

Group Exercise #9**Name:**

An article on June 6, 2000 in the *Denver Post* had the headline, “Death sentence overturned for killer in Texas.” The article states:

“The US Supreme Court threw out a killer’s death sentence Monday after prosecutors conceded that the penalty was based in part on the fact that he is Hispanic . . . During the punishment phase of Saldano’s trial, psychologist Walter Quijano testified for the prosecution about Saldano’s ‘future dangerousness,’ an aggravating factor that allows Texas courts to administer the death penalty instead of life in prison. Quijano listed 24 factors in his assessment, including Saldano’s ethnicity. He testified that blacks and Hispanics are over-represented in prison, and that Saldano’s Hispanic background ‘was a factor weighing in favor of future dangerousness.’”

- a) Explain why Saldano could be considered the victim of statistical discrimination. Be as explicit as possible in linking the information in the article back to the model of statistical discrimination discussed in class.
- b) Suppose that black and Hispanic defendants receive longer sentences because of the type of statistical discrimination described above. How does this affect the racial and ethnic composition of prison inmates?
- c) Consider your answer to part b. If in future trials, this psychologist is allowed to use the proportion of inmates in prisons that are black or Hispanic as an indicator of the threat of future violence from a minority defendant, how will past statistical discrimination affect his conclusions? Why might this type of statistical discrimination be considered “self-perpetuating”?