

Incarceration and the criminalization of minorities



**ASSIGN
BUSTER**

Criminalization of Minorities

This literature review focuses on the importance of incarceration and how incarceration rates in the United States are some of the highest compared to any other country. Trying to find one direct factor to state that the studies have shown that the incarceration rates in the U. S have had large disproportionality of people of color. Having more research created based on increasing population can show the common factors of incarceration and it's prevalent in the U. S criminal justice system. Previous research has suggested that there are certain privileges that minorities may not have economically and legally. (Burrow, Kaminski, and Lowery; 2016)

For example, Park (2017) presented Kansas data showing a common caseload that ranged from 1998 to 2011 for judges in four judicial districts: Topeka, Overland Park, Wichita, and Kansas City. Table One shows the overall caseload in almost every district that this data was taken from that stated that almost 80% of Kansas's black residents and 60% of all black offenders are from these four districts. (Park 2017) This table shows the ratio from white- black felons and Park states that in many of these cases the judges are white while 1, 697 black felons were being handled by them. The total amount of judges in this first table that were black was four within two districts Wichita and Kansas City. The data charts showing the ratio of a felon to judge which can change the sentencing given.

In the research done by Park, it shows how statistical equations on legal standards have a contribution to how minority offenders are being criminalized. The participating judges were given a guideline when it came to

sentencing but as the court system works they can choose to depart with the guideline and sentence offenders to what is believed to be a fair sentence. Blacks are more likely to receive more punitive sentences if they have low income and education levels (Park 2017) Another conflict that arises when the idea of minorities being incarcerated at higher rates is connecting it to the U. S prison system and if it is being biased towards minorities.

Over the last century, the criminal justice system has created crime control strategies that have made almost a 400% increase in the U. S incarceration rates. (Campbell, Vogel and Williams 2015) Finding the connection between how minorities are apart of incarceration rates. An increase in disproportionality is seen when higher populations of people of color. Race is a factor that drives mass incarceration. (Campbell et al. 2015) Research done by Campbell tries to see the long term changes that are related to crime, race, political culture, and ideology. Our political system as a whole plays a part in the incarceration rates.

For example, Vogel and Porter (2016) discuss the rates of incarceration for the male population. The imprisonment of various ethnic groups is studied and shows the vast difference in incarceration versus white male counterparts. There is a relationship that is being studied between age and criminal involvement. Studies have shown that at younger ages like adolescence there is a higher chance of committing crimes. Another factor that is brought forth is the ethnicity of the adolescent as it makes a difference as to whether someone will be incarcerated. In the research by Vogel and Porter (2016) the disproportionality will be seen in different samples that were taken.

In Rengifo (2015) the article speaks about the visible decrease in incarceration rates over the last 30 years in the United States. One finding was that there has been a very slim amount of research to show the relationship between incarceration and the policies put into place state wise. Findings show the interaction between a higher portion of African American residents and determinate sentencing. There are different viewpoints on whether minorities are a factor to the high incarceration rates that the U. S has a connection to.

Many prior studies have shown the disparities that are found in African American communities and many of those of color. Burrow, Kaminski, and Lowery (2016) examined statistics showing the ratio of African Americans incarcerated compared to their white counterparts. The question is what is to be done with juvenile offenders when they're first brought into our system. This is an important factor to put into question as juveniles have just as big of a part to play as adults. The juvenile justice system is apart of the criminal justice system as these are the beginning stages to adulthood and the types of interactions that youth have with the system are important and can define juveniles into the person that they will be into adulthood if they're to become status offenders or model citizens.

Research created puts into question whether it's plausible that the judicial system is apart of the problem in incarcerating a high volume of minorities. Minorities are being sentenced to higher rates of confinement compared to their white counterparts. Government policies are also a contributing factor to the incarceration rate in the United States. Although some want to blame minorities for high incarceration rates. The prison system and government

<https://assignbuster.com/incarceration-and-the-criminalization-of-minorities/>

officials incarcerating minorities should create new policies and programs that help minority offenders decrease sentencing and establish better lives in society.

Racial Disparities

Offenders and Race

Offenders are constantly in a state of recidivism in the criminal justice system. When it comes to offenders of color, blacks are incarcerated at almost seven times the rate of white males. (Vogel and Porter 2016)

Research by scholars has revealed that certain factors like inequality in sentencing. For example, Mauer (2011) states that communities of color are disproportionately affected not just by incarceration, but through victimization as well. According to research one in thirteen African American males in their 30's are being incarcerated in a state or federal prison on any given day. (Mauer 2011) In this study when an overview was done on arrest data that was created by the FBI shows that African Americans constituted 30% of arrests for a property offense in 2009. For this annual report created by the FBI, it stated that 39% of African Americans were held for being arrested on violent offenses as well. (Mauer 2011) When speaking on part of racial disparities one must also think about the social side of it with how law enforcement interacts with communities of color. Nearly 50% of black men are arrested for some type of offense by the time that they reach age 23. (Pettit and Gutierrez 2018)

In the research done by (Pettit and Gutierrez 2018) stated that the United States incarcerated a large percentage of the population regardless of the <https://assignbuster.com/incarceration-and-the-criminalization-of-minorities/>

decline in crime rates. The increase in incarceration rates was first noticed between the 1970s and the 2000s where disproportionality can be seen between African American males compared to any other ethnic group. Even so, felony convictions are almost three times greater for Latino men compared to white men. But, compared to that almost 33% of African American males have a felony conviction. (Pettit and Gutierrez 2018) Even with a decrease in crime as stated in this article, there is still visibility to the issue at hand and how minorities are targeted at higher rates than their white counterparts. (Pettit and Gutierrez 2018) Reviewed a sample of incarceration rates over the last three decades per 100, 000 adults and the graph clearly shows a decrease in crime but an increase in incarceration rates. This doesn't seem like an issue as it gradually happens over time however, in additional reports people who live in the U. S are more than ten times as likely to be in prison or jail as people living who live in Denmark, Sweden, or the Netherlands and four times compared to residents of the United Kingdom.

In a research study written by Eason, Zuckerman, and Wildeman (2017) a noticeable difference has been shown in the number of resources put into communities that have low economic status and little to no resources. Eason et al. (2017) created a study that shows that there has been an increase in incarceration rates over the last thirty years. Eason et al. (2017) wanted to see how imprisonment works in rural areas or communities. Finding the outcomes of studying these rural areas benefits by showing how economic status has a role to play in imprisonment rates. Eason et al. (2017) created this empirical analysis that shows an inclusive problem solving to the high

rates of crime and punishment. The first stage created was figure one showing the total imprisonment rates by county in Arkansas from 1993-2003. (Eason et al 2017) The results don't necessarily show the visible difference for white imprisonment throughout the state's urban areas. But, when looking at the imprisonment rates for African Americans overall throughout the state counties there is a high amount of concentration in urban areas. Figure two shows the black-white inequality in imprisonment rates by the county as well but the difference is a more narrow search. Major urban areas that seem to have a large amount of inequality are towards the border of the state. (Eason et. al. 2017) With such a large amount of inequality from the top panels, the research done on this can be a bit uncertain. This research program shows how communities are given and create inmates. What is meant by that is that communities create interactions with those surrounding it and if inmates are constantly being pushed into these environments then a cycle is created where people in the community interact with those that have committed crimes but have not received the treatment and help that they should. If family members are apart of the criminal actions then those surrounding will be affected.

Sentencing Policies

State Laws

The state of many of the laws that the criminal justice system has in the U. S is different compared to anywhere else. Laws put in place can change the sentencing that offenders receive negatively or positively by increasing them. Sentencing policies vary from state to state and can have a different

outcome if a judge believes sentencing should differ. Crime policies have become harsher to try and crackdown on the increase in crime. (Hetey and Eberhardt 2014) studied the relationship between the high incarceration rates and the policies that have those rates. The United States incarcerates more people than any other country in the world. However, this research has shown that blacks are the most imprisoned of all groups and account for nearly 40% of the nation's inmates. (Hetey and Eberhardt 2014)

Harsher sentencing has become very common in court systems and laws in general. Previous research by (Hetey and Eberhardt 2014) stated that almost half of all states have some form of repeat offender (also known as three-strikes law) that mandates harsher sentences compared to first-time offenders. Blacks account for 45% of those incarcerated under the three-strikes law in California state prison population even though they only make up almost seven percent of the general population. Mass incarceration is a problem that isn't focused on in the U. S as a whole rather, mass incarceration is characterized by its systematic targeting of particular segments of the population. Indeed, like other forms of criminal justice contact, incarceration is disproportionately concentrated among men, African Americans, and those with low levels of formal schooling. (Pettit and Gutierrez 2018) When these policies are created they tend to target certain ethnic groups even if that was not the intended goal. Data has shown how even when studies are created by people in the community to see how they would vote on policies to change sentencing.

In a study participants were presented with a data chart showing demographics on New York state inmates when conditions showed that

<https://assignbuster.com/incarceration-and-the-criminalization-of-minorities/>

communities are more aware that the criminal is black is when they were more concerned about crime (Hetey and Eberhardt 2014) Meaning that regardless of policies that may be put into place even the public has a bias towards people of color and believe that having a harsher crackdown on crime would be beneficial. Psychologists have always studied the relationship between race and crime and unfortunately, minorities tend to be associated with crime and the reason that prevention itself has been enforced even harder. Even as crime has decreased over the last 30 years an increase in incarceration is still being seen. Additionally, crime control wouldn't just be categorized as imprisonment it also relates to police stops and forms of supervision with African Americans and Latino men having the highest interactions. (Pettit and Gutierrez 2018) Consequences aren't just for one single person in an ethnic group but, as a whole community having exposure to policing.

No amount of research when it comes to this topic can give a totality conclusive point as to whether there is a high incarceration rate and minorities are the main part of it. For example, in (Gramlich 2019) he speaks about the decrease in the incarceration of African American prisoners over the last ten years. By the end of 2017, both federal and state prisons in the United States held almost 500,000 inmates who were African American and those of white descent were not far behind with almost 436,500 a difference of almost 40,000. (Gramlich 2019) Almost ten years ago a higher gap was seen with a difference of 93,000. This means that the rates have gradually decreased, but incarceration as a whole is at a higher rate than other countries. In a chart that was made by the U. S Census Bureau showing the

demographics of the entire country. African Americans represented 12% of the population, but have twice the representation of those incarcerated.

(Gramlich 2019)

Penal codes have a huge part to play in the sentencing of inmates and how judges decide on sentencing for each case. In addition to previous research David Garland (2013) addresses the issue of how penal codes have an impact on our mass incarceration rates. In the article (Garland 2013) states that almost 50% of state prisoners who have been sentenced for violent offenses. Sentencing is a major part to play in high incarceration rates of minorities. Many times drug sentencing accounts for a high amount of it. (Garland 2013) Garland's research goes on to state that even though incarceration is a high part of the issue with the criminal justice system it is much bigger than that. He states that the extensive use of incarceration also extends into probation and parole. (Garland 2013) In other countries, parole and probation are used as methods of rehabilitation while in the U. S it's used as a deterrent to committing the crime itself. The U. S creates a cycle of the constant need for interaction with the law. Parole violation is a huge factor in incarceration rates as those inmates who make a mistake must be sentenced to either an increase in jail time or mandatory fees, etc. Punishments seem to lead into even more than just being sentenced to jail time it also affects personal things like finances, work opportunities, and even housing difficulties. (Garland 2013)

Conclusion and Future Study

To get the full effect of incarceration rates and the relation to minorities more studies need to be created by the U. S supreme court that helps offenders who are currently in situations that relate to the ones in this research study. Extensive research needs to be done to show a full correlation between judges' decisions in cases and the high incarceration rates. Policies that are related to things like drug charges should not be as high since there has been more leniency towards the use of certain drugs in the U. S. Researchers have created constant studies to try and find the relationships between high incarceration rates and minorities. This paper shows the studies that have been done showing an increase, but also that as of the moment, many of these studies seem to be inconclusive.

For future references, a change in policy should be made in the involvement that is needed from the government to help these current and past offenders. When many of these inmates are released from incarceration, they don't have the necessary resources to survive. Government officials should create programs that can guide current and past inmates on how to deal with the real world and what exactly it has to offer for someone with a criminal record. Overall as a society, it's necessary to try and see how politics play a role in incarceration and what policies are keeping inmates locked up for minor offenses? Community involvement would also be beneficial to those around people with criminal records and how to adjust to living with someone who may not be assimilated to society. Involvement with these people's lives, in general, would help them stop being apart of the high crime rates especially minorities who have grown up in low

socioeconomic households and never known anything different in their lives then incarceration.

References

- Campbell, M. C., Vogel, M., & Williams, J. H. (2015). Historical contingencies and the evolving importance of race, violent crime, and region in explaining mass incarceration in the United States. *Criminology: An Interdisciplinary Journal*, 53 (2), 180-203. doi: 10.1111/1745-9125.12065
- DONNELLY, E. A. 1., & MACDONALD, J. M. 1. (2018). The downstream effects of bail and pretrial detention on racial disparities in incarceration. *Journal of Criminal Law & Criminology*, 108 (4), 775-813. Retrieved from <http://mimas.calstatela.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=ofm&AN=135676928&site=ehost-live>
- EASON, J. M. 1., ZUCKER, D., & WILDEMAN, C. (2017). Mass imprisonment across the rural-urban interface. *Annals of the American Academy of Political & Social Science*, 672 (1), 202-216. doi: 10.1177/0002716217705357
- GARLAND, D. (2013). Penalty and the penal state. *Criminology*, 51 (3), 475-517. doi: 10.1111/1745-9125.12015
- Hetey, R. C., & Eberhardt, J. L. (2014). Racial disparities in incarceration increase acceptance of punitive policies. *Psychological Science*, 25 (10), 1949-1954. doi: 10.1177/0956797614540307
- Lowery, P. G. 1., pglowery@vcu.edu, Burrow, J. D. 2., & Kaminski, R. J. 2. (2018). A multilevel test of the racial threat hypothesis in one state's

juvenile court. *Crime & Delinquency*, 64 (1), 53-87. doi: 10.

1177/0011128716678192

- Mauer, M. (2011). Addressing racial disparities in incarceration. *Prison Journal*, 91 (3), 875-1015. doi: 10. 1177/0032885511415227
- Park, K. H. (2017a). Do judges have tastes for discrimination? evidence from criminal courts. *Review of Economics and Statistics*, 99 (5), 810-823. doi://www. mitpressjournals. org/loi/rest
- Park, K. H. (2017b). The impact of judicial elections in the sentencing of black crime. *Journal of Human Resources*, 52 (4), 998-1031. doi://jhr. uwpress. org/content/by/year
- Pettit, B., & Gutierrez, C. (2018). Mass incarceration and racial inequality. *American Journal of Economics and Sociology*, 77 (3-4), 1153-1182. Retrieved from <http://mimas. calstatela. edu/login? url= http://search. ebscohost. com/login. aspx? direct= true&db= ecn&AN= 1747908&site= ehost-live>
- Rengifo, A. F., & Stemen, D. (2015). The unintended effects of penal reform: African american presence, incarceration, and the abolition of discretionary parole in the united states. *Crime & Delinquency*, 61 (5), 719-741. doi: 10. 1177/0011128712443218
- Vogel, M., & Porter, L. (2016). Toward a demographic understanding of incarceration disparities: Race, ethnicity, and age structure. *Journal of Quantitative Criminology*, 32 (4), 515-530. doi: 10. 1007/s10940-015-9265-6