

## **The Disparity in the Sentencing of Minorities in the Justice System**

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There is a huge disparity between the criminal sentencing of minorities and their white counterparts. Systemic racism is evident at every stage of the system, from policing to prosecutorial decisions, pretrial release processes, sentencing, correctional discipline, and even reentry. White Americans, predominately white men, receive lower criminal sentences for committing crimes than African and Mexican Americans. This disparity is greatly highlighted when both counterparts are committing the same types of crimes, but white Americans receive lesser sentences. It is a huge problem in the legal sentencing system. I believe that this disparity is caused by inaccurate stereotypes and the strong racial bias and stigma that permeates through America. The racial dynamics in criminal sentencing have changed over time and show explicit racial bias and show direct racial discrimination. It does not make sense to me how America has attempted to make strides in putting distance between slavery and Jim Crow era, but somehow is still finding a way to treat minorities differently from white Americans. The prolonged sentencing of minorities increases the recidivism rate and makes them more likely to commit crimes again. Change is very much needed in the legal system.

In 2016, Black Americans comprised 27% of all individuals arrested in the United States. Black youth accounted for 15% of all U.S. children yet made up 35% of juvenile arrests in that year. The ACLU found that Blacks were 3.7 times more likely to be arrested for marijuana possession than whites in 2010. White Americans are also more prone to hiring a private attorney to defend them, while Latinos and Blacks do not usually do the same, consequently receiving harsher sentences. Blacks are also more likely to be jailed pending trial, which also results in harsher sentences. Whites also receive a larger reduction time in their sentences for cooperating

during prosecution, while blacks and Latinos for providing substantial assistance. African Americans were also incarcerated in local jails at a rate 3.5 times the rate. African Americans who victimize white Americans tend to receive more severe sentences than black on black crimes, and white and white crimes.

According to the Sentencing Project, African Americans and Latinos comprise 29% of the US population, they make up 57% of the United States prison population. Over 277,000 people imprisoned nationwide for drug offense, 56% are African American or Latino. Nearly half (48%) of the 206,000 people serving life and “virtual life” prison sentences are African American and another 15% are Latino (Sentencing Project). 80.4% of life- and virtual-life sentenced youth are people of color; 55.2% of those youth are African American (The Sentencing Project, 2017).

Prosecutors are known to use a biased use of discretion. Prosecutors are more likely to charge minorities and people of color with crimes that carry heavier sentences. State prosecutors are also more likely to charge black rather than similar white defendants under habitual offender laws (Sentencing Project). Public Defenders that are placed in low income and predominantly people of color’s jurisdictions usually have low experience, and high caseloads, which handicaps many defendants in their defense before the legal system.

Racial disparity happens because of the bias and prejudice that surrounds the legal system in America. Many police officers, prosecutors and judges carry derogatory and incorrect stereotypes that attacks the minority population. This racial bias punishes minorities for committing the same crimes that white people do. Bills like the Crime law that uses the three-strike system severely punishes minorities who are prone to crime and recidivism. This bias and

stigma leads to racial disparity which eventually leads to the continuous downward spiral of predominantly minority communities.

One of the many solutions to this problem is to analyze and review the laws in place. Many of the laws set in place are outdated and do not work in the society we live in today. Many of the laws do not protect the many different situations of minorities. These laws are built only to protect the 1%. That needs to change.

Another solution is to remove or educate the older generation people in power. Many of the biased people in the law system are older generation civilians who are stuck in their ways. Society needs to review and try to educate the older generation judges and prosecutors. The issue with this solution however, is “you can’t teach a old dog new tricks.” This saying means that some of these people from the older generations will not want to learn or be educated on the many different situations of people, primarily minorities today. I do feel with time, however, as new generation of youth comes into power, they will be more aware of the many different situations of minorities and will be more unbiased when they cast their judgement. This will take time.

In conclusion, racial disparity in sentencing has handicapped the many minorities in the United States. This impacts the minority community in many ways. The justice system sees minorities just as another statistic, but behind these statistics, lies a face of male or female minority who’s life is being taken away from them unfairly because they made a mistake. The Justice system was built on fairness and justice, but this fairness and justice still eludes the many minorities in America. If America wants to rectify this issue, they need to focus on removing the racial bias in their psyches.

## Works Cited

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