



PRESS RELEASE

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**Black Offenders More Likely than White Offenders
to be Eligible for Life Sentences, Study Finds**

Life imprisonment without the possibility of parole is one of the most distinctive and least studied aspects of the U.S. criminal justice system. A new study analyzed seven years of federal sentencing data to investigate the associations between life sentences in federal courts and race/ethnicity. The study found that Black and Hispanic offenders were more likely to be eligible for life sentences under federal sentencing guidelines but not more likely to receive life sentences.

The study, by researchers at the University of Maryland (UMD) and Arizona State University (ASU), appears in *Criminology*, a publication of the American Society of Criminology.

“Two out of three people serving life terms are defendants of color, and some believe that life sentences are fraught with racial bias,” notes Brian D. Johnson, professor of criminology and criminal justice at the UMD, who led the study. “If there are racial disparities in this type of sentencing, we must investigate the mechanisms that contribute to them.”

Johnson and his colleagues analyzed data on more than 366,000 non-immigration offenders convicted and sentenced in 90 federal district courts from 2010 to 2017. They considered the demographic and legal factors associated with eligibility for life sentences, as well as the factors that shape judicial decisions to impose such sentences. They also examined intermediate punishment processes that may indirectly contribute to racial disparity.

The study separated eligibility for a life sentence from its imposition. This is an important distinction, the researchers say, because many federal offenders are not eligible for a life sentence and most fall outside the guidelines that recommend it. Including all offenders in an analysis of life imprisonment can provide valuable information on its overall prevalence, but it conflates the legal and procedural mechanisms that shape eligibility for life with judicial decisions to impose it, the researchers suggest.

Of the total number of offenders studied, more than 4,800 were eligible for life imprisonment and almost 1,200 received life sentences, the study found. Offenders who were eligible for life imprisonment differed from other federal defendants in several ways: Black offenders accounted for fewer than a third of all cases but constituted nearly half of those eligible for life sentences. By comparison, White offenders accounted for more than a third of all cases but constituted less than a quarter of those eligible for life sentences.

As a whole, Black offenders were more likely to be sentenced to life, but once the process-related variables were factored in, the racial disparity disappeared and ethnic disparity favoring Hispanics emerged. This suggests that race and ethnicity are indirectly related to life sentences through these intermediate procedural mechanisms, such as the mode of conviction, mandatory minimums, and departures from sentencing guidelines.

“Our findings suggest that racial inequality in the justice system can be understood as the combined output of the sum of individual decisions by court actors, and the set of broader institutionalized biases embedded in formal policies, procedures, and practices of the courts,” says Cassia Spohn, professor of criminology and criminal justice at ASU, who coauthored the study.

Among the study’s limitations, the authors note their focus on the federal system, which is unique in its caseload composition, guidelines, and punishment procedures, and thus, not generalizable to state systems. In addition, the study was limited to convicted offenders and lacks information on initial charging or plea bargaining decisions.

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Summarized from *Criminology*, *Life Lessons: Examining Sources of Racial and Ethnic Disparity in Federal Life Without Parole Sentences* by Johnson, BD (University of Maryland), Spohn, C (Arizona State University), and Kimchi, A (University of Maryland). Copyright 2021 The American Society of Criminology. All rights reserved.