JUSTFAIR
NORTH CAROLINA

Duke University Masters in Interdisciplinary Science / Statistics

Judge who let off 'spoiled' rich teen who killed four in DUI previously put boy aged fourteen in prison for TEN YEARS

- **Judge Jean Boyd is facing an avalanche of criticism after sentencing Ethan Couch to 10 years probation for killing four people in a car crash**
- **In the past she has handed out tougher sentence and last year an African-American teenager was jailed for 10 years for punching a man who died**
- **A petition has been launched to have Boyd removed from her position**
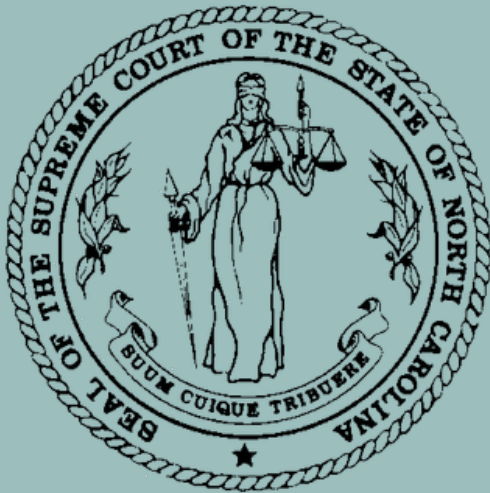
STRAIGHT FROM THE HEADLINES

1. HOW CAN RACIAL BIAS MANIFEST IN CRIMINAL SENTENCING?

2. WHAT DIFFERENCES EXISTS BETWEEN COURT HOUSES IN DIFFERENT DISTRICTS?

ACIS Data

Criminal sentences
from 2017-2021

MARRIED WITH

Census Data

County Demographics

HOW CAN WE QUANTIFY RACIAL/GENDER BIAS?

Police

Who is arrested?

Prosecutor

Whose charges are dropped?

Judge

Who gets sentenced to longer times in prison?

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SENTENCING

Sentencing Grid

Prior record level
6 – 9 pts

Offense Class **D**	84 – 105 67 – 84 51 - 67

FELONY PUNISHMENT CHART
PRIOR RECORD LEVEL

OFFENSE CLASS		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	DISPOSITION
A		Death or Life Without Parole Defendant Under 18 at Time of Offense: Life With or Without Parole						
B1	A	A	A	A	A *Life Without Parole*	A *Life Without Parole*	**Aggravated Range**
	240 - 300	*276 - 345*	*317 -397*	*365 - 456*			
	192 - 240	**221 - 276**	**254 - 317**	**292 - 365**	**336 - 420**	**386 - 483**	**PRESUMPTIVE RANGE**
	144 - 192	*166 - 221*	*190 - 254*	*219 - 292*	*252 - 336*	*290 - 386*	*Mitigated Range*
B2	A	A	A	A	A	A	
	157 - 196	*180 - 225*	*207 - 258*	*238 - 297*	*273 - 342*	*314 - 393*	
	125 - 157	**144 - 180**	**165 - 207**	**190 - 238**	**219 - 273**	**251 - 314**	
	94 - 125	*108 - 144*	*124 - 165*	*143 - 190*	*164 - 219*	*189 - 251*	
C	A	A	A	A	A	A	
	73 – 92	*83 – 104*	*96 - 120*	*110 - 138*	*127 - 159*	*146 - 182*	
	58 - 73	**67 - 83**	**77 - 96**	**88 - 110**	**101 - 127**	**117 - 146**	
	44 - 58	*50 - 67*	*58 - 77*	*66 - 88*	*76 - 101*	*87 - 117*	
D	A	A	A	A	A	A	
	64 - 80	*73 - 92*	*84 - 105*	*97 - 121*	*111 - 139*	*128 - 160*	
	51 - 64	**59 - 73**	**67 - 84**	**78 - 97**	**89 - 111**	**103 - 128**	
	38 - 51	*44 - 59*	*51 - 67*	*58 - 78*	*67 - 89*	*77 - 103*	
E	I/A	I/A	A	A	A	A	
	25 - 31	*29 - 36*	*33 - 41*	*38 - 48*	*44 - 55*	*50 - 63*	
	20 - 25	**23 - 29**	**26 - 33**	**30 - 38**	**35 - 44**	**40 - 50**	
	15 - 20	*17 - 23*	*20 - 26*	*23 - 30*	*26 - 35*	*30 - 40*	
F	I/A	I/A	I/A	A	A	A	
	16 - 20	*19 - 23*	*21 - 27*	*25 - 31*	*28 - 36*	*33 - 41*	
	13 - 16	**15 - 19**	**17 - 21**	**20 - 25**	**23 - 28**	**26 - 33**	
	10 - 13	*11 - 15*	*13 - 17*	*15 - 20*	*17 - 23*	*20 - 26*	
G	I/A	I/A	I/A	I/A	A	A	
	13 - 16	*14 - 18*	*17 - 21*	*19 - 24*	*22 - 27*	*25 - 31*	
	10 - 13	**12 - 14**	**13 - 17**	**15 - 19**	**17 - 22**	**20 - 25**	
	8 - 10	*9 - 12*	*10 - 13*	*11 - 15*	*13 - 17*	*15 - 20*	
H	C/I/A	I/A	I/A	I/A	I/A	A	
	6 - 8	*8 - 10*	*10 - 12*	*11 - 14*	*15 - 19*	*20 - 25*	
	5 - 6	**6 - 8**	**8 - 10**	**9 - 11**	**12 - 15**	**16 - 20**	
	4 - 5	*4 - 6*	*6 - 8*	*7 - 9*	*9 - 12*	*12 - 16*	
I	C	C/I	I	I/A	I/A	I/A	
	6 - 8	*6 - 8*	*6 - 8*	*8 - 10*	*9 - 11*	*10 - 12*	
	4 - 6	**4 - 6**	**5 - 6**	**6 - 8**	**7 - 9**	**8 - 10**	
	3 - 4	*3 - 4*	*4 - 5*	*4 - 6*	*5 - 7*	*6 - 8*	

A – Active Punishment   I – Intermediate Punishment   C – Community Punishment
Numbers shown are in months and represent the range of <u>minimum</u> sentences
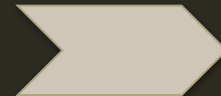
Revised: 09-09-13

SENTENCING

Sentencing Grid	
	Prior record level **6 – 9 pts**
Offense Class D	84 – 105
	67 – 84
	51 - 67

SENTENCING

Sentencing Grid

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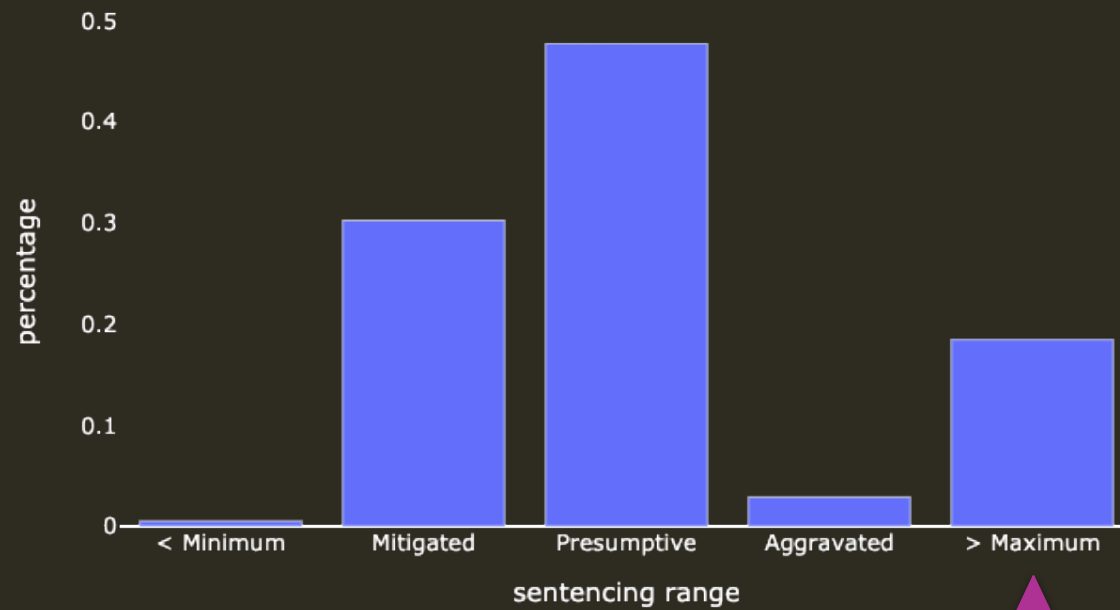## Sentencing Ranges

- Over Sentencing
- Aggravated
- Presumptive
- Mitigated
- Under Sentencing

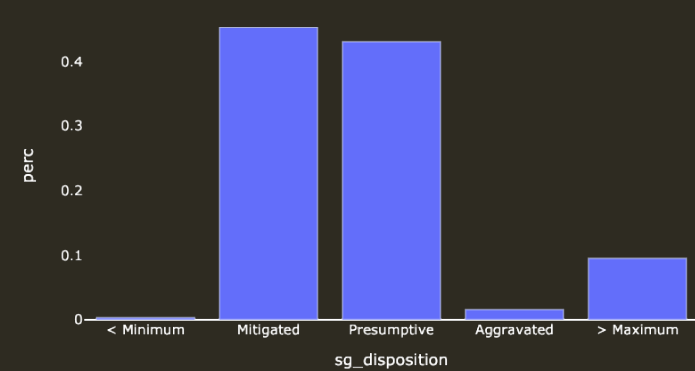# SENTENCING RANGE

Aggregated Level
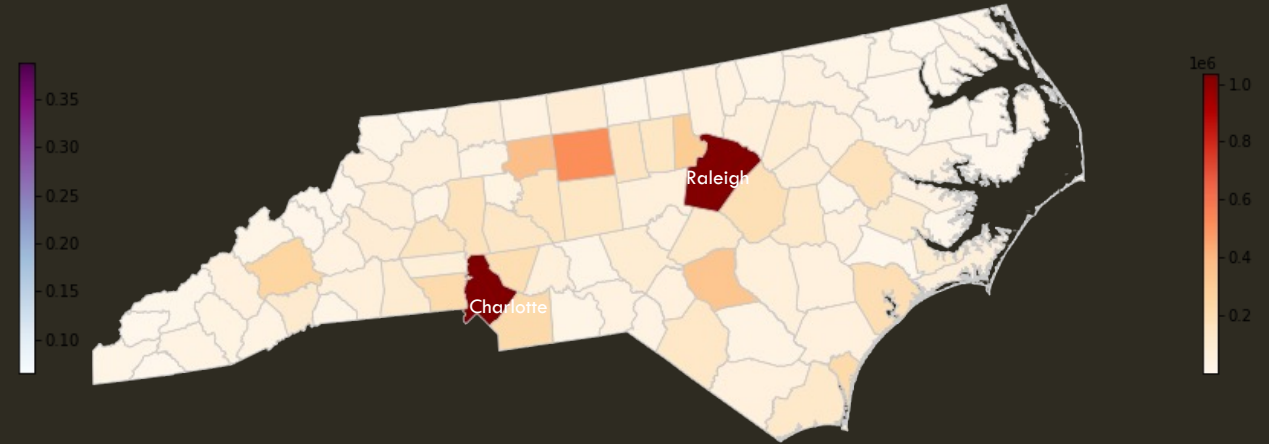

Distribution of sentencing range

Wilkes County
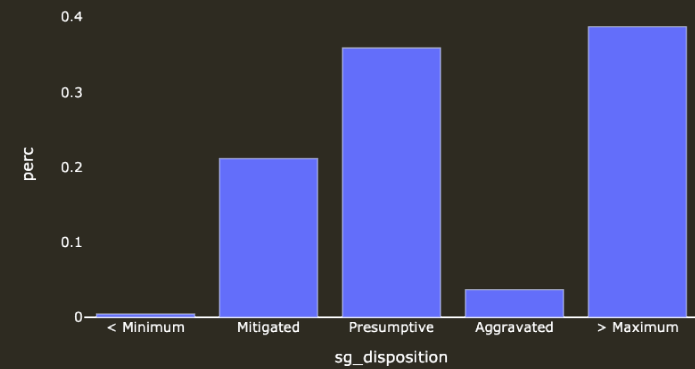
Richmond County

Percentage Heatmap of Over Sentencing
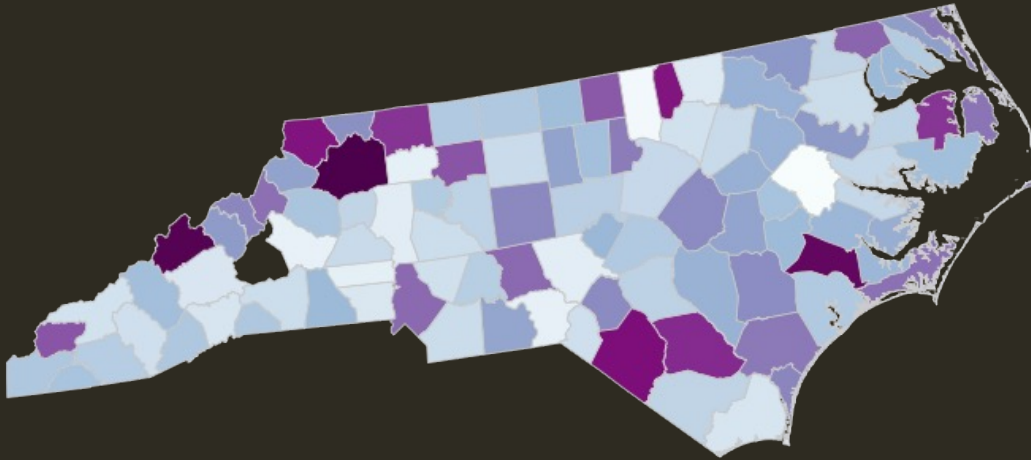
Population Heatmap of North Carolina

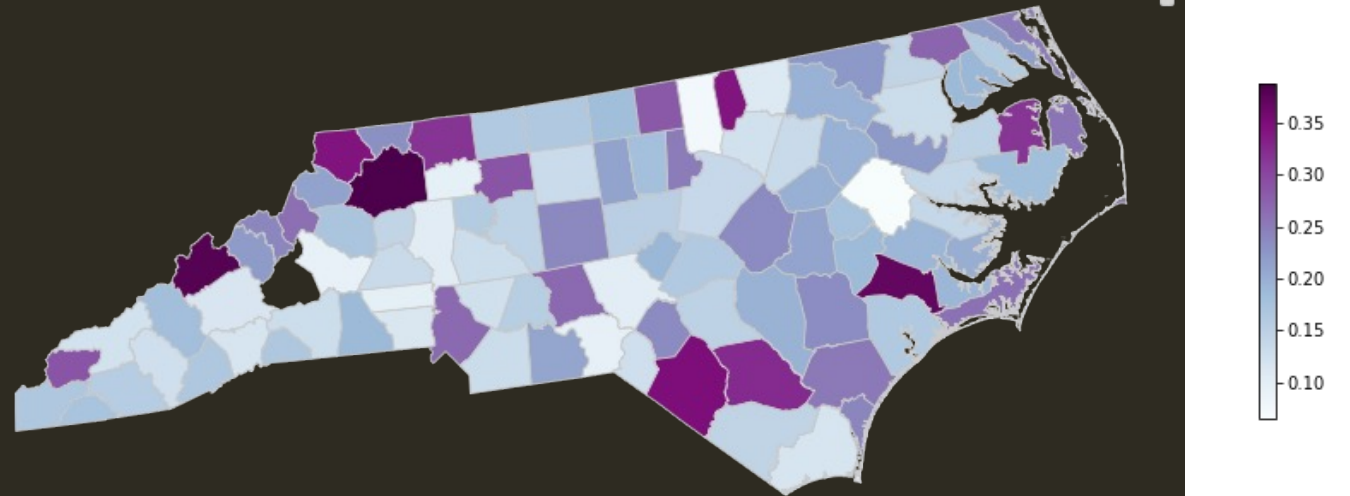...OVER SENTENCED | Urban vs. Rural

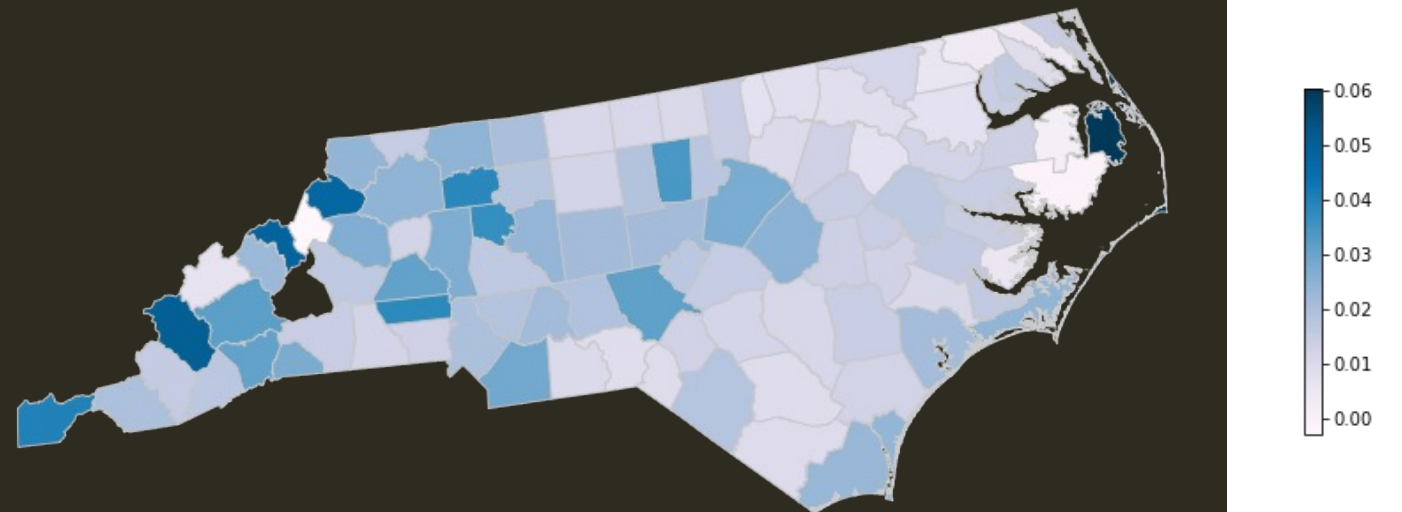# BREAK DOWN BY RACE...

Percentage Difference
=
% of Black defendants - % of White defendants in over-sentencing range

(normalized by population distribution)

Percentage Heatmap of Over Sentencing

Percentage Difference between black & white in Over Sentencing

HOW CAN WE QUANTIFY RACIAL/GENDER BIAS?

Who is arrested?

Whose charges are dropped/changed?

Who is sentenced to longer in prison?

PLEA BARGAIN EXAMPLE

$$\Delta \text{ Severity } = \sum \text{ Convicted offenses rank} - \sum \text{ Initial offense rank}$$

Initial Charged Offenses

Offense	Class
SEX OFFENSE OF CHILD BY ADULT	F
SECOND DEGREE TRESPASS	A

plea bargain

Convicted Offenses

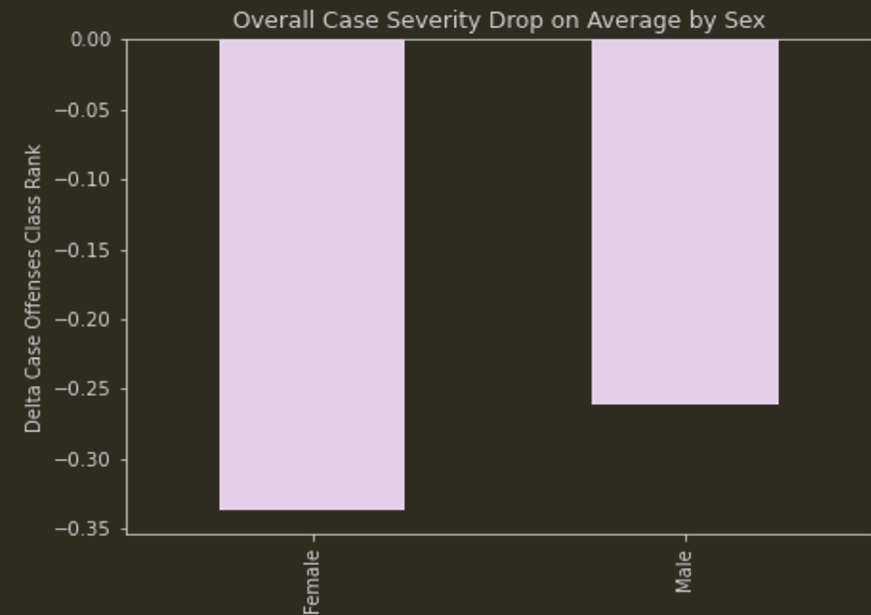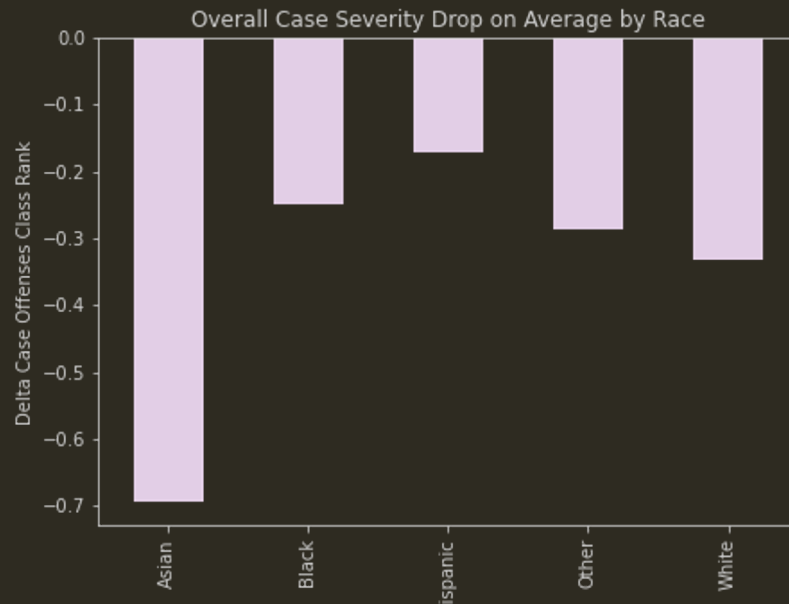| Offense	Class
INDECENT LIBERTIES W/ CHILD	E

Robert Hanson

PROSECUTION

The difference in severity of initial charges compared to convicted charges drops in different amounts, on average, for defendants of different demographics, with substantial variation by court district.
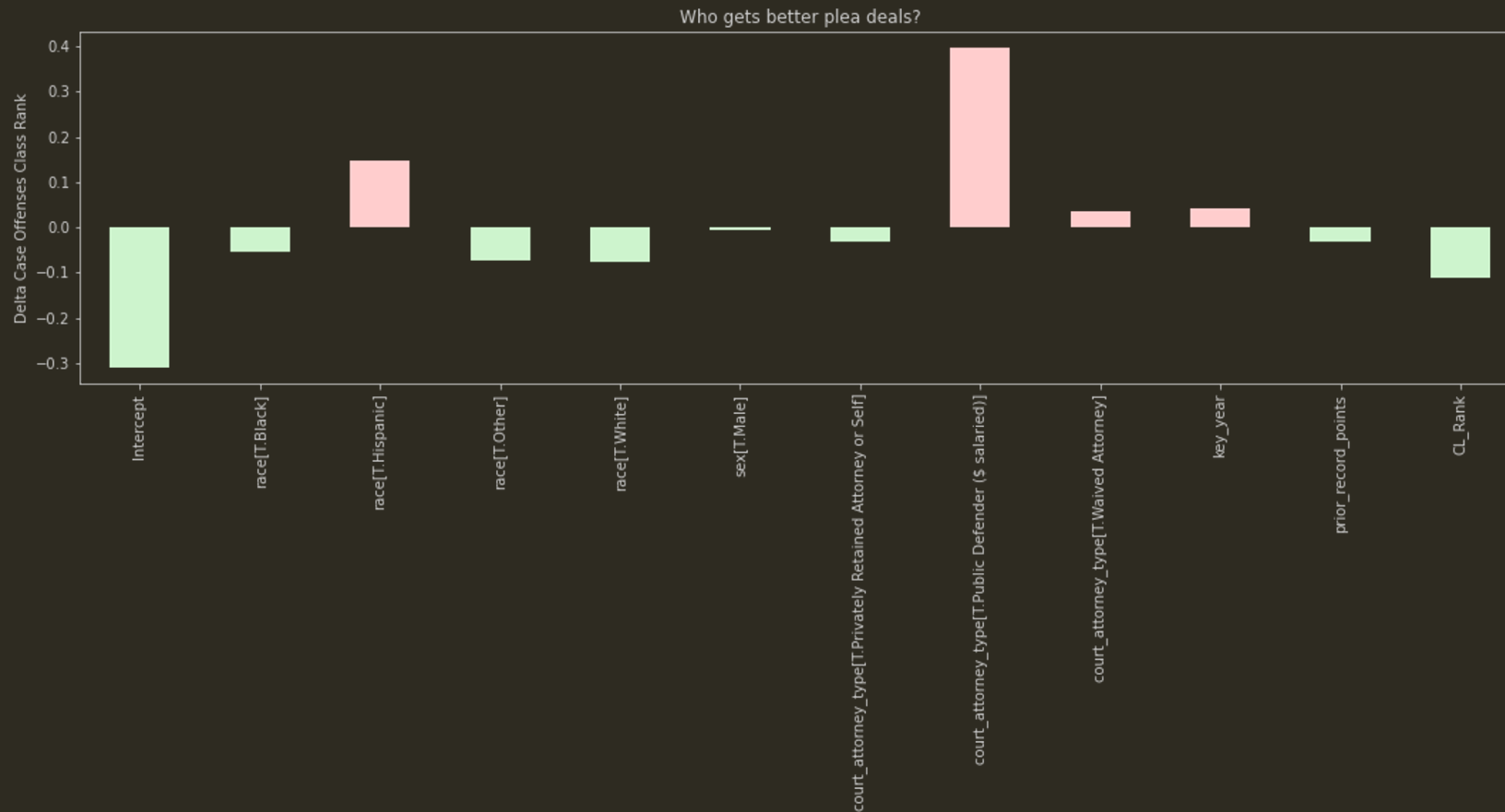
PROSECUTION

Asians seem to be getting the most lenient deals on average, followed by White and then Black defendants.
On average, the aggregated class rank of cases against defendants that are women get a larger drop in severity.

PROSECUTION

Case Δ Severity ~ year + race + sex + prior record points + attorney type + initial case rank


Who gets better plea deals?

When controlling for other factors such as the type of defense attorney, bench, year, etc., there we see that the average drop is 9% larger for White defendants compared to Black, and 50% for Hispanic compared to White. The largest negative contributor to plea deals is the attorney type.

HOW CAN WE QUANTIFY RACIAL/GENDER BIAS?

Who is arrested?

Whose charges are dropped?

Who is sentenced to longer in prison?

BLACK PEOPLE ARE OVER-REPRESENTED IN THE SYSTEM
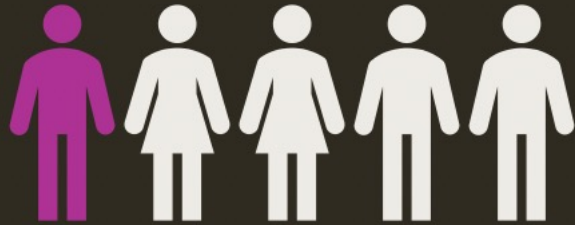
20% of NC's population is Black

33% of defendants are Black

BLACK PEOPLE ARE OVER-REPRESENTED IN THE SYSTEM

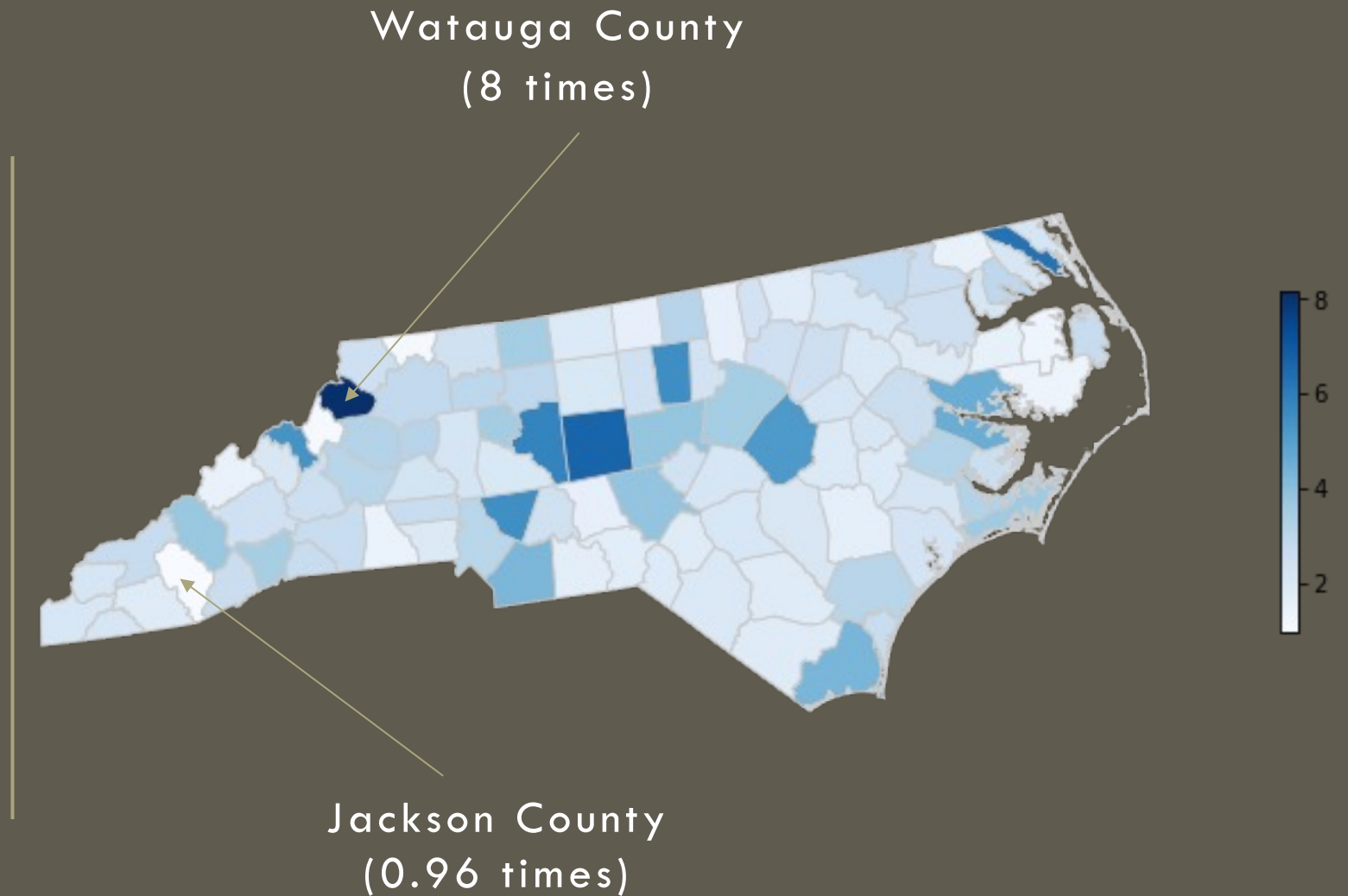20% of NC's population is Black

33% of defendants are Black

There is a 13 %-point difference, on average, indicating that Black people are over-represented in the arrested population of NC
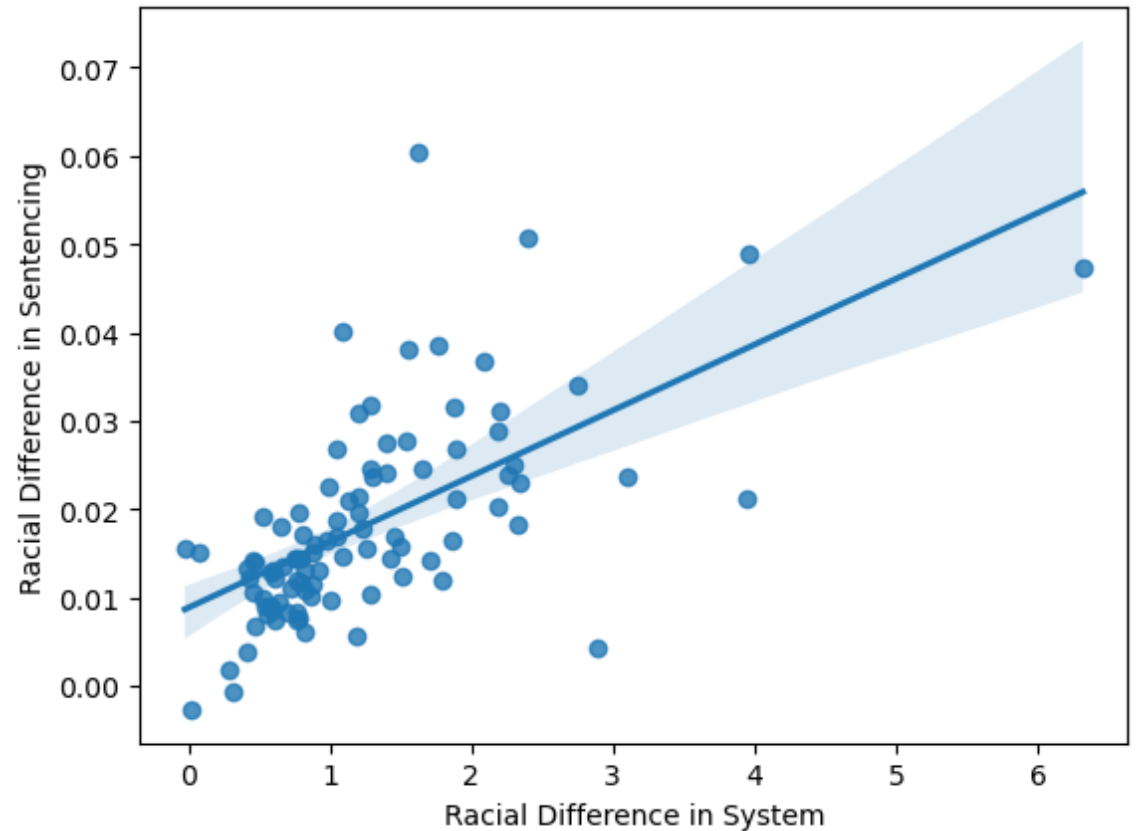
In NC, a Black person is **2.7** times more likely to be arrested than a White person

Watauga County
(8 times)

Jackson County
(0.96 times)

ARE RACIALLY BIASED COUNTIES IN SENTENCING ALSO MORE RACIALLY BIASED IN ARRESTS?

CONCLUSIONS

Our findings support some claims that are seen often in this field's literature:

1. The Justice System at the district court level is more often over-punitive than not, with high variation across counties/benches.

2. The *plea-bargain* negotiations are hard to track and highly variable across benches. We observed a higher leniency for White defendants compared to Black and Hispanic as well as a higher drop for woman compared to men. There are many reasons why this is could be happening. Systemic racism remains a plausible reason.

3. Being in contact with the court system is intrinsically punitive (defendants pay court fees, miss work, are exposed to civil forfeiture, etc.), there is a clear racial disparity in the rate of being involved in a criminal case. This also varies by counties.

4. District courts where Black people are overrepresented are the same ones that are being more punitive in sentence length with Black people compared to White

THANK YOU !

Much gratitude to

Nick Eubank, Will, and Jude