

Good criminal justice: mass incarceration of people of color research paper examp...

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- Racial discrimination in sentencing, incarceration and policing of black as opposed to white

Criminal Justice Policies and Black Incarceration

- Influence of criminal justice policies in incarceration patterns
- Drug policy and incarceration pattern of the black as opposed to white
- Influence of social inequality on rate of criminality

Policing, Arrest and Conviction Patterns

- Policing, arrest, and conviction patterns of black, white, and Hispanic tend to differ in various states
- Criminal penalties for crack and powder cocaine offenses indicates the disproportional effects criminal justice system on black and Latino

IV) Conclusion

- The mass incarceration of black as opposed to other ethnic groups in United States has some relationship with racial segregation and class factors.

V). References

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Introduction

There is a growing contention among critics about the number of people of color that makes up the population in prison or parole. Pettit and Western (2004) have questioned the credibility of the justice system when it comes to incarcerating, policing, or sentencing of people of color. Current statistics reveal that the blacks are disproportionately handled as opposed to the majority white community. Further, this theorist related the incarceration, policing, or sentencing pattern to racial disparities in the criminal justice system. United States has had a long history of racial disparity that led elicited activism by the blacks. Presently, the trend employed in taming the blacks is not different from the approaches employed in during slavery. A considerable number of rights activists have various opinions about the rate of black sentencing, incarceration, or policing.

The concept race in U. S. Incarceration Patterns

United States is the most racially diverse nation in the world. Interestingly, of the least population is the people of color (the Hispanic and the black), yet they form the majority in the prisons. Attempt to explain the probable factors influencing the policing, incarceration or sentencing of the black and the

Hispanic more than the majority white has elicited varied comments from social critics. The proponents of racial disparity school of thought argue that racial disparity in the justice system exists when the population of ethnic group within the control of the system is greater than the proportion of such groups in general. Several factors tend to explain the existence of this level of disparity. Some of these factors include the decision making by law enforcers in the criminal justice, legislative policies, differing levels of criminality exhibited by various ethnic groups, and law enforcement concentration on a community. Studies show that a majority of the practitioners in the criminal justice are white whereas the most incarcerated community is black (Pettit & Western, 2004). Moreover, structural racism has been an outstanding social problem in the United States. Some critics believe that element of structural racism plays a critical role in the manner in which the police or the law enforcers would handle people of color.

A considerable amount of literatures indicate that having a more serious criminal history has contributed to harsher sentencing of people of color (black and Latino) as opposed to white. In Miami, for example, black drug offenders with prior criminal records faced greater chances of incarceration as opposed to white with similar offenses; however, the influence of race is not applicable to the first time offenders. Similar studies conducted in metropolitan Pennsylvania indicated that race played a critical in defining decision to incarcerate offenders with more criminal histories (Kansal, 2005). Latinos in Miami with prior criminal record have higher likelihood of incarceration as opposed to whites with related experience and Latinos in California are subject to longer prison terms than white when both had prior

serious criminal records.

Some authors have demonstrated that pretrial status of the defendants influenced sentencing patterns according to race. A research concerning trial and pretrial patterns released in 1991 indicated that black had higher likelihood of being jailed prior to trial (as opposed to being freed on bond pending trial) than white accused and that pretrial detention increased the probability of incarceration (ASA, 2007). Similar study indicated that black faced a higher likelihood of receiving a jail term prior to trial as result they are prone conviction on more serious offences. In a nutshell, the outcomes of these studies assert that elements of racial segregation plays a critical role in defining the sentencing and incarceration pattern directed against the blacks.

Criminal Justice Policies and Black Incarceration

Criminal justice policies influence the sentence handed over to law offenders. For a considerable duration of over thirty years, the more severe policies of criminal justice have concentrated on the black. These crime control policies include truth in sentencing, minimum mandatory sentencing and “ 3 strike” legislation have been enacted at state levels. While some argue that tough measures have contributed to reduction of crime, another group seems to reject this argumentation. According to ASA (2007), theorists who are against the present criminal justice policies argue that sentencing policies represent a deliberate effort to link crime to people of color (black and Latino) in order to receive public accolade for crime control policies by creating moral fear about crime and fear of threat about the black race.

Available evidence indicates that white widely harbor the view that black are prone to criminality an aspect that cause white to be fearful of blacks.

Some critics have dragged the patterns used the U. S. government to combat drug into the debate about incarceration, policing, or sentencing people of color (Enos, 2012). Policies enacted by legislatures labeled war on drug largely targeted the minority races. Proponents of policies on drug control cite public safety as a concern dictating the need to create such policies. Contrastingly, opponents of these policies argue that even though the legislature were busy enacting such laws, drug use had declined, except among the poor black minorities. Other criticisms point on the approaches employed in controlling drug use in the society as a mechanism of targeting the black and the Hispanic. The drug use among the black and the Hispanic are higher than among the white.

Critics have associated socio-economic backgrounds affecting the lives of Hispanic and black as an instrumental factor in defining the probability of drug use. The limited economic resources and turbulent living standards of disadvantaged blacks and Hispanic compound their chances of falling into drugs (Kansal, 2005). Moreover, the increased rates of offending the in poverty-stricken and minority neighborhoods complicate the stigma of social marginality and influence the scrutiny of criminal justice authorities.

Evidently, growing dissidents among social critics seems to suggest that alternative structures for control drugs use could reduce the present patterns of drug use among the black community. Largely, social attributes related to the lives of the black minority predispose them into abusing drugs as a means of creating satisfaction.

Studies on inequality patterns exhibited in the United States indicate the population living in the poor neighborhood especially the black with limited education and jobless are likely to engage in violent crimes (Kansal, 2005). In this sense, poverty is critical factor that has contributed to the increased criminality of the black hence incarceration, policing and sentencing patterns. A considerable volume of research associate the racial disparity in imprisonment to high rate of crimes committed black. Arguably, as long as the black commit crimes more than other communities in the society do, their number in the corridors of criminal justice system would continue to increase.

Some critics have begged to differ with the common notion held by proponents of racial disparity school of thought. These critics hold the view that black tend to commit more crimes in the society consequently contributing to higher rate of black incarceration (ASA, 2005). Elsewhere, some critics contend that the criminal justice official believe that poor black or Latino is a threat to social order. This stereotypic victimization has significantly contributed to higher incarceration, sentencing, as well as policing of the black and the Latino as opposed to the white. Thus, the poor seems to attract attention of the law enforcement officers because of their vulnerability to fall in crime as opposed to the white.

In recent years, United States has enacted policies, which promote punitive measures against people using drugs. In 2005, for example, about 43% of people arrested using drugs were abusing Marijuana. Further, statistics on drug use show that drug arrests have tripled in the last 25 years. Some critics view the legislation surrounding the war on drugs as antics for

incarcerating the black (Enos, 2012). From the cultural or social context, the blacks and the Hispanic lead in drug consumption. Nonetheless, the majority ethnic white also consumes or traffic the drugs in considerable quantities. Satirically, the trends applied by the law enforcers in pursuing drug traffickers tend to net the black men, as opposed to the white men.

Policing, Arrest and Conviction Patterns

Available literature suggest that policing, arrest, and conviction patterns of black, white, and Hispanic tend to differ in various states. States with higher with higher white population tend to practice open stigmatization of the black. In such states, the rate of black incarceration is higher than white. Some critics argue that this trend seems to explain the draconian means of taming the black (Enos, 2012). Moreover, treatment in prison tends to project racial superiority. The black would receive longer prison terms for a crime similar to that committed by a white. Moreover, when the offense attract light punishment, the black is likely to be sent to prison as opposed to the white who would be sent to the paroles. Largely, this pattern seems to assert the discontent held by theorists who view the criminal justice system as a means of taming the black.

Some critics who believe the criminal justice system has failed to serve its purpose argue that the rise in mass incarceration of black and Latino is a backlash against civil right movement (Kansal, 2005). These critics cite triumph of Richard Nixon where the Republican candidate gained ascendance by attracting Democratic voters. The crime rhetoric has presided over the patterns used by the politicians to ascend to power. Largely, the

rhetoric points on the policies enacted with a view of limiting the ability of the black to participate in the public arena. For decades, the white community has held the notion that black are prone to crime and that passing laws offering stiffer penalties would deter them from crime. Largely, the present mass incarceration of the black tends to illustrate the applicability of this notion. Nevertheless, the crime trends in the society do not necessarily support the view. If it were so, then the punitive measures directed against the black would dissuade them from committing crimes. Kansal (2005), further argues that policing system in United States state contribute significantly to the incarceration of black more than any other ethnic groups. He asserts that since the police are custodian of the criminal justice system, fundamental mistrust and doubt destroys the collaboration between law enforcement and the community at the contact point between the society and the system. This observation seems to cement the view of the renowned criminologist, William Stunz, concerning the failure of the criminal justice system to control increasing crimes. Largely, the people of color have experienced stigmatization before the police a factor that made them to lose faith in the policing system.

Policies in the criminal justice system such as sentencing tend to promote the incarceration of the black and the Latino as opposed to the white.

Research about sentencing in U. S courts indicated that American court were likely to hand a prison sentence to African Americans to prison and less likely to probation than white (ASA, 2007). This aspect tends to explain the irony of black minority as the majority in prisons or paroles. With the courts delivering judgment on the account of race or ethnic background, the

disparity is likely to be massive. Other findings pointed out by researchers include the likelihood of black receiving a longer sentence for a crime as opposed to the whites.

A review of criminal penalties for crack and powder cocaine offenses indicates the disproportional effects criminal justice system on black and Latino. The statutes relating to the crack provides a five-year mandatory prison term for being in possession of five grams of this drug. Interestingly, the statute on powder cocaine also provides five-year jail term for 500 grams of cocaine (ASA, 2005). While the two groups seem to have different quantity of cocaine, the applicable law seems to define the same jail term for both cases. Criticism about mass incarceration refutes the argument peddled by Jim Crow analogy to mass incarceration. While Jim Crow argued that mass incarceration reflected the results of criminal justice system crack on drug, drug offenders make a quarter of the persons incarcerated in the prisons. Largely, the Jim Crow view gives a distorted approach to controlling the rate of drug use in the society. Further, the application of the punitive philosophy has failed to limit the number of crimes committed in the society. Proponents of this view believe that society can change its approaches towards controlling the number of crimes committed in the society.

Some critics propose changes in the criminal justice system in order to address the mass incarceration of the black as opposed to other ethnic groups (ASA, 2007). The paradigm of mass incarceration of people of color lies on the societal attributes verses perception peddled by the custodians of criminal justice system. Stereotype notions have influenced the views held by the black against the criminal justice system and the views of the criminal

justice system officers against the black. While the black believe the criminal justice system is protracted to tame them, decision made by criminal justice officers tends to infringe on the rights of the black. The result of these biases is the increased incarceration of the black as opposed to the white. The black at one end defy the law whereas the police and the criminal justice system officers tend to hand harsher penalties to the African Americans as opposed to the white.

Conclusion

The mass incarceration of black as opposed to other ethnic groups in United States has some relationship with racial segregation and class factors. These elements are evident in the concentration of black in the corridors of the law as opposed to the majority white. The legislations, policing, sentencing, incarceration, as well as the decision made by the criminal justice office seems to promote black incarceration as opposed to the white. In some states, the penalty granted to the black for a given crime tends to be much higher than the one granted to white for similar crime. Largely, the stereotypic notion that black is prone crime contributes significantly to sentencing, incarceration and policing. States with white majority tend to incarcerate the black as opposed to states with majority white. Such states tend to harbor the idea that punitive measures against the black would reduce the crime rate.

Elsewhere the rate at which the black are susceptible to committing crime is much higher than the rate at which a white would fall in a crime. This bias depends on the social backgrounds of the white or black. Majority of black

are poor hence likely to take part in drug abuse or violent crime. Further, legislation on drug and related crime tends to expose more black to crime than the white ethnic group. While the aim of these laws is deter crime, some critics arguing against these laws tend to cite racial bias as the intention behind their creation. Elsewhere, available evidence indicate that mass incarceration of black borders on the rate at which black commit crime as opposed to racial stigmatization.

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