

Cultural diversity in criminal justice



Cultural Diversity in Criminal Justice Paper
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Disparity is not equal to discrimination.

Discrimination in the justice system is the differential treatment of individuals or groups based on race, ethnicity, gender, sexual orientation, religion, socio economic standing instead of on their behavior or qualifications. Disparity on the other hand, is a difference between groups that legitimate factors can explain. (Cole and Smith, 2006, p93-94) The line differentiating disparity and discrimination becomes blurred especially as society is increasingly become culturally diverse and a great chance of conflict can arise when a standardized law is applied to people with varied cultural orientations. In which case, the difference between disparity and discrimination becomes critical in matters of justice. Racial disparity occurs when a significant difference is established between the proportion of a racial group in the general population and the proportion of this same group under the control of the criminal justice system.

An example to illustrate this is the state of African Americans in the United States, who make up 12 percent of the general population in the country but account for a large percentage of the prison population, placed at about 50 percent. Racial disparities are explained by criminal justice experts based on their causes, which range from legal factors such as prior criminal records and gravity of different offences to other non-legitimate factors such as emphasis of law enforcement among particular groups based on race, social status or gender. Racial disparity in sentencing is a major challenge within the criminal justice system in the US due to cultural diversification.

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Statistics show that the imprisonment of African Americans and American Hispanics is much higher than that of European Americans, where it is estimated that African Americans face jail time at a rate eight times higher than their European American counterparts. The Hispanics have a lower imprisonment rate than the African Americans but compared to European Americans their imprisonment rate stands twice or thrice higher in comparison. Racial disparity in sentencing is a real issue intricately interwoven in the criminal justice system and to eradicate it would require the focused efforts of all participants in the system. According to (Morton, 2008), thirty-eight percent of prison and jail inmates are African American. African Americans share thirteen percent of the jail population.

Latinos constitute nineteen percent of the prison and jail population and also a black male born in 2001 has a thirty-two percent chance of spending time in prison at some point in his life, a Hispanic male has a seventeen percent chance, and a white male has a six percent chance. Because of the dynamic complexity involved in crime, it is virtually impracticable to attain the end of pure justice. However, the US justice system had continuously exerted efforts to adopt measures and conduct reforms in order to lessen if not eradicate the gross forms of discriminations in our pursuit for justice.

Disparity as mentioned previously refers to differences between groups that can be explained by legitimate factors. For example, the fact that more 18-24 year old men are put to prison out of the proportion to their numbers in the total population is a disparity that can be explained that more men of these ages commit crime. It is not considered to be caused by a discriminative policy that picks out young men to be arrested.

Discrimination occurs when people are treated differently unmindful or remiss of their behavior or qualification as in the case of Hispanics that are regularly arrested and put to prison regardless of their criminal history but because of the stereotype that they are reckless and notorious gang members often engaged in illegal activities. Racial disparity in the criminal justice system exists when the proportion of a racial or ethnic group within the control of the system is greater than the proportion of such groups in the general population (Morton, 2008). A major problem of the issue of disparity and difference in the justice system arises is if disparities result from discrimination. For instance, the high incarceration rates of African Americans or the high proportion of Hispanic inmates in all US prison occurs because the justice system is racist or it reflects the pervasive system extant in American society as a whole instead of the logical explanation that such occurs because more blacks and Latinos simply commit crime.

Discrimination and disparity exists within the criminal justice system in one way or another but it entails an intensive examination by experts to resolve and establish if it is a case of discrimination or a disparity. A case can be considered discrimination if the act or decision is based principally on a person's race, color, ethnicity, socio economic condition, sexual preference instead of lawful or valid factors such as a persons hidden agenda or previous criminal record. Impact of Racial Disparity The impact of racial disparity is felt beyond those incarcerated, since it affects families, especially children and the community at large.

It has been established that decisions made at the onset of a criminal trial founded on racial disparities affect the rest of the trial processes placing a

particular member of an ethnic community at a disadvantage. This is a challenge to the principal values upon which the judicial process is founded, the main one being equal justice. It is important that minorities are not at a disadvantage from the moment they are arraigned in court, to ensure that they receive a fair bail hearing to avoid subsequent disparities during trial and in acquiring a defense counsel. For this reason, the process of adjudication and sentencing will continue fairly and without bias. Studies have shown the negative impact of racial disparities in sentencing, where young African Americans portrayed as more dangerous than the white youth were handed harsher sentences. (The Sentencing Project, 2008) In addition, life sentences have also been found to be racially disparate since the rate of African American youth serving life sentences is ten times higher than that of the European Americans. There are also numerous cases of unnecessary incarceration in cases involving non-violent offenders. As a result, prisons become overpopulated and resources remain limited hence deterring the rehabilitation process intended to take place in such institutions.

Another stage of the criminal justice system affected by racial disparities is parole and reentry. Current figures indicate that around 800, 000 adults are on parole and out of this number 41 percent are white, 39 percent are African American and 18 percent are Latino. It is important to note that despite the steps taken by parole authorities to ensure compliance with the conditions of release, parole violations have been on the rise over the years. Some studies have also indicated that African Americans were more likely to violate parole terms than whites. Though this research may not be

conclusive, it represents some form of racial disparity that may influence the decision of parole authorities in determining candidates for parole.

The main focus should be placed on reentry programs that provide the necessary support mechanisms for past offenders to adapt to the community while reducing the chances of returning to prison. Gender Disparity Gender is another element of disparity in the judicial system. We find that while male black and Latino offenders are likely to be harshly sentenced compared to white males, the female blacks and Latinos have lower chances of imprisonment than white females. (United States Sentencing Commission, 2004) Therefore, the disadvantage mainly rests on male African Americans and Latinos. Research has shown that women irrespective of the race are treated leniently hence their sentences are likely to be lower compared to men.

Racially discriminatory sentences have been handed down to offenders based not only on their gender but on other characteristics like age and joblessness. There have been significant findings that indicate black male youths and Latinos face harsher sentences than older males of the same race. Unemployment is also another issue among black males that attracts severe punishment. Due to stereotypes young black males are considered to be dangerous hence judges sentence them to harsh terms than their white male counterparts. Direct Racial Disparity As earlier mentioned, racial disparities have infiltrated the adjudication process, with determination of pre-trial matters like bail affecting the adjudication procedure. African Americans are at a higher chance of denial of bail, hence they are jailed pending trial, and this attracts a higher sentence. Other elements include the <https://assignbuster.com/cultural-diversity-in-criminal-justice/>

criminal history of an individual and accessibility to private attorneys.

Statistics show that the whites receive less severe penalties compared to blacks and Latinos despite a similar criminal past.

(Kansal, 2005) Further, blacks and Latinos are less likely to engage a private attorney than their white counterparts, hence increasing their chances of severe sentences. The race of the offender and that of his victim have also been established as factors influencing the adjudication and sentencing process. An African American offender whose victim is white is likely to receive a harsher sentence than a black man whose victim is black, or a white man who victimizes a black person. Further, studies have shown that the race of an individual also affects sentencing in regard to different crimes. Blacks and Latinos will still receive a harsher sentence than the whites for less severe crimes such as drug offences.

This may be blamed on the assumption that blacks and Latinos are more involved in drugs than whites, a perception that has been disproved by statistics. Conclusion In summary, the existence of racial stereotypes in society has found its way into the criminal justice system. It has been established that black men and Latinos are at a higher risk of racial discrimination in the judicial process, hence receiving more severe penalties than the whites since they are assumed to be troublesome. Racial disparity in sentencing being a real challenge to the criminal justice system will require the commitment of everyone in the system to values of justice and fairness. The impact of these disparities traverses the adjudication and sentencing process, since the incarceration affects not only the offender but also his family and the community he resides, hence due fairness should be

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accorded to an individual regardless of race, age or gender before a sentence is issued. The US criminal justice system continuous to evolve and reform itself to reduce and eliminate discrimination, which is a form of injustice in itself. However, as America become more culturally diverse with the rapid exchange of people, people need to be more watchful and vigilant perceiving any form of discrimination that can arise. The justice system is not a single separate and absolute entity.

Every citizen has a stake in participating in the improvement of the justice system to ensure that we maintain peace and order in society.

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