

# More Utah minorities were sentenced to prison in 2017 than ever before, data show

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Ogden • Recent data show the percentage of minorities sentenced to prison in Utah has topped 40 percent — up from 33 percent in 2015, when the state passed a sweeping overhaul of the justice system.

The director of the state sentencing commission said the data suggest biases are creeping into arrests, prosecutions and sentencing.

“In general, this is a really tough problem, and it’s always been a problem in the criminal justice system in America,” said Marshall Thompson, commission director.

Utah Sentencing Commission data show 43.2 percent of people receiving new prison sentences in fiscal year 2017 were racial or ethnic minorities.

The 2016 U.S. Census figures show minorities make up 20.7 percent of the Utah population, including 13.5 percent Hispanic and 1.6 percent African-American.

The Justice Reinvestment Initiative passed by the 2015 Legislature reworked the state’s system of sentencing, incarceration, probation and parole in a sweeping attempt to reduce state prison populations and rehabilitate more offenders to cut down on repeat crime.

The Justice Reinvestment Initiative changes also were intended to “make sentences more consistent across the board for everybody,” Thompson said, and stamp out any racial disparities inherent in the system.

“What is happening, though, is we have this persistent disparity,” he said. “There are ambiguities and nooks and crannies throughout the system where implicit bias sneaks in. There’s nothing overtly racist, but we all have persistent biases we’re not even aware of.”

Circumstances of arrest by police, whether prosecutors decide to file charges, the level of those charges, whether a plea bargain is offered or accepted, and what the sentence should be — these are all points where subjectivity and implicit bias can arise, Ogden’s Standard-Examiner reported .

The state does not track the judiciary’s racial demographics, state court system spokesman Geoff Fattah said.

“But let’s not beat around the bush,” he said, “most of the judges are white.”

American Civil Liberties Union of Utah officials said they want prosecutors and police to become more involved in reform efforts.

Nationally, the U.S. Sentencing Commission reported in November 2017 that black male offenders received an average of 19.1 percent longer sentences on federal charges than similarly situated white male offenders during the 2012-16 reporting period.