

Does race affect  
treatment within cjs?



**ASSIGN  
BUSTER**

For this assignment I am going to explain how differences in race can affect the treatment and experience a person can receive within the criminal justice system. I will use research, legislation, policy and statistics to help answer the question. I will look into the different Criminal Justice Systems and analyse how race affects a person's treatment, I will also backup my findings through case studies which show the differences. Racism and race differences can occur within the police force, courts, probation and prisons. Because of race differences people from ethnic minorities are treated differently and unfairly in each of the Criminal Justice Systems. A racist incident is any incident which is perceived to be racist by the victim or any other person". (HMPS, 2007).

The first part of the Criminal Justice System where an offender experiences race differences is the police force. The police have been known to be institutionally racist, In the criminal justice system it has become apparent that different ethnic groups are treated unequally, a recent report called Race and the Criminal Justice System showed that " members of the Black community are seven times more likely to be stopped and searched, three and a half times more likely to be arrested, and five times more likely to be in prison than members of the White community, the same report also shows that Black communities are over represented and there is an under representation for Asian communities"(Justice, 2007) . After the Brixton riots in 1981 lord Scarman produced a report into the factors causing the riots. The report showed that different factors such as political, social and economic factors created the trigger for the protest. After the riots confidence and mistrust in the police and their methods were lost, before the

protest there was no communication or liaison between the police or the community. The report outlined that necessary changes such as more ethnic minority officers needed to be employed and more training needed to be given. The report highlighted that institutional racism did not occur but there was racial discrimination and racial disadvantage towards the black community (BBC, 2004). Since the Macpherson report the Equality and Human rights commission presented a report as to whether there had been changes in the police force in terms of racial discrimination and equality. The first part of the report looked into employment, “ Statistics show that 8% of the total police force is made up of ethnic minorities, in all the different statistics there has been a steadily but slow increase in ethnic minorities, however it does also show that ethnic minority officers have a high resignation rate, especially within the first 6 months of service” (Justice, 2007). Many police officers that deal with counter terrorism, firearms and robbery consist mainly of white middle aged men who discriminate against Blacks and Asians, many Asians and Black officers have difficulty getting into the specialist squads, and feel as if it a “ closed shop” for ethnic minorities. The second part of the report looked into stop and search, “ black members were seven times more likely to be stopped and searched by the police, and from the seven, only one was worthy enough for an arrest” (Justice, 2007), this shows that there is still a disproportionate figure and that unnecessarily they were being searched, this particular problem is common in police forces across the UK. “ For every 1000 Black people in England, there was an average of 102 stops for drug searches, the Metropolitan police carried out 75% of searches on Black people” (Justice, 2007) , Since the July 7 bombings, there was an increase in the number of Asians being stopped and searched.

All statistics that are used for stop and search have a higher figure of minority ethnics, this shows that ethnic minorities are treated unfairly and are more likely to be searched than white people, this manner of stopping and searching on suspicion is being used excessively against Black and Asians. Members of the Black community are being regularly stopped for weapons such as knives and guns, and members of the Asian community are being stopped for terrorist related charges, both Black and Asian communities experience race differences through this. Race patterns are also frequent within the fingerprint and DNA samples, “ 40% of all black males are on the system, compared with 13% of Asians and 9% of whites” (Justice, 2007). DNA samples of Black members are kept regardless of whether the person has committed a crime or not, this stereotypes towards Black men because they are always prime suspects in certain crimes because of their high figures of samples. Racial incidents was another factor the report looked into, since the Stephen Lawrence case there have been many improvements into the way race crime is dealt, police officers are being trained in culture and diversity and are now taking into account how serious race crimes are, and how serious they can become if they are not dealt with as soon as possible. The mother of Stephen Lawrence states that “ The police made mistakes then, but they learned their lesson and they’ve not made the same mistake twice” (BBC, 2005). In areas such as recruitment, training and tackling race crime, the police force is making clear progress, the statistics also back this up and there are many examples which show this also. However there are still issues and concerns that have been ignored such as the DNA database and stop and search differences, and mainly that black members are mostly seen as suspects in all crimes.

Once a defendant has been charged, the police then seek charging advice from the CPS, the Crown Prosecution Service then decides what charge or sentence the defendant should receive. The courts take many factors into consideration before making a decision, firstly they look at the nature of the offence, the plea, the offender's previous criminal history, mitigating or aggravating circumstances. A study showed that Black defendants were more likely to be sentenced to custody than White defendants, and Asian defendants were less likely to be sentenced, the study also showed that Black and Asian offenders were given considerably larger sentences than White offenders. In other sentences such as fines and conditional discharges, Black offenders were more likely to be fined and less likely to be discharged compared to White offenders and also both Black and Asian offenders were more likely to receive community sentence than white offenders (Sharp, 2005). A black magistrate claimed that black defendants received "harsh remarks, severe sentencing, disregard for personal mitigation, easy findings of guilt irrespective of evidence, most likely to refuse bail, most likely to be sentenced to prison and general unfair practices" (Bird, 2009). From this we can see that people from ethnic minorities are treated unfairly and they often experience a difference in sentencing from the CPS

An offender can be sentenced to attend probation by the CPS, the probation supervises the offender's behaviour and produces a report, the report is essential in the courts deciding the sentence. A recent report carried out on the probation service revealed that the probation service was "infected by racism" (Travis, 2000). The home office minister stated that "There has been a systematic failure to address issues of race and racial discrimination

in an adequate but appropriate way”(Travis, 2000) The report outlined that white officers were uncomfortable when dealing with black offenders, they feared accusations of being racist, the report also showed that pre sentence reports for ethnic minorities had been of a poorer quality than those of the white offenders, these reports are very crucial in determining what the courts decide in what sentence to pass, if the probation officer writes a poor report because of the offenders ethnic background this could lead them to getting a severe punishment, that they do not deserve. Another reason why ethnic minority offenders are getting harsher penalties than white offenders could be down to the quality of the pre sentence report.

The final part of the criminal justice system where an offender can receive different type of treatment is the prisons. In the past ten years the number of ethnic minority prisoners has increased considerably, ethnic minority prisoner’s needs are not always met and they are not given an equal amount of support as other prisoners, ethnic minority prisoners are frequently treated with disrespect and often receive racial abuse. The commission for racial equality made a report into racial discrimination in the prisons, after the murder of Zahid Mubarek who was murdered in HMYOI Feltham and was believed to be racially motivated. Statistics show that racial incidents are on the increase, during 2006-2008 there was increase of 25% of complaints of racism, “ staff on prisoner” racism increased by 13% (Guardian, 2010). Racial stereotyping is a main factor in prisons, “ black inmates were more likely to be targeted for drugs testing than white cellmates”, and that locking a prisoner in a cell for punishment was used unreasonably towards ethnic minority prisoners (BBC, 2003). The prison service does not have a strategy

to deal with Minority ethnic prisoners. In March 2009, a Muslim inmate at Glen Parva institute in Leicester was verbally abused by staff, one man said “ I’ve been called a terrorist just because I grow my beard... or stupid Muslim.” I had so many problems in this joint I can’t tell you. This is the worst prison I’ve been too... more racist than others” the same person also states that “ when a complaint is made, nothing is done about it” (BBC, 2009). From this interview we can see that racism is still common in prisons. Ethnic minority prisoners tend to be treated differently than the white prisoners, they regularly experience a difference in all factors such as black inmates targeted for drugs testing, they often receive racial abuse and they are treated unfairly.

Labelling theory was developed by Howard Becker in 1963, it is known as the theory of deviance that views deviance as a label given to behaviours or attitudes by figures of influence, and this means that a person or an action is not deviant unless made by society. This theory relates to race and the criminal justice system because many people from all different races can carry out the same crime but only certain races are given a label or called deviant. This theory can be used for examples such as all black people deal in drugs and that youth in “ hoodies” have ASBOs, although drug dealers can be from any background, society, police and people in authority in general have stereotyped drug dealers as being from black communities.(Miller, 2009).

## **Conclusion:**

For this assignment I have explained how differences in race affect the treatment and experience a person can receive within the criminal justice

system. I have looked into the different Criminal Justice Systems and analysed how race affects a person's treatment, I have used case studies and peoples experiences to backup my findings which show the differences. I have started in the order that the CJS takes place, firstly I have explained how the police force are racist and how this can affect an offender, then I have gone on to explain how the CPS decision is influenced by the ethnicity of the offender, and finally if an offender is sentenced to prison, what differences they experience and how they are treated differently from others.