

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? If so, does this difference vary by race?



Background: Federal v. State Crime

- State law:

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

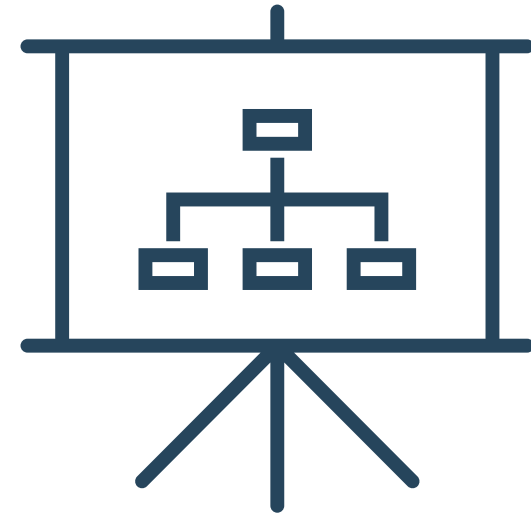


- Federal law:

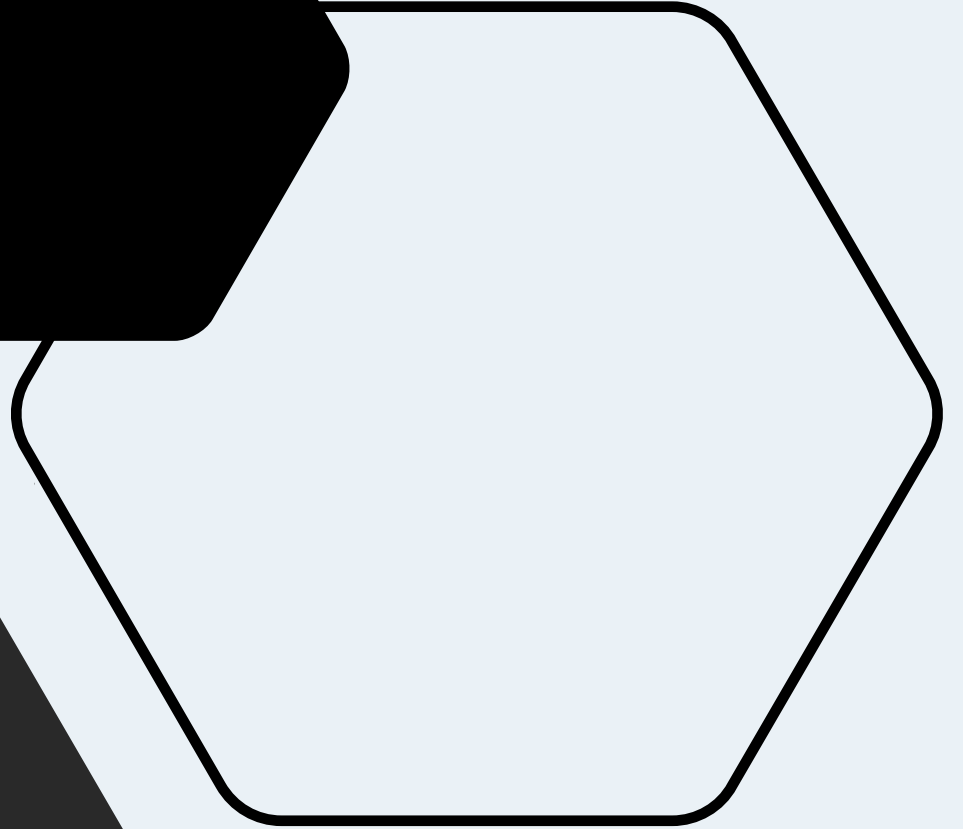
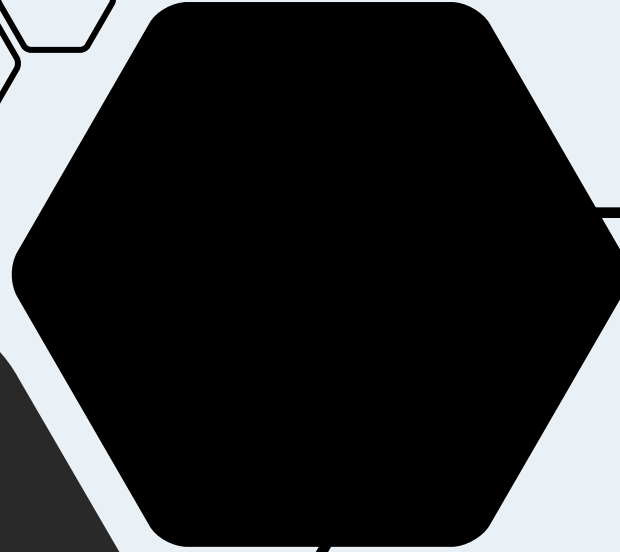
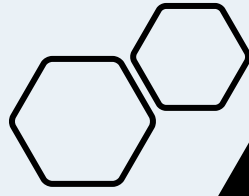
- Drug possession and sales
- Immigration
- “White Collar Crime” (e.g., fraud, money laundering)
- Bank robbery
- State crimes that:
 - Occur on federal land;
 - Are committed against federal agents;
 - Cross state lines;
 - Occur in Washington D.C. or in international waters;
 - Are investigated by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

Data Collection and Cleaning

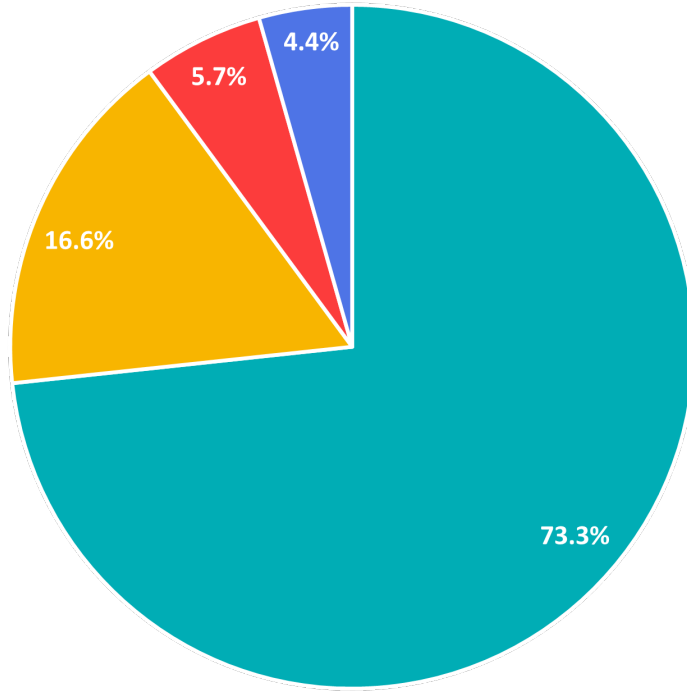
- SAS files from ussc.gov (The U.S. Sentencing Commission)
- Nationwide dataset with over 300k rows and 1000+ columns
- Identified 201 columns for analysis
- Extracted Tennessee specific data



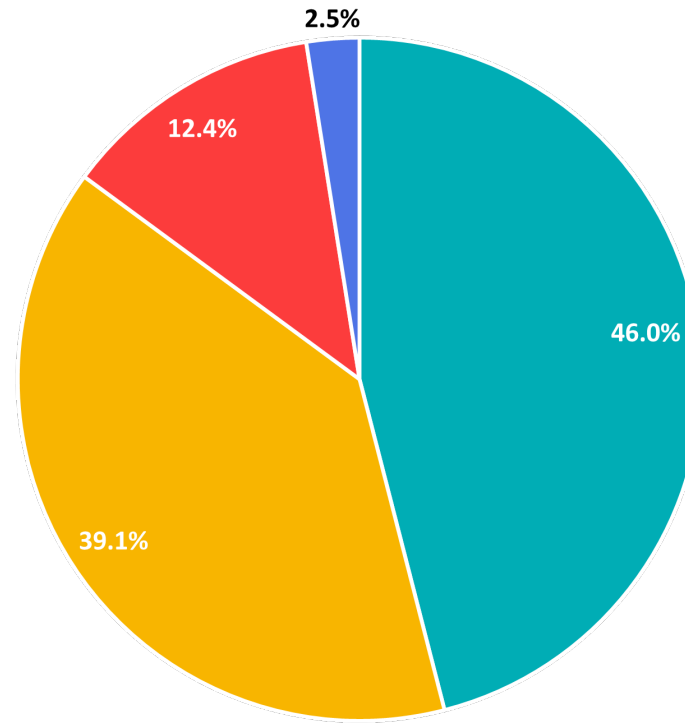
Demographics of General Population v. Incarcerated Population



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

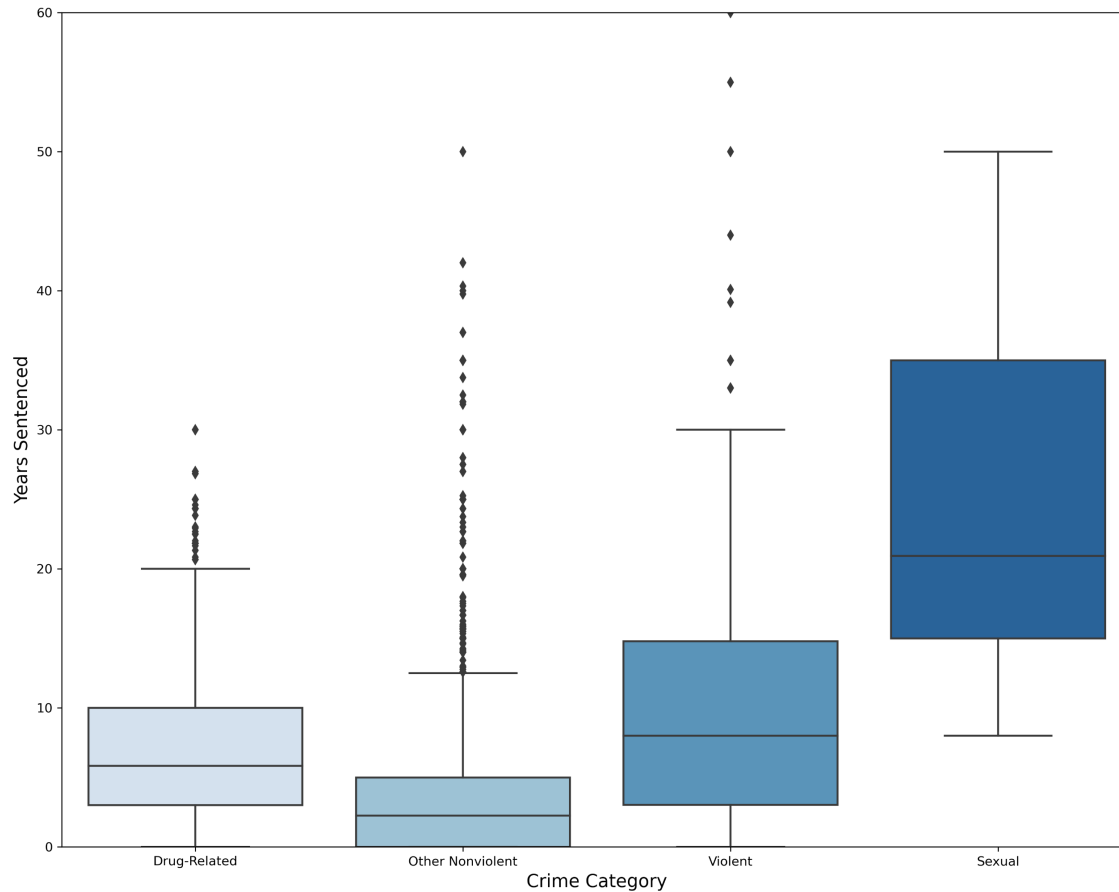
more likely to be incarcerated
than a **white** person

Sentence Length by Crime Category

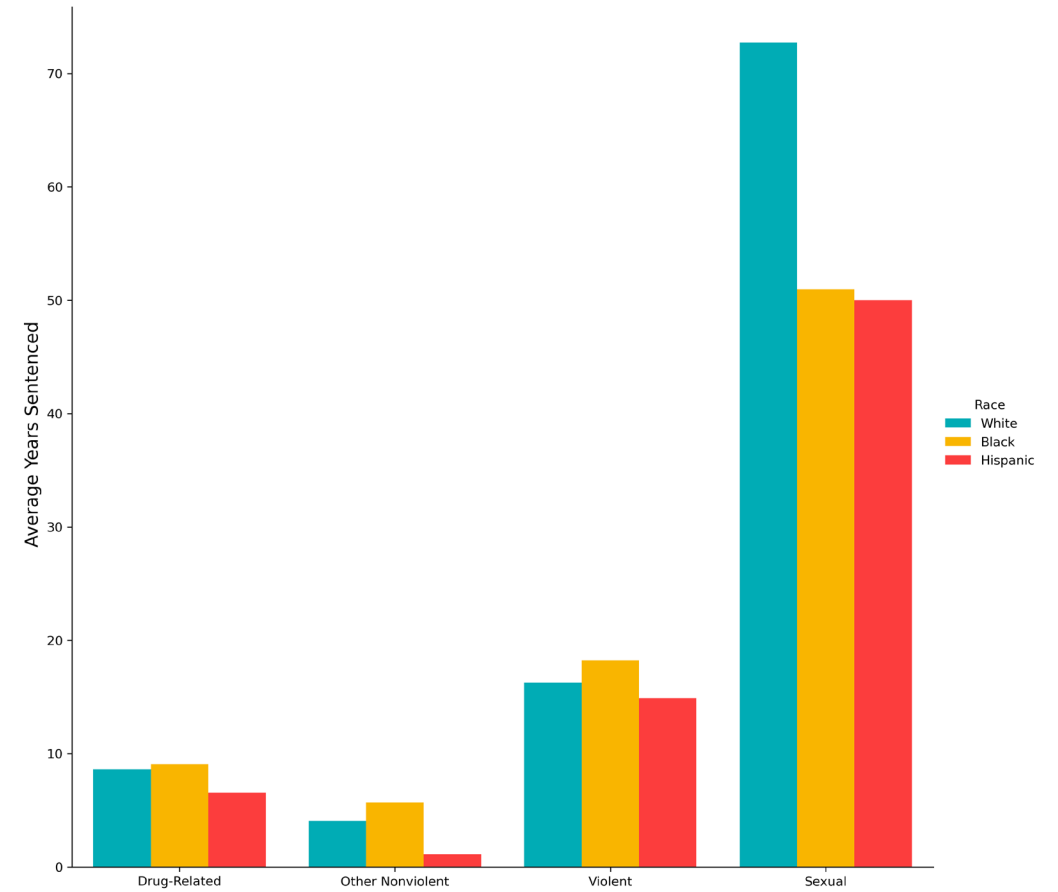


Sentence Length by Crime Category

Sentence Distribution



Racial Breakdown

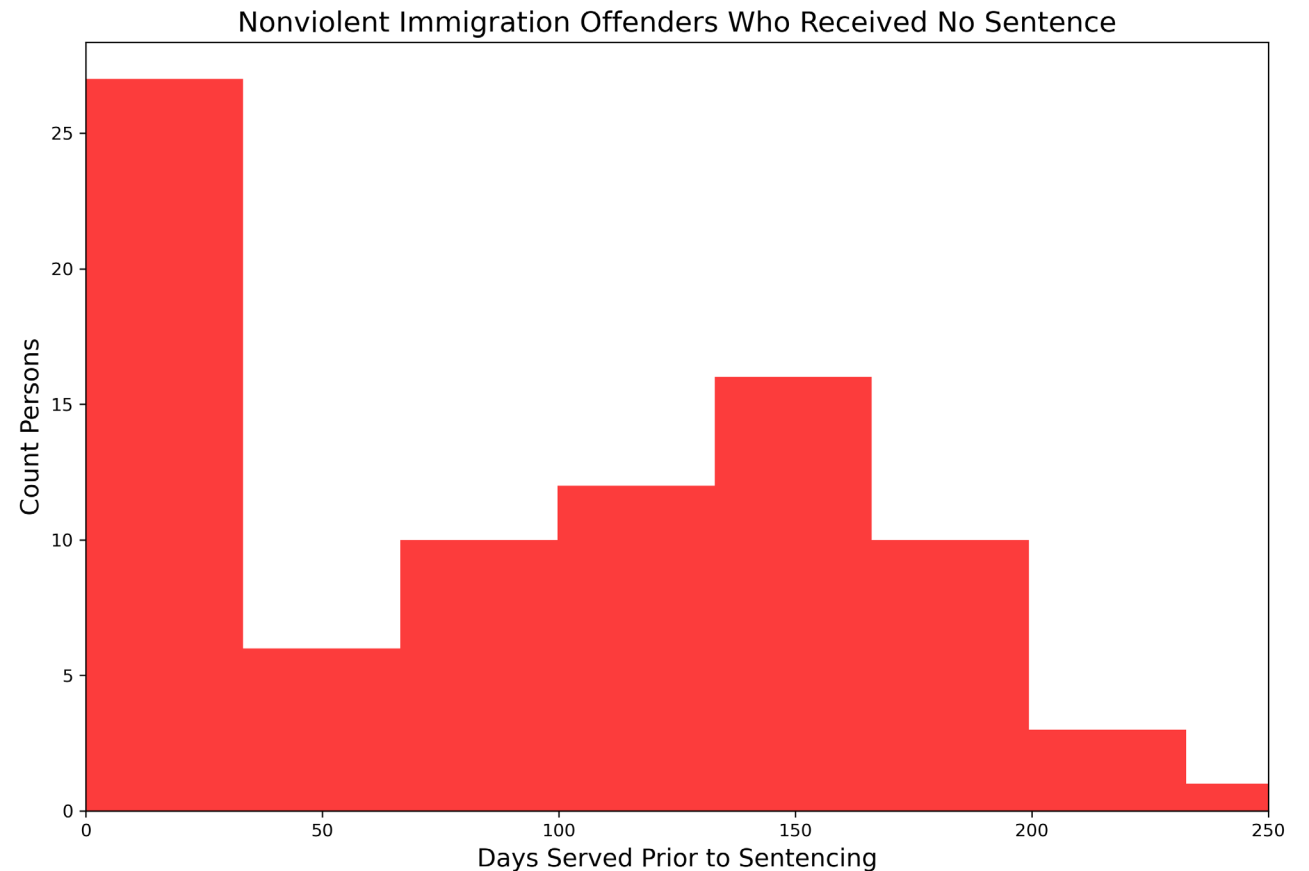


Closer Look: Immigration Offenses

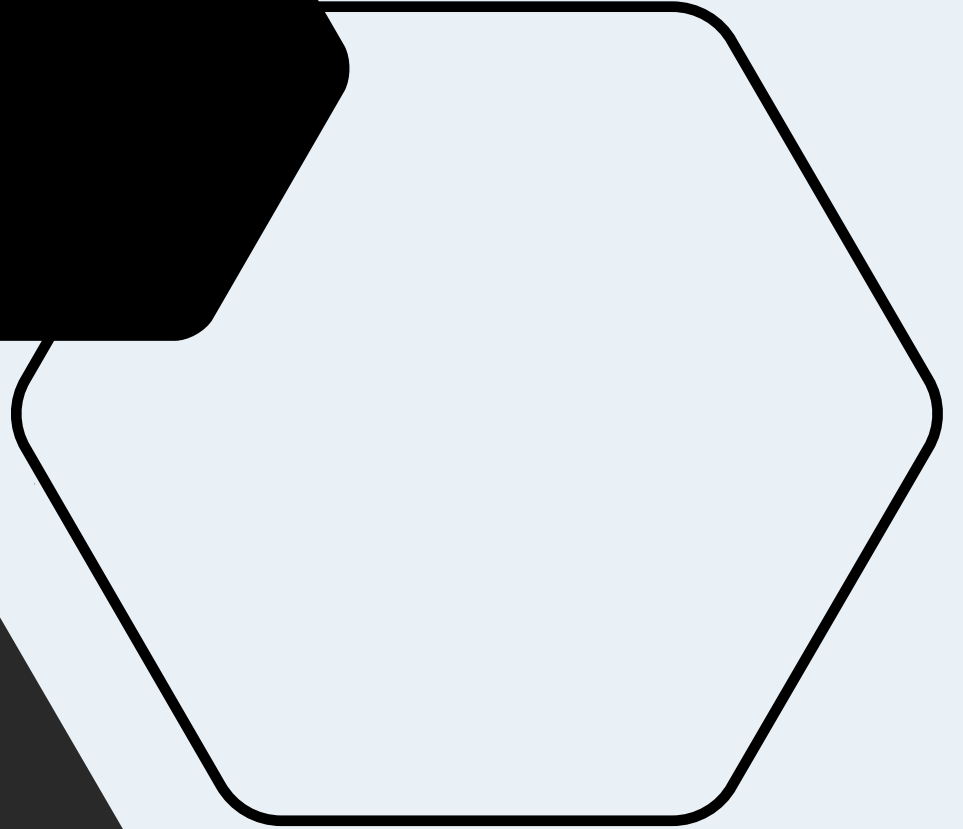
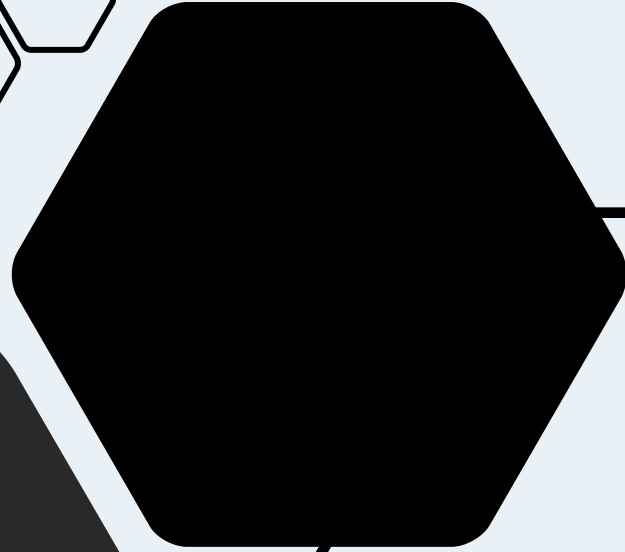
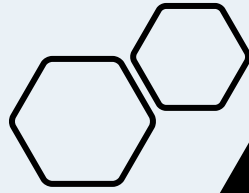
97%

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.



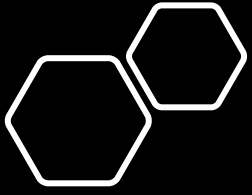
Sentence Enhancements & Mitigation Measures



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

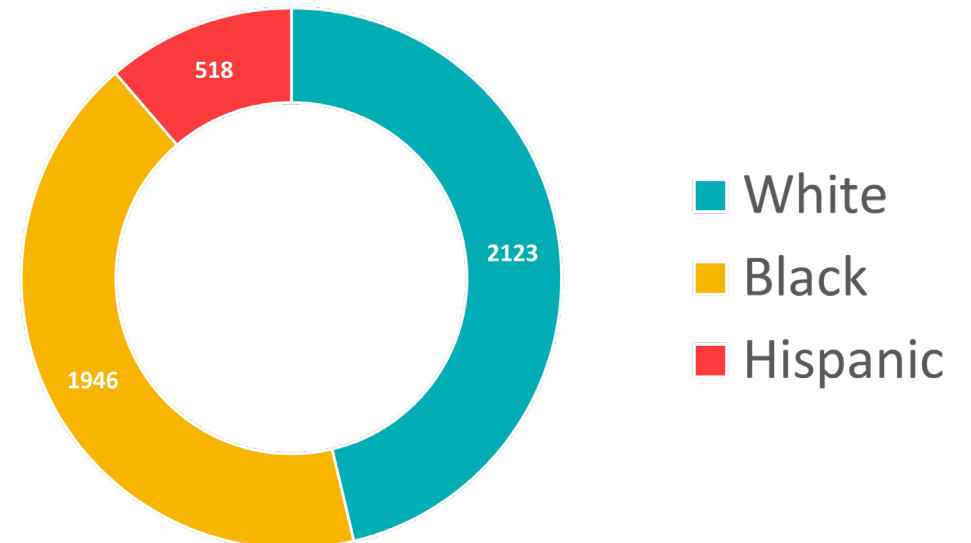
64%

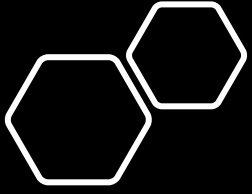
of cases

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

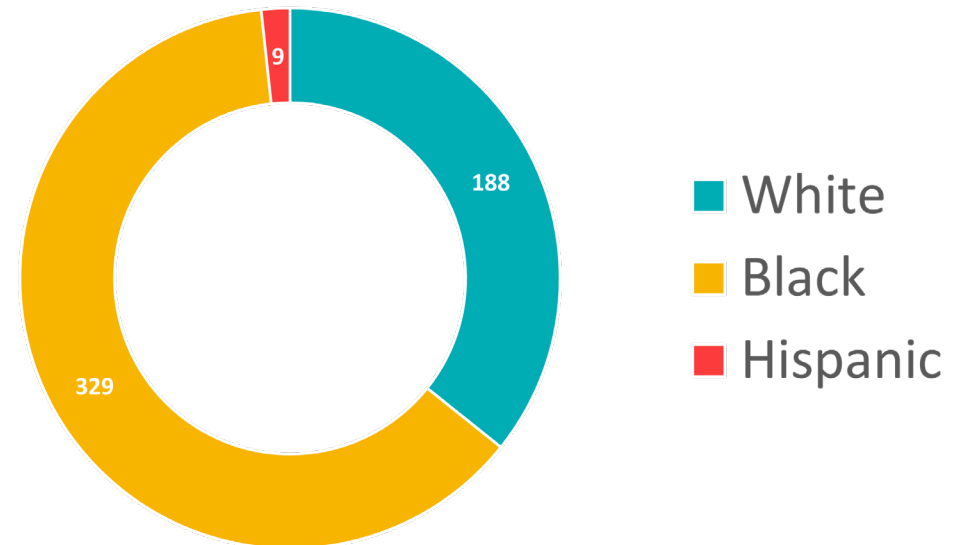
7%

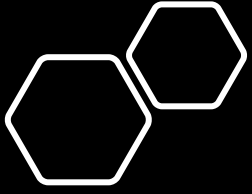
of cases

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

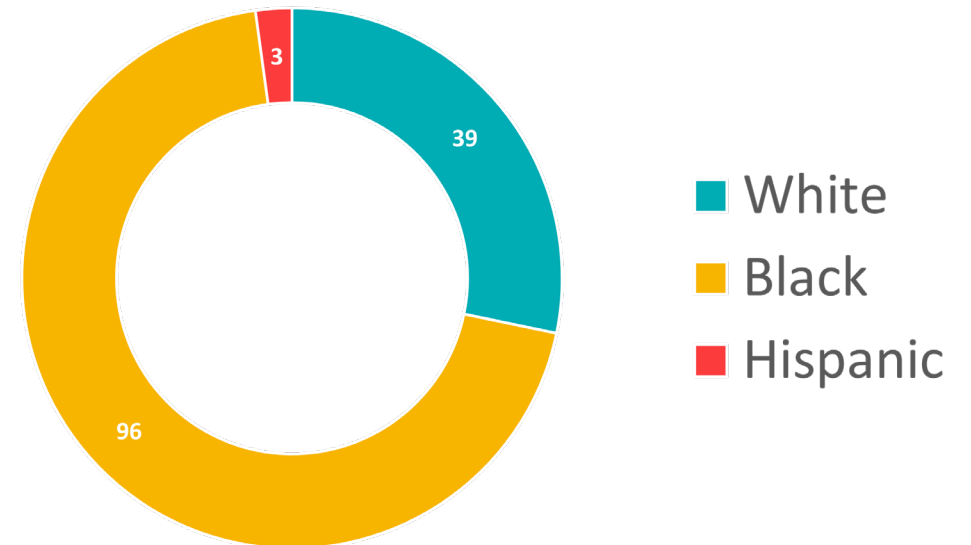
2%

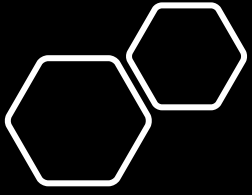
of cases

Increases sentence
by average of

25.3

years





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

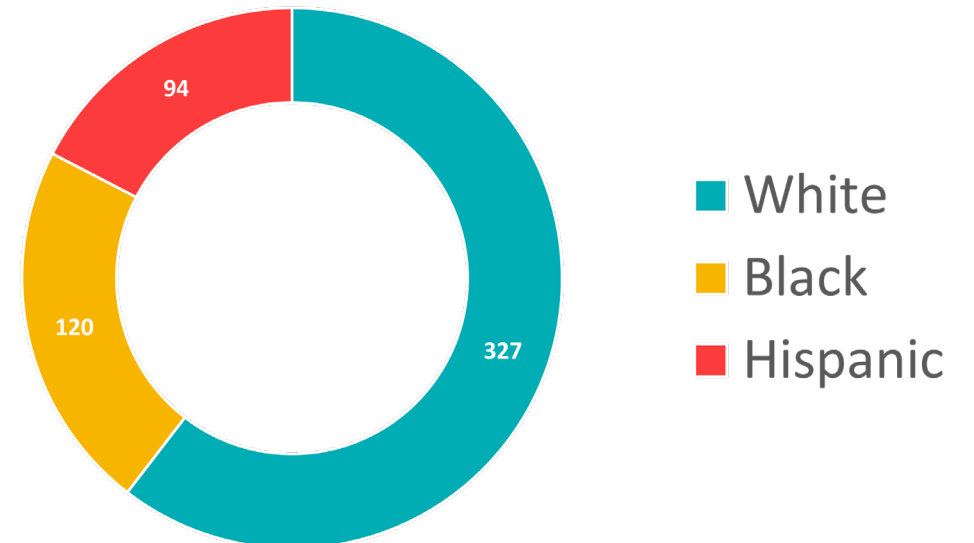
18%

of drug cases

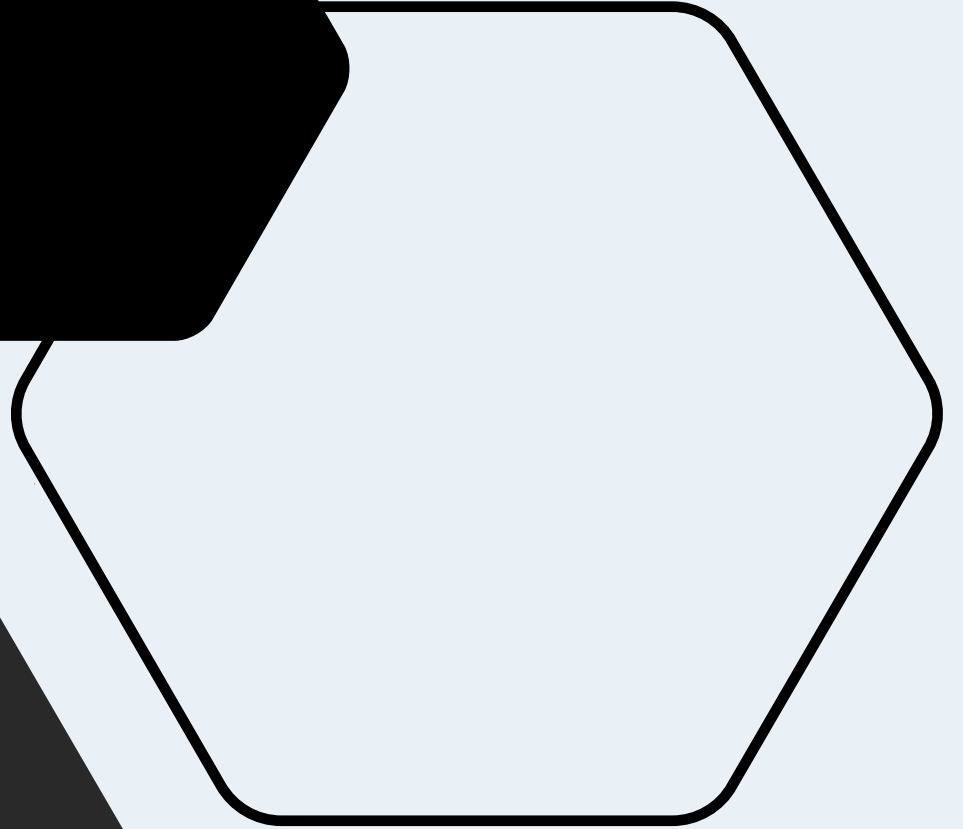
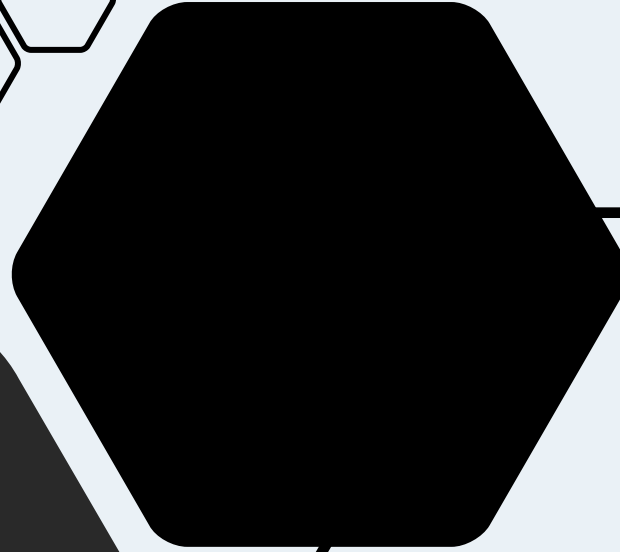
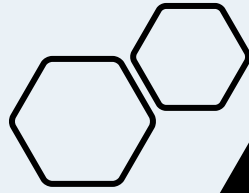
Reduces sentence
by average of

7.2

years

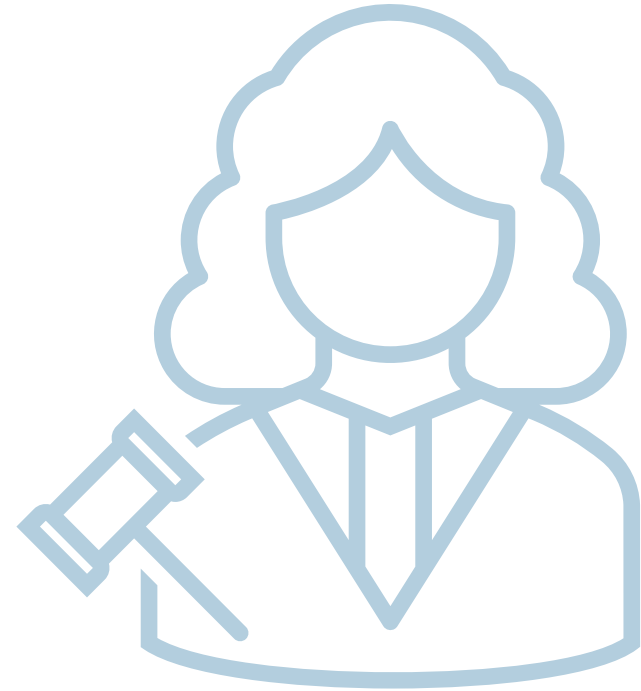


Pleas v. Trials



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

Average sentence
for a plea:

5.9

years

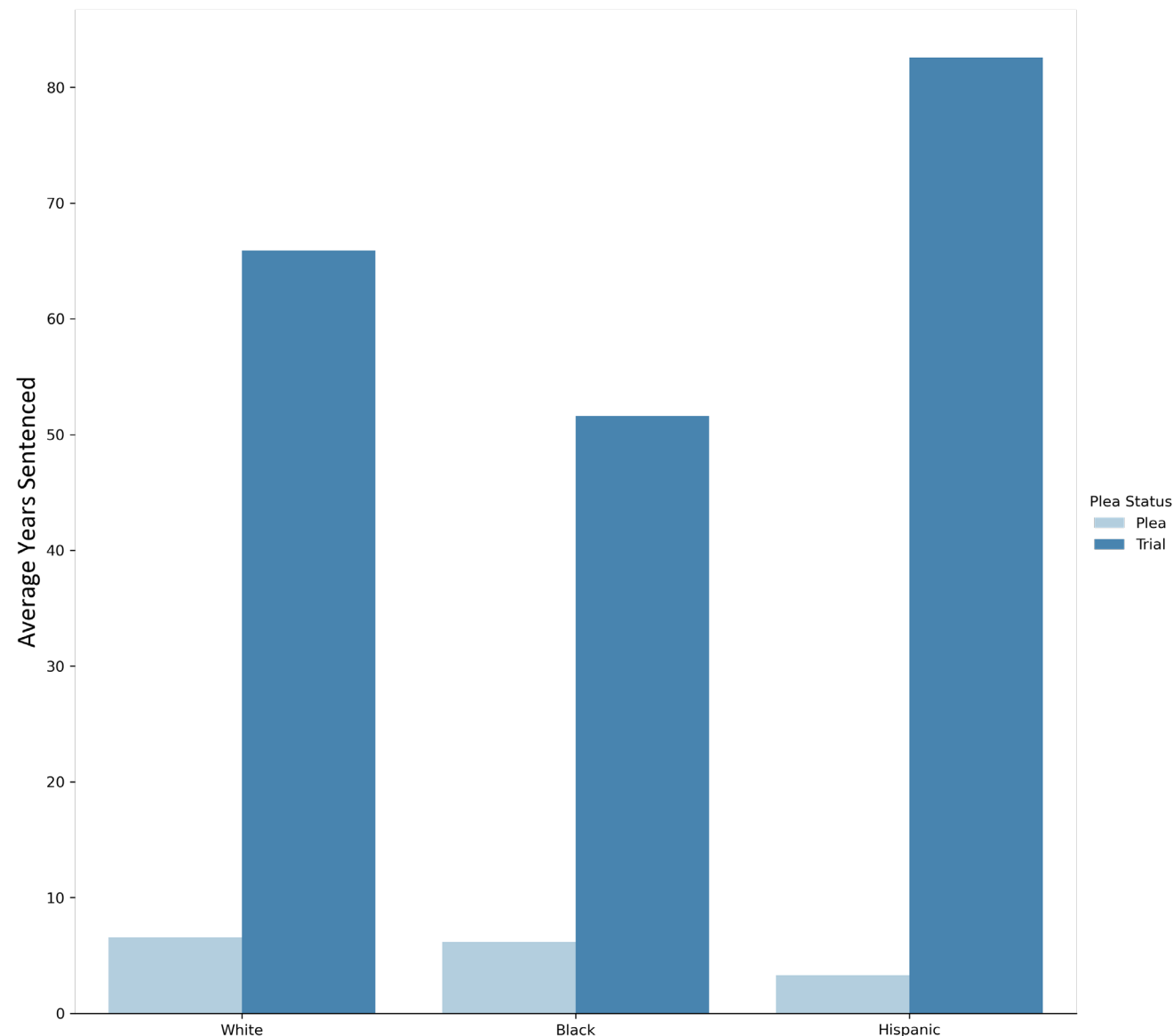
Average sentence
for a trial:

58.3

years

- Difference between average sentence length for plea v. trial:
 - Black: 45.4 years
 - White: 59.3 years
 - Hispanic 81.5 years
- Median sentences are dramatically lower, but going to trial still increases the median sentence by **6.6 years**

Average Sentence Length by Race



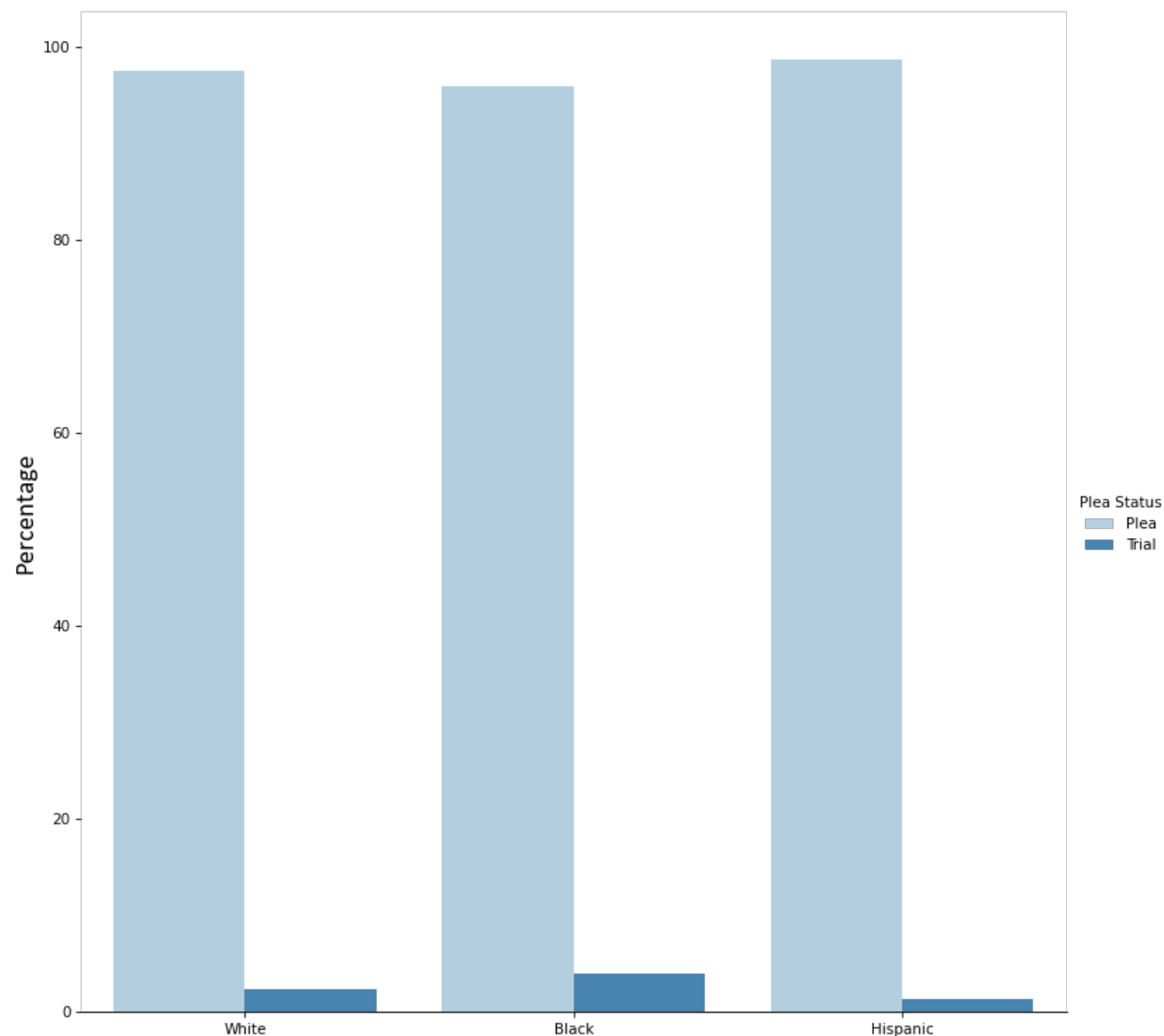
Pleas v. Trials

97%

of all defendants plead out

- 3.9% of black defendants pursue trial
- 2.4% of white defendants pursue trial
- 1.3% of Hispanic defendants pursue trial

Percentage of Pleas v. Trials by Race



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. Defendants across racial lines receive sentences 10x longer on average than defendants who plead. This creates a strong incentive for defendants (regardless of race) to plead out rather than pursue their constitutional right to a trial by jury.

