

Racial Disparities in Federal Drug Sentencing

By

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Abstract

Racial disparity in the criminal justice field is a widely debated topic and impacts the lives of millions of American citizens, and individuals across the world. This thesis aims to analyze the discrepancies within the criminal justice system, in relation to sentencing. The literature review within this thesis will delve into disparity within other avenues of the criminal justice system, such as policing, arrests, and traffic stops. This thesis suggests that federal judges sentence African American people more harshly for drug offenses. In order to test this hypothesis, data from the Federal Prisoner Report was pulled from the ICPSR website. This thesis analyzed cases from 2016-2021, with a sample size of 103,000 offenders. After analyzing the research, it was determined that African American men receive a sentence that is approximately 30% longer than Caucasian men for similarly committed drug crimes.

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Chapter I

Introduction

The topic of disparity has barraged the news and social media in recent years, with protests raging across the nation, cries of injustice from the East to the West, and a call for change across the world. While disparity runs rampant throughout the social institutions in the United States, from healthcare to employment opportunities to education, there is one particular area that bears great consequences for minority citizens, the criminal justice system (Banaju et al., 2021). One of the most impactful circumstances or issues an individual may face in their life involves being convicted and sentenced within the criminal justice system. It is the duty of the justice system to uphold the values of, “procedural fairness, public confidence in the courts, efficiency, and access to justice and judicial independence” (Shetreet, 2011, p. 1). However, upholding these values is often dependent on the physical characteristics of the defendant. The issue of sentencing fairness and the explicit discrepancy was so prominent that Congress created the United States Sentencing Commission. This was achieved through the Sentencing Reform Act of 1984 (CRS Report, 2009)

The 1984 Sentencing Reform Act placed a limit on the type of sentence a judicial offender could impose on an offender. Previously, an offender was facing an indeterminate sentence length, which essentially provided the judicial official with excessive discretion and power. The establishment of the Sentencing Reform Act created a set of guidelines for judicial officials to follow during the sentencing process. Thus, the issue of discrepancy should have been at least partially resolved, through the implementation of stricter guidelines, with less discrepancy from judicial officials. This has not been the case. The issue of discrepancy and

disparity within sentencing continues to be a significant obstruction of justice within the criminal justice system.

The purpose of this thesis is to analyze and discuss the impact of race in relation to sentencing disparity in the federal criminal justice system. The research question this thesis will address is, “Are African American men sentenced more harshly for federal drug crimes than Caucasians?”

The hypotheses are:

Research Hypothesis: African Americans are sentenced more harshly than Caucasian people by federal judges, despite the nature of the crimes being similarly committed.

Null hypothesis: There is no statistically significant difference in the rate of incarceration by federal judges, for drug offenses, for African American people compared to Caucasian people.

The criminal justice system is criticized for the ill and unequal treatment of Black Americans in comparison to White Americans. The literature review will discuss the overall difference in treatment of White people versus Black people, as well as some underlying factors that may influence the disparity.

Chapter II

Literature Review

It comes as no surprise that issues surrounding race and racism have not dissipated in the almost 250 years since the conception of the United States. While our nation has made great strides in the areas of equality, equity, fairness, and collaboration, these efforts fall short in the criminal justice system, and throughout the various social systems in the United States. The criminal justice system continues to exasperate inequality between White people and Black people in America. One particular area where this inequity is glaringly obvious is the judicial system. Not only are minority citizens, specifically Black people, inherently ingrained and entwined in the justice system, but through the perpetuation of a societal system founded on prejudice and racism, Black people continue to receive sentencing outcomes far worse than White people. This literature review will assess the sentencing outcomes for minority defendants, specifically Black people, in comparison to White people, while also discussing the various social mechanisms that birth this inequality in justice.

Racial Disparity in Policing

Policing in the American South has racist and prejudiced roots. Policing in the South is heavily derived from the application and use of slave patrols in 1700s America (Potter, 2017). The treatment and deprecation of runaway slaves have permeated and persisted in the modernday treatment of Black men and women in America, by police officers (Ralph, 2019, p. 3). In 1700's North America slave patrols were tasked with apprehending and returning runaway slaves to their respective owners. In modern America, the police are tasked with apprehending criminals and aiding in their conviction within the judicial system. One key component in both scenarios and time periods is the individuals that are targeted – minorities.

Black men and juveniles are arrested at disproportionate rates compared to White men and juveniles. According to a recent research study, titled *Racial Disparities in Arrests: A Race Specific Model Explaining Arrest Rates Across Black and White Young Adults*, “Black young adults [are] arrested seven times more often than their White counterparts” despite controlling for a number of variables that stem from behavioral mechanisms and contextual information (Schleiden et al., 2020). The authors of this research article also discuss three prominent hypotheses concerning the disproportionate arrest of Black men: the Differential Involvement Hypothesis, the Differential Selection Hypothesis, and the Social Disorganization Theory (Schleiden et al., 2020). These hypotheses will be discussed below.

The Differential Involvement Hypothesis argues that Black men and juveniles are arrested at disproportionate rates because Black men and juveniles commit significantly more crimes than White people (Piquero & Brame, 2008). This hypothesis is based upon limited research and data; thus, it is relatively impossible to discern a certain conclusion concerning the involvement of Black men and crime rates. However, a study from 2012 explored the Differential Involvement Hypothesis in relation to particular driving patterns of individuals, based on race. More often than not, uproar and chaos surrounding racial disparity stem from an officer or onlooker footage obtained from a traffic stop; therefore, the study “Racial Differences in Speeding Patterns” provides valuable information that displays differential involvement in traffic-related crimes (Tillyer & Engel, 2012). The study found that “Black drivers exceeded the posted speed limit more frequently and more severely compared to White drivers [and]... Black drivers engage in driving behaviors that increase their risk of being stopped by the police” (Tillyer & Engel, 2012, p. 292). This singular study does not definitely prove that the

Differential Involvement Hypothesis is correct or accurate in all or most situations. This study merely reflects that the subjective research performed concerning driving patterns displays disparity stemming from the differential involvement of Black people in traffic-related crimes.

The Differential Selection Hypothesis provides an alternative approach to the disproportionate representation of Black people within the criminal justice system. This hypothesis argues that there is a particular anti-Black culture and bias within the criminal justice system and society that perpetuates a vicious cycle of racism and prejudicial treatment (Piquero & Brame, 2008). According to a research study titled, "Predicting Pathways into Criminal Behavior" the Differential Selection Hypothesis asserts that both Black people and White people engage in acts of criminality at very similar rates; however, societal factors expose Black people to the criminal justice system at higher rates and more often than White people. Some of the societal factors at play that contribute to racial aggression and increased arrest rates for Black people include: tough-on-crime policies, zero-tolerance policing, stereotyping, and increased patrolling or policing in predominately minority-populated neighborhoods or areas (Walt & Jason, 2017). Both the Differential Involvement Hypothesis and the Differential Selection Hypothesis aim to explain the staggering difference between Black people and White people in the criminal justice system; however, these hypotheses reside on opposite ends of the issue. The Differential Selection hypothesis suggests that Black people are systemically targeted by governmental agents or actors, whereas the Differential Involvement hypothesis suggests that Black people commit more crime and are thus more represented within the criminal justice system.

The last hypothesis or theory to be discussed, in relation to the disproportionate representation of Black people in the criminal justice system, is the Social Disorganization

theory. This theory was founded or developed in the early 1900s by two scholars, Clifford Shaw and Henry McKay (Kurbin & Wo, 2015). This theory is fixed in research that discovered criminality tends to be rooted in areas, such as inner cities, that are corrupt or overrun with social disorganization. The researchers found that the further an individual gets from an inner city the less social disorganization is present. Social disorganization includes, but is not limited to, communities that lack collective efficacy, lack strong solidarity and common values, and lack positive social interaction. These traits must be present within communities and neighborhoods to create social organization. When these values or ideals are missing, the neighborhood or city loses necessary structure.

Social disorganization also tends to be present in neighborhoods with increased rates of joblessness, single-family homes, and family disruption (Kurbin & Wo, 2015). These factors, lack of collective efficacy, residential mobility, family instability, and joblessness coupled with inadequate access to social services, such as healthcare, education, and housing, create cities and neighborhoods ridden with crime. Shaw and McKay proposed that minorities, such as Black people, are disproportionately represented in the criminal justice system due to increased rates of crime, which is inherently caused or stimulated by social disorganization (Leiber & Peck, 2015). Shaw and McKay's theory was later expounded upon by W.J. Wilson and R.J. Sampson. Wilson and Sampson proposed that social disorganization is not only inherently racially composed but also fundamentally entwined with economic inequality (Hagan & Peterson, 1995). Wilson and Sampson assert that social disorganization is a product of segregation and impoverished communities; therefore, this interpretation of Social Disorganization Theory suggests that a macro-level bias or prejudice against minorities innately produces broken communities. Thus,

Social Disorganization Theory, much like the Differential Involvement Hypothesis, purports that increased minority interactions with the criminal justice system are a product of minority criminality.

Minority interactions with police have been analyzed and studied through numerous research studies and programs. Theories such as Social Disorganization, Differential Involvement, and Differential Selection all aim to uncover the root of disproportionate minority contact with the criminal justice system. The tenets or ideas expressed in each of the discussed theories hold truth and utilize research to validate their assertions. However, it is important to consider all relevant theories or hypotheses in relation to minority representation in the criminal justice system.

Racial Disparity in Arrests

One of the most notable contributions to the gap between Black offenders and White offenders in the criminal justice system was the War on Drugs. This war was waged against people, specifically minority citizens, not drugs. John Ehrlichman, the domestic policy chief under the Nixon Administration, released a rather staggering statement in a 1994 interview. This statement portrayed the immense prejudice and abhorrence toward the Black community. Ehrlichman asserted, “By getting the public to associate hippies with marijuana and blacks with heroin... we could disrupt those communities... Did we know we were lying about the drugs? Of course we did” (Coyne & Hall, 2017, p. 12). Increasing the penalties for drug use and drug distribution, the Nixon administration employed and encouraged the use of mandatory minimum sentencing for drug crimes (History.com Editors, 2017). Later, in 1986, the Anti-Drug Abuse Act swept the nation. This Act created mandatory minimum sentences for crack-cocaine possession and powder cocaine possession. Yet, the weight of crack-cocaine needed to incur a

mandatory minimum sentence was five grams, while the weight of powder cocaine needed to incur a mandatory minimum sentence was 500 grams (History.com Editors, 2017). This was a strategic move; the use of crack-cocaine swept the Black community, while the use of powder cocaine was heavily situated in White communities.

The War on Drugs led to heavy policing in Black communities (Coyne & Hall, 2017). According to authors Coyne and Hall, “Black individuals make up only 12 percent of the U.S. population, but they represent 62 percent of the drug offenders sent to state prisons” (2017, p. 12). This statement is further supported by information provided by the Bureau of Justice Statistics in the *Prisoners in 2016* report, which explains that young Black men, those between the ages of 18-19 are arrested at 11.8 times the rate of White young men, aged 18-19 (Carson, 2018). While the arrest rate for Black men is unequivocally higher than that of White men, there may be sociological factors that contribute to the difference in the arrest rate.

The term collective efficacy in the criminal justice field refers to a community’s ability to come together and look out for one another, to ensure that the community thrives. Collective efficacy, as defined by David Kirk and Mauri Matsuda in the article *Legal Cynicism, Collective Efficacy, and the Ecology of Arrest* is “the collective actions of neighborhood residents to control crime, including the reporting of crimes and cooperating with police” (2011, p. 11). A number of scholars, in the criminal justice field, argue that arrests occur at a significantly higher rate in the Black community due to a lack of collective efficacy (Kirk, 2008; Kirk & Matsuda, 2011; Kappeler & Schaefer, 2019). It is proposed that this lack of collective efficacy derives from residential mobility, single-parent homes, poverty, and distrust in law enforcement personnel (Kirk, 2008). These are all components of the social disorganization theory. Social disorganization theory explains that when there is community unrest and a lack of order,

criminality and crime will follow. An overall lack of collective efficacy, which has roots in social disorganization, is more commonly found in minority communities (Austin, 2013).

Policing Tactics

A distrust in law enforcement coupled with aggressive policing tactics, such as no-knock warrants and military-style raids, instigates conflict and hostility toward minority communities, specifically the Black community. Following the War on Drugs, police departments began to utilize two exceedingly predatory tactics or styles of policing (Cooper, 2015). First, the increased use of stop-and-frisk. Second, the commencement of Special Weapons and Tactics, SWAT raids (Cooper, 2015). Stop-and-frisk was first established in *Terry v. Ohio* (1968) which allows an officer to stop an individual based upon reasonable suspicion. However, the threshold for stopping an individual and questioning them was further diminished from the reasonable suspicion standard through court cases such as *Whren v. U.S.* (1996) and *Illinois v. Warlow* (2000); thus, granting officers additional discretion to stop-and-frisk a citizen (Cooper, 2015). According to authors Jonathan Feingold and Devon Carbado, the language surrounding the War on Drugs, launched by Nixon and further promoted by Reagan, mobilized law enforcement personnel and utilized, “Crude stereotypes [to] link drug use, criminality, and violence to African Americans... [which] has fueled the proliferation of ‘drug courier profiles’ that explicitly and implicitly view Blackness as a proxy for suspicion” (2022, p. 1686). The application of stereotypes and assumptions toward the Black community, promoted by political officials and enforced by the police, in relation to the use and distribution of drugs is not only predacious but also caustic to race relations within the United States.

Scholars Kevin Steinmetz, Brian Schaefer, and Howard Henderson argue that racial disparity and the subsequent arrest of Black people at an increased rate is a direct consequence of

colonialism (2016). In their research article *Wicked Overseers: American Policing and Colonialism*, Steinmetz et al., explain that oppressive tactics of police officers and departments are perpetuated based upon values instilled during Colonial America (2016). The oppression of minority citizens, specifically Black people, is directly tied to social order. The authors explain that social order in Colonial America placed a particular emphasis on diminishing the minority class and stripping rights and liberties from people of color. This was a method of control, but also a way to appease White members of the working class and the upper class (Steinmetz et al., 2016).

Through movements or social injustices such as Jim Crow, the Black Codes, zerotolerance policing, and broken-windows policing, law enforcement personnel have been tasked with keeping minorities in a vicious cycle of arrest and incarceration (Steinmetz et al., 2016). Zero-tolerance policing and broken-windows policing are both tools to punitively target and harass

Black people.

Zero-tolerance policing, which has roots in New York City under the mayoral administration of Rudy Giuliani, is a byproduct of broken windows theory and ordermaintenance policing. Zero-tolerance policing sanctions officers to detain or arrest individuals for even the most minor infractions. The research article *The Costs of “Broken Windows” Policing: Twenty Years and Counting*, sheds light on the weight and influence of zero-tolerance policing in New York City. The author, Babe Howell, commences their research article (2016) with an anecdote concerning their employment as a public defender during the mayoral administration of Rudy Giuliani. Howell recalls their personal experience with zero-tolerance policing, and how this problem continues to persist in modern America; “I watched Broken Windows transform the criminal justice system... it was zero-tolerance policing that was confined almost entirely to communities of color and vulnerable populations. Twenty years later, the same zero-tolerance

policing persists in New York City” (Howell, 2016, p. 1059). This is further supported by research conducted by Goel et al., in which an analysis of three million police stops in New York City yielded results that indicate Black people were disproportionately stopped by the police; Black people consisted of nearly 80% of the total police stops (Goel et al., 2016).

The magnitude of racially biased stops and subsequent arrests span the nation. Recently the world, and social media, have taken keen notice of the treatment and degradation of minorities, specifically Black people. Yet, despite this heightened sense of awareness and interest in race relations in the United States, persistent on social media platforms and in the news, the frequency of bias, employed by zero-tolerance policing, broken-windows policing, and implicit racial prejudice has not waned.

Racial Disparity in Traffic Stops

The term “Driving while Black” is entrenched in the harsh and unfortunate reality that racial composition plays a role in the propensity of being stopped or pulled over by law enforcement personnel (Baumgartner et al., 2017). As discussed earlier in this literature review, the court case *Whren v. United States* (1996) diminished some of the previous requirements needed to pull over a motor vehicle. *Whren* allows an officer to pull over an individual for any infraction (Cooper, 2015). This could be something as simple as an improper turn or following too closely to another vehicle. Another prevailing concern with *Whren* is the discretion provided to officers. This case allows an officer to pull over a motor vehicle for a particular stated reason, such as a taillight, with the true intention of searching the vehicle (Cooper, 2015). *Whren* essentially legalized pretextual stops.

Research conducted by Baumgartner et al., provides some insight into the frequency of biased traffic stops. The article *Racial Disparities in Traffic Stop Outcomes* provides an analysis

of data from 16 states and hundreds of police departments (Baumgartner et al., 2017). The authors collect information from a variety of police departments, ranging from state agencies to county sheriff's departments. By gathering information from 16 states and hundreds of policing agencies, the authors were left with over 50 million traffic stops to analyze and dissect. The data is divided into three categories: total stops, total searches, and the search rate (Baumgartner et al., 2017). The authors found that "the distribution for black search rates... [was] about 7.62%. This rate is more than double the white search rate and the overall average search rate for all drivers" (Baumgartner et al., 2017, p. 33).

The results portrayed by Baumgartner et al., are consistent with research conducted by Ekstrom et al (2021), which is provided in the research article titled *Racial demographics explain the link between racial disparities in traffic stops and county-level racial attitudes*. Authors Ekstrom et al., analyzed data provided by the Stanford Open Policing Project, which included an examination of millions of traffic stops conducted by state policing agencies between the years 2011-2015 (Ekstrom et al., 2021). Ekstrom et al., found that "Black drivers (compared to White drivers) are stopped by police at a rate disproportionate to their share of the driving-age population in counties across the United States" (2021, p. 23). The study conducted by Ekstrom et al., also attempted to discern the relationship between disparity and regional attitudes concerning race, however, the findings were inconclusive. The presence of disparity was evident and certain, yet the source or foundation of the disparity was unclear.

A study similar to the Ekstrom et al. project was conducted by Pierson et al. (2020), in which an analysis of 60 million traffic stops yielded results that indicate racial bias concerning Black people. The study *A large-scale analysis of racial disparities in police stops across the United States* includes information from 20 states. The authors, Pierson et al., found that Black

people are more likely to be pulled over, cited, and arrested than White people (2020). This study also employed a threshold test and evaluation. The threshold test provided results indicating that “the bar for searching black and Hispanic drivers is lower than for searching white drivers” (Pierson et al., 2020, p. 11).

The research study *Police Discretion, Organizational Characteristics and Traffic Stops: An Analysis of Racial Disparity in Illinois*, written by Jeffrey Nowacki and Tyrell Spencer, analyzed data provided by the Illinois Department of Transportation as well as law enforcement agencies across the state to determine the extent of racial bias in traffic stops (2018). The authors found that police departments that were more representative of their city, in terms of racial demographics, were less likely to conduct traffic stops in a racially biased manner. While larger departments, that were less representative of their city, state, or jurisdiction’s racial composition, were more likely to conduct traffic stops in a racially biased manner (Nowacki & Spencer, 2019).

Given the information provided thus far concerning racial bias in relation to traffic stops, it would appear that police departments consistently and frequently pull over Black people more often than White people. Even in jurisdictions where Black people and White people are almost equally pulled over, it is more likely to result in a search and seizure for a Black person. One of the underlying reasons that Black people are pulled over and subsequently searched more often than White people is due to the practice of racial profiling. Racial profiling is the practice of inherently presuming that an individual is suspicious based on their race. The use of racial profiling is explained in the article *Racial Profiling in North Carolina: Racial Disparities in Traffic Stops* written by Ian Mance (2012). This study covers nearly fourteen million traffic stops in North Carolina. The findings conclude that Black drivers are pulled over at four times the rate

of White drivers. Heightened suspicion based upon race, a derivative of racial profiling, is indicative in the traffic stops throughout the state of North Carolina due to the excessive rate at which Black drivers are searched for mundane reasons, in comparison to White drivers. For example, Black drivers are “162% more likely than whites to be searched during traffic stops for seat-belt violations” (Mance, 2012, p. 24). Mance also found that counties, such as Cabarrus, provide officers with a tremendous degree of discretion, in relation to their ability to conduct traffic stops, and more often than not these traffic stops involve the search, seizure, and arrest of Black drivers, despite an overall lack of evidence pointing to the use or presence of contraband (Mance, 2012).

The regularity of racial profiling in policing, and specifically traffic stops, is said to be a byproduct of social conditioning theory. This theory asserts that internal, inherent, and ingrained biases impede the logical, cognitive functioning of an individual, in turn producing racial bias (Carol & Gonzalez, 2014). Hundreds of years of derogatory language, stereotypes, and prejudice are ingrained in the minds of individuals, ultimately leading to biased decisions, which are made at an unconscious level (Carol & Gonzalez, 2014). This unconscious bias is present during traffic stops, and ultimately leads to a higher frequency of officer encounters for Black people.

Research conducted by Leo Carroll and Lilliana Gonzalez, presented in the article *Out of Place: Racial Stereotypes and the Ecology of Frisks and Searches Following Traffic Stops* explains the reasoning behind a higher frequency of traffic stops for Black people.

Carroll and Gonzalez chose to analyze Rhode Island traffic stops. The total number of traffic stops across the state of Rhode Island for the year 2006 was 52,571; however, the authors were required to exclude several thousand traffic stops for a variety of reasons, including a lack of racial classification (Carroll & Gonzalez, 2014). Thus, the sample, after excluding a number

of stops, was 47,913 (Carroll & Gonzalez, 2014). The authors found that “biased policing is largely the product of implicit stereotypes that are activated in contexts in which black drivers appear out of place... and in police actions that require quick decisions providing little time to monitor cognitions” (Carroll & Gonzalez, 2014, p. 4). Thus, Black people are stopped at a higher rate due to the limited time in which an officer must assess the situation and apply logical reasoning. Not only were Black people pulled over at a higher rate, but they were also searched during the traffic stop (Carroll & Gonzalez, 2014).

Racial disparity in traffic stops has been studied across the nation. Some studies such as Carroll and Gonzalez collect data from a singular state, such as Rhode Island, to conduct an analysis. More widespread studies, such as the Pierson et al., research analysis include an aggregate examination of over twenty states, with 50 million traffic stops. The presiding and consistent results indicate that, despite other factors or variables, racial composition plays a role in the likelihood of being pulled over by the police. The “driving while Black” phenomenon persists, despite department and nationwide attempts to diminish racial disparity.

In 2016 the federal government launched an agenda to incorporate and mandate implicit bias training for all federal employees, including prosecutors (United States Department of Justice, 2016). Implicit bias training has also been strongly advocated for and suggested on a statewide level. The state of Tennessee instituted implicit bias training in 2016. This training consists of a 6-hour course that targets decision-making and how to confront inherent bias. This implicit bias training is built into the required statewide annual in-service training program (Metropolitan Government of Nashville, 2023). Requirements for implicit bias training vary from state-to-state. Thus, the total number of departments that incorporate implicit bias training is unknown. While these programs and training sessions are implemented in order to lessen the

overall number of biased traffic stops, evidence suggests that this training is inefficient (Council on Criminal Justice, 2021). Scholars suggest that lessening the degree of discretion officers can assert, in the commission of their occupational responsibilities such as traffic stops, will yield better results than requiring minimal training in areas of inherent bias (Council on Criminal Justice, 2022).

Prosecution

Merely glancing at the number of incarcerated individuals in the United States, it becomes evident that mass incarceration is a glaring societal issue. Upon further investigation, the racial composition of jails and prisons is staggering. Scholars argue that the flagrant inequity of the corrections system is a result of inadequate managerial oversight and predacious tactics imposed by prosecutors to assert power and control over minorities. The concept of social control stems from the appeasement and satisfaction of middle- and upper-class white America (Alvarado, 2020, p. 2). The need to obtain and assert social control injects explicit and underlying racial bias within policing, the legal system, and the correctional system.

Lack of Oversight

Prosecutors are often referred to as the gatekeepers of the criminal justice system, more specifically the legal system. The role of the prosecutor is to bring forth charges against an individual on behalf of the state, to pursue justice in the name of the government, victims, and society (United Nations Office on Drugs and Crime, 2020). During the initial phase of bringing charges against a criminal defendant, prosecutors are allowed to utilize utmost discretion and partiality. The excessive discretion is marked through the unchecked nature of charges brought against a defendant (Joe, 2020, p.1187). A prosecutor is then required to prove the basis for a case against a defendant through the probable cause standard. This is where partiality becomes

relevant. When a prosecutor is providing evidence of probable cause against a defendant they can utilize hearsay, otherwise illegally obtained evidence, and other procedures that are not permissible during trial (Joe, 2020, p.1188). At these initial phases of filing charges and pre-trial hearings or probable cause hearings, prosecutors can utilize mass amounts of legal and illegal evidence to justify their case against a defendant (Hails, 2014, p. 59). Therefore, prosecutors are relatively unchecked when pursuing defendants; their reasonings for filing specific charges are not contested or challenged, and prosecutors employ illegitimate evidence before the court.

Prosecutorial Aggressiveness

In order to explain the significance of race and social control within society and the legal system, a research article states, “Race/ethnicity have been used as markers of difference, to categorize and divide populations, giving access, rights, privileges or not as may be the case” (Patel, 2018, p. 1). Prosecutors may interject biases or prejudices within their everyday occupational duties subconsciously or purposely (Johnson et al., 2010). The incentives to aggressively prosecute minorities, consciously and subjectively, may stem from the local political landscape or agenda in the county the prosecutor is situated in. Prosecutors can be referred to as political actors; this term can be applied to prosecutors due to the elective process bestowing power and responsibility upon these individuals (Hessick, 2020). If a prosecutor neglects or overlooks the opinions of the citizens or officials within their county, their legitimacy and chance for re-election significantly decreases. The subconscious infliction of bias may stem from sociological factors or influences that impact the prosecutors’ opinions or perceptions of minorities (Sah et al., 2015, p. 70). Therefore, prosecutors may choose to aggressively target minorities, imposing harsh, discriminatory, and predacious charges, to fulfill a political agenda

within their respective county or city, or as a result of underlying stereotypical predispositions or biases towards minorities.

Evidence of prosecutorial aggressiveness is provided through research studies that demonstrate distinct charge differences toward black people. Research obtained by authors Rachel Godsil and Hao Yang Jiang reveals that prosecutors are more inclined to charge a black person with a crime compared to a white suspect with a similarly committed crime (Godsil & Jiang, 2018, p. 147). The authors continue to explain the basis for charge differences by emphasizing that a mere name that is indicative of a minority or black person is likely to induce racial bias, without any visual or physical interaction with the person (Godsil & Jiang, 2018, p. 147). Stereotypes that have been perpetuated by Eurocentric values and beliefs within the United States characterize minorities, specifically black people, as being innately violent, dangerous, or hostile (Godsil & Jiang, 2018, p. 143). These stereotypical assumptions and ingrained biases distort the pursuit of a fair or proportionate assessment of an offender.

To supplement this information, research from an analysis of offender data from the San Francisco Public Defender's Office indicates three ways in which minorities are more aggressively prosecuted or targeted by the legal system. First, black defendants' cases take significantly longer to resolve (Owens et al., 2017, p. 2). Second, the length of pretrial custody for black defendants is substantially longer than white defendants, by approximately 62% (Owens et al., 2017, p. 2). Third, and last, black defendants receive more felony charges than white defendants for similarly committed crimes (Owens et al., 2017, p. 2). These three factors are subsets of plea-bargaining, and also likely derive from the collective distrust of Black people concerning the courts and accepting a plea bargain (Devers, 2011). The intent of prosecutors may be to pursue and convict offenders for their crimes rather than their physical or racial

composition; however, the prevalence of racial or ethnic bias in the decision-making process within law offices is palpable. Conscious and subconscious bias hinders and inhibits the equitable distribution of justice.

Sentencing

The role and position of the judge within the judicial system is to serve as the “trier of the facts” (Hails, 2014, p. 7). Fundamentally, judges listen, observe, critically analyze, and determine the relevance, admission, and necessity of issues and evidence for the case at hand. It is the duty of the judge to be an impartial actor within the judicial system, yet idiosyncratic values and beliefs may be interjected into the decision-making process in relation to the sentence an offender receives. Rather than objectively evaluating the facts and evidence presented at trial, as well as the mitigating or aggravating factors applicable to the case, judges may impede the criminal justice process through the application of opinions or personal morals when sentencing an offender. This is apparent through the sentences impressed or forced upon minority defendants in comparison to white defendants.

Uninhibited Judicial Control

In order to curtail racial and ethnic disparity in sentencing, the United States government conceived and implemented the Sentencing Reform Act of 1984 (Kaiser & Spohn, 2018, p. 45). Additionally, the Sentencing Act is responsible for the birth of the United States Sentencing Commission (Kaiser & Spohn, 2018, p. 45). It became the task of the Commission to cultivate appropriate and proportionate sentencing recommendations and guidelines for judicial officials. Therefore, the Commission established rather rigid guidelines or ranges for judicial officials to acknowledge and follow while sentencing offenders. The rigid and rather unwavering structure of the sentencing guidelines was revisited in the case *United States v. Booker* (2005); this case

changed the wording of the sentencing guidelines recommendations (Kaiser & Spohn, 2018, p. 45). Therefore, the guidelines became advisory or suggestive as opposed to firm (Kaiser & Spohn, 2018, p. 45). The goal of *Booker* was to increase judicial discretion to consider relevant factors in order to provide a sentencing departure for a defendant. This resulted in judges imposing their own, “individual philosophies of punishment” as well as their personal opinions of the defendant during sentencing (Kaiser & Spohn, 2018, p. 44). The infliction of personal views or opinions upon defendants is an apparent display of the faultiness arising from judicial discretion.

The inconsistencies involved within judicial discretion and sentencing are addressed through a research article, concerning racial disparity in the legal system, and provides a statistical analysis of sentencing discrepancy. The research article conducted an examination of nearly 400,000 criminal cases, from the year 2006 through 2019 (Smith et al., 2021, p. 1). The research concluded that judges administer sentences disproportionately. For similarly committed crimes, criminal histories, and mitigating factors, black defendants received sentences 39% longer than white defendants (Smith et al., 2021, p. 12). There is even greater prejudice or bias projected toward young black defendants (Smith et al., 2021, p. 3). Racial disparity, at the hands of judges, was exacerbated following the decision in *Booker*. According to scholar Crystal Yang, *Booker* decreased the presence of enhanced appellate scrutiny, subsequently presenting judges with immoderate control over sentencing departures (Yang, 2015, p. 1). Ultimately, broadening judicial discretion through *Booker* decreased the frequency of equitable sentencing and increased the prevalence of racially biased or prejudiced sentencing.

Sentencing Disparity

Sentencing a criminal offender is a rather complex and elaborate task. There are a number of matters or factors a judicial official must thoroughly consider before making a decision. Judges must take into account an offender's criminal history, their role in the crime, whether they have expressed guilt, the seriousness of the offense, and a variety of other issues. While the presence of aggravating or mitigating factors undoubtedly changes the circumstances of a criminal defendant's sentence, it has been determined that Black offenders, on average, receive sentences that are significantly longer than White offenders (Rehavi & Starr, 2014).

The research study *Racial Disparity in Federal Criminal Sentences*, written by Marit Rehavi and Sonja Starr found that Black people, on average, serve a sentence that is 10 percent longer than a White person, even when the crime was committed under similar circumstances (2014). Rehavi and Starr also found that the disparity increased to 13 percent, concerning sentence length, when the crime was drug-related. This finding is consistent with research conducted by Crystal Yang, in which Black people served a sentence that was approximately 1.5-2 months longer than a White person, for a drug-related offense (2015).

One of the most discussed issues concerning the excessive sentence length a Black offender faces is the use of mandatory minimums. According to Rehavi and Starr, prosecutors are significantly more likely to charge a Black person with a crime that carries a mandatory minimum sentence. The application and use of a mandatory minimum, for a drug-related crime, is 65% greater for a Black person than a White person (Rehavi & Starr, 2014). The Black-White disparity in sentencing increased after the implementation of the Sentencing Reform Act. It was believed that the issue was judicial discretion, however prosecutorial discretion concerning charge decisions carried more weight than the original discrepancies at the hands of judicial

officials. According to research conducted by Cody Tuttle in the article *Racial Disparities in Federal Sentencing: Evidence from Drug Mandatory Minimums* “racial disparity... cannot be explained by differences in education, sex, age, criminal history, seized drug amount, or other elements of the crime, but it can be almost entirely explained by a state-level racial animus” (2019, p. 1) Thus, racial disparity was not at all mended by the institution of the sentencing guidelines.

Research conducted by Rosenberg et al., in the article *Comparing Black and White Drug Offenders: Implications for Racial Disparities in Criminal Justice and Reentry Policy and Programming* found that despite Black and White people using and distributing drugs at similar rates, Black people are charged with drug possession at a significantly higher rate than White people (2016). Rosenberg et al., discovered that 27% of the Black people, in this research study, were charged with drug possession, while only 4% of White people were charged (2018). It was also found that Black people were charged more often for the sale of drugs, than White people (Rosenberg et al., 2016). The disparity may begin at a street level, with officers arresting minorities at a higher rate, but this disparity continues through the justice system and into the legal system through charge decisions made by prosecutors and sentence lengths determined by judicial officials.

A comprehensive analysis of drug offenders in the federal justice system was analyzed in the research thesis, *Racial Disparities in Federal Drug Sentencing* (Rittenberry, 2021). This study compiled data from the ICSPR website. The sample size was 21,387 drug offenders in the federal system between the years 2015-2016 (Rittenberry, 2021). Rittenberry’s study found that there was a 30% increase in the sentence length for Black offenders compared to White offenders (2021). The exact data displayed that Black offenders were sentenced to roughly eighty months,

while White offenders were sentenced to approximately 60 months. On the contrary, Black offenders were sentenced to less time on probation in comparison to White offenders. This data is supported by information provided by the Bureau of Justice Statistics, in which there is a marked disparity between Black drug offenders compared to White drug offenders (2015). Black drug offenders are sentenced at a significantly higher rate than White drug offenders across three categories: powder cocaine, crack cocaine, and heroin. Black offenders are sentenced less in the areas of marijuana and methamphetamine. By charging Black offenders with more serious drugs, such as powder cocaine, crack cocaine, and heroin, these offenders are facing a mandatory minimum sentence (2015). The Bureau of Justice also found that, on average, the sentence length for a crack-cocaine offender was approximately fourteen years, while the average sentence for an individual charged with marijuana was approximately 7 years (2015). Thus, a Black offender is more likely to be charged with crack-cocaine as opposed to marijuana, and more likely to face a sentence that is over a decade long.

The disparate application of a mandatory minimum sentence is also discussed in Caroline Gillette's research article *Do Mandatory Minimums Increase Racial Disparities in Federal Criminal Sentencing?* (2020). Gillette's analysis of federal drug offenders in 2016 found that prosecutors charge Black offenders with a mandatory minimum in 64.6% of cases while charging White offenders with a mandatory minimum in 50.8% of cases (2020). Gillette also makes the argument that sentencing guidelines exacerbate the disparity Black offenders face; prior to the Booker ruling, prosecutors had discretion and power in terms of suggesting a sentence length for an offender. Following Booker, this discretion was eradicated. Thus, instead of prosecutors gathering evidence and presenting their case, along with their suggested sentence length, a judge must defer to the sentencing guidelines (Gillette, 2020).

The Fair Sentencing Act (2010) was designed to reduce the disparity between crackcocaine criminal offenders and powder cocaine criminal offenders. The initial disparity, in terms of drug weight that warranted a mandatory minimum, was 100:1 (Lee, 2010). The Fair Sentencing Act diminished the ratio to 18:1 (Lee, 2010). The Fair Sentencing Act also removed harsh penalties and mandatory minimums for trivial amounts of crack-cocaine by instead issuing fines (Lee, 2010). This Act applied to those incarcerated in federal prisons when the Act was signed into law. Thus, those offenders currently serving sentences saw reductions in their sentences. This was certainly beneficial to Black offenders in federal prison, considering nearly 80 percent of all crack-cocaine inmates are Black (Bjerk, 2017).

David Bjerk, in his research article *Mandatory Minimum Policy Reform and the Sentencing of Crack Cocaine Defendants: An Analysis of the Fair Sentencing Act*, found that significant reductions in disparity were made for those already imprisoned, rather than those yet to be sentenced (2017). As conferred in the articles written by Gillette, Rittenberry, and Rosenberg et al., Black offenders continue to face disparate sentence lengths compared to White offenders in contemporary America (2020; 2021; 2018). Bjerk suggests that greater improvements in the areas of racial disparity will be made once the United States Sentencing Commission adjusts the qualifications for triggering a mandatory minimum sentence (2017). The current disparity in the federal criminal justice system is largely due to the increased rates of incarceration for Black offenders for crack-cocaine offenses. This is further explained and emphasized by Kristen Zimmerman in the research article *The Unfair Sentencing Act: Racial Disparities and Fiscal Consequences of America's Drug Laws* (2014). Zimmerman's concluding sentence conveys the severity of the Black-White sentencing disparity "Minorities are incarcerated for crack at an alarming rate, while cocaine users and dealers seem to suffer

minimal punishment for similar actions” (2014, p. 172). Zimmerman emphasizes that in order to reduce the rate of disparity between Black and White offenders, the United States Sentencing Commission should create “identical sentences” for both drugs, crack-cocaine and powder cocaine (2014, p. 172).

Criminal History of the Defendant

One of the greatest qualities or features of our criminal justice system in the United States is the “innocent until proven guilty” standard. This standard is associated with Sir William Garrow (Wake, 2022). It is believed that Garrow coined this phrase between the 18th and 19th centuries (Wake, 2022). However, this phrase actually dates back nearly 4,000 years to the reign of Hammurabi (Wake, 2022). Hammurabi was a Babylonian King who ruled over ancient Mesopotamia (Wake, 2022). During his reign, he etched over 200 laws into a stone tablet (Wake, 2022). This stone tablet has served as a foundation for legal systems across the world (Wake, 2022). This standard, “innocent until proven guilty” requires the prosecution to bear the proof for establishing guilt beyond a reasonable doubt for the defendant’s role in the applicable charges (Cornell, 2023). The defendant is not required to prove their innocence. The burden lies entirely on the prosecution. Nevertheless, the criminal history of a defendant tends to sway the jury as well as the judicial official into presuming the guilt of the defendant, rather than their innocence. This will be explored below.

A defendant’s criminal history is generally off-limits during a criminal trial, unless the defense brings up the defendant’s criminal history, or the prosecution utilizes the defendant’s criminal history to impeach the defendant’s testimony. According to Cornell Law School, the evidence of the defendant’s prior criminal history may be introduced to impeach the defendant if, “the probative value of the evidence outweighs its prejudicial effect to [the] defendant” (Cornell

Law School, 2023). The introduction of the defendant's criminal history has documented negative consequences for the criminal defendant. According to a research article, written by Theodore Eisenberg and Valerie Hans, that analyzed over 300 cases concerning the outcome of a criminal trial when criminal history is introduced, "Juries appear to rely on criminal records to convict when other evidence in the case normally would not support conviction" (Eisbenberg & Hans, 2009). Therefore, it can be rationally concluded that minorities, and specifically Black people, are more susceptible to the detriment that comes with criminal history in a court of law. This is due to disproportionate minority contact with law enforcement officials, subsequently leading to more arrests.

The Defendant's Education Level

Data obtained from both the Federal Bureau of Investigation and the United States Census conclude that there is a positive correlational relationship between criminality and lack of educational attainment. According to research conducted by the Justice Policy Institute, "individuals incarcerated in U.S. prisons and jails report significantly lower levels of educational attainment than do those in the general population" (Bernard, 2022). An overall lack of education can lead an individual to a life of criminality due to limited opportunities. According to research conducted by Jill Doerner, criminal defendants with a high school or college education receive favorable sentencing departures compared to defendants with no high school diploma or college education (Doerner, 2012). Doerner, also found that the conviction rate is higher for defendants without a high school education than those with a high school education.

There are several ways in which the defendant's education is applicable during the criminal trial. First, the education level of the defendant may be obtained or expressed during the process of "laying the foundation" (Cornell Law School, 2023). The process of laying the

foundation ensures that the following statements, testimony, and evidence are relevant and necessary to the trial (Cornell Law School, 2023). The second way a defendant's education is considered or scrutinized is during the sentencing phase of a criminal trial. Once the defendant has been convicted and presumed guilty, the court establishes a set date on which sentencing occurs. The judge is presented with a document called the Presentence Report, which is utilized to aid in the determination of the defendant's sentence. This document contains valuable information concerning the criminal history of the defendant, the background of the defendant, as well as aggravating and mitigating factors to consider (Simpson-Brown, 2023).

The Tennessee United States Court website details six key components of a presentence report. The first component of the report contains the case details, ranging from the charges to the commission of the crime, and victims, and all relevant information (Simpson-Brown, 2023). The second part of the report details the criminal history of the defendant; the criminal history is scored by points, and a total score is produced to indicate the offender's history of criminality (Simpson-Brown, 2023). The third part of the presentencing report includes all relevant background information, including: financial status, educational attainment, family and friends, as well as occupational endeavors (Simpson-Brown, 2023). The fourth part of the presentencing report is the guideline range as determined by the United States Sentencing Commission (Simpson-Brown, 2023). The fifth and sixth parts of the presentencing report deal with aggravating and mitigating factors that can create an upward sentencing departure or a favorable sentencing departure (Simpson-Brown, 2023). These six components or key factors of the presentencing report come together in a rather large document that the judge or judicial official is required to carefully consider and analyze when determining the appropriate sentence for the

defendant. The defendant's educational attainment may be reviewed and considered by the judge in the determination of their overall sentence.

Sentencing Departures

Sentencing departures are a significant factor during the sentencing phase of a criminal trial. At this point, the judicial official will review the sentencing guidelines as well as the information provided in the presentence report, to generate an appropriate sentence for the defendant. However, it is shown, through numerous studies and analyses, that the application of downward sentencing departures is used less for Black people. Jill Doerner assessed this phenomenon and conducted an evaluation of data from 2001-2003, provided by the United States Sentencing Commission (Doerner, 2012). This evaluation concluded that Black people receive the longest sentences in comparison to White people and Hispanic people, and Black people are more likely than any other group to receive a significant upward sentencing departure (Doerner, 2012). Doerner's study also concluded that Black people are less likely to receive probation, when that is an available option (Doerner, 2012). Recent data published by the United States Sentencing Commission supplements and supports the information discovered by Doerner. Per the United States Sentencing Commission, "Black male offenders [are] 21.2 percent less likely than White male offenders to receive a non-government sponsored downward departure (United States Sentencing Commission, 2017). This report pulled data from cases between 2011 and 2016. Thus, there is a particular consistency with racial disparity in sentencing departures that spans from the early 2000s to 2016.

From criminal history to educational attainment to judicial administration, the outcome for a criminal defendant is rooted in these dynamics, as well as the individual's race. It can be

concluded that Black people are more likely to have lengthier criminal histories due to more frequent interactions with law enforcement officials and the judicial system. It can also be concluded that communities impacted by social decay and social disorganization, which are predominately communities of color, will produce individuals with lower levels of educational attainment (National Center for Education Statistics, 2019). Lastly, it can be concluded that judicial officials may harbor inherent or unconscious bias toward a criminal defendant, which may or may not play a role during the application of a sentencing departure. These elements come together to create and perpetuate a judicial system, and criminal justice system as a whole, in which Black people are treated unfairly. In almost every step, if not every step of the criminal justice system, from policing to courts to corrections, Black people are overrepresented and harshly scrutinized.

Chapter III

Methodology

This study discerns the difference in sentence length for offenders, the difference in probation, and the education level of the offender, all of which are based upon the race of the offender. The current study focuses specifically on two categorical variables, race and the type of punishment sentenced (probation or incarceration), and two scale variables (length of probation sentence and length of prison sentence). Prior literature on this subject matter indicates that Black people serve significantly longer sentences than White people, for federal drug offenses. This study is meant to understand the underlying factors that may contribute to the enhanced sentence for minority offenders.

Research Design

This research study was conducted with a quasi-experimental design. The control group is White federal drug offenders. The experimental group is Black federal drug offenders. The independent variable being assessed within this study is race, while the dependent variables are sentence length and probation length. Both sentence length and probation length are measured in months. The data utilized for this study was retrieved from the ICPSR website; more specifically, the data is derived from the Federal Sentencing Commission. The Federal Prisoner Reports, from the years 2016-2021, were used to conduct this study. The information gathered from the ICPSR website, and the Federal Prisoner Reports is considered case-level data.

Sampling

The Federal Sentencing Commission compiles case-level data on federal prisoners and organizes the data into the Federal Prisoner Report. This report provides information on federal cases from across the nation. This research study utilized the information provided by the Federal Sentencing Report to generate a purposive sample of federal drug cases. The sample size for this study is federal drug offenders (N=103,246). The sampling frame is federal drug cases from 2016-2021. The data from the Federal Prisoner Report was limited to drug offenders, and then limited again to only include data from the years mentioned above. The population for this study is United States federal cases.

Chapter IV

Results

This study utilized data from the ICPSR website to assess the variables: Monrace, Newrace, Sentot, Sentot0, Prisdum, Probum, and NewEDUC. Monrace and Newrace are both categorical variables utilized to characterize the offender's race. Sentot and Sentot0 are variables that display the different sentence lengths for the offenders measured in months. Prisdum is a binary variable (whether or not the individual was incarcerated). Probum is also a binary variable (whether or not the individual received probation). Lastly, NewEDUC is an ordinal variable that explains the education level of the offender. The data was converted to SPSS in order to limit the data to the specific variables mentioned above and analyze the remaining information. Table 1 below displays the racial breakdown for federal drug offenders for the years 2016-2021.

Table 1: Race of Defendant

DEFENDANT'S RACE					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	White / Caucasian	68348	66.2	66.2	66.2
	Black / African-American	30392	29.4	29.4	95.6
	American Indian or Alaskan Native	1588	1.5	1.5	97.2
	Asian or Pacific Islander	1577	1.5	1.5	98.7
	Multi-racial	57	.1	.1	98.8
	Other	434	.4	.4	99.2

Info on race not available in Docs (This code only available in FY07 and on)	841	.8	.8	100.0
Non-US American Indians	8	.0	.0	100.0
American Indians Citizenship Unknown	1	.0	.0	100.0
Total	103246	100.0	100.0	

According to this data, federal drug prisoners are predominately White/Caucasian, which is 66.2%, 68,348 individuals of the total prisoner population. The second largest group is Black/African American, which comprises 29.4%, 30,392 individuals of the total prisoner population. The total number of offenders for federal drug crimes, between the years of 2016-2021, is 103,246. Overall, there is a significant number of Black/African American offenders compared to the total number of Black people within the United States.

The next graphic, Table 2, portrays the education level of the offender. The subcategories include: Less than H.S. graduate, H.S. graduate, Some college, and College graduate.

Table 2: Education Level of Defendant

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Less than H.S. graduate	37971	36.8	38.0	38.0
	H.S. graduate	38503	37.3	38.5	76.6
	Some college	19752	19.1	19.8	96.3
	College graduate	3659	3.5	3.7	100.0
	Total	99885	96.7	100.0	
Missing	System	3361	3.3		

Total	103246	100.0		
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This graphic portrays some interesting data. Individuals who obtained a high school degree are represented more than those without a high school degree. This data is contrary to the literature on the subject, which frequently asserts that those with less education are more likely to be represented in the criminal justice system. The likelihood of incarceration drops significantly with some college education or a college degree. However, while high-school dropouts represent only 11% of the population, they represent 36% of drug convictions, according to this table. Therefore, high-school dropouts are over-represented for federal drug convictions. The next few tables, Table 3, Table 4, Table 5, Table 6, and Table 7 will explain the length of incarceration based on race, the length of probation based on race, and the length of incarceration based on education level.

Table 3: Total Prison Sentence in Months

Group Statistics					
	DEFENDANT'S RACE	N	Mean	Std. Deviation	Std. Error Mean
TOTAL PRISON SENTENCE IN MONTHS WITHOUT ZEROS	White / Caucasian	64456	73.3444	67.73479	.26680
	Black / African-American	28766	88.3756	77.35025	.45606

According to Table 3, White/Caucasian offenders receive a sentence of approximately 73 months, on average. Black/African American offenders receive a sentence of approximately 88 months, on average. There is a 21% increase in the length of incarceration for Black/African American offenders compared to White/Caucasian offenders.

Table 4 below will explain and analyze the length of probation for White offenders compared to Black Offenders.

Table 4: Total Probation Sentence in Months

Group Statistics					
	DEFENDANT'S RACE	N	Mean	Std. Deviation	Std. Error Mean
TOTAL PROBATION ORDERED IN MONTHS	White / Caucasian	3458	38.68	23.156	.394
	Black / African-American	1334	35.90	16.695	.457

Table 4 explains that the length of probation for a White federal drug offender is approximately 38 months. The length of probation for a Black federal drug offender is approximately 35 months. Thus, White people receive longer probation lengths than Black offenders, for federal drug offenses.

Table 5 below is an independent sample t-test, Levene’s Test for Equality of Variances, in order to determine if the difference in length of incarceration was statistically significant.

Table 5: Independent Samples Test for Incarceration Length

Independent Samples Test									
Levene's Test for Equality of Variances		t-test for Equality of Means						95% Confidence Interval of the Difference	
F	Sig.	t	df	One-Side d p	Two-Side d p	Mean Difference	Std. Error Difference	Lower	Upper

TOTAL		180.333	<.001	-	93220	<.001	<.001	-	.50231	-	-
PRISON SENTENCE IN MONTHS	Equal variances assumed			29.924				15.03114		16.01566	14.04661
WITHOUT ZEROS	Equal variances not assumed			28.448	49248.247	<.001	<.001	15.03114	.52837	16.06674	13.99553

According to the data in Table 5, there is a statistically significant difference in the length of incarceration for White offenders compared to Black offenders, for federal drug crimes. When assessing for statistical significance, the number must be less than .05. The significance of the data above was assessed to be less than .001. The information provided by this table allows for the acceptance of the research hypothesis, which was discussed in the introduction. The last table, Table 6, will assess the significance of probation length. This was also conducted with an independent samples test, Levene's Test for Equality of Variances. Table 6 is shown below.

Table 6: Independent Samples Test for Probation

Independent Samples Test											
		Levene's Test for Equality of Variances		t-Test for Equality of Means				95% Confidence Interval of the Difference			
	for	F	Sig.	t	df	Sig.		Lower Bound	Upper Bound		

		Variances						Mean Difference	Std. Error Difference		
		F	Sig.			One-Sided p	Two-Sided p			Lower	Upper
TOTAL PROBATION ORDERED	Equal variances assumed	2.205	.138	3.998	4790	<.001	<.001	2.777	.695	1.415	4.139
IN MONTHS	Equal variances not assumed			4.603	3337.023	<.001	<.001	2.777	.603	1.594	3.960

The data in Table 6 shows that there is a statistically significant difference in the length of probation for White offenders compared to Black offenders. The statistical difference of this data set is less than .001, which is statistically significant because it is less than .05. Therefore, the Null Hypothesis, discussed in the introduction, is rejected for this research question.

Chapter V

Discussion

The purpose of the research conducted within this study was to affirm the presence of disparity in relation to Black federal drug offenders compared to White federal drug offenders. This study procured data from the ICPSR website, which contained the Federal Prisoner Reports from years 2016-2021, to isolate specific variables, including race, education level, sentence length, and probation length, to ascertain the level of disparity. This study found a significant difference between the treatment and sentencing of Black federal drug offenders compared to White federal drug offenders, affirming the research hypothesis stated in the introduction. There is an approximate 21% difference in length for Black offenders compared to White offenders, with Black offenders serving a sentence approximately 21% longer. Contrary to the research hypothesis, White offenders served longer sentences of probation than Black offenders, rejecting the null hypothesis stated in the introduction. This study also made interesting revelations into the role of education and federal drug sentencing, uncovering that individuals with a high school degree were represented more than individuals without a high school degree.

The underlying cause for the discrepancy in sentencing can be any number of factors. Those discussed in the literature review include inherent bias, differential selection, differential involvement, social disorganization theory, collective efficacy, and the War on Drugs. These factors more than likely play a role in the rate at which Black people are represented in the federal criminal justice system for drug-related crimes.

This study has confirmed the presence of racial disparity, for Black people, in sentencing for federal drug crimes. In order to address this issue, prosecutorial discretion and aggressiveness

should be assessed and guidelines implemented. The level of discrepancy and discretion afforded to federal judges should be closely monitored to ensure that defendants are not receiving significantly longer sentences, based solely upon race. Policy should reflect the need for sentencing to be racially just and unbiased.

Conclusion

The analysis of data from the ICPSR website and the Federal Prisoner Reports from 2016-2021 found that there is racial disparity in federal drug sentencing. The research shows a significant difference in the sentencing of Black people compared to White people. The research also shows similar treatment of White people and Black people concerning the length of probation for federal drug crimes. The research hypothesis was affirmed for sentence length, and unexpected results were found regarding probation length. This study builds upon prior literature on the subject of racial disparity within the criminal justice system.

There are several limitations to this study, one of the predominant limitations is lack of knowledge or insight into the criminal histories of the offenders. During the sentencing phase of a trial judges assess both aggravating and mitigating factors for the defendant, criminal history is an aggravating factor that impacts the length of the offender, often leading to an increased sentence. This is viable information that would allow more insight into the issue and underlying causes of disparity for federal drug sentencing.

Future research endeavors on this subject should consider expounding upon this research to include more variables, including economic status, the type of drug utilized in the crime, and the criminal history of the offender. These variables may paint a better picture of the causes and reasons for the increased sentence length for Black federal drug offenders compared to White federal drug offenders.

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