

Racial Disparity in Criminal Sentencing of Drug Offenders

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All around the world, different people are produced. These differences come in personalities, ethnicity, cultures, language, customs, and skin color. In many situations, these differences can be what defines someone and creates your individuality in this world, but it can also be your downfall and reasons why someone may not reach the heights originally set out to be destined for. In every corner of the world, there is a demographic that is opposed to having any sort of fond relationships with people who are different than themselves. When this happens, people begin to form a disliking for whatever reason toward these people who do not portray the same ethnic similarities. This is how racism is formed. Racism has been alive ever since the world was introduced to the fact that there are other inhabitants on earth in different places who look different. Over time, hundreds of different races have experienced racism in their own respect within their cultures, but there is one race who has always received amount of racism that cannot be compared to. That is racism towards Africans and their descendants. Africans and African Americans experience racism like no other. In our homelands or at traveled destinations, racism cannot be escaped. These racial tendencies of non colored people, have the ability to hamper the livelihood of black people. Racial tendencies that are put on display, can make it difficult for black people to live a true and honest life. Making it much more difficult to live life to its fullest potential. More difficult than it needs to be and more difficult than it is for any other race for that matter. It is even to the point in current day that traveling to one racially dominant state of country can mean imminent danger for black people.

More times than not, racism can lead to dangerous acts against black people. The world has seen that become a regular occurrence during the civil rights movement and now in recent

times with police brutality murders of young African Americans in the United States. Racism is an ideal that is taught, nobody is developed for nine months and birthed into a racist body. More and more teachings of racism, mean for it to be passed on for generations and generations to come. This causes racism to be spread like wildfire, so that it truly becomes inescapable for black people. Meaning that racism has the potential to be portrayed in every facet of life. Especially by the people who are put in place to protect people from racist acts. These passed down prejudices put black people in a predicament where they're doomed no matter what they do. Largely due to pre-determined prejudices that are applied to black people in all situations. This can cause racial disparities in mistreatment of blacks compared to any other demographic. All out turns into a fight for their life in many cases. Especially instances where a mistake is made by a black person, their melanated skin will be their downfall as to why they have been tried so harshly in court. When it comes down to black people and crimes, their skin color will allow racially motivated prejudices to play a role in the outcome of their case. Hence the reason why there is a significant racial disparity in length of sentencing of criminal drug offenders. There is an issue in the United States where African Americans are wrongfully mistreated in the criminal justice system. Not only are they mistreated and wrongfully targeted, they also receive harsher punishments for the same crimes that the majority population in America commits. African Americans and white Americans have never been treat each equally in the criminal justice system. White Americans can escape paying for their own faults due to society not expecting them to be criminals. While African Americans have their fate in the system predetermined and society pins criminal stereotypes onto them, they cannot escape the fact that their actions will be paid for.

Introduction

Racism has long been a reoccurring reality for African Americans ever since the rest of the world found out they existed. Every race on earth faces some sort of racism in some fashion, but Africans and their descendants get the worst of it. Africans Americans face troubles where they are forced to find ways to compensate for lacking areas in their communities just to compete for a fraction of the American dream. African Americans often have several rights and opportunities of life infringed upon. So they can be forced to compensate in order to make up for loss in these areas. When compensation is occurring, it can lead to success and mistakes. With compensation and competition, there must be a competitor. African American fighting against the majority calls for a disparity to occur in any situation. When speaking of racial disparity in this country, we are primarily talking about African Americans versus white Americans. Disparity and racial divid in America is primarily a occurrence between the black minorities and the white majority. Majority, if not all of the country's racially motivated issues occur between these two parties. White Americans framed this country and hold the majority of power; Most often this leaves African Americans with little to no job opportunities. This forces them to compensate and risk giving up their freedom in order to survive. In most cases in the United States, this means African Americans may result to a life of crime when they have no other outlet or choice in order to survive and live a life similar to the American dream. Sometimes that is the closest they can get. This path of life obviously leads to one ultimate destination, which is prison. Africans Americans go to prison more often and longer than any other demographic for the same drugs charges. To find that out, it is essential to look at the time of the crack cocaine epidemic in the 1980s was a time where the nation first seen African Americans result to drug dealing as a way to make ends meet. The crack epidemic during those

times also helped fuel the racial disparity in criminal sentencing by punishing blacks and whites differently due to their different usages of the drug. Both races broke it down into different forms. Crack was sold by blacks and cocaine was used and sold by white Americans. Different forms of the same drug allowed for a disparity in sentencing of offenders between the two races. The version of cocaine called crack was able to put a stranglehold on the African American community. This is due to everyone in the African American community searching for a way to survive, that the neighborhoods become a situation of survival of the fittest. There is an increase in crime, as people have to do what is necessary to ensure that they continue to make more money. The competition cannot take any money from opposing drug dealers when it came to dealing crack cocaine (Grogger & Willis, 2000). Cocaine caused a boost in crime rates and arrests in almost every African American neighborhood across the country (Grogger & Willis, 2000). Some cities witnessed crime rates boost to heights of 18% from before crack to peak crack cocaine era (Grogger & Willis, 2000). African Americans are targeted harder and having their predetermined fate play a role in just how harsh their punishment will be. All the extra crime that comes with crack cocaine makes it easier for the police to target these people and for society to label them all as bad people when they're only portrayed in a negative light. During peak crack era in the 1980s, the country has seen many attempts at drug reform (Beaver, 2010). During those times, having a few grams of crack was the same as having nearly a thousand grams of cocaine (Beaver, 2010). This fuels the fire of racial disparity in criminal sentencing due to the fact that such drastically different amount of the drug can still have a huge impact. This is where the anti drug abuse act of 1986 came into play (Beaver, 2010). The act implemented that small amounts of crack will carry the same penalty of immense amounts

of powder cocaine due to a provision that included a very unbalanced sentencing ratio in favor of powder cocaine (Beaver, 2010). This led to more arrests of blacks and deemphasizing of white Americans committing trafficking and usage crimes of powder cocaine.

From the outside looking in, people always wonder why African Americans result to committing crimes. When one is not aware of all the variables possible, they develop clouded judgments and prejudices. In almost any African American neighborhood that is poverty stricken, there are minimal outlets for the young people to express themselves or stay on a straight path in life. When life does not hand out many options, people are forced to make a personal way of doing things. Black neighborhoods in America do not have the same facilities, resources, protection, or infrastructure that white neighborhoods do. This can cause these young people to find different ways to be productive. Coming from nothing, finding a way to be productive means to find a way to make money and not find a way to pass your next chemistry exam. Lack of options and resources in neighborhoods make it difficult for black Americans to make an honest living because they will have to fight day in and day out to live up to half the standard that white Americans live by. This also comes with disparity due to racially biased targeting of African Americans by police and their peers. A large portion of the reason as to why African Americans are so disproportionately sent to prison comes from targeting of criminals based on race more so than the context of crime that was committed. The disparity comes from the criminal justice system setting African Americans up to commit these crimes just to further target them after they have fallen into the trap of a life of crime. This in turn adds to the disproportionate sentences that are given out for the same crimes between blacks and whites.

Analysis

In the United States of America, people are told that this is the land of the free and the home of the brave. As far as the black community is concerned, that statement only is created for half the country. In this country, citizens see people of different races, serve different punishments for committing the same or very similar acts.

Racial Disparity in Arrests

It is easy to recognize a vast disparity in sentence terms of criminal drug offenders of different races. African Americans are targeted and suspected of committing a crime at a drastically higher rate than white Americans or any other demographic in the United States. This can be evident when looking at the population in certain prisons across the nation. Studies in Pennsylvania, for example, show data with a correlation between racial disparity in arrests and imprisonment (Austin & Allen, 2000). The study even talks about variables and reasons why blacks may be targeted more (Austin & Allen, 2000). The study indicates that African Americans make up majority of the prison population in Pennsylvania and drug offenders make up the majority of the inmate population with 39% (Austin & Allen, 2000). Meaning that, if majority of the inmates are black and that majority of the crime that makes up the prison population are drug offenders, that means that African Americans are disproportionately taken into custody and suspected of committing crimes that involve narcotics. In Pennsylvania, if an African American were to look at a five year average, the rate of racially disproportions in crimes fluctuates drastically (Austin & Allen, 2000). In relation to drug offenders over a five year average span, racially disproportionality ranges from roughly 40% to 70% (Austin & Allen, 2000). This means that there is significant difference between races tried in Pennsylvania courts amongst drug offenders compared to other offenders. So In a span of five years, black drug

offenders make up 70% of the offenders that come into the Pennsylvania court system, compared to the 40% of whites that come through it (Austin & Allen, 2000). This further exemplifying that there is racial disparity within the court system. According to this data, it was inferred that the racial disparity may come from African American involvement in drug trafficking and drug usage (Austin & Allen, 2000). Crack cocaine carries a larger sentence than powder cocaine, but Pennsylvania says otherwise (Austin & Allen, 2000). Since blacks sell a more powerful drug, they are discriminated against indirectly by police and society who view them strictly in a negative light without taking into account reasons as to why they may be selling this illicit drug (Austin & Allen, 2000).

Sometimes police officers will target African Americans to solve crimes, using discrimination to make the streets safer. This should only happen if they're looking for ways to eliminate the source of the problem rather than just targeting people (Banks, 2003). Racial profiling may be helpful for officers to find criminals, but doing so reverses their efforts by sending more African Americans to jail, which results in a criminal record (Banks, 2003). Several studies of law enforcement have shown that they conduct traffic stops by racially profiling, and those disproportionately profiled are blacks and Latinos (Banks, 2003). When it comes to racial profiling, blacks are not more likely to sell drugs than any other race, but they are still arrested and suspected more of drug related crimes (Banks, 2003). Police officers are inclined to believe that African American are more behaviorally prone to committing crimes, but the racial differences in arrests and convictions do not equate to differences in offending (Banks, 2003). It is no secret that drug trafficking occurs primarily in poorer neighborhoods. In neighborhoods that are inhabited by African Americans, there is lack of private space and infrastructure. This

means there is more room for drug deals to occur (Caudy & Mitchell, 2015). Drug deals are therefore more likely to happen because drug deals usually take place quickly and in public places (Caudy & Mitchell, 2015). This then leads to arrests made by police using racial bias (Caudy & Mitchell, 2015). Consciously or unconsciously, police tend to spend more time surveying these poorer areas with less private space because they believe at some point they will run into a black person who may or may not be a criminal. This is usually due to stereotypes set within society in America (Caudy & Mitchell, 2015). These negative stereotypes paint a negative picture in the minds of police and of non-minorities about African Americans. These negative stereotypes linking African Americans to committing crimes allow law enforcement to develop discriminatory biases that evolve into racial stereotypes that ultimately influence their decision making (Caudy & Mitchell, 2015). These stereotypes people come up with are a result of several influences. Media can be one of the biggest influencers of stereotypes against African Americans. News media sources giving black men negative derogatory headlines when they commit a crime, paints a picture in the minds of the masses that black men are some type of supervillain (Kutateladze, Andiloro, Johnson, & Spohn, 2014). White Americans are more likely to use a variety of drugs for different reasons, but they still are not quite as targeted as black Americans. White Americans are statistically more likely to overdose and abuse drugs, but African Americans are still targeted and suspected of crime at a higher rate. People of color make up three quarters of the prison population in America but only a quarter of the entire population within the United States (Brook, 2008). Within the demographic of persons of color, African Americans make up 13% of the nation while making up nearly half the population in federal prisons (Brook, 2008). Thus, African Americans are

vastly disproportionately targeted by police. It is as if police only have eyes on toward one specific community, the black community.

There is a correlation between racial disparity in criminal sentencing. This cannot be spoken about without mentioning how the majority of the disparity comes from racially charged biases. These biases often lead to African Americans who are painted to be the villains of America, to receive an excessive punishment compared to that of any other demographic in the nation. African Americans and white Americans commit the same crimes, but still not receive the same amount time confined inside of cement walls. All crimes in this world are more susceptible to be committed by certain types of people. African Americans are usually susceptible of committing drug related crimes, while white Americans will usually commit white collar crimes. However, African Americans are still more likely to get a harsher sentence if they commit a white collar crime. When African Americans commit white collar crimes, they receive ten percent longer sentences than whites Americans do (Brook, 2008). When it comes to crimes committed, African Americans serve longer sentences than their white counterparts for the same crimes (King, 2017). When looking at crime in general, black men will serve sentences that are nearly twenty percent longer than sentences of white men for the same crime (King, 2017). Thus, if there are two men, black and white, the black man will serve a sentence that is 19% longer than that of the white man (King, 2017). There are sometimes reasons that play a role in why African Americans have their sentences judged harder. If an African American man has a prior record that involved violence, their sentences are said to be 20% longer than that of a white man who has a prior criminal record that involved violence of any sort (King, 2017).

When someone has a known history in whatever aspect it may be, they carry that title on their back forever in anything they do. So black men having a prior record, leads them into a field of harsher judgment due to the negative connotation that comes with committing a crime. Black American men are six times more likely to spend time in prison than their white counterparts, while serving sentences that are nineteen percent longer (King, 2017). Over the years, these numbers have had some fluctuation. From 2007-2016, black men served sentences that were 19% longer. From 2005-2007, black men served sentences that were 15% longer than what white American males served for the same crime. The year of 2003 to 2004, black men only served sentences that were 5% longer than white Americans and from 1998-2003, black men served sentences of 11% longer (Lopez, 2017). A major influence when it comes to the cause of racial disparity in sentencing was the charging decisions of the prosecution (Lopez, 2017). White Americans often avoid serving a mandatory minimum sentence for the crimes they committed. Meanwhile, black Americans were 75% more likely to face and serve a minimum sentence that is mandatory according to the crime in which they committed (Lopez, 2017). White males in America have the ability to skip out on facing jail time in most cases, so much so, that they can even avoid doing the minimum sentencing for their crime. However, a black man is more likely to not only face the minimum time for ever crime, they also are serving longer terms as well.

The racial disparity in sentencing in the American prison system is best portrayed and explained when looking at what has occurred in specific areas of the United States. African Americans overly represent the prison system population in America, and this is best recognized when looking at how they are tried and prosecuted in the legal system in a specific

area of the country. Every In the world is not always as inviting to black people. African Americans face extensive forms of racism in all types of levels. In our own country, there are places that are not very fond of the sight of black people or the idea that the same air is being utilized. In the country that is supposed to be the land of the free and the home of the brave, black people are forced to not feel able to be free due to concerns over their safety when traveling to these places. Areas in the south have been notorious to be racist toward black people. So now lets look at how there is a sentencing disparity between races in North Carolina. In North Carolina, black people tend to receive heavier sentences and that is primarily due to judges acting off impulse from their negative picture painted in their minds that blacks people are more of a threat than they actually are (Brennan & Spohn, 2008). It is said that this happens when judges have a moment of panic within their own heads due to the idea that this person may be some sort of super criminal based off of the stereotypes that were previously set in place (Brennan & Spohn, 2008). In many southern states, black offenders are sentenced as if they're habitual offenders even if it is their first offense. This causes blacks who commit drug offenses to be charged at a rate of almost 4% more than whites and almost 40% more if the courts believe that the extent of their crime will lead them back to prison (Brennan & Spohn, 2008). The idea that these criminals will be back in prison, makes it easier for the judge to just give them longer sentences to avoid having to prosecute and sentence them on several different occasions. North Carolina sentencing guidelines allowed judges to give sentences out without having to give viable reason as to why they gave that specific amount of time to an offender, meaning that judges could used racial biases in their decision to sentence someone and nobody would know that was the driving reason behind the sentence except the judge

(Brennan & Spohn, 2008). North Carolina hands out sentences to people based on their priors compared to their current crime.

A drug offender that has a violent prior is seen as more dangerous and will most likely get a harsher sentence; a drug offender with a non violent prior may not be seen as relatively dangerous so they will most likely receive a lighter sentence in comparison (Brennan & Spohn, 2008). But this remains unfavorable for black men. Even if they do not have a violent prior, the stigma created is that they will reoffend; therefore, landing them a longer sentence. This is why white people are nearly five times more likely to avoid jail and receive a punishment like community service, than black people are (Brennan & Spohn, 2008). In most cases, North Carolina likes to sentence people based on prior criminal history and racial biases. In North Carolina, having a prior and non melanated skin can land a criminal community service, while black skin with priors of the same crime can earn a criminal five years. In North Carolina, the fate of a persons future rests in the hands of a judge who has the ability to judge based off how they feel more so than based on the facts. This mentions what is going on within the legal system in North Carolina and Pennsylvania are perfect ways to portray just how far spread racism is in in this country. It is not a local issue, but an issue that stretches from state to state. People who have created negative ideals within the American court system have created stereotypes and images for African American people that can ultimately cost them their freedom. Even in a general sense, many judges still judge inmates harsher than necessary if they have a prior criminal record. Judges and prosecutors like to examine past crimes and current living circumstances to make a decision on what a criminals punishment shall be (Kutateladze, Andiloro, Johnson, & Spohn, 2014).

Disproportionate Incarceration of African Americans Drug Offenders

There is a disproportionate amount of people in prison right now according to their race. Meaning, there is a lopsided amount of African Americans versus white Americans that are in prison right now for criminal drug offenses. This issue may be largely due to the mass incarceration of drug offenders regardless of race. Mass incarceration of one race for the same crime but different variants of it, allow for that one race to be overpopulated within the prison system. Creating such disparity. When evaluating mass incarceration, also have to realize the racial disparity that is involved and how that is created by undermining of the criminal justice system and playing a role in socioeconomic inequalities within the African American communities (Gee, 2011). Having to reduce racial Disparity in prison system goes to show that there is deep rooted ties to black people committing crimes and the struggle to receive opportunity (Gee, 2011). The mass incarceration that is seen today, has previous ties to the times of Jim Crow. Harsh sentencing against African Americans during the times of Jim Crow have created systematic racism in sentencing that still occurs today (Gee, 2011). These racial disparities that lead to mass incarceration of African Americans, cause them to become marginalized due to the stigma that carried on their backs. Deeming them to all be criminals in some sort (Gee, 2011). Some states add more to the issue of mass incarceration than others, but many states are not helping the cause for that matter.

The state of Illinois at one point in time had the country's largest disparity in African American to white American prisoners admitted on drug related charges (Lurigio & Loose, 2008). In Illinois, African American men were fifty seven times more likely to see jail time than whites. That is over triple the likelihood of states that are larger. Such as Texas, California, or

New York (Lurigio & Loose, 2008). The growth of prison inmates in the United States has grown exponentially. To the point where the United States now has the highest prison population in the entire world, as long as the highest global rate of imprisonment (Lurigio & Loose, 2008). In the last decade, the United States has imprisoned over one hundred thousand more drug offenders than the European Union has for all crimes (Lurigio & Loose, 2008). In retrospect, when looking back at the past Illinois incarceration trends, there was an increase of African American admittance into prison by 450%. In the year 2000 alone, half of the African American population in prison were in prison because they had done a crime that had been drug related. Although they indeed committed a crime, African Americans could not make up 80% of Illinois inmates, while the population for whites and Hispanics remained stable without some sort of discrimination going on (Lurigio & Loose, 2008). If there were not some sort of racial discrimination to create the racial disparity in incarceration rates, then there would be no other logical explanation as to why African Americans are so largely represented in the prison population today and in the past. The numbers above all show incarceration trends in the past, that have only grown larger over the years leading up to today. The amount of African Americans that are in prison for drug charges are largely disproportionate to that of any other demographic. This is not due to any false ideal that black people are more likely to use or biologically born to be criminals. That would all be completely idiotic and wrong. White people are more likely to be users of these illicit drugs, and black people are statistically no more likely than any other race to commit a crime, but are targeted more out of suspicion in doing so.

A large factor that also played a role in mass incarceration of African Americans is how they're prosecuted. Being prosecuted too harshly can see prisons fill up faster than they need

to. As well as seeing them fill up with only one demographic. Imprisonment of an individual is a form of punishment for one person, but mass imprisonment is a way of punishing a community and tearing down a population. Mass incarceration of blacks and other minorities can further exemplify the racial disparity in criminal sentencing within the American criminal Justice system. Given that African Americans and Hispanic minorities are more likely to be held in jail before seeing a trial, adds to the growth rate of mass incarceration (Kutateladze, Andiloro, Johnson, & Spohn, 2014). When a criminal goes to jail, waiting in jail for trial can take way longer time than was ever expected. Sometimes waiting for trial can take years as the courts are constantly flooded with more and more cases, your case will just keep being pushed to the back of the line as newer cases take priority. Waiting for trial in jail is never ideal because a inmate may never really know when trial will come. One may receive a date, just for it to be pushed back over and over. Over this time, people are running the risk of extending their stay in jail while waiting for trial. This is because of the dangers that jail can pose. It won't be long before someone attempts to harm or bother another in some way, where a person may have to react and earn more time waiting in jail while simultaneously waiting for a trial date. This is how many inmates fall in the cycle of mass incarceration. They may go to jail and become held until trial. I only to run the risk of potentially facing danger that can add time. When it comes to being detained, blacks are even detained more than anyone else. African Americans are detained at a rate that is 47% higher than that of white Americans. As well as significantly higher than other racial groups for that matter (Kutateladze et al., 2014). This leads to inflated incarceration rates due to one demographic being targeted at higher rates than anyone else

once again. More black people are incarcerated with harsher penalties due to the severity of the level of crime that they are given.

Black people are charged with felonies and misdemeanors at a higher rate than any other racial group (Kutateladze et al., 2014). A study done by the police in New York county shown that black people are sentenced with felonies at a rate of 61% higher than whites and misdemeanors of 22% higher. White people are sentenced with felonies at a rate of 43% and misdemeanors at (Kutateladze et al., 2014). Receiving longer sentences and penalties, create a trap in the prison system. African American people receiving felonies and misdemeanors at a higher rate than any other racial group, goes to show that there is a real racial divide within the American court system. The data above is not showing that the disparity between whites and blacks receiving different crime classifications coming from who commits more crime, it is coming from the way both groups are judged differently when facing a sentence. Thus, proving that African Americans are being tried in court at a more severe level than any other demographic. Leading to a cycle of incarceration for the masses. Once an African American is detained, depending on the level of their crime, they are more likely than not to be held until their trial time. When trial time comes, defendants are slapped in the face with felony charges that will earn them a seat in a cell for the foreseeable future. This occurring to hundreds of thousands of black Americans across the country, quickly increases the black population in the prison system by placing these people in a revolving door or prison time that slowly increases as it continues to occur to more and more people.

When it comes to mass incarceration, there is even a disproportionate level of disparity between the races of incarcerated drug offenders specifically. Less than ten years ago in the

United States, black Americans were incarcerated at a rate of nearly seven times that of white Americans and made up half of the prison population of inmates facing drug sentences lasting over a year (Blankenship, Groves, & Rosenberg, 2017). When looking at the difference between African Americans and white American offenders, you have to look at the differences as to why both groups land in prison. Especially when it involves drug usage or trafficking, there is a disparity in why different races are picked up and arrested in the first place. African Americans are targeted for selling, while white Americans are usual targeted for usage (Blankenship, Groves, and Rosenberg, 2017). This does not mean that more Africans Americans are selling, this means that they are being targeted and charged with such crimes at a higher rate. White Americans were more likely to be charged with crimes indirectly related to drugs, with them buying drugs or being high during time of arrest (Blankenship, Groves, and Rosenberg, 2017). While black people were charged with drug selling or possession of such at a rate of 27% and 4% more than white Americans (Blankenship, Groves, and Rosenberg, 2017). Mass incarceration is also influenced by the way African Americans are prosecuted. African Americans are prosecuted so much harsher that they are two times more likely than white Americans to be charged with a crime that has a mandatory minimum sentence (Starr & Rehavi, 2013). This leads to further mass incarceration due to people having an increased likelihood to be charged with a crime that will confine them to prison for a time that is mandatory to be served. Furthering mass incarceration by providing a way where people have to serve time in jail no matter what. The more people who receive sentences like this, the more people who fall into the trap of the system. In 2010, a study a shown that the sentencing disparity between whites and blacks had jumped from 5% to 23% (Starr & Rehavi, 2013). Prosecutors being able to

have wide range of charging or plea bargain options are sometimes not always in the favor of the African American defendant (Starr & Rehavi, 2013). Real offense sentencing swaps created to better assist the defendants, but instead it allowed judges to create a sentence that can involve acts that were not originally charged against the defendant (Starr & Rehavi, 2013). This allowed for judges to add other factors into the penalty they felt was most necessary for the defendant. The amount of power that have been given to prosecutors, has never been helpful in the fight toward ending mass incarceration. Federal prosecutors usually aim to arrange a plea deal with the defendant. Prosecutors power to do so, is the reason why rates of plea deals increased to 97% in 2004 of all federal cases (Starr & Rehavi, 2013). African Americans live in communities where access to suitable benefits are insufficient. In these areas, judges and prosecutors may be less sympathetic toward defendants; while increasing the likelihood of incarceration due to lower quality of defense in these areas (MacDonald, Arkes, Nicosia, & Pacula, 2014). This increases the rates of incarceration due to African Americans basically having no chance at a proper defense. Mass incarceration becomes a occurrence due to negligence of African Americans rights and the excess amount of powers that judges and prosecutors have that may not always be in favor of African Americans.

Identical Crime, Different Punishment

Crimes committed by two groups of people, can lead to different consequences. Different people can receive different types of benefits that lead to escape routes of punishment. Looking a certain way can be a literal get out of jail free card. Race usually plays a large role in being able to escape punishment, but also does social status.

African Americans can commit crimes that white Americans commit, and still receive harsher sentences. Proving a sentencing disparity in the United States exists. Over the years, the United States has watched African Americans be disproportionately treated harsher than others. Committing one crime, can land African Americans in prison for years, while the same crime can be of no consequence to someone else. There have been infamous people in headlines recently like white athletes and celebrities that have escaped prison time for doing the same or similar crimes that African Americans have committed. During recent years, people like Brock Turner and Felicity Huffman have headlined the news as being prominent examples of this. Both individuals were examples of people with higher social status that committed crimes, just to receive a slap on the wrist. While there are African Americans in this country who struggle to fight the accusations of these crimes, let alone escape punishment after a truly committing the act. A benefit of being a white American is being able to be viewed in a positive light. This allows any wrongdoing to be perceived differently from a crime. An African American mom can commit a crime that is half as severe compared to what Felicity did, but still receive a prison sentence over triple the time longer (Lowrey, 2019). Both Felicity Huffman and Kelly Bolar are women who committed crimes that involved them providing a better education for their children, only difference was in who was doing it and how they looked physically and in the eyes of the world (Lowrey, 2019). The difference in crimes came from Huffman paying fifteen grand to fix test scores for her daughter, while Bolar used a different home address to get her young child into a better school in a better neighborhood (Lowrey, 2019). Huffman was able to slide by with only a two week sentence for bribery and Bolar was slapped with two concurrent sentences of five years for not even internationally committing a crime (Lowrey,

2019). Even though the crimes are different, they are similar in the fact that both women are trying to better their children's lives. It just so happens that one woman cheated her way toward doing so and the other had did everything right according to Ohio education system and still was in the wrong at the end.

We even see a disparity in marijuana drug charges between white and black Americans change over the years. There has been recents trends in the fight to change the perception of marijuana toward legalization, but that has only benefited white Americans for the most part. Marijuana has been in the process of legalization in several states, but the United States is still notorious for incarcerating drug offenders for marijuana. New York was a state that recently led the forefront toward total decriminalization of marijuana. The state now allows open marijuana smoking and possession of recreational marijuana up to 24 grams (Ferre-Sadurni & Closson, 2021). Before this and in present day, decriminalized drugs has becoming a trend, but criminals are still penalized for it. The world has become accustomed to marijuana usage becoming more acceptable. It here are now Tv shows about marijuana and different ways to use it, but we see people in prison for marijuana charges. Decriminalizing marijuana has had a wave of effects in the United States, but it has only truly been beneficial to white Americans who can create platforms to profit from it without selling. African Americans sit in prison and watch their white counterparts profit off something that has them sitting in prison for multiple years.

Recommendations

When it comes to fixing the problem of racial disparity in criminal sentencing in America, it is difficult to find a real solution that is fast acting. The best plan of action is a series of reversed ideals in order to level the playing field for all criminals.

Level the Playing Field

To reduce the level of racial disparity in sentencing in this country, there must first be a reduction in the prejudices that lead to African American arrests. In order to do this, the United States must find ways to have stronger African American influence in the justice system. Not enough people who relate to one another make it easier to judge someone without first connecting with that person. First, better opportunity at defense should be provided for African Americans who cannot afford it. African Americans not being able to afford proper defense makes them have to sign with a public defender, which then leads to typical innocent plea agreements due to both sides of the defense not truly knowing how to fight back (Quigley, 2012). In many, prosecutors have given death sentences to African Americans at a rate three times higher than white Americans (Quigley, 2012). Finding ways to provide more African American attorneys is the first step toward combatting this. More African Americans join the fight to help African American defendants is the best way to get rid of sentencing disparity due to the idea that having someone who is similar to yourself, be on your side. Defense attorney and criminals may have the same background, but have been led down different paths. People of same background and same situations, tend to stick together no matter what race. More judges, lawyers, and police of minority color are necessary. More of these people in these positions provides a better chance at survival for many African Americans. Now this does not mean that black cops will let black criminals off the hook, it just means that they will not so harshly apprehend these people like other races may do.

Getting judges to cease from making racially biased sentences is the upmost necessary reform tactic to diminish racial disparity in Sentencing. Minorities make up 10% of judges in the

United States (Chew & Kelly, 2009). Personal inclinations and ideals about a persons attributes and background can influence a judges sentencing decision greatly (Chew & Kelly, 2009). These was a study in Detroit that looked at how white judges may view African Americans as more dangerous, thus giving them larger sentences. While African American judges are prone to being sympathetic toward African American criminal (Chew & Kelly, 2009). This may be due to African Americans being more able to realize that other African Americans sometimes need a break in life. Adding more struggle to a strenuous situation is never beneficial. Black people are already pitted against the world as it is, a black person with power should always be the final to step in and make change. African American judges are also more about being equal. With an African American judge you are almost as likely to win as you are to lose no matter your race (Chew & Kelly, 2009). With African American judges, defendants see the highest win rate of 45% compared to the 20% success rate of white judges (Chew & Kelly, 2009). There is a real need more more minorities in the justice system, as it has been shown that this tactic can eliminate racial bias when it comes to the harsh prosecution of African American defendants.

Social implications

When it comes to the social implications of the listed recommendations and of eliminating racial disparity in the sentencing of drug offenders, the American justice system has to find ways to take racism out the picture in order for this country to achieve true justice. The implications that comes from fixing this disparity, is that people of color are free from cruel and unusual punishment. Minorities can finally see eye to eye with the justice system for once in American history. Implementing African American judges and lawyers will assist with this. Eliminating racial disparity in sentencing and implementing minorities with power in the justice

system will lead the fight against systematic racism in the court system and elsewhere in the nation. The fight against systematic racism leads to the eradication of racial biases and stereotypes that lead to some offenders being treated harsher than others. This solves a major problem in our system today. Following the recommendations will provide a social implication that will not allow people to escape punishment because they are deemed to be less violent and less of a threat in the eyes of the public due to their skin color.

Conclusion

Yes criminals are wrong for committing crimes, but that does not mean we should judge them for the color of their skin and not the content of their crime. Criminals are already judged in every facet of their life. From the court room to life after prison, they are judged everywhere they go. Judging by made up perspectives rather than crime context, leads to racial disparity in criminal sentencing and disparity of race in general. This topic has always been relevant, but it never received the attention it deserved. As it has the ability to reverse stigmas and create much needed change in this nation. At the end of the day, criminals are criminals and they should receive the punishment they deserve. But a waging a punishment to be deserved of not does not equate to judging based on skin color before anything else. It most definitely does not mean handing out differences in sentences from race to race solely based upon their image they are tied to and the amount of melanin they are born with.

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