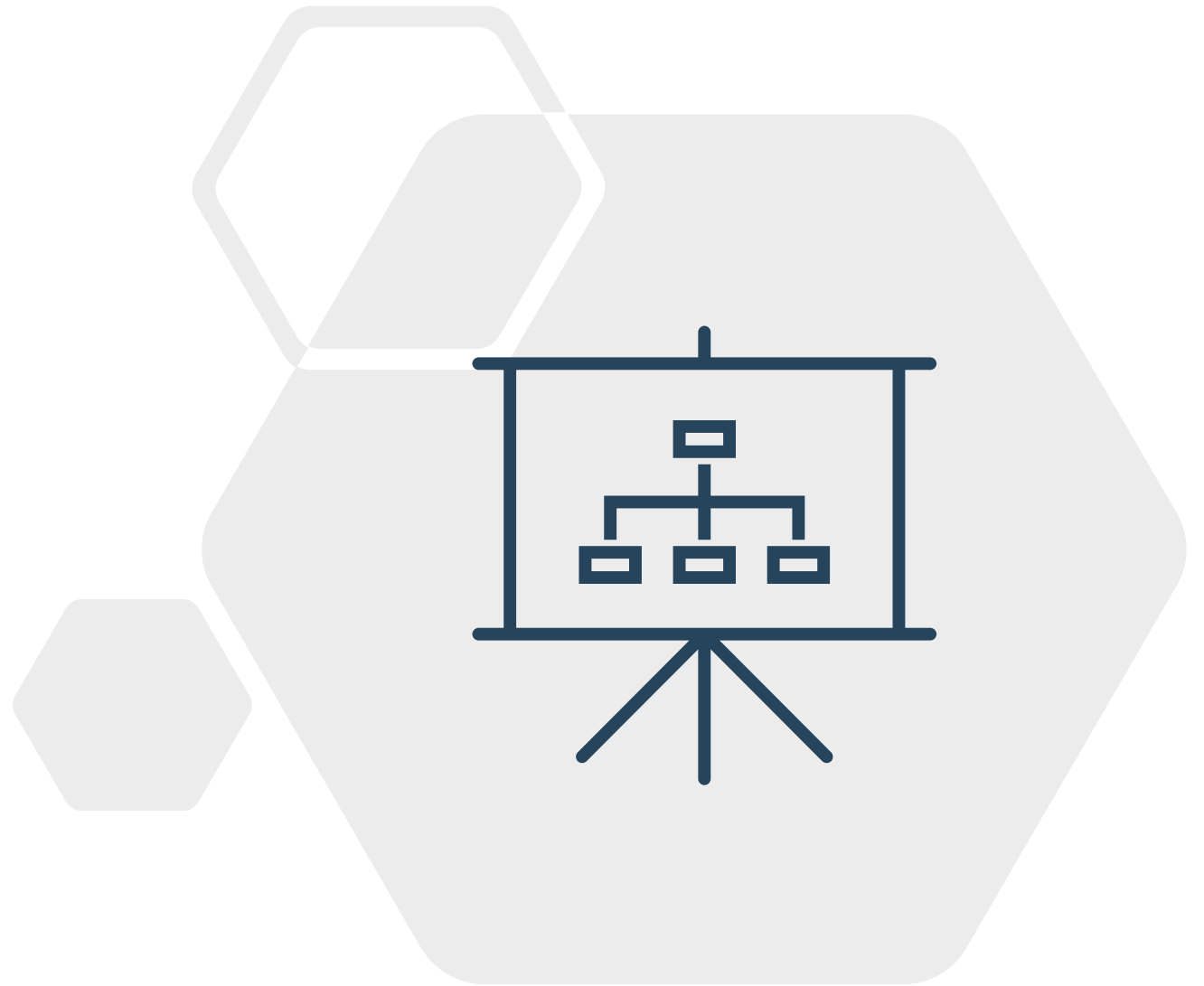


- Federal crime:

- Drug possession and sales
- Immigration
- “White Collar Crime” (e.g., fraud, money laundering)
- Use and transport of firearms
- State crimes that:
 - Occur on federal land;
 - Are committed against federal agents;
 - Are investigated by a federal agency, such as the FBI;
 - Cross state lines;
 - Occur in Washington D.C. or in international waters

Data Collection and Cleaning

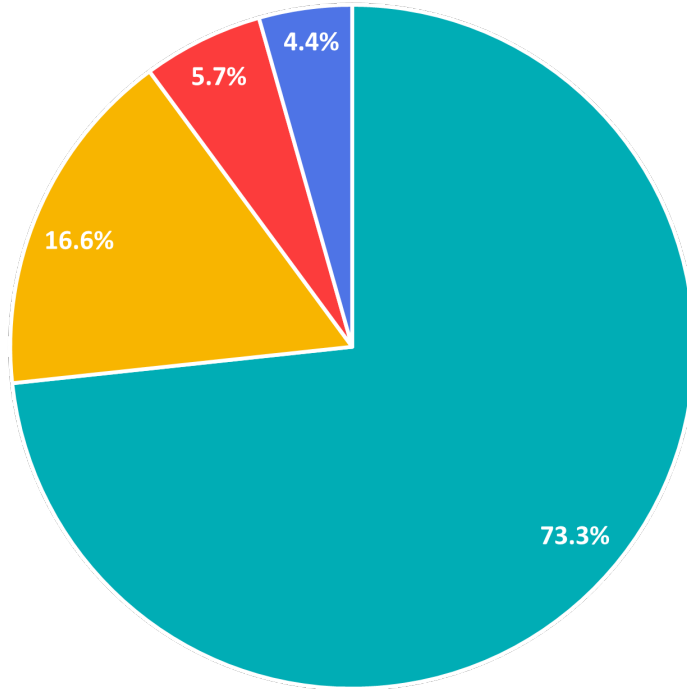
- SAS files from ussc.gov (The U.S. Sentencing Commission)
- Nationwide dataset with over 300k rows and 1000+ columns
- Identified 201 columns for analysis
- Extracted Tennessee specific data



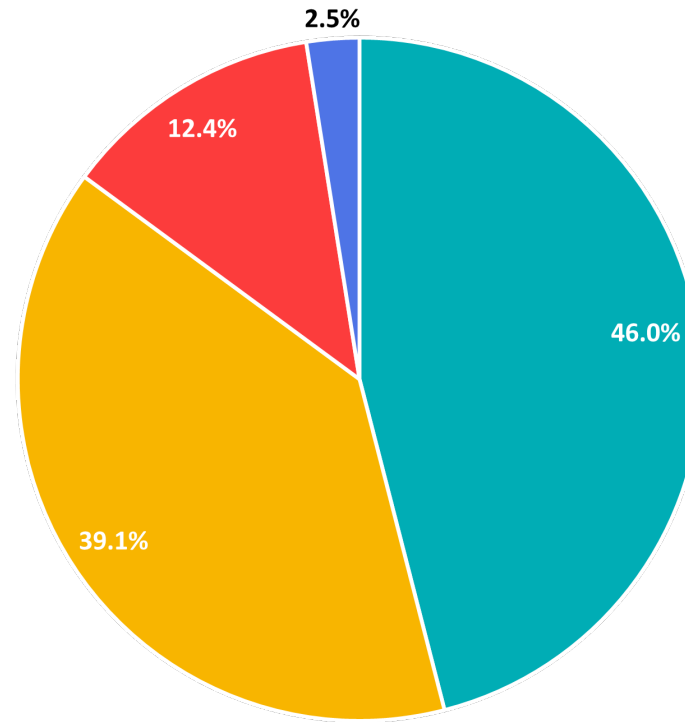
General
Population v.
Incarcerated
Population



General Population



Incarcerated Population



■ White ■ Black ■ Hispanic ■ Other

A **black** person is

3.9x

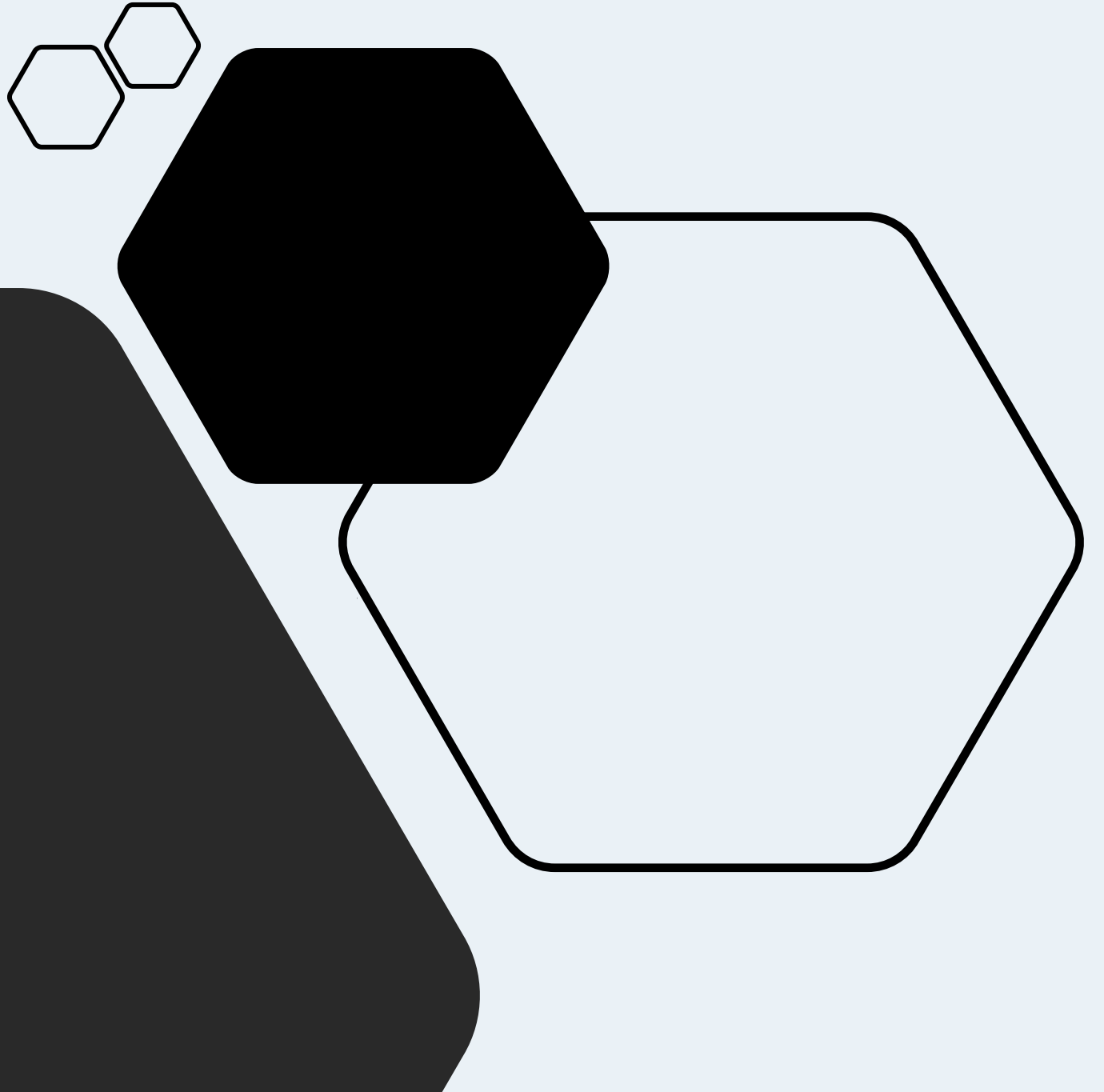
more likely to be incarcerated
than a **white** person

A **Hispanic** person is

3.5x

more likely to be incarcerated
than a **white** person

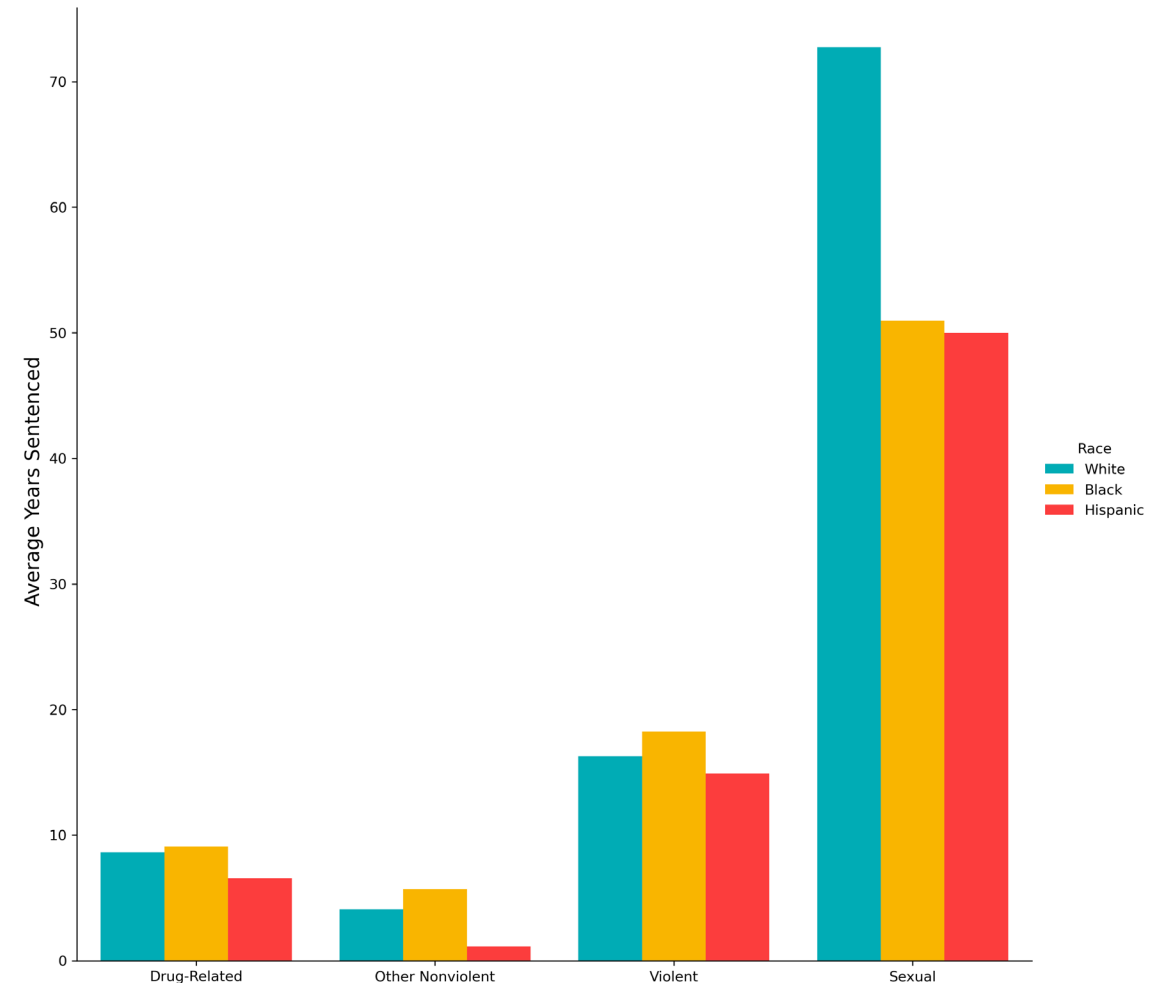
Sentence Lengths



Sentence Lengths

- Excluding sexual crimes, black sentences are 6 months to 2 years longer on average than white sentences
- Excluding sexual crimes, Hispanic sentences are 2-4 years shorter on average
- For sexual crimes, the average white sentence far exceeds average black and Hispanic sentences, but all 3 amount to life in prison

Sentence Length by Crime Category

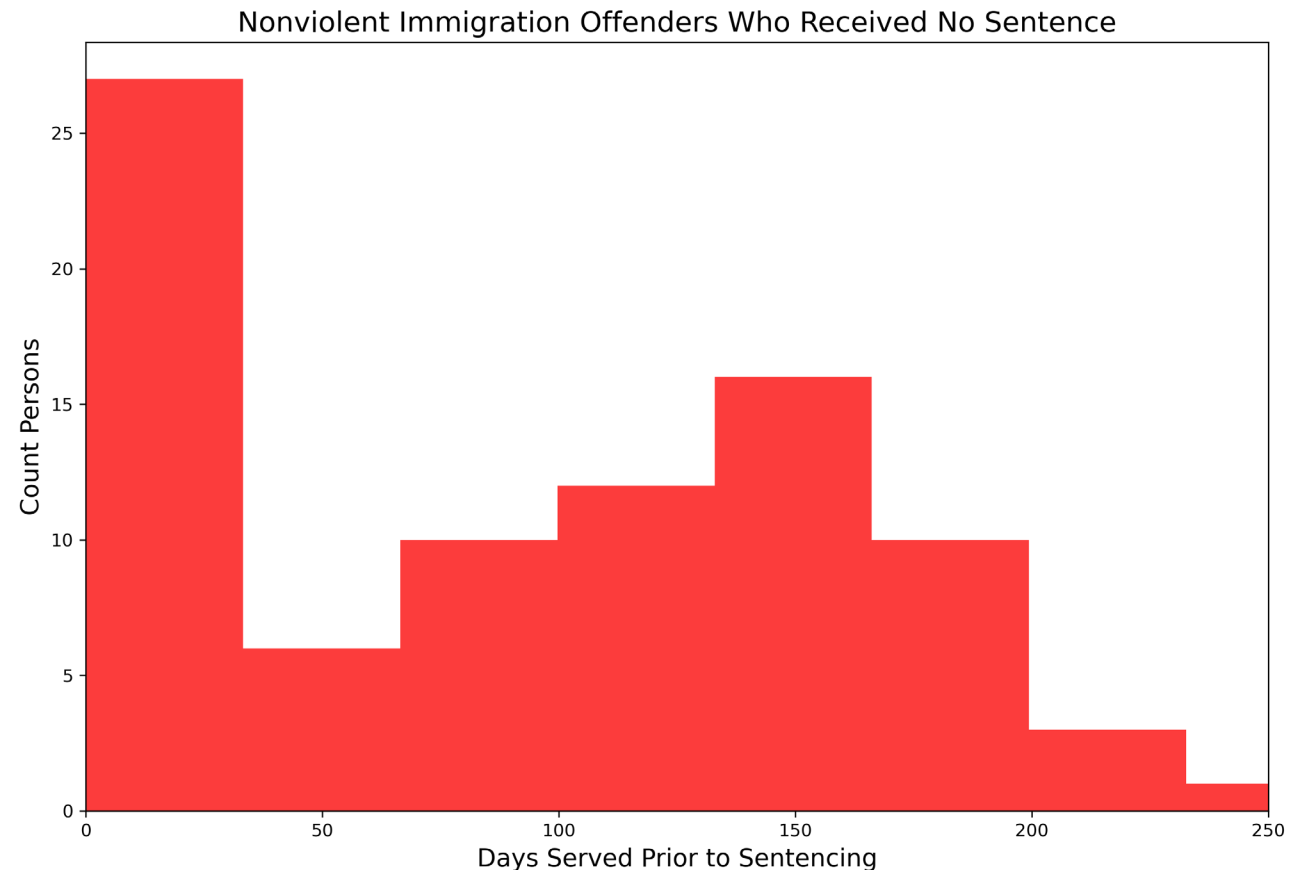


Closer Look: Immigration Offenses

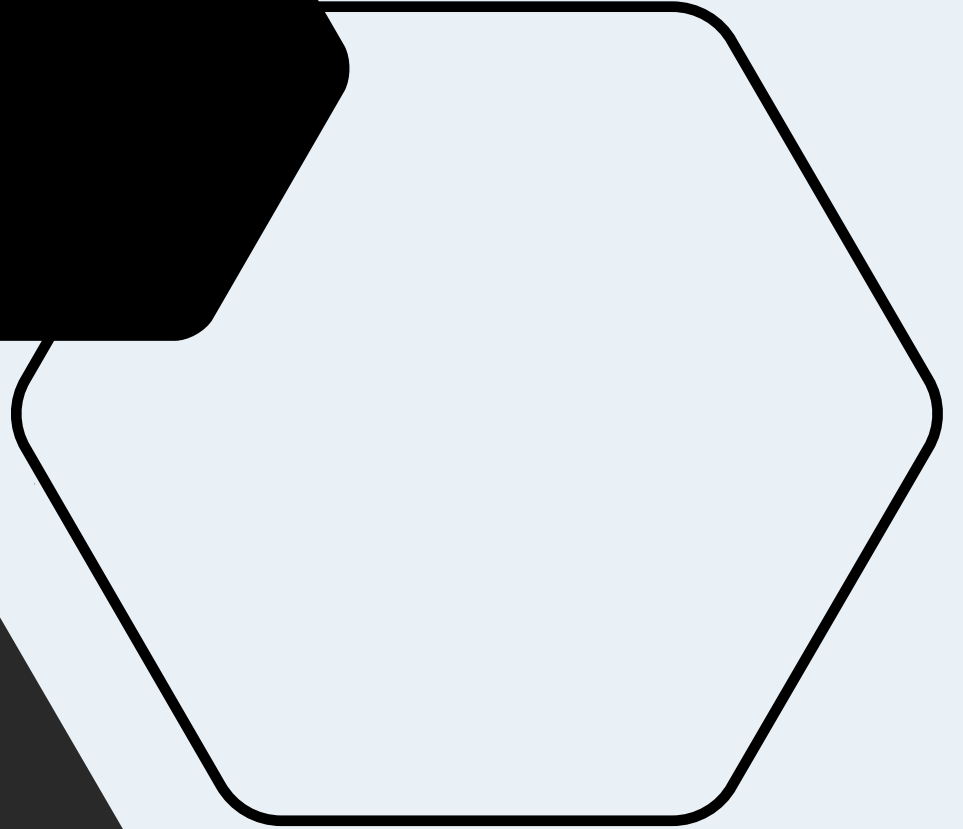
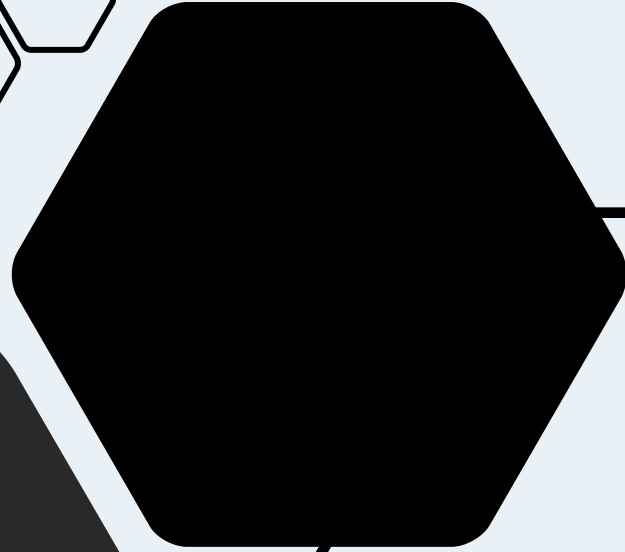
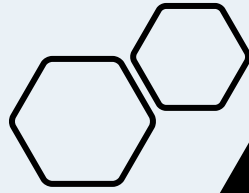
97%

not legal residents

- 43% of all Hispanic defendants receive sentences for immigration-related offenses, which carry no mandatory minimum sentence.
- Of those, exactly half received credit for time served and therefore receive no additional sentence. The average time served prior to sentencing for this group is 70 days.
- Additionally, 97% of these defendants are not legal residents of the U.S., meaning they may have been deported rather than sentenced to additional time.



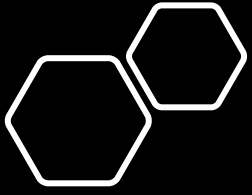
Sentence Enhancements & Mitigation Measures



Sentence Enhancements & Mitigation

- Sentence enhancements available:
 - Criminal history points
 - “Career Offender” status
 - “Armed Career Offender” status
- Sentence mitigations available:
 - Safety valve





Sentence Enhancements

- Distribution roughly matches demographics of general incarcerated population

Criminal History Points Applied

Applied in

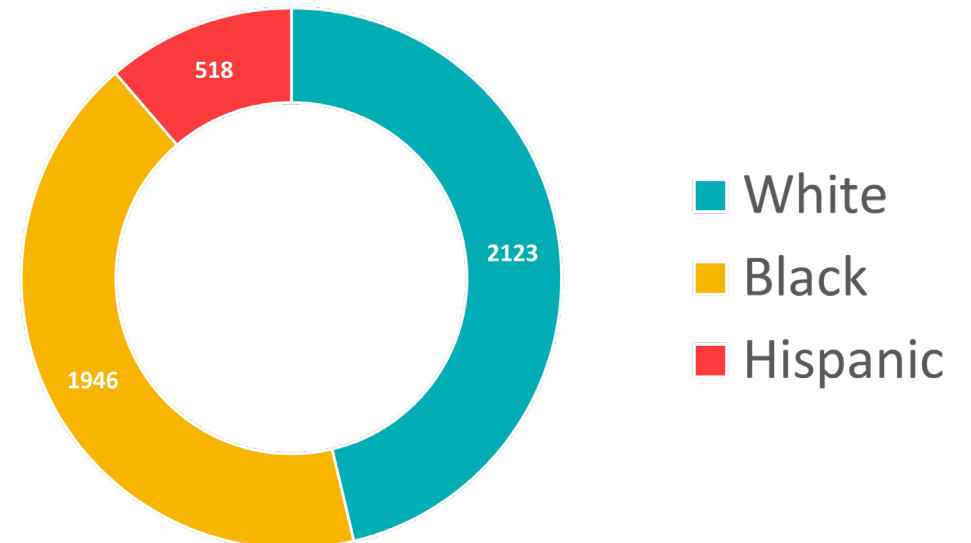
64%

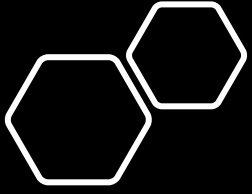
of cases

Increases sentence
by average of

2.6

years





Sentence Enhancements

- Black defendants are labeled “Career Offenders” 2x as often as white defendants and 11.6x as often as Hispanic defendants

Career Offender Status Applied

Applied in

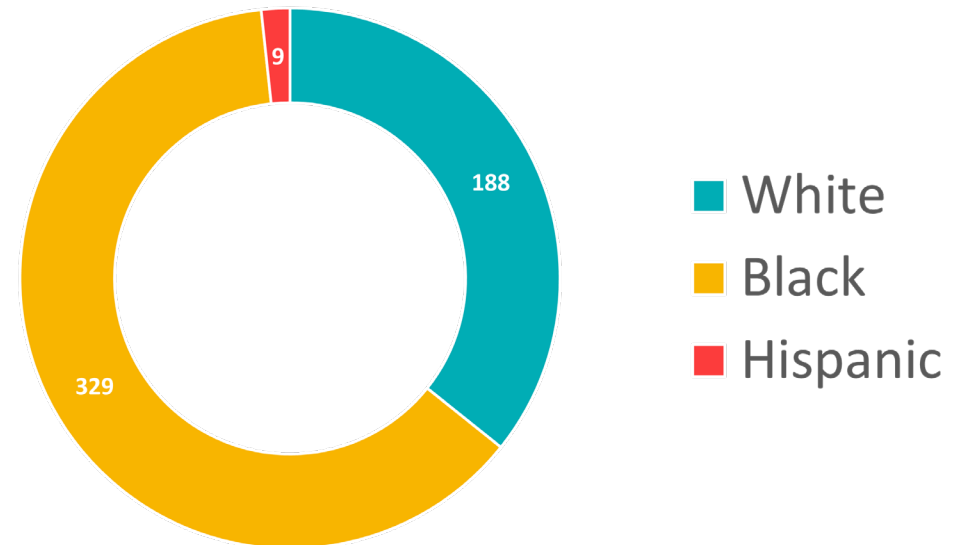
7%

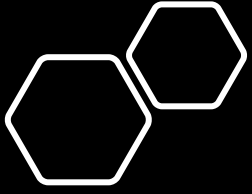
of cases

Increases sentence
by average of

12.7

years





Sentence Enhancements

- Black defendants are labeled “Armed Career Offenders” 2.7x as often as white defendants and 8.5x as often as Hispanic defendants

Armed Career Offender Status Applied

Applied in

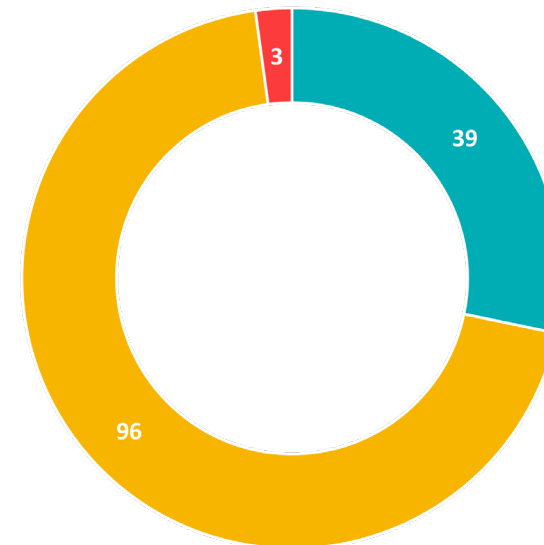
2%

of cases

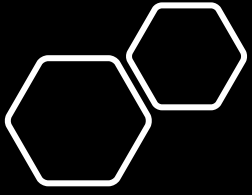
Increases sentence
by average of

25.3

years



■ White
■ Black
■ Hispanic



Sentence Mitigation

- Black defendants receive the safety valve measure 40% less than white defendants and 70% less than Hispanic defendants

Safety Valve Applied

Applied in

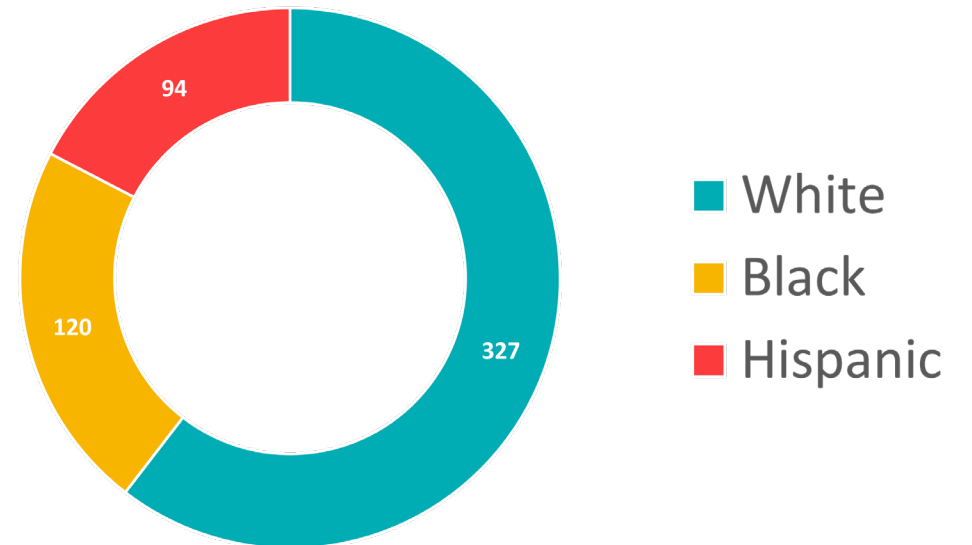
18%

of drug cases

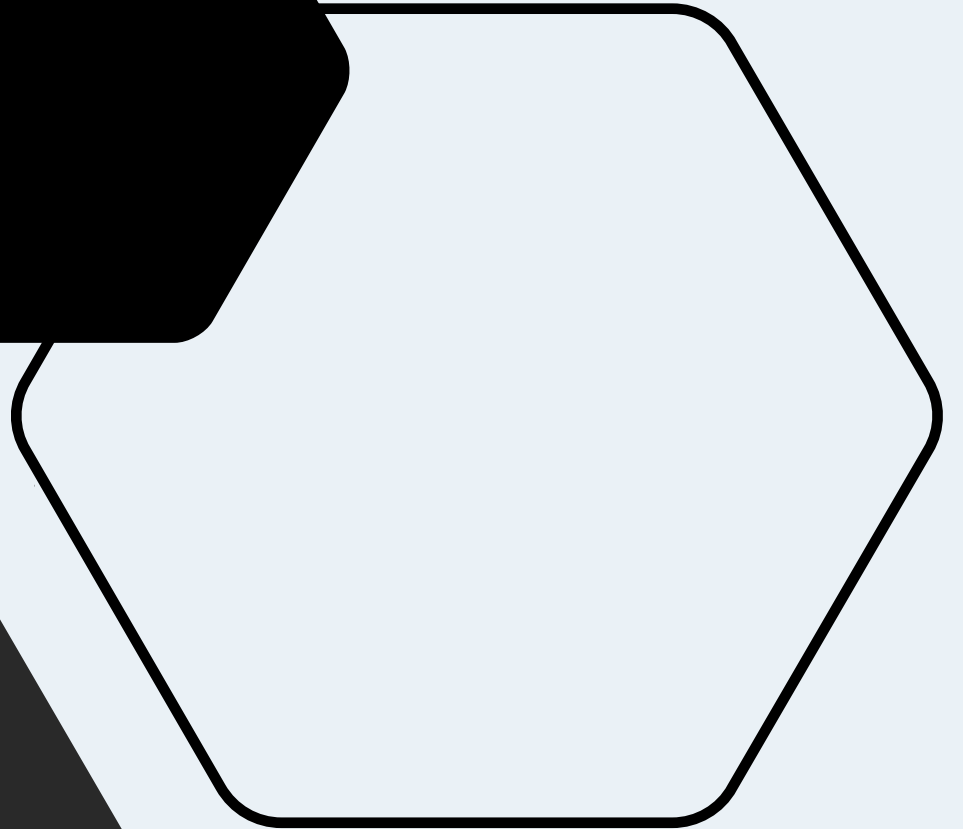
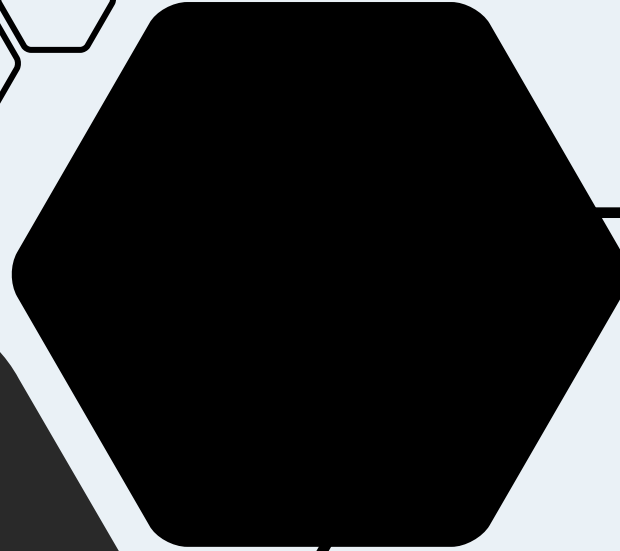
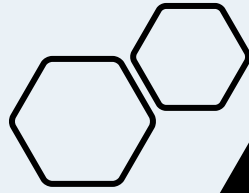
Reduces sentence
by average of

7.2

years

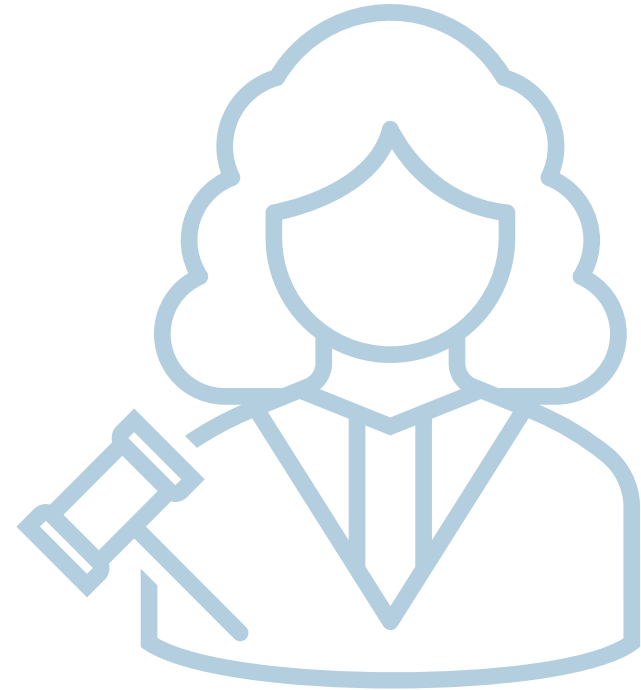


Pleas v. Trials



Pleas v. Trials: Background*

- Rigid sentencing guidelines leave little discretion to judges and juries in determining sentence length
- Prosecutors frequently use harsh mandatory minimums as bargaining chips to encourage defendants to plead out under a lesser charge rather than pursue trial
- This may cause innocent defendants to plead rather than risk a longer sentence at trial
- I wanted to see how these dynamics play out in Tennessee



Pleas v. Trials

Drug and racketeering
sentences are over

110

years longer on average

Robbery sentences are over

42

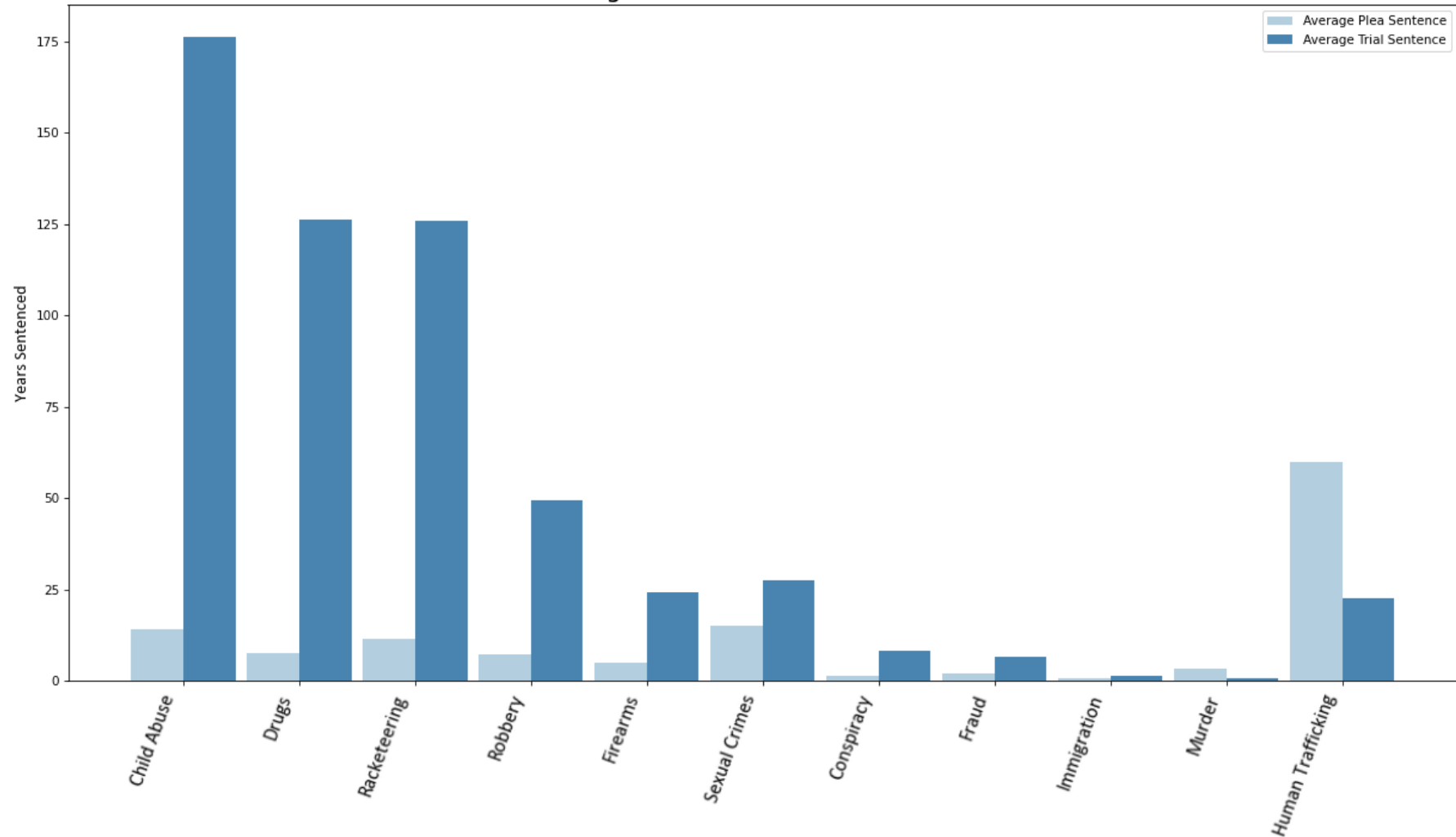
years longer on average

Firearm sentences are over

19

years longer on average

Average Sentences for Pleas v. Trials

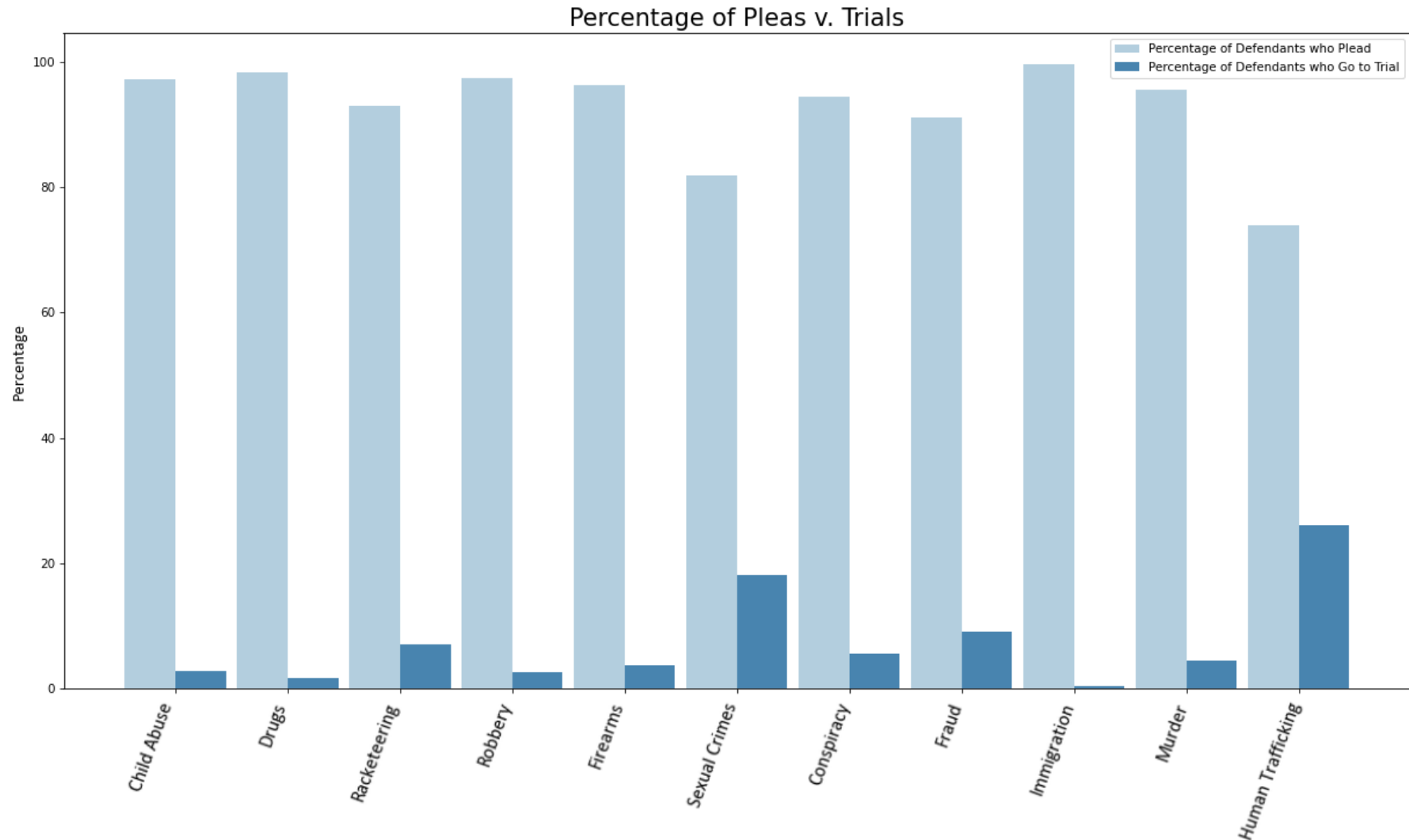


Pleas v. Trials

97%

of all defendants plead

- Many of the most serious crimes have smaller sentencing differentials and shorter sentences on average



Key Insights

1. Black and Hispanic Tennesseans are incarcerated at a rate of 3.5x that of white Tennesseans.
2. Black defendants are 40% less likely than white defendants to receive sentence reductions, but twice as likely to receive designations that substantially lengthen their sentences.
3. Nonviolent drug sentences are 100+ years longer on average when Defendants insist on going to trial rather than pleading out. Many other nonviolent offenses also have large sentencing differentials between pleas and trials. This creates a strong incentive for nonviolent defendants (regardless of race) to plead out rather than pursue their constitutional right to a trial by jury.

