

Criminal prosecution, convictions, prison sentences essay sample

[Law](#), [Crime](#)



Criminal Prosecution is the institution and conduct of legal proceedings against a defendant for criminal behavior. There are certain steps in the criminal prosecution process. According to Champaign Prosecutor's Office, County " If a charge is filed in the Municipal Court, the defendant is entitled to a Preliminary Hearing. The defendant may waive that right and agree to have his/her case bound over to the Grand Jury for further consideration. If the evidence indicates that a felony crime probably did occur and it is established that the defendant probably committed the crime, the Judge will bind the case over to the Grand Jury, or he/she may agree to proceed by way of a Bill of Information, (i. e. waive the right to Grand Jury and go directly before the Common Pleas Court and enter a plea of guilty or not guilty)." (Champaign Prosecutor, 2013)

The Montgomery marches of 1965 pay tribute to our history of the civil rights movement and our nation's progress towards racial equality. However, years later our criminal-justice system has proven that we still have a long way to go in achieving racial equality. Individuals of color are unreasonably incarcerated and sentenced to death at a higher rate than whites. It is underestimated about the reality that our justice system imprisons African Americans at a higher rate than any other race. Did you know that black defendants are at least 30% more likely to be imprisoned than white defendants for the same crime? I found this very interesting, because this was news to me. I believe everyone should be treated equally. More African American men are imprisoned than they were enslaved in 1850. The reason for this increase is due to the war on drugs.

The war on drugs is exclusively in poor communities of color. Even though studies have proven that whites use and sell illegal drugs equally or more than blacks, four out of five black teenagers in some communities can expect to be incarcerated in their lifetimes. According to AlterNet, here are the top ten facts pertaining to the criminal justice system's impact on communities of color: " While people of color make up about 30 percent of the United States' population, they account for 60 percent of those imprisoned. The prison population grew by 700 percent from 1970 to 2005, a rate that is outpacing crime and population rates. The incarceration rates disproportionately impact men of color: 1 in every 15 African American men and 1 in every 36 Hispanic men are incarcerated in comparison to 1 in every 106 white men." (Atlernet, 2013)

" According to the Bureau of Justice Statistics, one in three black men can expect to go to prison in their lifetime. Individuals of color have a disproportionate number of encounters with law enforcement, indicating that racial profiling continues to be a problem. A report by the Department of Justice found that blacks and Hispanics were approximately searched during a traffic stop than white motorists. African Americans were twice as likely to be arrested and almost four times as likely to experience the use of force during encounters with the police." (AlterNet, 2013) " Students of color face harsher punishments in school than their white peers, leading to a higher number of youth of color incarcerated. Black and Hispanic students represent more than 70 percent of those involved in school-related arrests or referrals to law enforcement.

Currently, African Americans make up two-fifths and Hispanics one-fifth of confined youth today.” (AlterNet, 2013) “ According to recent data by the Department of Education, African American students are arrested far more often than their white classmates. The data showed that 96, 000 students were arrested and 242, 000 referred to law enforcement by schools during the 2009-10 school year. Of those students, black and Hispanic students made up more than 70 percent of arrested or referred students. Harsh school punishments, from suspensions to arrests, have led to high numbers of youth of color coming into contact with the juvenile-justice system and at an earlier age.” (AlterNet, 2013) “ African American youth have higher rates of juvenile incarceration and are more likely to be sentenced to adult prison.

According to the Sentencing Project, even though African American juvenile youth are about 16 percent of the youth population, 37 percent of their cases are moved to criminal court and 58 percent of African American youth are sent to adult prisons.” AlterNet, 2013) “ As the number of women incarcerated has increased by 800 percent over the last three decades, women of color have been disproportionately represented. While the number of women incarcerated is relatively low, the racial and ethnic disparities are startling. African American women are three times more likely than white women to be incarcerated, while Hispanic women are 69 percent more likely than white women to be incarcerated.” (AlterNet, 2013) “ The war on drugs has been waged primarily in communities of color where people of color are more likely to receive higher offenses.

According to the Human Rights Watch, people of color are no more likely to use or sell illegal drugs than whites, but they have higher rate of arrests. African Americans comprise 14 percent of regular drug users but are 37 percent of those arrested for drug offenses. From 1980 to 2007 about one in three of the 25.4 million adults arrested for drugs was African American.” (AlterNet, 2013) “ Once convicted, black offenders receive longer sentences compared to white offenders. The U. S. Sentencing Commission stated that in the federal system black offenders receive sentences that are 10 percent longer than white offenders for the same crimes. The Sentencing Project reports that African Americans are 21 percent more likely to receive mandatory-minimum sentences than white defendants and are 20 percent more likely to be sentenced to prison.” (AlterNet, 2013)

“ Voter laws that prohibit people with felony convictions to vote disproportionately impact men of color. An estimated 5.3 million Americans are denied the right to vote based on a past felony conviction. Felony disenfranchisement is exaggerated by racial disparities in the criminal-justice system, ultimately denying 13 percent of African American men the right to vote. Felony-disenfranchisement policies have led to 11 states denying the right to vote to more than 10 percent of their African American population.” (AlterNet, 2013) “ Studies have shown that people of color face disparities in wage trajectory following release from prison. Evidence shows that spending time in prison affects wage trajectories with a disproportionate impact on black men and women.

The results show no evidence of racial divergence in wages prior to incarceration; however, following release from prison, wages grow at a 21 percent slower rate for black former inmates compared to white ex-convicts. A number of states have bans on people with certain convictions working in domestic health-service industries such as nursing, child care, and home health care—areas in which many poor women and women of color are disproportionately concentrated.” (AlterNet, 2013) It is clear that racism still exists today. This imbalance in the treatment of race is not only devastating to African Americans, but it is disastrous for our entire society. The decline of our political system during the last five decades may not be purely due to racial prejudice, but those who have helped bring it about have used racism to empower their viewpoints.

The number of black students graduating from law schools has increased in recent years; they still make up a very small minority of lawyers working in large corporate law firms. Data indicates that these firms only hire a few African Americans. The ones that they do hire, are more likely than their white peers to leave before becoming partners. “ The low level of Black representation in the profession may discourage promising Black students from considering law and limit Black lawyers’ chances to find mentors and role models within the law. And, to the extent that Black lawyers are more likely than others to be concerned with racial justice, discrimination, community development, and the like, the dearth of Black lawyers contributes to an already unequal access to lawyers in the United States.” (Diversity Inc, 2013) They blame the lower amount of African Americans in

cooperate firms on either the racism of firms, their clients, and the shortage of qualified candidates.

Some cooperate law firms discourage African American law students and lawyers from investing in skills that will enable them to succeed. African Americans are experiencing the “ glass ceiling effect”, due to the shortage of black applicants with the qualifications and interest, and racism with the corporate firms and their clients. That poorer individuals and poorer communities have higher crime rates is acknowledged, although there are debates about whether unemployment or low income and absolute or relative deprivation are most significant. Scholars are examining the interrelations among race, racial segregation, macroeconomic changes, family structure, and crime.

Communities, and the ways in which residential segregation and residential inequality give rise to social isolation and ecological concentrations of truly disadvantaged, which in turn increases crime. The key concepts are as follows: racial segregation and isolation concentrate poverty, economic deprivation, especially unemployment, and family disruption and concentrated poverty. Many studies have found that violent crimes, like homicide are conducted in segregated poor African American neighborhoods.

Researches began to explore the effects of imprisonment on families.

Families are an important influence on the prisoners. “ Imprisonment of a partner can be emotionally devastating and practically debilitating. Loss of income, social isolation, difficulties of maintaining contact, deterioration in

relationships, and extra burdens of childcare can compound a sense of loss and hopelessness for prisoners' partners. Unfortunately, prisoners' families have been studied almost entirely with reference to male prisoners' partners and wives. Limited research suggests that the impact on prisoners' spouses is generally more severe than on parents (Ferraro et al and Bolton 1983) although parents and other family members can also suffer practical and psychological difficulties (McDermott and King 1992; Noble 1995).” Basically my research has shown that imprisonment causes financial burdens, psychological traumas, and practical difficulties.

Imprisonment does not only affect a wife or a husband, but it affects the children as well. In my opinion children of imprisoned parents either follow in their shoes or are completely against their parents actions. According to my research, “ Prisoners' children have been variously referred to as the ‘ orphans of justice’ (Shaw 1992), the ‘ forgotten victims’ of crime (Matthews 1983) and the ‘ Cinderella of penology’ (Shaw 1987). Children can suffer a range of problems during their parent’s imprisonment, such as: depression, hyperactivity, aggressive behavior, withdrawal, regression, clinging behavior, sleep problems, eating problems, running away, truancy and poor school grades (Boswell and Wedge 2002; Centre for Social and Educational Research 2002; Johnston 1995; Kampfner 1995; Sack et al 1976; Sharp and Marcus-Mendoza 2001; Shaw 1987; Skinner and Swartz 1989; Stanton 1980). It is commonly cited that up to 30 per cent of prisoners' children suffer mental health problems, compared to 10 per cent of the general population (Philbrick 1996).”

Every time the federal government releases new crime statistics, reporters investigate crime experts to help construe the numbers. However following thirty years of increasing crime rates, the downward trend of the past twenty years has left even the experts searching for answers. Crime dropped under Democrats like Bill Clinton and Barack Obama and when Republicans like George W. Bush were in charge. Crime dropped during times of peace and times of war, in the times of the late 1990s and from 2007 to 2009. Recently, both criminologists and the public have been astounded by the improving crime situation.

However, social scientists are starting to make sense of the big U. S. crime drop. At least among many of the street crimes reported by police and victims, today's crime rate is about half of what it was just twenty years ago. This is not because people are twice as nice. The reasons behind the crime drop involve everything from an aging population, to better policing, and to the rising ubiquity of cell phones. Police, prisons, and broader shifts in the population play a part. Crime is less likely these days because of additional changes in our social lives and interaction with others. Which includes, shifts in our institutions, technologies, and cultural practices.

Here is some evidence to support my research: " Instances of murder declined overall by 1. 9 percent from 2010 figures, while rape, robbery and aggravated assault declined by 4 percent nationwide, according to records from more than 14, 000 law-enforcement agencies around the country." (Bill Carter, 2012) " The number of property crimes also registered a 0. 8-percent drop, motor-vehicle thefts declined by 3. 3 percent, and arson was down by

5 percent. Although the findings, released in the FBI's Preliminary Annual Uniform Crime Report, represent a seemingly small decline in crime overall, they aren't just a blip. Rather, criminologists say, the decline is part of larger downward trend and the result of a series of changes that have contributed to a more peaceful society. " (US news, 2012)

In conclusion statistics show that African Americans are most likely to be serving prison time than White or Latin Americans. A key aspect is the environment. Areas have higher crime rates due to poverty; you cannot help where you were raised. Some individuals, who grow up in poverty, are taught to do crime. As well as getting involved in gangs because they want "protection" for their family. I believe everyone has a choice, you can either choose to go down the wrong or the right path. Some people start committing crimes in their early childhood. Then by the time they are young adulthood their futures are destroyed.

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