



## Examining the influence of race and socioeconomic status on sentencing decisions in criminal courts

**Dr. Jayendra Singh Rathore**

Associate Professor, Department of Law, Shri Krishna University, Chhatarpur, Madhya Pradesh, India

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**Corresponding Author:** Dr. Jayendra Singh Rathore

### Abstract

This study examined the relationships between gender, age, and race as they pertain to sentence using a trichotomized dependent variable. A racial and gender disparity in sentencing was exacerbated, according to the findings, since Black men were more likely to get jail terms rather than probation. Prejudice and other extralegal factors contribute to sentencing disparities in the United States criminal justice system, as shown in earlier research. In response to these disparities, reforms have been implemented throughout the criminal justice system. In order to further our understanding of this topic, I review research that has sought to quantify the impact of prejudice on judicial decision-making. The findings indicate that the defendant's racial and socioeconomic background do influence the prospective jurors' judgments about the defendant's degree of threat, guilt or innocence, and suggested punishment. Disparity is caused by extralegal variables influencing the judgments of prospective jurors, according to the study's conclusions. This highlights the need of implementing more reforms, including enhancing bias education and training.

**Keywords:** Sentencing, disparity, race and gender bias

### Introduction

Disparities in sentencing within the United States' criminal justice system have been the subject of much research. When criminals with similar records and conduct similar crimes are handed down very different punishments, this is known as sentencing disparity or prejudice (Travis III, 2012) <sup>[9]</sup>. Some of the factors that have been shown to have a role in sentencing choices include demographic and individual traits, which are considered extralegal variables, and legal variables. Research has offered several explanations for the seemingly disparate sentencing judgments, but the reasons underlying them are complex and external (Walker, Spohn, & Delone, 2012) <sup>[10]</sup>. Hispanics and African Americans had a higher imprisonment rate compared to whites, despite not committing the most crimes, according to statistics (Walker et al., 2012) <sup>[10]</sup>. According to Doerner and Demuth (2010) <sup>[11]</sup>, sentencing guidelines show that harsher punishments are more often handed down to younger offenders compared to older ones, and that males are more commonly sentenced to prison or jail time than females. Despite the fact that jail and court data have not changed throughout the years, experts

still can't agree on what causes these discrepancies. Researchers are forced to ponder the topic of why sentencing prejudice happens, while statistics given by criminal justice authorities do help provide a foundation for their work.

An essay outlining the ways in which racial and socioeconomic factors into criminal sentence judgments may look like this: Justice, equality, and fairness are the tenets that the criminal justice system is meant to preserve. Nevertheless, there is mounting evidence that non-legal elements, such socioeconomic class and color, may substantially impact criminal sentence choices. Defendants may experience prejudiced treatment due to these discrepancies, which perpetuates preexisting disparities and undermines faith in the justice system. In the United States, for example, research consistently shows that compared to white individuals and those from more affluent backgrounds, persons of color and those from lower socioeconomic backgrounds face harsher punishments and longer prison sentences. When it comes to drug possession or theft, two examples of non-violent crimes, these differences are much more noticeable.

The American judicial system and its functioning in different areas throughout the country are profoundly affected by the issue of sentencing discrepancy. Courtrooms do not always reflect American ideals of justice, fairness, and equality, despite widespread support for these principles. Instead of applying standard sentencing criteria based on the traits and attributes of the crime itself, researchers have questioned the legitimacy of providing criminals unique or preferential treatment based on their physical qualities (Nagel & Johnson, 1994) <sup>[12]</sup>. Consider how society moves farther away from the idea of equal treatment of women when female criminals are granted leniency, which is typically seen as a boon to the individuals involved. Researchers in the field of sentencing have so concentrated on determining the scope of the issue of sentencing disparities and the factors that may lead judges to exhibit prejudice towards certain criminals. Earlier research paid greater attention to gender, race, and age. These demographic factors, particularly race, are heavily weighted in court rulings nationwide, according to a number of studies.

Racism permeates almost every facet of American society, as recent legal and political challenges like the Eric Gardner case in New York and the protests in Ferguson, Missouri have shown. Equally susceptible to racial inequality and prejudice is the American criminal justice system (Bushway & Piehl, 2001) <sup>[13]</sup>. Various branches of the law enforcement, prosecution, and judicial branches have all been the targets of racist accusations within the criminal justice system (Blair, Judd, & Chappleau, 2004) <sup>[5]</sup>. The disproportionate number of minority convicts is largely attributed to the racist inclinations of sentencing judges, according to several academics (Walker et al., 2012) <sup>[10]</sup>. The imprisonment rate for minorities is much greater than for whites. Judges, like everyone else, have their flaws; for instance, they might perpetuate harmful prejudices against minority groups. According to research by Blair and colleagues (2004) <sup>[5]</sup>, judges often consider these stereotypes, particularly when considering offenders with typical "afrocentric" characteristics or characteristics usually associated with minority groups.

A more in-depth introduction to a study article on how racial and socioeconomic factors impacts criminal sentence judgments may be found here:

Modern communities rely on the criminal justice system to maintain social order and safeguard people's rights, which is an essential part of administering justice. There is mounting evidence, however, that extralegal variables like racial and socioeconomic background do have an impact on the criminal justice system. All of these things may play a role in sentencing choices, which can lead to unfair treatment of offenders and keep systemic injustices going.

For instance, in the US, studies have shown again and time again that people of color and those from lower socioeconomic origins get harsher penalties and lengthier jail terms than white people and those from wealthier families. When it comes to drug possession or theft, two examples of non-violent crimes, these differences are much more noticeable. It is impossible to pin the complex phenomena of racial bias on a single cause when discussing sentencing judgments. On the contrary, systematic racism, unconscious prejudice, and stereotyping are among the

many causes. Like the general public, judges, prosecutors, and police officers are susceptible to the influence of implicit biases in their decision-making, according to studies. Even after accounting for pertinent legal considerations, these prejudices may lead to harsher punishments for racial and ethnic minorities.

Sentencing choices may also be influenced by extralegal factors such as socioeconomic position. When dealing with the criminal justice system, people from lower socioeconomic origins often don't have the social capital or resources to handle things well. Stricter punishments and lengthier jail terms are some of the worst results that might emerge from this. In addition, racial and socioeconomic factors might interact in ways that exacerbate existing inequalities and discrimination.

### Literature Review

Hunt, Jennifer. (2015) <sup>[3]</sup>. This chapter will survey the expanding body of work on racial, ethnic, and cultural issues in the criminal justice system, with an emphasis on forensic psychology studies but also drawing from law, sociology, and criminology studies where applicable. Research on bias in the justice system is informed by significant psychological theories and ideas linked to prejudice, stereotyping, and discrimination. After presenting some well-known incidents and data revealing racial discrepancies in criminal justice and legal results, I will continue with a review of these topics. After that, I'll go over studies that looked at how racial and ethnic factors contributed to skewed results in the legal and criminal justice systems. According to this research, there are several issues that need to be addressed. To wrap off the chapter, I'll go over a few ways forensic psychologists may help decrease racial prejudice in the legal system via training and treatments, sharing research on these topics with lawmakers and judges, and more.

Lowery, Patrick. (2019) <sup>[2]</sup>. Many criminologists continue to routinely investigate the intersection of gender, race, and socioeconomic status. However, there is a dearth of quantitative research on intersectionality generally and studies on violent and dangerous adolescent offenders in particular. In particular, this research aims to investigate the ways in which racialized gender norms and various types of double or multiplying risk affect the long-term consequences for females who engage in risky behaviors such as severe violence. Evidence suggests that the Black girls were subjected to harsher punishments and sentencing than their white peers. Crucially, these results do not conform to one another across all categories of legal and extralegal factors. We also go into the study's shortcomings and how they relate to theory, practice, and future research.

Freiburger, Tina & Sheeran, Alyssa. (2017) <sup>[1]</sup>. This research adds to what is already known about the impact of demographic variables on sentencing decisions, such as gender, age, race, and ethnicity. According to the data, rather than probation, Black and male defendants were more likely to get a jail sentence. This is in contrast to White and female criminals. After controlling for gender, race, and ethnicity, it seems that Black men's lower probability of receiving probation instead of incarceration drove the race impact. The incarceration rate was lowest for black women. Being youthful benefited other groups but hurt Black men,

according to exchanges based on age. Gender, color, and ethnicity did not have a substantial role in determining whether a person would be sentenced to jail or prison. Among the demographics studied for sentencing disparities, the only group that earned significantly lower prison terms than Black men were Black women. Sentences for Hispanic offenders aged 30–39 were the longest of any demographic where age was a factor.

Wang, Xia & Mears, Daniel. (2015) [4]. Despite the fact that sentencing studies increasingly take social context into account, much of the work on the subject has focused on county background. It is unclear if there may be consequences at the state level regarding sentencing as well. Viewed through the lens of the minority threat theory, we investigate three points: (1) the impact of state-level racial and ethnic contexts on sentencing; (2) the extent to which this impact is magnified at the county level; and (3) the relative impact of whites and minorities on this interaction. Research looking at statistics from state courts and other sources suggests that sentencing outcomes (such as prison time vs. sentence length) and context (such as racial or ethnic identity) might affect the final verdict. We discuss the study's findings and their implications.

### Research Method

This study uses a genuine experimental design in its methods, which includes a vignette-based anonymous survey. In order to investigate the causes of sentencing inequalities, an online survey was sent to students after receiving exemption approval from the Institutional Review Board. The next four questions were designed to gauge the respondents' opinions on the defendant's culpability, level of threat, and suggested sentence duration.

**Table 2:** The association between the defendant's race and socioeconomic status, their perceived danger, and the recommended sentence length

Vignette	# of Participants	Race	SES	Perceived Dangerousness Level (mean and standard deviation)	Recommended Sentence Length (mode)
1	73	Black	High	5.84 (1.85)	2-3 Years
2	69	White	High	5.95 (1.95)	4-5 Years
3	41	White	Low	5.40 (1.59)	6 Months -2 Years
4	119	Black	Low	6.32 (1.73)	10+ Years of Life Sentence

The fact that the vignette's defendant is seen differently according on his racial and socioeconomic status is the most intriguing outcome. It is statistically significant to note that there is a difference in the perceived degree of threat between the Black and white defendants when we use the t test to compare their averages (see Table 3). On average, the public views a black offender as 7% more dangerous than a white defendant: The formula  $(6.08 - 5.68)/5.68$  equals 0.07.

**Table 3:** T-test

Group	White Dangerousness	Black Dangerousness
Mean	5.68	6.08
SD	0.389	0.339
N	110	192

$t = 9.46$  (df = 300), two-tailed  $p < 0.0001$

On the other hand, when comparing defendants from high and low socioeconomic status, there was no statistically significant difference in their average felt degree of threat (see Table 4).

### Vignettes

For this research, the vignettes had to be based on dramatized real crimes. So that they would give it their all, the participants were kept in the dark about the fact that it was a made-up crime. Every one of the four vignettes had the same voluntary manslaughter; however, there were two variations on race (White and African American) and two variations on socioeconomic status (low - construction worker) in the vignettes.

### Sample

The study vignettes and questionnaires, as well as this sample procedure, were authorized by the Institutional Review Board (IRB #2017-032). A total of 302 students made up the sample (for details on how many were in each vignette type, see Table 1).

**Table 1:** Survey Participants

Vignette #	SES	Race	# of Participants
1	High	Black	73
2	High	White	69
3	Low	White	41
4	Low	Black	119

### Analysis

The data analysis focused on determining whether the respondents' (possible jurors') perceptions of the defendant's perceived threat and the proposed punishment were influenced by their race and socioeconomic class (see to Table 2 for details). Theoretically, the identical situations involving a white offender would result in less severe sanctions than those involving a black defendant.

**Table 4:** T test: Socioeconomic Status and Perceived Level of Dangerousness

Group	High SES Dangerousness	Low SES Dangerousness
Mean	5.89	5.86
SD	0.078	0.651
N	142	160

### Gender and sentencing decisions

An abundance of literature studies have sought to answer the question of whether or not sentencing judgments are influenced by gender. The in/out decision, which determines whether a person is sent to prison or jail, is allegedly influenced by gender, according to most of this research. According to these studies, women seem to be the ones who gain from this inequality, as males are much more likely to get prison sentences than women.

The findings of research examining the effect of gender on judgments on sentence harshness have been contradictory and inconsistent with those of studies examining the effect of gender on sentence length. The average prison term for a

woman is lower than that for a man, according to many studies. However, there has been no difference in the average sentence length between men and women, according to many research. Women actually get lengthier prison terms than males do, according to another research. For crimes involving violence, property, and white-collar work, Myers (2001) <sup>[14]</sup> found that women get significantly lengthier terms than males.

### Race and sentencing decisions

A large body of literature has investigated the correlation between race and sentence, alongside that which has focused on gender implications. After controlling for relevant factors, Chiricos and Crawford found that Black defendants were more likely to be jailed than White defendants in a literature analysis that examined sentencing inequalities between the sexes. Even after controlling for all relevant characteristics with great rigor, new studies show that Whites are still given more leeway than Blacks throughout the court process. However, there has been less consistency in the research that has examined sentence length. The duration of a person's sentence is not significantly related to their race, according to many research.

### Conclusion

Everybody has prejudices, thus racial and socioeconomic disparities in the criminal justice system are likely to persist indefinitely. But jurors and everyone else working in the justice system need to be taught about prejudices and made aware of them. A more effective method of choosing jurors who have received anti-bias training may aid in identifying and reducing the impact of prejudice during jury deliberations. Research into the influence of extralegal qualities should continue in the future with the aim of identifying problems with the decision-making processes of judges and jurors. Attempts to employ real jury pools may be useful for future research as fake jurors do provide some limitations on generalizability. The gold standard for studying jurors would be to have them participate in a complete mock trial and then deliberate. While examining decision-making in real life is likely to be crucial, The effects of group debate on decision-making and exposure to the adversarial system in court cannot be replicated by vignette study.

### References

- Freiburger, Tina, Sheeran, Alyssa. The Joint Effects of Race, Ethnicity, Gender, and Age on the Incarceration and Sentence Length Decisions. *Race and Justice*. 2017;10:215336871773967. 10.1177/2153368717739676.
- Lowery, Patrick. The Independent and Joint Effects of Race, Crime, and Social Location on the Dispositional Decisions of Juvenile Girls. *Journal of Ethnicity in Criminal Justice*. 2019;17:1-28. 10.1080/15377938.2019.1575780.
- Hunt, Jennifer. Race in the Justice System; c2015. 10.1037/14462-005.
- Wang, Xia, Mears, Daniel. Sentencing and State-Level Racial and Ethnic Contexts. *Law & Society Review*. 2015;49:883-915. 10.1111/lasr.12164.

- Blair IV, Judd CM, Chapleau KM. The influence of Afrocentric facial features in criminal sentencing. *Psychological science*. 2004;15(10):674-679.
- Charles C. Thomas Publisher. van Eijk, G. Socioeconomic marginality in sentencing: The built-in bias in risk assessment tools and the reproduction of social inequality. *Punishment & Society*. 2017;19(4):463-481.
- Vickers C. Socioeconomic status and judicial disparities in England and Wales, 1870–1910. *Explorations in Economic History*. 2016;61:32-53.
- Mau MK, Sinclair K, Saito EP, Baumhofer KN, Kaholokula JK. Cardiometabolic Health Disparities in Native Hawaiians and Other Pacific Islanders. *Epidemiol Rev*. DOI: 10.1093/ajerev/mxp004. e-pub Jun 16 2009.
- Coon JK, Travis III LF. The role of police in public schools: A comparison of principal and police reports of activities in schools. *Police Practice and Research*. 2012;13(1):15-30.
- Walker S, Spohn C, DeLone M. The color of justice. *Race, Ethnicity and Crime*. 2012.
- Doerner JK, Demuth S. The independent and joint effects of race/ethnicity, gender, and age on sentencing outcomes in US federal courts. *Justice quarterly*. 2010;27(1):1-27.
- Nagel IH, Johnson BL. The role of gender in a structured sentencing system: Equal treatment, policy choices, and the sentencing of female offenders under the United States sentencing guidelines. *J Crim. L. & Criminology*. 1994;85:181.
- Bushway SD, Piehl AM. Judging judicial discretion: Legal factors and racial discrimination in sentencing. *Law & Society Review*. 2001;35(4):733-764.
- Myers SC. Capital structure. *Journal of Economic perspectives*. 2001;15(2):81-102.

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