

Racial Disparities in Tennessee Federal Sentencing: 2015 to 2019

Jennifer Whitson

April 30, 2021



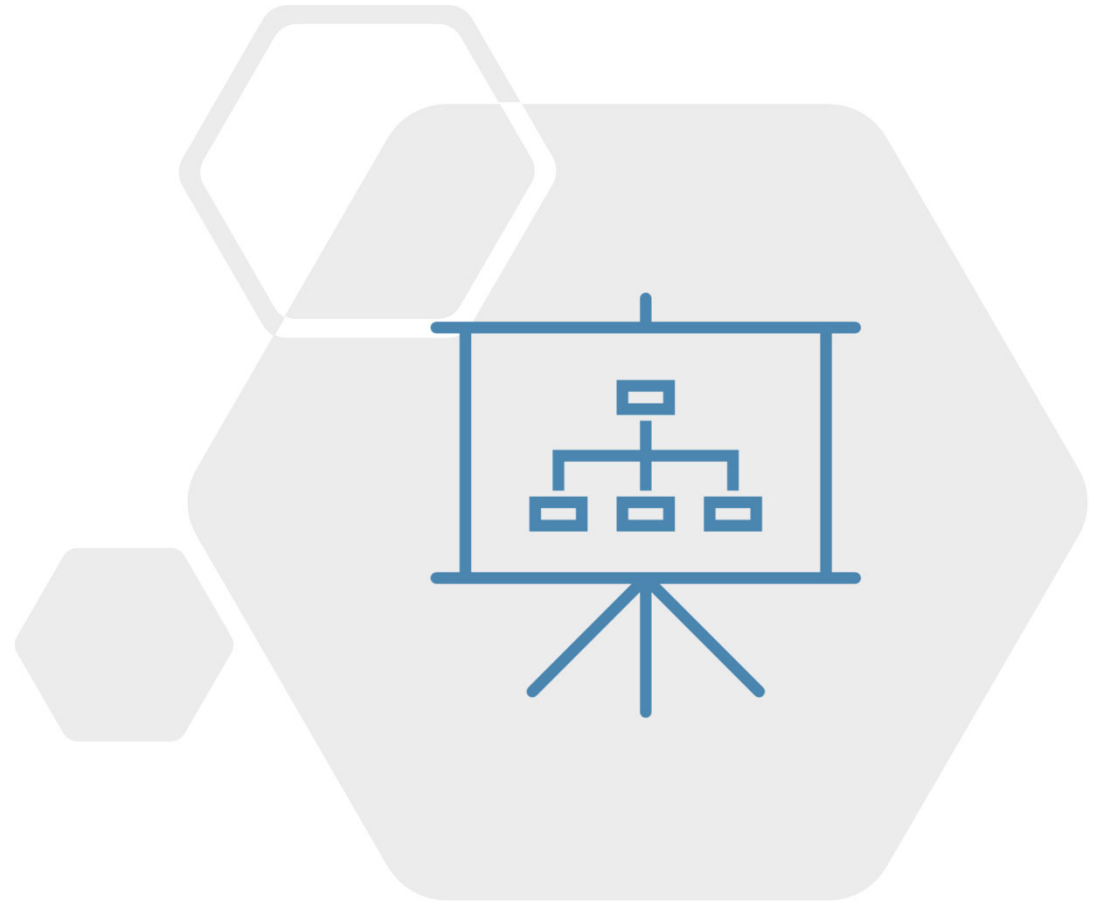
Guiding Questions

1. Are there racial disparities between the sentencing 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?



Data Collection and Cleaning

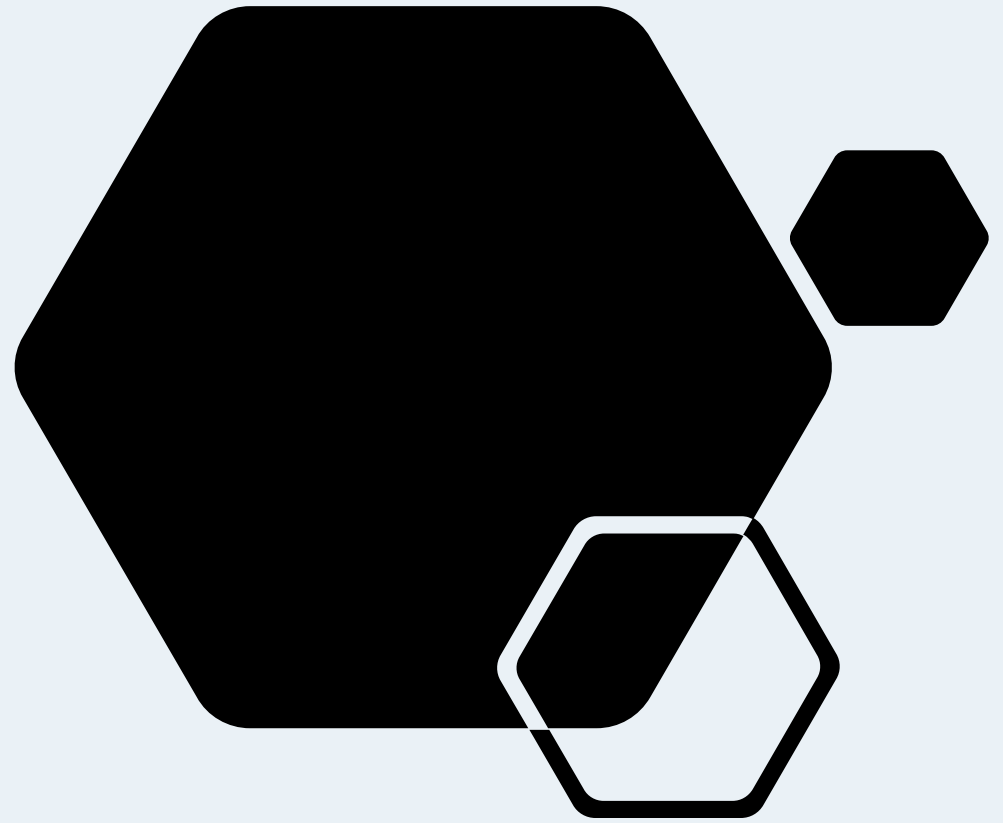
- SAS files from ussc.gov (The U.S. Sentencing Commission)
- Nationwide dataset with over 300k rows and 1000+ columns
- Identified 195 columns for analysis
- Extracted Tennessee specific data



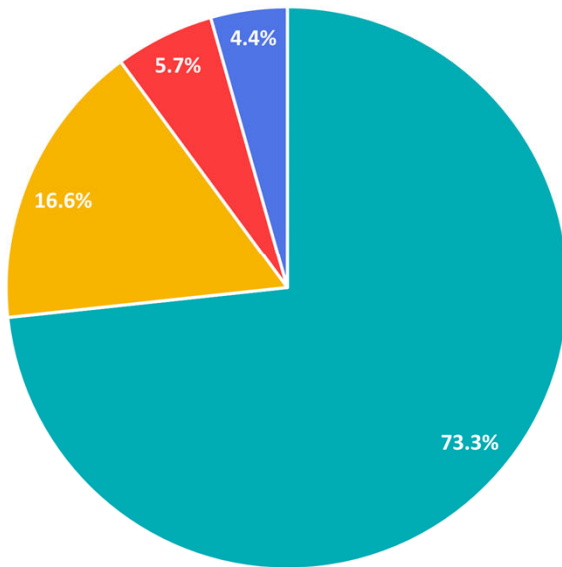
Background: Federal v. State Crime

- 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

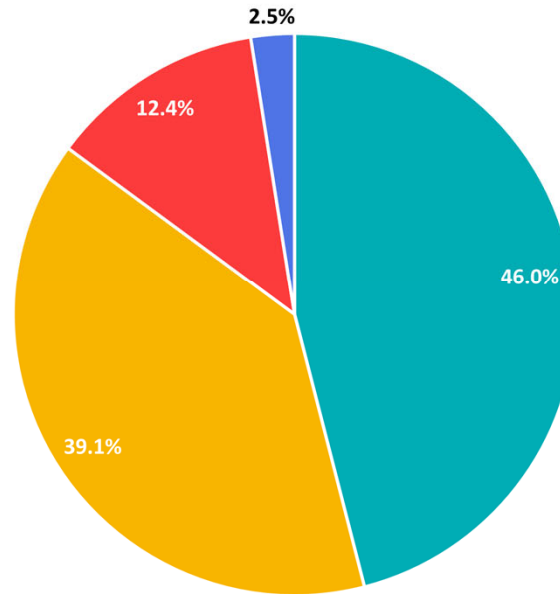
Are there racial disparities
between the sentencing
population and the general
population in Tennessee?



General Population



Sentencing Population



■ White ■ Black ■ Hispanic ■ Other

A **black** person is

3.9x

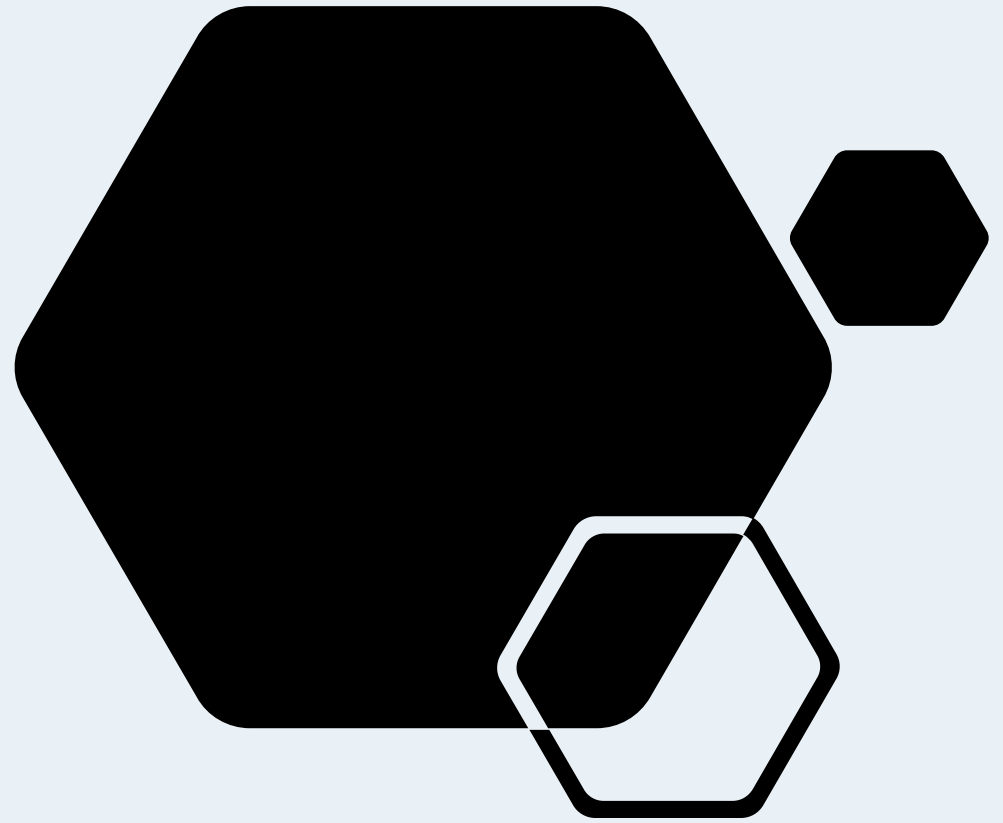
more likely to be sentenced
than a **white** person

A **Hispanic** person is

3.5x

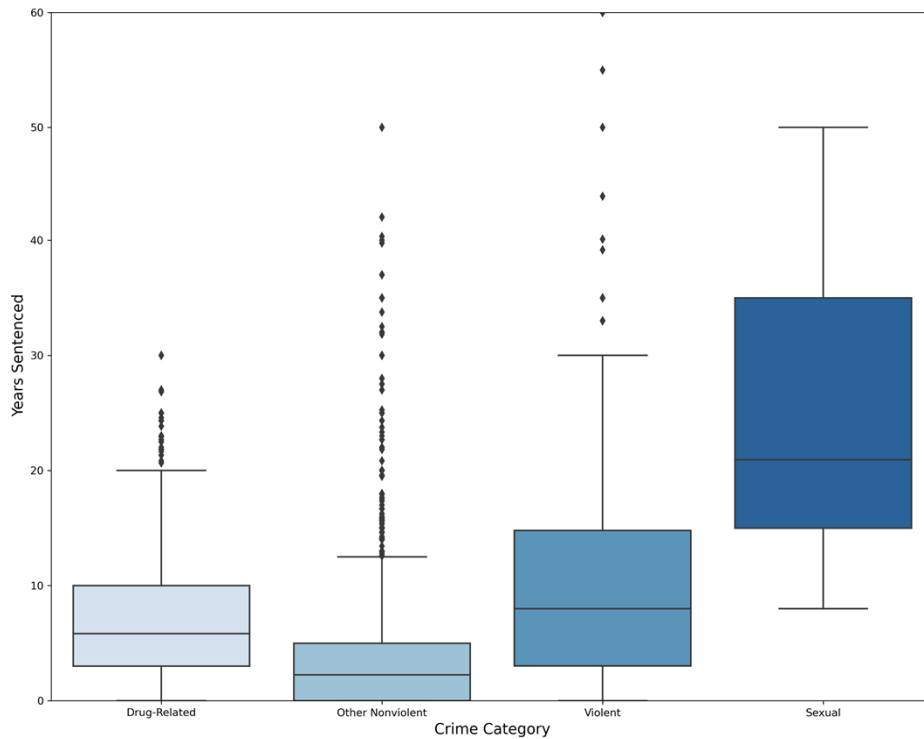
more likely to be sentenced
than a **white** person

Are people of color
receiving longer
sentences on
average for the
same crimes?

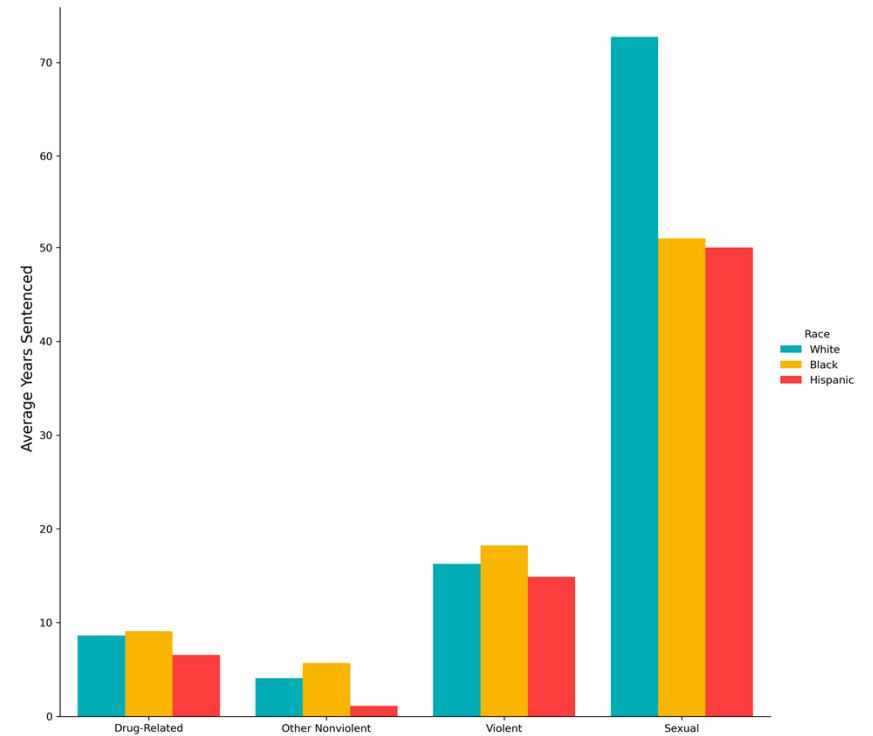


Sentence Length by Crime Category

Sentence Distribution



Racial Breakdown

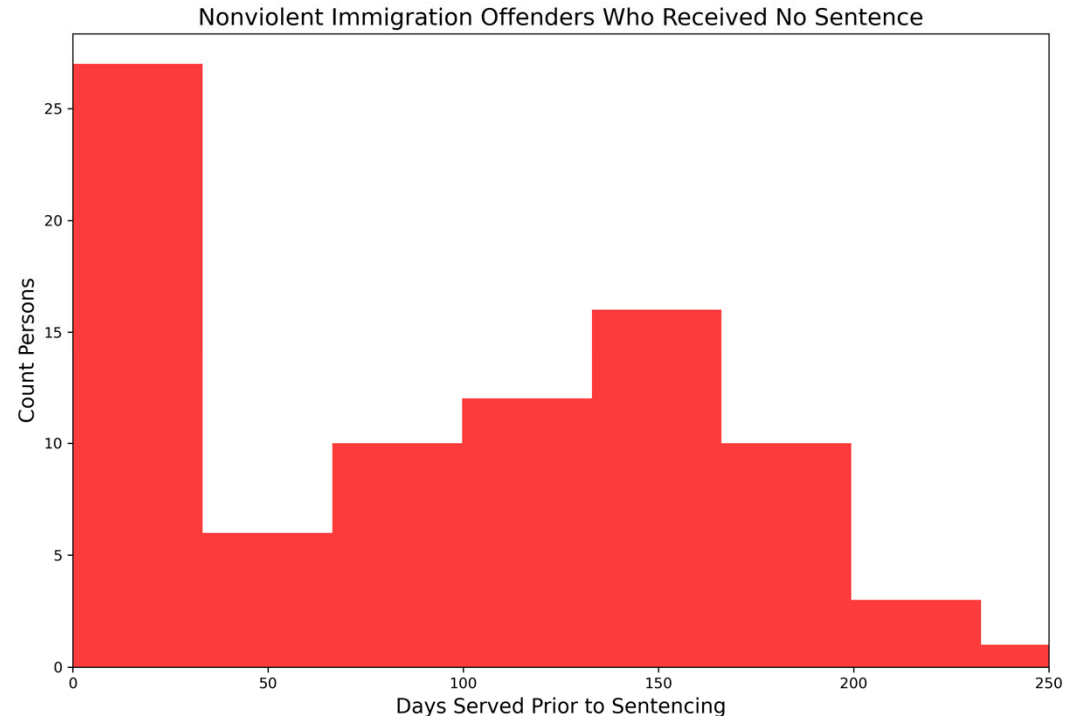


Closer Look: Immigration Offenses

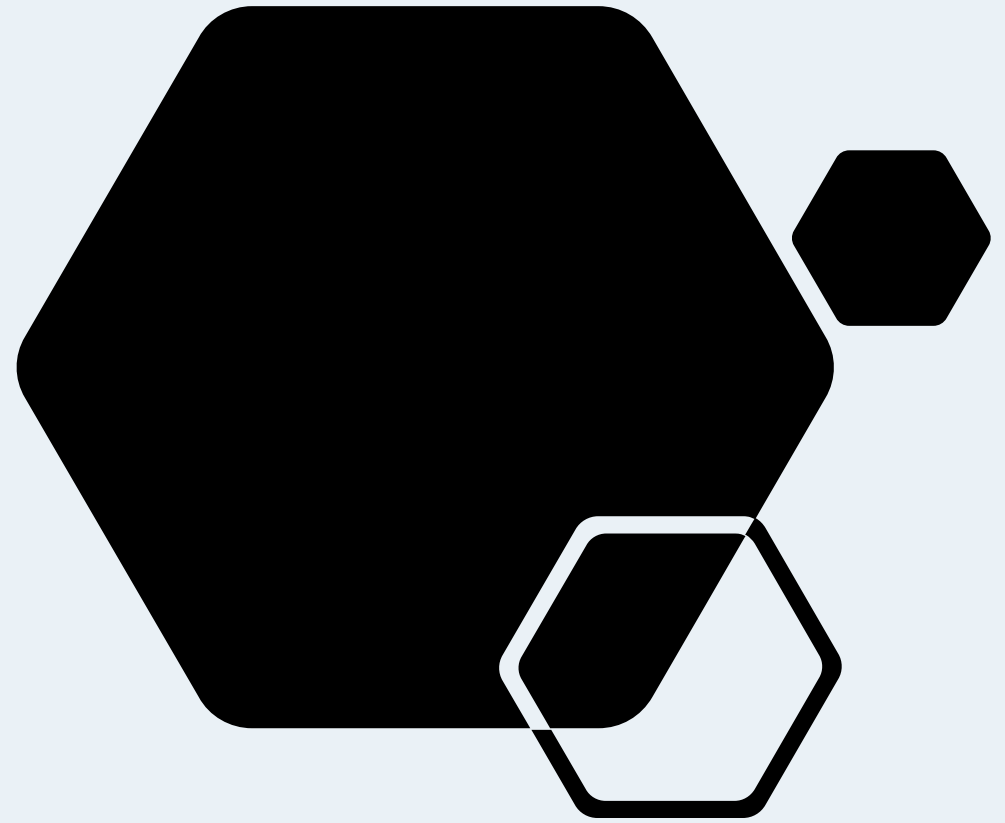
97%

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.



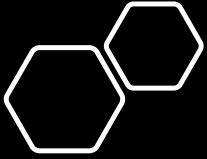
Are there disparities in the application of sentence enhancements and sentence mitigation measures?



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 sentencing population

Criminal History Points Applied

Applied in

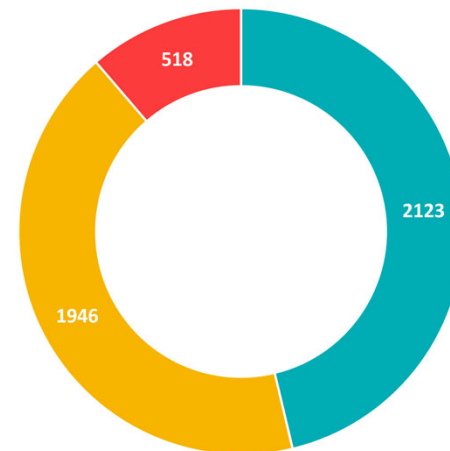
64%

of cases

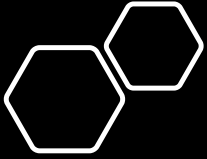
Increases sentence
by average of

2.6

years



■ White
■ Black
■ Hispanic



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

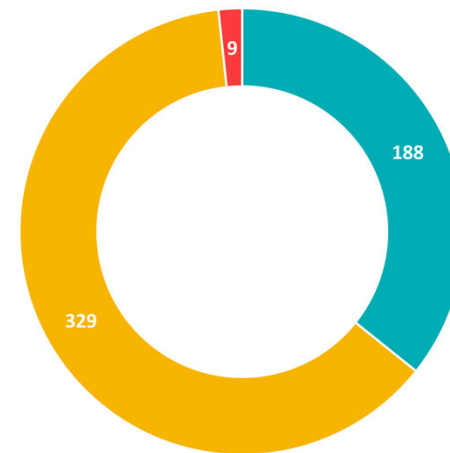
7%

of cases

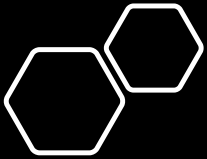
Increases sentence
by average of

12.7

years



■ White
■ Black
■ Hispanic



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

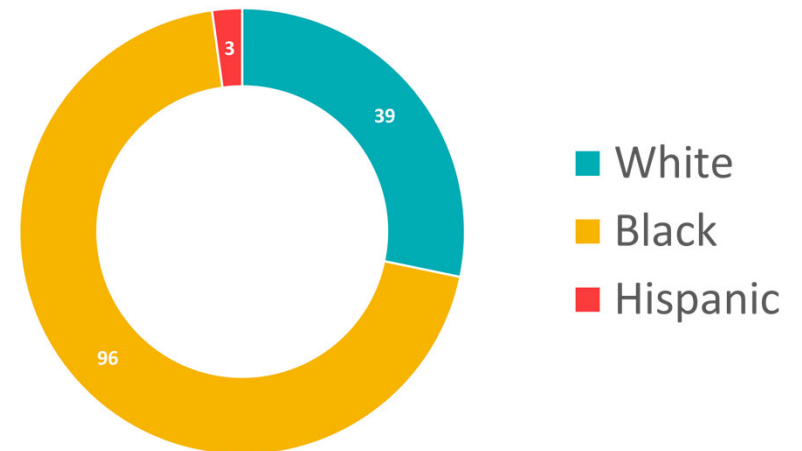
2%

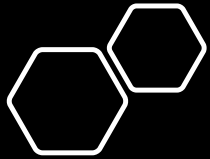
of cases

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

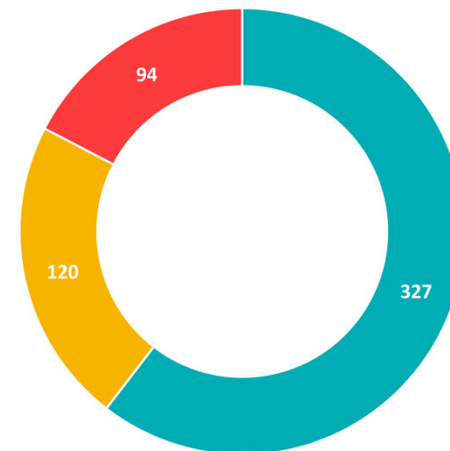
18%

of drug cases

Reduces sentence
by average of

7.2

years



■ White
■ Black
■ Hispanic

Final Note: Pleas v. Trials

Average sentence
for a plea:

5.9

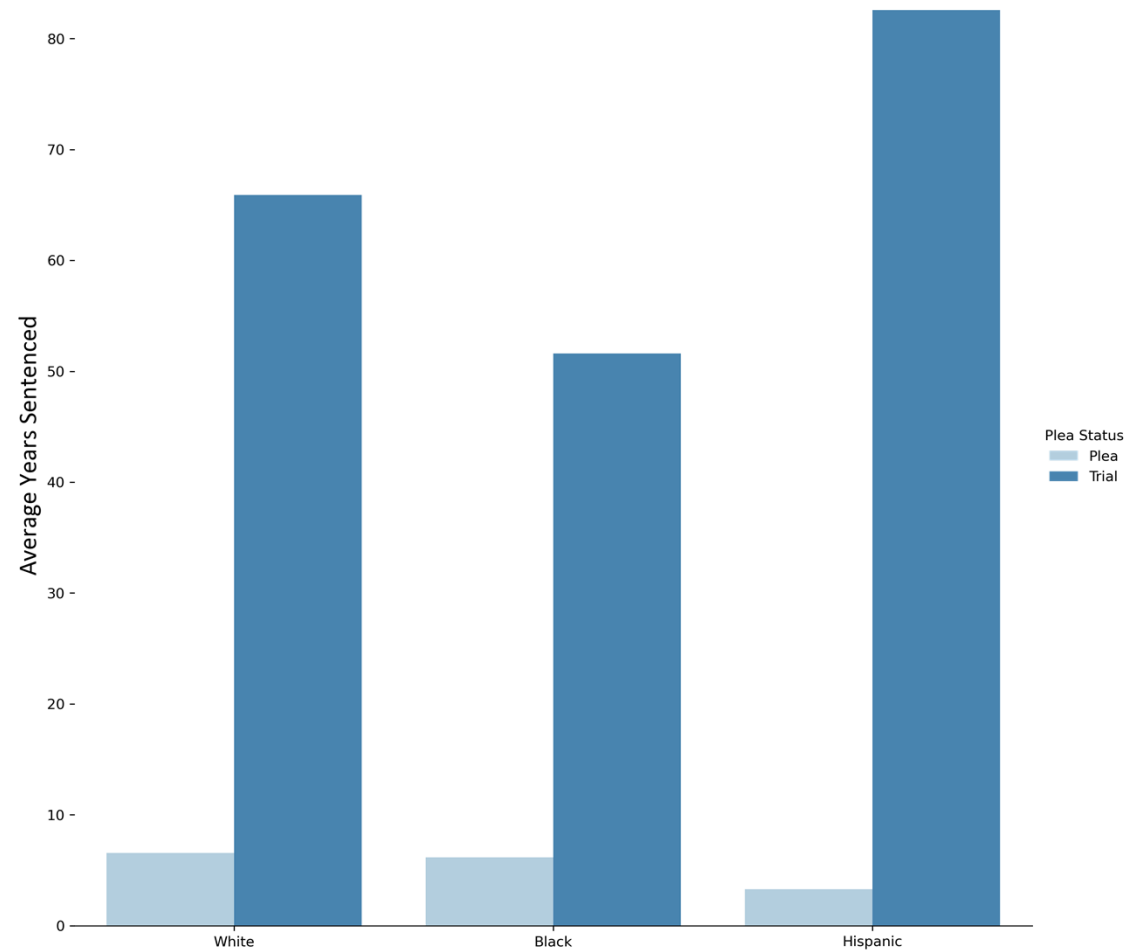
years

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**

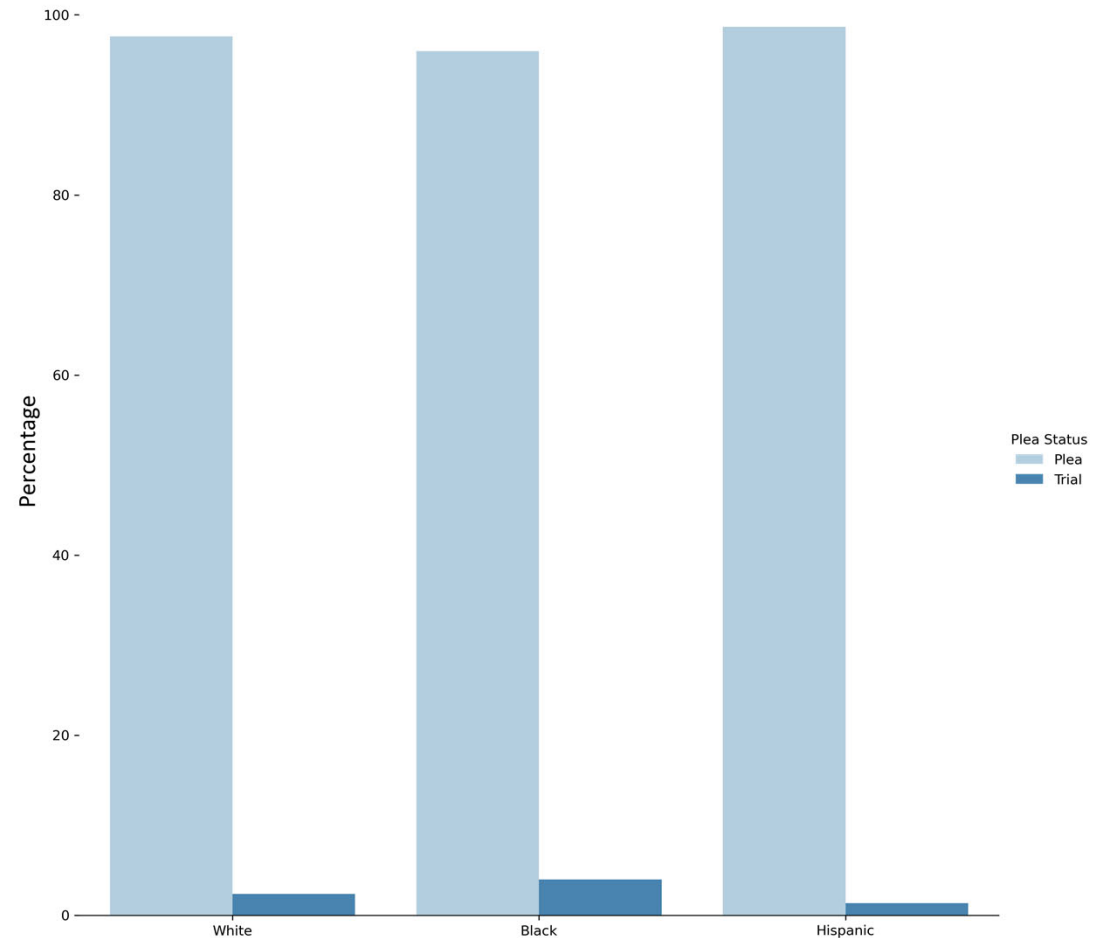


Final Note: Pleas v. Trials

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



Key Insights

1. Black and Hispanic defendants are over 3.5x more likely to be incarcerated than white defendants
2. The most severe sentence enhancements are applied disproportionately to black defendants, while they receive a much smaller proportion of mitigating measures
3. There is a strong incentive for defendants (regardless of race) to plead out rather than pursue their constitutional right to a trial by jury

