

Racism in us criminal justice system



**ASSIGN
BUSTER**

The biggest offense in the U. S. criminal justice system is that it is an institution based on racial disparity in which African-Americans are openly beleaguered and penalized in a much more destructive manner compared to white people. This paper is an attempt to learn the degree of racism followed by the criminal justice system of America. The paper also attempts to make use of relevant literature to outline statistics for certain crime records that have been associated criminal injustice.

American society is turning out to be more ethnically and inexpensively polarized. Many poor and minority citizens pledge to the prejudice theory that the criminal impartiality exists. A recent Gallup poll showed that virtually two third of the African-Americans interviewed believed that the law system is assembled against them. Many civil rights support groups have the same opinion, but many conservatives refuse that the organization is racist (Rubin, 2006).

Information on race is accessible for each phase of the criminal justice system – starting from drugs, police stops, taking into custody, bailing out, legal court representation, selection of jury members, courtroom trials, prison term, imprisonment, parole and liberty. It is very evident in America that a policeman stops you on a highway for no reason whatsoever asking you to prove your identity and ask you where you are from (Riles, 2006).

Very often your car and your belongings are searched. It is common policy that they believe your racial identity is blamed for your reason to be a criminal and anyone who looks like them is stopped or interrogated with further questions. If they are accused of a certain crime, then it is probable

that your representing lawyer will only give you a few minutes and will convince you to plead guilty. If you argue over yourself being innocent, then you will get to stay in prison for some months. Racism has been prominent since the days of African slavery.

It is likely that all the information and proofs provided are against you, especially if you are an adolescent. The rate of incarceration for your ethnic group is seven times that of the common populace, most of whom concur with the police that your type are tending to create violence and commit crime (Cole, 1999). People like you are arrested, convicted and killed by the police more often than those in the general population.

One in every third person from your ethnicity and skin color, especially in the age group of 20 to 29 is in jail or on parole or trial. In universities, almost 100 graduates are arrested each year. You are not living in some oppressive misery (Cole, 1999). All this is because you are an African American residing in the United States, a so called home liberalists and bravery. Law enforcement officials universally claim that targeting of Black and Latino drivers is not done, but the stories of African-American and Mexican men prove otherwise.

Attorney Christopher Darden, one of the prosecutors in the O. J. Simpson trial says in his book that he is stopped about five times a year. Many men of color find similar experiences, from Ohio to Florida to New Jersey to California (Allen, 1999). An African-American Miami policeman was stopped on Route 4 in Florida, where it seems that the police have decided that all Black men are likely to be drug runners, despite the fact that it is estimated

that nationally Blacks are equal to only 13 percent of drug offenders.

Undeniably, the Orlando Sentinel acquired recorded tapes of at least 1, 100 stops in a single Florida County and revealed that while Blacks were only five percent of all drivers transiting from there, they were 70% of those blocked and the rest were not even bothered to be stopped (Goodale, 2005).

In Maryland, one African-American lawyer and his family were blocked on Interstate 95 after departing from a funeral. When they prosecuted, a central court ruled that the Maryland state police had to disburse \$50, 000 and had to split information on the race of motorists blocked and searched. “ They found that African-Americans were 75% of those stopped and searched, although they made up only 17 percent of the motorists” (Goodale, 2005).

A professor of law at Georgetown University, David Cole marshals plenty of evidence that America’s criminal justice system is racially biased. And yet many others have done that before him. What is more important and commonly available in literature to date, is the argument that it is only by denying basic rights to poor and black Americans that the more prosperous white minority can itself enjoy the constitutional protections of which Americans are so proud.

Certainly America is not the only country whose system of criminal justice is marred by racial or economic biases.

Drug policies comprise of the most important factor causative to racial indifferences in criminal justice. Federal laws against cocaine are a basic example of institutional discrimination. Under the present law, crimes

concerning crack cocaine are penalized much more harshly than those concerning powder-cocaine (Goodale, 2005).

But the United States is supposed to be different (Neugebauer, 2000). It is a society founded on the idea of equality before the law, where such idealism has always been taken seriously and comprised a central part of its self-image. In a careful explication of Supreme Court judgments and a description of how the criminal justice system actually works, it makes a persuasive case that on the streets or in the nation's police stations and courtrooms, constitutional protections so cherished by the majority barely exist for most poor or black Americans.

Over the past 40 years, the Supreme Court has grandly defended the principal of a race- and income-neutral system of justice. Every defendant, including the indigent, is entitled to a competent lawyer, the court has said. The exclusion of jurors on racial grounds is forbidden (Cole, 1999). The police cannot use race as a criteria for stopping, investigating or prosecuting someone. Race-based sentencing is, of course, totally unacceptable. But in a series of decisions the court has also made it virtually impossible to prove the existence of such practices on appeal, and so they permeate the criminal justice system.

For instance if we look at Ohio traffic incident. After hearing a most recent case, government requests the judge to accept that the Ohio State Highway Patrol intentionally goals African-American drivers for narcotics search. When there is no odd traffic or climate situations, policemen on traffic easily manage but not halt vehicles on interstate main streets for racing when they

are only passing at the pace restricted to two miles per hour. (Ratner & Jason, 2001)

After hearing similar testimonies as above, the Congressional Black Caucus presented a legislation to halt particular races, aiming at of Black and Latino motorists. Already approved by the House, it was waiting for Senate activity at the end of the last conference.

The Traffic Stops Statistic Act of 1998 was conceived to assemble the facts and numbers to display that racial aiming at does exist (Nolan, 1997). It needs the United States advocate general to perform a study of such halts and to topic a report to Congress on them. “ The clues apparently displays that African-Americans are being regularly halted by policeman easily because they are Black. It is precisely this sort of unjust remedy that directs minorities to distrust the lawless individual fairness system” (Rubin, 2006)

For example, the court has accepted that the death penalty is applied in a racist fashion (blacks who kill whites receive it far more frequently than anyone who kills a black) (Travis, 2000). But it has demanded that racial bias be proven in each individual case, something that is almost always impossible given that judges and juries rarely express such biases overtly. The exclusion of blacks from juries is a recognized practice of prosecutors across the country. And yet the court has steadfastly upheld prosecutors’ right to reject jurors without giving any reason for doing so, virtually endorsing the practice.

The court has set the standard for competent defense attorneys so low that even lawyers who have fallen asleep during death-penalty trials have

<https://assignbuster.com/racism-in-us-criminal-justice-system/>

qualified, and the court has done nothing about the financial strangulation of public-defender programmes, denying most of those accused of a crime a proper legal defense (Goodale, 2005). Police regularly sweep through poor neighborhoods stopping and searching whomever they like. Yet the court has repeatedly refused to require the police to advise people that, according to the Fourth Amendment to the constitution, everyone has a right to refuse a search unless the police have a warrant or have arrested them for a crime. So most poor people, intimidated and wary of the police, believe they have no choice but to submit (Brown, 1998).

The court has permitted police so much prudence in deciding as to who will be stopped and searched that most African-Americans are despairingly familiar with the act of being stopped for driving because they are black, a crime of which white Americans are supremely not aware of.

Most white people, especially the better-off, are simply not treated this way by the police.

If they were, there would be a public outcry (Agamben, 1998). It is impossible to imagine the majority ever tolerating the statistics being reversed—the incarceration rate for whites being seven times that of blacks, for example.

It is conceded that it is probably impossible ever to eradicate completely the advantages the economically better-off enjoy before the law. And given the number of blacks in jail, racial profiling can seem like a rational strategy for the police. First, such discrimination is itself pushing many young black men towards crime and has seriously alienated the black community

(Cunningham, Herie, Martin, & Turner, 1998). After all, the vast majority of black people stopped by the police are innocent of any crime. Second, the better-off majority can only enjoy sweeping constitutional rights because these are denied to the poor and black minority.

If everyone had the same level of legal protection against search and seizure, the police would probably find it impossible to do their job.

Nevertheless, if the United States is ever to live up to its noble ideals, it must find an answer to both these dilemmas. But first it must recognize the scale of the problem. We love to symbolize our society's commitment to equality with classical icons like Lady Justice, with her blindfold and neatly balanced scales. And we resonate with pride to the words " Equal Justice under Law" emblazoned over the portico of the Supreme Court. But reality shatters these illusions in the criminal justice system. The commitment to equal criminal justice in America is a mile wide and an inch deep (Cole, 1999).

Discrimination on the basis of economic class also pervades the criminal-justice system. In 1964, New York Times columnist Anthony Lewis wrote a powerful book called " Gideon's Trumpet". Lewis celebrated the courage of Clarence Gideon, who was found guilty of a felony he did not commit, and who pleaded to the Supreme Court in a handwritten petition for an attorney to help him in his appeal (Lewis, 1964).

Lewis also celebrated the generosity of Abe Fortas, later to become a justice, who argued Gideon's cause before the court without a fee, and persuaded the court that the Sixth Amendment right to counsel must be extended to

everyone in jeopardy of losing their liberty through a felony conviction. Lewis could not write such a book today (Lewis, 1964).

What are the costs of inequality in our criminal-justice system?

It is argued persuasively that people obey the law primarily because they think it is the right thing to do, not because they fear punishment. Where a community accepts the social rules as legitimate, the rules will be largely self-enforcing. Citing a 1995 Gallup poll that found that 77 percent of blacks and 45 percent of whites think that the system treats blacks more harshly than whites, it is evident that severe costs flow from this erosion of confidence that the criminal justice system is fundamentally fair (Allen, 1999). “ Where a community views the law as unjust, enforcement is subverted. Police find it more difficult to get leads, prosecutors find witnesses more reluctant to testify, and jurors may engage in nullification” (Agamben, 1998).

“ According to the Bureau of the Census, approximately 30 million African Americans live in the United States, comprising about 13 percent of the country’s population” (Neugebauer, 2000). What is more? African-Americans commit a notably large proportion of those crimes that people fear most- heightened stabbing, theft, rape, and assassination. Disproportionate black criminality has consistently been revealed by official statistics of arrest and incarceration rates. And while these reports undoubtedly contain methodological biases that make any evaluation of black crime a precarious undertaking, Kennedy correctly points out that victim surveys (which typically involve “ ordinary citizens with nothing to gain by lying”), as well as

Careful criminologists of various ideological stripes, corroborate the official statistics.

“ They are the largest racial/ethnic minority. However, blacks, particularly young black men, perpetrate a percentage of street crime that is strikingly disproportionate to their percentage in the population. Kennedy states that in 1992, for example, 44.8 percent of all persons arrested for violent crime were black” (Rubin, 2006). Racial differences relate not only to patterns of felonies but at every step of the criminal justice system as well. From incarceration to detention, from judgment to imprisonment, blacks are targeted in great numbers, a proportion incomparable to their entire number in US population. As Cole observes: “ The country is already at a point where three out of every four black males will be arrested, jailed, and acquire a criminal record by age 35” (Cole, 1999).

Looking further, the arrest statistics are even more dismal. Data from 1990, for example, indicate that 28.9 percent of all arrests in the U. S. involved African-Americans. In 1992, there were over 14 million arrests nationally; five million of them were black males (Miller, 1996). Turning his attention to delinquency, Miller cites a 1994 study of juvenile detention decisions which indicates that, even after controlling for the influence of offense seriousness and such social factors as single-parent home.

African-American youths were more likely than white youths to be detained at each decision point in the criminal justice system (Miller, 1996). In short, black teenagers are more likely to be handled formally, to be waived to adult court, and to be adjudicated delinquent.

One important irony that Tony points out is that even as the black proportions of serious violent crimes remained essentially stable since the early 1980s, disproportionate incarceration rates of African-Americans have grown steadily worse, especially since Ronald Reagan became president.

Conclusion

Racial bias studies never completely take into account all of the legitimate factors that determine how an ease is handled, consequently, these unmeasured factors might explain a racial disparity if the factors are ones on which the races differ. Given the small disparity in the first place, such unmeasured factors become potentially important. Another question—one that frequently arises in racial bias studies that combine or “ aggregate” samples from different states and different counties—is whether black defendants were more heavily represented in jurisdictions where sentences were possibly tougher, not just for blacks, but for whites as well.

If so, combining the jurisdictions would create the appearance of a sentencing disparity even when no disparity actually exists. Because America’s races are scattered differently across jurisdictions, and jurisdictions sentence differently from one another, aggregating has an effect that is easily mistaken for racially disparate sentencing.