

Race difference and the inclusive society criminology essay

[Law](#), [Criminology](#)



**ASSIGN
BUSTER**

TOPIC Overrepresentation of ethnic minorities in certain aspects of the criminal justice system: race and sentencing INTRODUCTION The overrepresentation of ethnic minorities in the criminal justice system looks like this: in 79. 6% of arrests in 2009-10 the individuals involved classified their ethnicity as white. In 2010 conviction ratios for indictable offences were higher for white persons at 81% than for ethnic minorities, 74% for black and 77% for Asians. However, statistics show that ethnic minorities are overrepresented at all stages of the criminal justice system. Black people make up 2. 7% of the population aged 10 and above (2009) but represent 8. 0% of those arrested in England and wales (in 2009-10), while Asians make up of 5. 6% of the population aged 10 and above (2009) and represent 5. 6% of those arrested in England and wales (in 2009-10). As ethnic minorities they are more likely to be stopped and searched by police (Black people were stopped and searched 7. 0 times more than white people in 2009-10 compared to 6. 0 times more in 2006-07) this leads to a greater probability of arrests and in turn may influence the way their cases are dealt with as they progress through the subsequent stages of the criminal justice process, they are less likely to be given unconditional bail, and more likely to be remanded in custody than white offenders. In 2010 a higher percentage of ethnic minorities (Black 27%, Asian 29%, other 42%) were sentenced to immediate custody for indictable offences than whites (23%). Ethnic minorities are also more likely to receive punitive sentences than white people. Ethnic minorities are overrepresented in aspects of certain crimes such as robbery, drug offences and -in some areas- firearms offences. Ethnic minorities are also more likely to be the victims of crimes. It was seen in the

British crime survey 2010-11 that the risk of being a victim of crime was higher for all ethnic minorities than white groups. Over a period of 5 years (2006-07 to 2010-11) the risk of being a victim of crime from the white group had significantly fallen by 8. 0% while the decrease in the risk of being a victim of crime from ethnic groups was not statistically significant. It is apparent that there are also variations in the overrepresentation of different groups within the ethnic minority category and also between gender, patterns and levels of offending also vary significantly (Race and the CJS, 2010). To narrow this down this research essay will focus mainly on the overrepresentation of ethnic minorities in the sentencing stages of the criminal justice system, even though it is recognised that those of Asian background are only slightly overrepresented in the prison population in comparison to those of black background it does not mean there is no need to inquire on whether they too suffer discrimination in the criminal justice system or not. According to the Race Relations Act 1976, segregating a person based on racial grounds means treating them less favourably than they should be treated; it is therefore illegal to discriminate through delivery of goods, facilities or services to the public based on racial grounds. This, however, does not apply to officials representing the crown as they are exercising powers to exclude or punish. Judges are therefore immune when acting in judicial capacity; this means the act does not apply to the sentencing of offenders in the courts. There have been disputes to have this taken out of legislation for it is argued that those in law enforcement who have the power to strip an individual of their freedom and liberty should act in respect of racial origins of the defendant. This helps to ensure justice as

well as confidence of ethnic minorities in the legal system. Ethnic minorities are also seen to be discriminated against by courts; they are much more severely dealt with when it comes to sentences received in courts, more likely to be sent to prison than whites who have committed the same offence (Hood, 1992). To be able to find out whether sentencing is affected by race and if discrimination does exist it would have to be evident that when all relevant legal variables are taken into account, a higher number of ethnic minorities are given a custodial sentence and/or a longer sentence. A strategy to address this overrepresentation of ethnic minorities in sentencing is needed to bring together departments and find ways to reduce it. The aim of this research essay is to look at statistics and literature and establish whether patterns of sentencing among ethnic minorities differ in a significant way from patterns of sentencing among whites. It will also look at the nature and extent of the variation in sentencing –if any at all- what might cause the variation and any available solution strategies. It is also important therefore to look at some basic comparisons of sentencing practices, whether or not case characteristics vary according to race, to look at comparisons of custody rates, race and varying court practices, variations between judges, the length and severity of sentences, the range of sentences and the use of non-custodial sentences as well as pre sentence factors. The research question that will be investigated will then be: Does racial discrimination exist in the sentencing stages of the criminal justice system? It is also important to look at the role the media plays in such a debate, despite the representation of ethnic minorities in criminal justice statistics (whether over or under representation) their involvement in crime and therefore sentencing

seems to be exaggerated and distorted by the media. This raises the concern as to whether or not the media distorts the perceptions of the involvement of ethnic minorities in the criminal justice system. This will be analysed through discourse analysis. Discourse analysis will help to uncover the underlying meanings that the media make (un)available to the population in relation to ethnic minorities and the criminal justice system. It will show the indications of meanings that are most likely to be generated. Themes in media representation can be uncovered which either reflect ethnic minority values and norms or which might under/over represent some aspects of their behaviour, such as their criminal activities (Paltridge, 2012). it will help to unveil how ethnic minorities are characterised in the media when they are involved in crime and how this may construct and/or constitute social reality.