

Sentencing of Minorities

Course Information

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This course has been designed for honors students who are in their 3rd year of a criminal justice degree. This course will help them to understand some of the current and ongoing issue happening in the criminal justice system and help them form their own opinions through extensive readings and discussions. This will educate them to understand minority standpoints when they enter their field of choice. The prerequisites for this course are Crim 100 and Socl 205 due to the level of vocabulary in some of the readings.

Course Description

This course will argue for minorities who have been treated different in the criminal justice system based on the color of their skin. All materials studied in this class will be picked to prove this argument. Many people of many races and ages are treated differently in the sentencing process of the justice system; however, this class provides opportunity for the students to form their own opinions.

Course Schedule

Unit 1: Offenses, Punishment, and Sentencing

BIG Question: This unit will explore the question “How does the criminal justice system handle punishments in an average cases?”
Argument of the Unit: The criminal justice system has a specific way they handle punishments and sentencing has changed over time.
Key Words: <i>Federal Defendant Prosecution Restitution Probation vs. Prison Restitution Deterrence sentencing disparity</i>
Link to Reading: Federal Sentencing: the basics . Only 26 pages
Annotation of Reading: <i>This article goes over some basic information needed to understand the sentencing process. It teaches about all of the outcomes of a trial whether it be prison or probation. There has been a change in sentencing over the year and this handbook shows that new guidelines have been put in place to “deter” sentencing discrepancies. Some of the committee members who made these laws were federal</i>

*judges themselves. This handbook also covers in detail the 7 factors that need to be considered in sentencing. 1. History of accused and circumstance of the crime itself.
2. Sentencing outcome must reflect the purposes of sentencing (deterrence, retribution, rehabilitation and incapacitation.
3. What option are available for sentencing (min/max, and probation etc.
4. What types of sentencing are available under the guidelines
5. Any specifics that might be stated in the guidelines by The Commission
6. The necessity to avoid “sentencing disparities,” ex: same crimes= same punishment
7. The absolute outcome of giving the victim restitution.*

Unit 2: Sentencing of African Americans

BIG Question: *Are African Americans treated different in the Criminal Justice System, specifically sentencing processes and time served?*

Argument of the Unit: *This unit will be used to show the disparities of sentencing outcomes of African Americans in the American Criminal Justice System.*

Key Words:

Drug Possession

Bias

Violent drug offenders

Non-Violent Drug Offender

Overcrowding

Disproportionalities

Link to Reading: [The Disproportionate Incarceration of African Americans for Drug Offenses: The National and Illinois Perspective](#)

Annotation of Reading: *In the study by Arthur J. Lurigio, PhD and Pamela Loose, MA they research some of the racial discrepancies against African Americans in the sentencing process. They look at why this might be happening and how it is explained. Racial discrepancies happen towards African Americans. This could possibly be due to the amount of police presence in African American Neighborhoods. The study also specifically looked into locations while analyzing their data. However their research did conclude that racial discrepancies have been going on for multiple years in Chicago, Illinois and multiple rural, and urban areas all across the state. It is stated that African Americans are 19 percent more likely than whites to be sentenced for drug crimes. Their purpose for this study was to advocate and give pathway for new studies on the topic. They suggest further studies to be done on the topic and most specifically on the amount of arrest specifically in African American Communities.*

Unit 3: Sentencing of Native Americans

BIG Question: *Are their sentencing differences between Native Americans and Whites in the United States Criminal Justice System?*

Argument of the Unit: *This unit will be to argue that Native Americans are silently discriminated against in the Sentencing process of the Criminal Justice System.*

Key Words:

Native Americans

Stereotyping

Colonialism

“Drunken indian”

Labeling Theory

Marginalization

Culture Conflict Theory

Link to Reading:

[Sentencing of Native Americans: A Multistage Analysis Under the Minnesota Sentencing Guidelines](#)

Annotation of Reading: Keith A. Wilmot and Miriam A. Delone study in their research their belief that there are contextual racism in sentencing of felony charges committed by Native Americans. Their motivation is stated to be that there are multiple studies that research discrimination against Hispanics and African Americans however the research provided for Native Americans is sparse. Their research checks multiple sentencing proceedings in the state of Minnesota. They discussed how past times such as colonialism have created a negative reputation for the Native Americans as criminals. They took cases from 2001 and compared them across races of white and Native Americans. Their research did in fact conclude the “silent” discrimination was present within the criminal justice system against Native Americans. The harshness against Native Americans mainly takes place within the beginning and ending of the sentencing process and that their results did in ways prove their hypothesis.

Unit 4: Sentencing of Hispanics or Illegal Immigrants

BIG Question: *Are there harsher sentencing handed down to Hispanics in the United States in the past and recently due to the recent uproar against illegal immigration?*

Argument of the Unit: *Hispanics and Latinos have been given a recent negative reputation that might cause them to be given harsher sentences when they do commit crime. The Criminal Justice System overall handles Hispanics differently than they would Whites.*

Key Words:

Illegal Immigration

United States Sentencing Commission

Citizenship

Documentation v. Undocumented

Naturalized

Link to Reading: [A Rising Share: Hispanics and Federal Crime](#)

Annotation of Reading: *The Pew Research Center wrote an article on Hispanics and Federal Crime in the U.S. The discuss the rising number of immigration laws since 1991. In 2007 it was actually found that almost 30% of federal offenders were Hispanic without a citizenship. During the period when immigration laws were being set in place and were up for discussion (1991-2007), the amount of federal offenders that were just Hispanic quadrupled. In this article they theorize the amount might be due to the fact that legal with documentation or not, when someone who is hispanic*

breaks a law it actually goes through Federal Courts and not State Courts. It is also noted that Hispanics are more likely to be sentenced to prison than Whites for a federal offence, though for shorter sentences, they are still convicted more often. The states with the most incarcerated Latino offenders sentenced (54% of all) were on the U.S. and Mexico Border.

Unit 5: Sentencing of Muslims or Islams

BIG Question: *Since 9/11 have there been harsher sentences given to Muslims within the United States for any charges?*

Argument of the Unit: *Since 9/11 here have been harsher punishment handed down for any crime to Muslims living in America based on bias.*

Key Words:

September 11th, 2001

Terrorism

Effective Death Penalty Act of 1996

War on Drugs

Justification for Terrorism Sentencing

Link to Reading: [*Is History Repeating Itself?*](#)

Annotation of Reading: *An article in the Yale Law School Journal wrote about sentencing of Muslims in the United States. The bring attention in the beginning of the article on the purpose of the War on Terror, because there has been a drastic amount of fear since 9/11 and other multiple deadly attacks from Al Qaeda and ISIS. The intentions of the government was to protect and defend the United States against the Terrorist. During the War on Terror there was a saying to prevent the crime first and prosecute second, to try and prevent terrible attacks. Though this is unconstitutional todo so if there is not probable cause. Sentencing young Muslims actually happened more often during this time just as it did in the War on Drugs on African Americans even thought they were no more likely than whites to commit these crimes. Since 9/11 there have been over 400 non-violent and young muslims arrested for terrorist related crimes. Though these young people have had non-violent pasts, no criminal history, signs of remorse, and lack of actual harm done, they are still in jail for terrorist related crimes. Since 9/11 there have been an increase in attempts and arrests of Muslims. Though this article is mainly in support of these arrest they still remain unbiased when stating the information. This article does mention specific people who were unfairly targeted and tricked by the FBI into "becoming a terrorist" just because of the religion that they practice.*

Unit 6: Sentencing of the Elderly

BIG Question: *Are the elderly treated different in the Criminal Justice system in sentencing because of their old age and declining health?*

Argument of the Unit: *Elderly has lesser sentencing to to the fact they are no longer deemed a threat to society because of declining health. This causes them to have lesser sentences handed down by the Justice System.*

Key Words:

Senior Citizen

Leniency
Ageism
Jury
Utilitarian
Cruel and Unusual Punishment

Link to Reading: [THE PAST COMING BACK TO HAUNT THEM](#)

Annotation of Reading: Kelly Porcella wrote an article about sentencing the elderly. She defines elderly as 65 and older, and mentions that there has been confusion in the age line because the National Institute of Corrections interprets elderly as 50. Porcella talks about how some crimes from the elderly's past will come up and they will be arrested; however, she mentions something called the "elderly evaders". She believed there is more evidence against elderly evaders than there is for and that sympathy in sentencing for the elderly should not be allowed. There are four types of elderly criminals. One is those that have been in jail since they were younger. Two is those that have been first time offender when they were younger and were sentenced to a long stay in prison. And then there is three, those that are serving time for a crime they committed when they were over the over of elderly status. The last class of elderly is those who committed a serious crime and escaped punishment in some way, and are just now being prosecuted for their crime/crimes. She gives multiple causes for elderly evading long term prison sentences. These causes include high cost of elderly prisoners, low risk to the public, short life expectancy, inability to fit in to prison life, and that if their crimes were committed long ago they might have changed.

Unit 7: Sentencing of Children

BIG Question: Are children treated harsher or more lenient when it comes to crimes and are children's pasts taken into consideration in sentencing?

Argument of the Unit: Children are sometimes listened to and sometimes are not. Punishment for children can be harsh in some cases of murder etc; however, there are instances where children offenders do have lighter sentences due to the fact they still have an entire life ahead of them.

Key Words:
Rehabilitation
Jury
Sex Trafficking
Capital Punishment
Prostitution
Minor
Self-Defence

Link to Reading: [Part one](#)
[Part two](#)

Annotation of Reading:
Part one: Frontline did a documentary on Cyntoia Brown. Brown was 16 years old when she committed murder in 2004. She murdered a 43 year old. Her parents were not there and she lived with her boyfriend Garion who sold her as a prostitute, abused her and raped her multiple times. When she was being prostituted out one time she believed she was in danger and shot the 43 years old. Cyntoia Brown was charged with life in prison. Cyntoia still serves in prison to this day though it is believed by many she acted in self defence and might possibly suffered for mental health issue

because her biological mother did. Browns case has been appealed many times. Her trial was tried by jury who found her guilty on all charges and she was sent to a women's prison to serve her sentence.

Part Two: Brown had her case appeal by a set of lawyers who heard her life story and decided this was a case that needed attention and could change the Criminal Justice System when it came to child offenders and victim advocacy. Her appeal was based on the fact she suffers mental illness and functions on a lower level. It has also been based on he fact she was severely abused as a child and a teenager. A lawyer within the documentary makes the claim that the law always needs to evolve and change. It is currently believed that brown has a hiccup in brain chemistry due to Fetal Alcohol Syndrome. The appeal advocates for not only Cyntoia but other children who are born into situations beyond their control. Cyntoia's appeal was denied.